I. CALL TO ORDER: Vice-Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioner Shaw, Commissioner Krick, Commissioner Briant and Commissioner Price.

II. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN (IF NECESSARY):
   1. Motion and Second
   2. Discussion on motion
   3. Call the question (Roll call vote)

2.28.050 - Duties and responsibilities

B. At the regular February meeting, the planning commission shall choose a chairperson and a vice-chairperson from among the planning commission members. The chairman and vice-chairman shall serve for one term. Both positions shall rotate every year. All members must be present to conduct this business.
   1. The chairperson shall preside at all regular and special meetings and rule on all points of order and procedure during the meetings.
   2. The vice-chairperson shall assume all duties of the chairperson in his or her absence.
   3. In the event the chairperson and vice-chairperson are both absent, an acting chairperson shall be appointed from the commission for the meeting from those present.

III. CONFIRMATION OF AGENDA:

IV. 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.

V. CONSENT CALENDAR ITEMS:

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

1. Minutes of March 2, 2016 meeting

VI. PUBLIC HEARINGS:

1. ADOPT RESOLUTION NO. 2016-04 APPROVING DESIGN REVIEW NO. 15-7006 FOR THE PROPOSED CONSTRUCTION OF A TACO BELL RESTAURANT; AND, APPROVING CONDITIONAL USE PERMIT NO. 16-8001 FOR A FREEWAY-ORIENTED FREESTANDING SIGN LOCATED AT 2034 W. RAMSEY STREET (APN 538-200-027)

APPLICANT’S REQUEST:

A proposal to approve a 2,700 square foot Taco Bell restaurant and a freeway-oriented freestanding sign located at 2034 W. Ramsey Street, in the Highway Serving Commercial District. Filed by Marks Architects, 2643 4th Avenue, San Diego, CA 92013

Staff Report

Order of Procedure:

1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public hearing
5. Close public hearing
6. Planning Commission discussion
7. Motion and Second
8. Planning Commission discussion on motion
9. Call the question (Roll call vote)

RECOMMENDATION:

That the Planning Commission adopts Resolution No. No. 2016-04:

1. Adopts Categorical Exemption, pursuant to Section 15332 (In-Fill Development Project); and
2. Approving Design Review (DR) No. 15-7006 subject to the Findings and Conditions of Approval; and

3. Adopts Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

4. Approving Conditional Use Permit (CUP) No. 16-8001 subject to the Findings and Conditions of Approval.

2. ADOPT RESOLUTION NO. 2016-05 APPROVING CONDITIONAL USE PERMIT NO. 14-8003 A WIRELESS FOR THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AND MONOPINE LOCATED AT 1170 W. RAMSEY STREET (APN 540-180-006)

APPLICANT’S REQUEST:

A proposal to approve a proposed wireless telecommunications facility and monopine located at 1170 W. Ramsey Street. Filed by Verizon Wireless, 15505 Sand Canyon Avenue, Building “D”, 1st Floor, Irvine, CA, 92618

Staff Report…………………………………………………………………………………………………Page 52

Order of Procedure:

1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public hearing
5. Close public hearing
6. Planning Commission discussion
7. Motion and Second
8. Planning Commission discussion on motion
9. Call the question (Roll call vote)

RECOMMENDATION:

That the Planning Commission adopts Resolution No. No. 2016-05:

1. Adopting a Categorical Exemption, pursuant to Section 15303 (New Construction or Conversion of Small Structures); and


3. ADOPT RESOLUTION NO. 2016-06, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CATEGORICAL EXEMPTION AND ZONE TEXT AMENDMENT (ZTA) NO. 16-97501 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17
OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT

Staff Report.............................................................................................................................................. Page 87

<table>
<thead>
<tr>
<th>Order of Procedure:</th>
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</thead>
<tbody>
<tr>
<td>1. Staff report presentation</td>
</tr>
<tr>
<td>2. Planning Commission questions for staff</td>
</tr>
<tr>
<td>3. Open public hearing</td>
</tr>
<tr>
<td>4. Close public hearing</td>
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<tr>
<td>5. Planning Commission discussion</td>
</tr>
<tr>
<td>6. Motion and Second</td>
</tr>
<tr>
<td>7. Planning Commission discussion on motion</td>
</tr>
<tr>
<td>8. Call the question (Roll call vote)</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

That the Planning Commission adopts Resolution No. 2016-06:

1. Recommending to the City Council the adoption of a Categorical Exemption for the subject proposal; and

2. Recommending to the City Council the adoption of Ordinance No. 1496 approving Zone Text Amendment No. 16-97501 amending various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) to provide consistency within the text.

VII. PLANNING COMMISSIONER COMMENTS:

VIII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

IX. ADJOURMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of May 4, 2016 starting at 6:30 p.m. in the City Council Chambers.

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

PLANNING COMMISSION MINUTES

March 2, 2016

A regular meeting of the City of Banning Planning Commission was held on Wednesday, March 2, 2016 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Ellis
Commissioner Shaw
Commissioner Krick
Commissioner Briant

Commissioner Absent: Commissioner Price

Staff Present: Community Development Director, Brian Guillot
Assistant City Attorney, Robert Khuu
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. CONFIRMATION OF AGENDA

III. PUBLIC COMMENTS

Inge Schuler, resident of Banning mentioned an error on the date stamped for a letter that was received from Ramsey Self storage, the letter is dated March 2, 2016 and the date stamped reads March 3, 2016. Shuler talked about the last project that was approved by the City Council on Wilson and Sunset Street. She asked the Commissioners to scrutinize the next material that is sent to them for review. Shuler said we need to get higher class housing because the project that was passed was a disgrace and we really need to think about what is being done in this community. Shuler said that the Developer didn’t answer any questions and had no documentation for his claims; He took tremendous amount of time speaking, when the residents only have five minutes, and she feels that any rebuttal should be timed as well.

IV. CONSENT CALENDAR ITEMS


ACTION (SHAW/KRICK): (Motion Carried 4 -0)

Chairman Ellis opened the Public Comments:
Community Development Director Guillot, said that a letter from Jim Keefe, owner of Ramsey Self Storage was entered into the record. The letter is March 2, 2016 and a correction of the date stamped (March 3, 2016) will be noted into the minutes. The letter was read by the Recording Secretary for the record attached hereto and incorporated here in as Exhibit “A”.

V. PUBLIC HEARINGS

1. CONDITIONAL USE PERMIT NO. 15-8005, BOXING GYM LOCATED AT 141 N. SAN GORGONIO AVENUE (APN 540-164-011).

Community Development Director Guillot, said the application is for a boxing gym at the existing building at 141 N. San Gorgonio Ave in the Downtown Commercial District (DC). The zoning code requires a Conditional Use Permit (CUP) for having a fitness facility; otherwise, this will simply be business license use. He reviewed the power point presentation and pointed out the surrounding government buildings in relation to the site. Tenant improvements are required, and the applicant will be required to submit construction documents for review, and approval by Building and Safety. Approval was recommended by staff. Guillot mentioned a letter received from Haskell Property Management that was included as part of the agenda packet asking the Commissioners to consider the closing time of 9:00 p.m.

The second written communication received is from the owner of the property and was read by the Community Development Director Guillot for the record attached hereto and incorporated here in as Exhibit “B”.

Commissioner Krick asked about the underlined properties within the 300’ radius of this location. Guillot said they are Downtown Commercial zone that allows commercial activities as approved in the land use table. Provisions in the Downtown zoning ordinance allows for existing residential structures to remain legal, and are conforming in our present code.

Commissioner Krick asked if they become vacant for more than six (6) months, do they become non-conforming?

Guillot said provisions in our downtown zoning ordinance allow existing residential structures to remain legal, because we want to preserve some of the elements.

Guillot said that in the Conditions of Approval, provisions were made for Special Events that shall be permitted by an approval of a Temporary User Permit (TUP) that is free of charge to the applicant. The TUP application is routed to all the City Departments for comments, and they will have the contact information for the event.

Brad Robertson, Project Manager for Mr. Necochea said that regarding the boxing gym, the building is solid masonry and the noise is not going to exit the building. The store front sits eight (8) feet back under a covered patio.
The Temporary Use Permit (TUP) is in case they will have extra people at the facility because the occupancy allows for slightly under one hundred (100) persons, but the chances of that happening is slim, it will be a standard workout studio and a boxing arena. Robertson said the nearest fire hydrant at the corner he measured at one hundred eighty (180) feet.

Commissioner Krick said he agrees with Conditions of Approval number 10 on P20, but he would like to see a video surveillance system, possibly in the front and rear of the building for their own protection in case an incident occurs, plus taping maintained at least for thirty (30) days.

Commissioner Krick asked if there are going to be any video machines because they could act as an attractive nuisance. He would like to see it spelled out, that no video game devices will be allowed on the premises.

Chairman Ellis said he agrees with Commissioner Krick on the video surveillance system. He said that he talked to several neighbors, and they are excited about this project, but they expressed concern about any gatherings of people in the alley, or the front of the building.

Robertson said they will install lights in the alley, and cameras that will monitor that area.

Necochea said they also don’t want people gathering in the front or rear of the property, and does not oppose to not having video games at the location.

Robertson said he had a question regarding Condition of Approval No. 20 on P22 regarding the fire hydrants. He asked the Commission if they could have this item removed because they are two fire hydrants currently, one on the corner, and one across the street.

Chairman Ellis added that there is one at the end of the alley on either end also.

Robertson said he doesn’t want to see something cost prohibited for the tenant.

Guillot said the Fire Department is not specifically asking for a fire hydrant, they are asking for the water system plans that reflect locations of the fire hydrants.

Commissioner Shaw said, if the water system is owned by the City, wouldn’t the plans be at the City?

Guillot said the water is owned by the City; however, San Gorgonio and Ramsey were the first two streets developed and the water lines in some areas are very old. The City may not have the plans, but staff will work with the applicant.

Robertson said the Fire Department is asking for a civil engineer to certify the plans.
Chairman Ellis said he would not like to see the applicant spend thousands of dollars on a civil engineer, and asked Guillot if it would be a problem if the Commissioners chose to delete item No.20.

Guillot said he would not recommend deleting conditions related to City’s fire safety, they’re there because the Fire Marshal saw some specific need, but the Commission could direct the applicant, and staff to work with the Fire Marshal to resolve the concerns.

Commissioner Shaw said that however we determine if there’s a deficiency in the water system, One business shouldn’t have to be requested to take care of any deficiency in the whole block.

Commissioner Krick asked if the City has a registered City Engineer on staff to sign for the plans.

Guillot said City of Banning is under contract with Cal Fire Services, and they have people that review their plans, normally it would not be a City staff reviewing fire plans.

Commissioner Krick asked what is triggering the fire hydrant?

Guillot said is the Conditional Use Permit (CUP) Application.

Robertson said that the CUP in his opinion is over kill for this type of use, because of the other uses that are in the same area. He said the fire conditions are generally a boilerplate, and asked the Commissioners to strike it because it can be very costly for the tenant. He said their plans show exiting and occupancy loads. The Building Code allows a certain amount of people depending on the use, and this was reviewed by the Building Official. He mentioned that sprinklers are required, and that’s one way to mitigate it.

Chairman Ellis said he would like to see Condition of Approval No. 20 be removed, because the City should not place high dollar demands on small businesses.

Robertson said the plans for the fire sprinklers will be prepared by a fire sprinkler contractor properly.

Necochea project applicant, said he grew up in the City of Banning, he introduced his trainers that were present in the chambers, and said this will be all for the kids that will get good benefits from the sport and keep them off the street.

Guillot said the advertising date was left blank on Resolution No. 2016-02 and should be February 19, 2016.

Discussion was made among Commissioners and Guillot regarding Fire Department Conditions of Approval No. 20 and any legal ramifications if those conditions are removed.

Chairman Ellis said he personally thinks these conditions should not be the responsibility of the applicant to provide to the City, and the City should not put the burden on the applicant to
provide the improvements; he feels that the City should be proactive to bring businesses into our town.

Robertson said the City should have adequate drawings with flow rates, and to put this back on the applicant is very costly. He believes this is a standard boilerplate for every CUP project.

Commissioner Shaw said that the Planning Commission has approved projects with much higher potential for fire, and this was not brought to their attention before.

Chairman Ellis opened public hearing

Terria Payton, owner of 141 N. San Gorgonio Ave. Banning, said her family has owned the property since the 70’s, in the year of 2010 they took advantage of the façade beautification program, and the building was updated and brought up to code. She said they are very excited to have the boxing gym there, and she talked about the positive things this could bring to the City and encouraged the Commissioners for their approval.

Chairman Ellis closed public hearing

Chairman Ellis opened the floor for Planning Commission discussion

Commissioner Shaw said he thinks the fire conditions are a boilerplate, and are probably meant for a new facility where there is no existing water supply.

Discussion was made among the Commissioners and a consensus was reached to make modifications to the Conditions of Approval.

Chairman Ellis opened the floor for a motion.

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

That the Planning Commission adopts Resolution No. 2016-02:

1. Adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

2. Approving Conditional Use Permit No. (CUP) 15-8005 subject to the Findings and Conditions of Approval with the following amendments.
   a. Remove Fire Department Conditions of Approval No.19 and No. 20.
   b. The operator of the boxing gym shall provide and maintain a video surveillance system to monitor the interior and exterior of the building both front and rear. The video surveillance data shall be made available to law enforcement and shall include a minimum of 30 days of data.
   c. Amusement games shall be prohibited.
   d. Add fire sprinklers to the building only if required by the State Fire Code.
VI. REPORT OF OFFICERS

1. CITY OF BANNING GENERAL PLAN ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2015.

Community Development Director Guillot presented the staff report, and said each year the City is required to report on the General Plan that was adopted in 2006. By talking to the State, they focus on the housing element. The report covers the progress of the year in 2015 and it’s required by law. Each department was circulated the general plan and asked to report on their items.

Commissioner Shaw said he reviewed the report and understands that progress is being done where we can.

Guillot said the policies are set and there’s not much that can be done.

Commissioner Krick listed and gave comments and recommendations on different program implementation status to the Community Development Director.

Chairman Ellis opened the floor for a motion.

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

That the Planning Commission adopt Resolution No. 2016-03:

1. Recommending to the City Council the approval of the General Plan Annual Progress Report for Calendar Year 2015 and, direct staff to file it with the State of California Office of Planning and Research and State Department of Housing and Community Development. With the following recommendations:

Circulation Element
Program 21.B
Implementation Status: Ongoing, implemented through the Public Works committee.
Program 24.A
Implementation Status: Ongoing as funding permits.

Flooding and Hydrology Element
Program 1.A
Implementation Status: Ongoing. The Riverside County Flood Control District (RCFCD) has completed the design of a storm drain system along Hargrave Street and plans to construct the project in 2016.
The RCFCD completed upgrades to the Gilman Home Channel during June, 2015. The project, which had a final cost of $4,095,564, increased the flow capacity in Lateral A (Wilson Street to 4th Street via George Street, Cottonwood Street, Nicolet Street, 12th, 10th and 8th Street) to 1,820 cfs and increased the flow capacity of the primary storm drain on 4th Street to 3,100 cfs. The RCFC&WCD is currently working on a Letter of Map Revision (LOMR) which is anticipated to be submitted to FEMA during the first half of 2016.

Water, Wastewater and Utilities Element
Program 3.A
Implementation Status: Not completed.

(Motion Carried 4-0)

VII. PLANNING COMMISSIONER COMMENTS:

Commissioner Krick said it’s possible to find a way to get Highland Home Road back into the Circulation Element for the City of Banning.

Community Development Director Guillot said that our General Plan is aging, the City Council will be asked to update the General Plan and a General Plan review committee will be formed and at that time the seven basic elements, plus fourteen that our City has will be reviewed and traffic studies will be done, etc.

Chairman Ellis asked if the City publishes a fee schedule.

Guillot said that it is available in our Planning library and we are currently working on updating our City website.

Chairman Ellis said we should compete with the City of Beaumont regarding our fees. The City should consider lowering our current fees to attract more businesses in town.

Guillot said a cost analysis study is done to determine how much time staff uses to do mailings, etc., then staff makes recommendation to City Council on that cost allocation for approval.

Guillot said WRCOG agreed to do a study on fees, and these may, or may not affect development to our region because we are all competing.

Guillot mentioned that our City Code makes provision for a fee waiver and can be found on BMC Sec. 15.72.050.

Chairman Ellis said he would like to review ordinances that will not restrict businesses from coming to our town.

VIII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:
Community Development Director Guillot said City Council appointed Commissioner Krick to a four (4) year term and his term will expire February 2020.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 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.
EXHIBIT "A"
March 2, 2016

City of Banning
Fee Review Committee

To Whom It May Concern:

As a business owner in the City of Banning for the last 10 years I have an interest in seeing the City strive both by growth and economically. One way of a strong city is through a business friendly government that encourages new business. This provides the city with tax revenues that would make it fiscally strong.

In my opinion, the City of Banning is being "penny wise and dollar foolish" regarding new business. Case in point - The current Conditional Use Permit (CUP) fees in Banning are approximately $4,700.00. The City of Beaumont CUP's fees are $750.00. I buy and sell high end cars as a hobby. In the middle of 2014 I approached the City to convert one of my storage units into a office to satisfy DMV requirements for a retail car dealership. I had building plans drawn and received tentative approval from building and safety. From the City's perspective there would be no additional police, fire or any other city services that the City would provide that we are not already receiving. I was told I would need to get a CUP for this and the cost was approximately $4,700.00. I did go through the preliminary CUP process and there was no objections from the various departments. However the City could not guarantee that I would receive a CUP if I applied after paying $4,700 non refundable money.

This seemed like a "one way benefit" for the City. I pay a high CUP fee and the City gets all the tax revenues while providing me with no additional services. I decided not to follow through with the car dealership. Since that time I have sold over $600,000 in cars through a dealer/friend of mine. The City's high fees has cost the City close to $12,000 in past tax revenues and of course any future revenues. I have no problem in paying a reasonable fee that reimburses the City for the time it takes to process the CUP. But these exorbitantly high up front fees not only discouages small business owners from opening in the City of Banning which in turns deprives the City of important tax revenues.

I believe the City should ask itself are we being "penny wise and dollar foolish" in charging high fees up front. How many small business owners, like myself, have wanted to do business in the
City but were discouraged with the fee structure and decided not to open a business. Of course the City doesn’t know how many businesses were discouraged because no one from the City has followed up with me to find out why I haven’t followed through with my proposed business.

Thank you for your time.

Jim Keefe
Owner
EXHIBIT “B”
February 24, 2016

Community Development Department
City of Banning
PO Box 998
Banning, CA 92220

Dear Mr. Guillot:

My name is Margaret Lohry and I have lived in Hanford, Ca for the last eleven years. It is a small town a little bigger than Banning. I would like to come and attend the meeting on March 2, 2016 to voice my comments regarding the building at 141 San Gorgonio but am unable to attend because of the distance, so I am sending this letter instead.

My family has owned this property since 1970. I would like to see Banning grow, like Hanford has grown. I want to see the downtown developed.

I know the city of Banning has worked to beautify the city at least since 2005. I would like to see an increase in occupancy to enhance the beauty of downtown Banning.

I think have a boxing gym come in would be a win-win for everyone. It would help bring jobs, clean up the area, and bring needed occupancy to the city. I think the concern by the woman who said it would be too noisy is not necessarily true. I know the gyms in my town do not have a lot of people going late at night. But, I also know living on an Air Force military installation, you get used to not hearing the planes that fly all hours of the day.

I encourage you to issue the conditional use permit for this building. Thank you for allowing me to voice my opinion.

Sincerely,

Margaret Lohry
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Yvonne Franco, Contract Planner
MEETING DATE: April 6, 2016
SUBJECT: ADOPT RESOLUTION NO. 2016-04 APPROVING DESIGN REVIEW NO. 15-7006 FOR THE PROPOSED CONSTRUCTION OF A TACO BELL RESTAURANT; AND, APPROVING CONDITIONAL USE PERMIT NO. 16-8001 FOR A FREEWAY-ORIENTED FREESTANDING SIGN 2034 W. RAMSEY STREET (APN 538-200-027)

APPLICANT'S REQUEST:
A proposal to approve a 2,700 square foot Taco Bell restaurant and a freeway-oriented freestanding sign at 2034 W. Ramsey Street, in the Highway Serving Commercial District.

APPLICANT INFORMATION:
Project Location: 2034 W. Ramsey Street
APN Information: 538-200-027
Project Applicant: Marks Architects
2643 4th Avenue
San Diego, CA 92013
Property Owner: Genevieve Hedrick
11250 El Camino Real Suite 220
San Diego, CA 92130

Design Review No. 15-7006; Conditional Use Permit No. 16-8001
RECOMMENDATION:

That the Planning Commission adopts Resolution No. 2016-04 (Attachment No. 1):

I. Adopts Categorical Exemption, pursuant to Section 15332 (In-Fill Development Projects); and

II. Approving Design Review (DR) No.15-7006 subject to the Findings and Conditions of Approval; and

III. Adopts Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

IV. Approving Conditional Use Permit (CUP) No.16-8001 subject to the Finding and Conditions of Approval.

BACKGROUND AND DESCRIPTION:

The subject site is the former location of Carrows Restaurant which ceased to operate in July 2015. The existing building will be demolished to accommodate the brand new Taco Bell restaurant, parking area, and landscaping.

The .85-acre parcel is in the Highway Serving Commercial (HSC) District; which allows uses geared toward the Interstate 10 traveler, including restaurant (fast foot and sit down), hotels, motels, auto-related retail, repair and services, including gas stations, convenience stores and similar uses.

The summary table below lists the uses surrounding the site:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Interstate 10</td>
<td>Public Facilities Railroad/Interstate</td>
<td>Public Facilities Railroad/Interstate</td>
</tr>
<tr>
<td>East</td>
<td>Restaurant (Del Taco)</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>West</td>
<td>Restaurant (McDonalds)</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
</tbody>
</table>

Design Review No. 15-7006; Conditional Use Permit No. 16-8001
Design Review Proposal and Analysis

Building and Site Design

The 2,700 square-foot building (Attachment 2) is proposed on a .81 acre (37,026 s.f.) parcel, at a maximum height of twenty-two feet and one-inch. The restaurant will include a drive-thru and indoor sitting area with a north/south building orientation, and the majority of the dining area on the north end of the building. Architectural design features include a stone veneer pilaster on the northeast corner of the building; slats and aluminum valance that will wrap around the top half northwest corner of the building.

The drive-thru aisle will begin on the southern end of the building and direct vehicles to the order pick-up window on the east side.

Parking spaces (9'x19') are proposed on the west side of the building facing east, and on the east property line. There will be two large vehicle passenger parking spaces on the southern end of the site, and two loading spaces.

The table below summarizes the development standards for the Highway Commercial District and the proposal by the applicant.

<table>
<thead>
<tr>
<th></th>
<th>Highway Serving Commercial</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (s.f)</td>
<td>6,000</td>
<td>37,026</td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>60</td>
<td>165</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>100</td>
<td>204-219</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
<td>10</td>
<td>16'-19'</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
<td>0</td>
<td>100'-104'</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
<td>0</td>
<td>65'-72'</td>
</tr>
<tr>
<td>Max. Bldg. Coverage (%)</td>
<td>35</td>
<td>7.3</td>
</tr>
<tr>
<td>Maximum Height (stories/feet)</td>
<td>2/35</td>
<td>1/22</td>
</tr>
</tbody>
</table>

As proposed the Taco Bell restaurant meets the development standards for the Highway Serving Commercial District.

Landscaping

Trees, shrubs, and groundcover are proposed throughout the site. Hybrid Crape Myrtle trees will located on the northern perimeter landscaped area; Afghan Pine will be located on the southern perimeter of the site; Purple leaf Palm and Kurrajong will be located on the landscaped planter area adjacent to the drive-thru aisle; and Chinese Elm will be dispersed throughout the site.
All trees are proposed to be 24" box size, with shrubs and ground cover varying between one and five gallon-size. The project is conditioned to submit landscaping plans in compliance with Chapter 17.32 Landscaping Standards.

**Conditional Use Permit for Freeway-Oriented Freeway Sign Proposal and Analysis**

Section 17.36.110 of Title 17, requires a Conditional Use Permit for a Freeway-Oriented Freestanding Signs, such as the one proposed for the Taco Bell. The applicant will be refacing the existing sign with the Taco Bell logo. The existing cabinet and poles will be painted to match the Taco Bell building. The proposed double-sided sign has an overall height of 53 feet; the sign face area will measure 10'10" by 15' with square footage of 162.5.

The proposed sign will be located on the southern edge of the property adjacent to the Interstate (10) Freeway. The grade elevation between the subject property and the freeway is approximately thirty (30) feet. The height and location of the proposed sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant in advance so that they may exit at 22nd Street.

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

In accordance with §15332 (In-fill Development Projects) a Class 32 Categorical Exemption and §15301 a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. A Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described as the following: (a) the project is consistent with the applicable general plan designation an all applicable general plan policies as well as the 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 no 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. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Staff has analyzed proposed Design Review No. 15-7006 and Conditional Use Permit No. 16-8001 and recommends to the Planning Commission that the Project is Categorically Exempt from CEQA pursuant to §15332 and §15301 due to the fact that

Design Review No. 15-7006; Conditional Use Permit No. 16-8001
the proposed meets the required criteria to qualify as an "in-fill development projects" and "existing facilities" as defined by §15332 and §15301 of the CEQA Guidelines. Therefore, Design Review No. 15-7006 and Conditional Use Permit No. 16-8001 are Categorically Exempt from CEQA pursuant to §15332 and §15301 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 FOR DESIGN REVIEW NO. 15-7006:

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. 15-7006:

Finding No. 1: Proposed Design Review No. 15-7006 is consistent with the General Plan.

Findings of Fact: Design Review No. 15-7006 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 Highway Serving Commercial (HSC) allows land uses geared toward the Interstate 10 traveler, including restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses. The project proposes to construct a fast-food restaurant to serve Interstate 10 travelers. Further, Design Review No. 15-7006 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." A fast-food restaurant will generate sales tax revenues and employment opportunities for the City.

Finding No. 2: Design Review No. 15-7006 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. 15-7006 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the Highway Serving Commercial (HSC) zone, with regards to setbacks, lot dimensions, architecture, off-street parking and vehicular circulation and landscaping.

Finding No. 3: The design and layout of Design Review No. 15-7006 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. 15-7006 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. 15-7006 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the Highway Serving Commercial (HSC) zone. The project is conditioned to provide an “exit-only” driveway on the east end of the project to eliminate the potential conflict between drive-thru traffic and ingress traffic.

Finding No. 4: Design Review No. 15-7006 is compatible with the character of the surrounding neighborhood.

Findings of Fact: Design Review No. 15-7006 will not impair the integrity and character of the Highway Serving Commercial (HSC) land use district; additionally, Design Review No. 15-7006 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the Highway Serving Commercial (HSC) 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. There are existing fast-food restaurants adjacent to the site.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 16-8001:

Section 17.36.110(B)(6) (Sign Regulations) of the City of Banning Zoning Ordinance requires that freeway-oriented freestanding 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

Design Review No. 15-7006; Conditional Use Permit No. 16-8001
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. 16-8001 for the proposed freeway-oriented freestanding 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 existing freeway oriented sign is fifty (53) 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 freestanding sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant project in advance so that they may exit at 22nd 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 sign is only fifty (53) 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 sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant project in advance so that they may exit at 22nd Street; thus, is intended reduce undo confusion

Design Review No. 15-7008; Conditional Use Permit No. 16-8001
for motorists. The proposed sign is not immediately adjacent to another freeway-oriented sign and does not block the view of another sign.

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: Sign area for Taco Bell’s freeway-oriented freestanding sign is proposed at 150 square feet. The Section 17.36 of the Title 17 of the Municipal Code allows such signs to have a sign area of no more than 175 square feet. The proposed freeway-oriented freestanding sign, combined with its proximity to the freeway, will allow east and westbound travelers on the freeway to identify the Taco Bell restaurant in advance so that they may exit at 22nd Street; thus, bringing travelers and visitors into Banning’s Highway Serving 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 sign, combined with its proximity to the Interstate (10) Freeway, will allow east and westbound travelers on the freeway to identify the Taco Bell restaurant in advance so that they may exit at 22nd Street. Motorists will thereby be more easily directed to the Highway Serving Commercial district of the City.

PUBLIC COMMUNICATION:

Proposed Design Review No. 15-7006 and Conditional Use Permit No. 16-8001 was advertised in the Record Gazette newspaper on March 25, 2016 (Attachment No. 3). As of the date of this report, staff has not received any verbal comments for or against the proposal.

ATTACHMENTS:

1. Resolution No. 2016-04 with Conditions of Approval
2. Exhibits - Plans
3. Public Hearing Notice

Prepared By:  
Yvonne Franco  
Contract Planner

Reviewed and Recommended By:  
Brian Guillot  
Community Development Director

Design Review No. 15-7006; Conditional Use Permit No. 16-8001
ATTACHMENT 1
Resolution No. 2016-04
with Conditions of Approval
RESOLUTION NO. 2016-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING CATEGORICAL EXEMPTIONS (CLASS 32 IN-FILL DEVELOPMENT PROJECT AND CLASS 1: EXISTING FACILITIES); APPROVING DESIGN REVIEW NO. 15-7006 FOR THE PROPOSED CONSTRUCTION OF A TACO BELL RESTAURANT; AND CONDITIONAL USE PERMIT NO. 16-8001 TO APPROVE THE FREEWAY-ORIENTED FREESTANDING SIGN AT 2034 W. RAMSEY STREET (APN: 538-200-027) WITHIN THE HIGHWAY SERVING COMMERCIAL ZONING DISTRICT

WHEREAS, the applicant has submitted applications for a Design Review approval and a Conditional Use Permit so that the Planning Commission may consider the proposed improvements to redevelop the former location of Carrows restaurant; and

WHEREAS, an application for a Design Review and a Conditional Use Permit has been duly filed by:

Project Applicant: Marks Architects
2643 4th Avenue
San Diego, CA 92013

Parcel Address: 2034 W. Ramsey Street

APN: 538-200-027

Lot Area: 0.81 acres

WHEREAS, the Planning Commission has the authority pursuant to Chapter 17.56 of the Banning Municipal Code to take action on Design Review No. 15-7006 to construct a 2,700 fast food restaurant with a drive-thru and landscaping; and

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. 16-8001 for a freeway-oriented freestanding sign; and

WHEREAS, on March 25, 2016 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and
WHEREAS, on April 6, 2016 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Design Review No. 15-7006 and Conditional Use Permit No. 16-8001, and at which meeting the Planning Commission considered the Design Review and Conditional Use Permit; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review No. 15-7006 and Conditional Use Permit No. 16-8001 and recommended that the Planning Commission adopt a Categorical Exemption pursuant to CEQA Section 15332 (Existing Facilities) and 15301 (In-fill Development Projects) at stated in the Staff Report dated April 6, 2016; and

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) a Class 32 Categorical Exemption and §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. A Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described as the following: (a) the project is consistent with the applicable general plan designation an all applicable general plan policies as well as the 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 not 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. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

The Planning Commission has analyzed proposed Design Review No. 15-7006 and Conditional Use Permit No. 16-8001 and has determined that it is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as an “in-fill development projects” as defined by §15332 and Categorically Exempt from CEQA pursuant to §15301 of the CEQA guidelines due to the fact that the proposal meets the required criteria to qualify as an “existing facilities” as defined
by §15301 of the CEQA Guidelines. Therefore, Design Review No. 15-7006 and Conditional Use Permit No. 16-8001 are Categorically Exempt from CEQA pursuant to §15332 and §15301 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 FOR DESIGN REVIEW NO. 15-7006:**

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. 15-7006:

**Finding No. 1:** Proposed Design Review No. 15-7006 is consistent with the General Plan.

**Findings of Fact:** Design Review No. 15-7006 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 Highway Serving Commercial (HSC) allows land uses geared toward the Interstate 10 traveler, including restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses. The project proposes to construct a fast-food restaurant to serve Interstate 10 travelers. Further, Design Review No. 15-7006 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." A fast-food restaurant will generate sales tax revenues and employment opportunities for the City.

**Finding No. 2:** Design Review No. 15-7006 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. 15-7006 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the Highway Serving Commercial (HSC) zone, with regards to setbacks, lot dimensions, architecture, off-street parking and vehicular circulation and landscaping.

Finding No. 3: The design and layout of Design Review No. 15-7006 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. 15-7006 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. 15-7006 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the Highway Serving Commercial (HSC) zone. The project is conditioned to provide an "exit-only" driveway on the east end of the project to eliminate the potential conflict between drive-thru traffic and ingress traffic.

Finding No. 4: Design Review No. 15-7006 is compatible with the character of the surrounding neighborhood.

Findings of Fact: Design Review No. 15-7006 will not impair the integrity and character of the Highway Serving Commercial (HSC) land use district; additionally, Design Review No. 15-7006 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the Highway Serving Commercial (HSC) 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. There are existing fast-food restaurants adjacent to the site.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 16-8001:

Section 17.36.110(B)(6) (Sign Regulations) of the City of Banning Zoning Ordinance requires that freeway-oriented freestanding 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. 16-8001 for the proposed freeway-oriented freestanding 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 existing freeway oriented sign is fifty (53) 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 freestanding sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant project in advance so that they may exit at 22nd 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 sign is only fifty (53) 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 sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant project in advance so that they may exit at 22nd Street; thus, is intended reduce undo confusion for motorists. The proposed sign is not immediately adjacent to another freeway-oriented sign and does not block the view of another sign.

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: Sign area for Taco Bell's freeway-oriented freestanding sign is proposed at 150 square feet. The Section 17.36 of the Title 17 of the Municipal Code allows such signs to have a sign area of no more than 175 square feet. The proposed freeway-oriented freestanding sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant in advance so that they may exit at 22nd Street; thus, bringing travelers and visitors into Banning's Highway Serving 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 sign, combined with its proximity to the Interstate (10) Freeway, will allow east and west bound travelers on the freeway to identify the Taco Bell restaurant in advance so that they may exit at 22nd Street. Motorists will thereby be more easily directed to the Highway Serving Commercial district of the City.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adopts Resolution No. 2016-04:

   a. In accordance with CEQA Guidelines Section 15332 and 15301 the Planning Commission hereby adopts the Categorical Exemption (Class 32: In-fill Development Projects and Class 1: Existing Facilities) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and
b. Approves Design Review No. 15-7006 and Conditional Use Permit No. 16-8001, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.
PASSED, APPROVED AND ADOPTED this 6th day of April 2016.

Eric Shaw, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________
Robert Khuu
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

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. 2016-04, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of April, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Sandra Calderon, Recording Secretary
City of Banning, California

8
EXHIBIT A

Design Review No. 15-7006 and Conditional Use Permit No. 16-8001

SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2016-04)

APPLICANT: Marks Architect

LOCATION: APN: 538-200-027

* 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, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.

3. Construction shall commence within two (2) years from the date of project approval, or Design Review and Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review and Conditional Use Permit 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 Design Review and Conditional Use Permit complies 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 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 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.
7. 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.

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

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

10. 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.

11. All trash enclosures shall be required 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; per City Standards.

12. 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.

13. 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.

14. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (DR #15-7006 and CUP #16-8001). 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.

15. 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.

16. 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, berming, and/or landscaping to the satisfaction of the Community Development Director.

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

18. 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. Two large vehicle parking spaces, 9 feet x 30 feet minimum shall be provided.

19. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

20. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.

   a. City of Banning enforces the State of California provisions of the California Building code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owner’s responsibility to be aware of those differences and comply accordingly.

   b. Disabled access parking shall be located on the shortest accessible route. Relocated parking spaces accordingly.

21. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.

22. Disabled access parking shall be located on the shortest accessible route.

23. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

24. The freeway-oriented sign shall be rehabilitated and painted to match the restaurant. Additional signage for the restaurant and the monument shall be
reviewed under a Sign Review application submittal. The abandoned monument sign shall comply with Chapter 17.36 Sign Regulations of Title 17.

25. The easterly driveway approach shall be restricted to egress of vehicles only and a directional sign shall be provided alerting travelers.

Public Works Department

The Applicant may contact the Engineering Division at (951) 922-3130 for compliance with the following conditions:

General Requirements

26. 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.

27. 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
- Riverside County Flood Control & Water Conservation District (RCFC&WCD)
- 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.

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

a. Precise Grading Plans
   1" = 40' Horiz.

b. Onsite Signing and Striping Plans
   1" = 40' Horiz.

c. Utility Plans (Sewer and Water)
   1" = 40' Horiz.

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

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

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

Rights of Way

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

32. Direct vehicular access to Ramsey Street from the site frontage shall be restricted, except for the access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The approved access point shall be restricted to right-in and right-out only, unless otherwise approved by the City Engineer.

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

Grading and Drainage

34. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release
of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the west.


36. Grading and excavations shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

37. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

38. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

   a. At a minimum, all development will make provisions to store runoff from rainfall events up and including the one-hundred year, three hour duration.
   b. A priority redevelopment project replaces less than 50% of the impervious surfaces on an existing developed site, and the site was not previously subject to priority development project requirements, the WQMP design standards specified in the Order apply only to the addition or replacement, and not to the entire developed site.

39. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications.

40. All material storage areas including trash enclosures must be covered to protect from runoff.

Landscaping Public Right of Way

41. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. “Xeriscape” shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and
systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

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

Public Improvements

43. All public improvements shall be constructed per the City of Banning standard specifications.

44. All driveways shall be constructed per the city’s commercial driveway standard.

45. The minimum sidewalk width in commercial areas is 8 feet.

Trash/Recycling

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

47. 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 of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

Water

48. A backflow device must be installed on all commercial/industrial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations. A backflow certification shall be submitted to the Public Works Department for each backflow device.

49. The landscape irrigation shall have a separate water meter.

50. Fire Services shall have a Double Detector Check or RPP Device.

51. Pay all applicable water connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.
52. Submit a utility plan showing location of water services; meters and sizes; fire service lines and backflow devices.

Sewer

53. All sewer lines to be constructed within the public right-of-way shall be Extra Strength Vitrified Clay Pipe (VCP). All commercial sewer laterals shall be a minimum of 6".

54. A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

55. Install grease traps at each food service facility.

56. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

57. Submit a utility plan showing location of sewer laterals, sizes, clean outs, connections and grease traps.

Fees

58. 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.

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

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

Electric Utility Department

59. Protect in place the existing utility transformer.

60. A minimum clearance of one foot shall be required from the storm drain pipe and electric utility service conduits that will be installed from the existing transformer to the new proposed switch gear location.
61. Landscaping shall not conflict with electric utility service conduits.

62. A minimum clearance 5’ will be required when installing parking lot light or parking lot lighting conduits.

63. The applicant/developer comply with all plan check comments from the Electric Utilities Department.

64. Applicant/developer shall comply with plan check comments.

**Police Department**

65. No walk-up orders shall be taken from the drive-thru window.

**Fire Department**

All questions regarding the meaning of these conditions should be referred to the Fire Department Planning & Engineering staff.

66. For commercial areas, the required fire flow shall be available from 1 Super hydrant(s) (6” x 4” x 2 ½” x 2 ½”) spaced not more than 350 apart and shall be capable of delivering a fire flow 1500 GPM per minute for two hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.

67. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once the plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

68. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

69. Applicant/developer shall supply a detail indicating the cooking appliances, hood and suppression system will be installed in compliance with CFC 609, 610 and 904.11. The Hood suppression system shall require a separate permit application and plan review by the Fire Marshal.
70. Applicant/developer shall supply a detail indicating the cooking oil storage system in compliance with CFC 610.

71. 2016 CFC will have new requirements for Carbon Dioxide Beverage Dispensing systems. If building permit is applied for after the adoption of the code, the requirements will be in effect.

72. Applicant/developer shall comply with all plan check comments.

***END***
ATTACHMENT 3
Public Hearing Notice

Design Review No. 15-7006; Conditional Use Permit No. 16-8001
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

March 25, 2016

NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF A PUBLIC HEARING FOR DESIGN REVIEW NO. 15-7000 FOR THE CONSTRUCTION OF A 2,700 SQUARE FOOT TACO HELL RESTAURANT AND CONDITIONAL USE PERMIT NO. 16-8001 FOR A FREEWAY ORIENTED SIGN LOCATED AT 204 W. RAMSEY STREET [APN: 536-290-027] WITHIN THE HIGHWAY SERVING COMMERCIAL ZONING DISTRICT.

NOTICE IS HEREBY GIVEN of a public hearing before the City Planning Commission, to be held on Wednesday, April 6, 2016, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed construction of a 2,700 square foot TACO HELL restaurant by proposed Design Review No. 15-7000 and the request for a freeway-oriented sign (by proposed Conditional Use Permit No. 16-8001) pursuant to Chapter 17.35 (Design Review) and Chapter 17.32 (Conditional Use Permit) of the City of Banning Municipal Code.

Information regarding the Categorical Exemption for Design Review No. 15-7000 and Conditional Use Permit No. 16-8001 can be obtained by contacting the City's Community Development Department at (909) 525-2125, 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.DBornline.ca.us. All parties interested in speaking either in support of or in opposition to the 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 999, 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 City Clerk at, or prior to, the hearing California Government Code, Section 65026. BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA.

Dated March 22, 2016
Published March 26, 2016
Published in
The Record Gazette
No. 129868
03-26-2016

Executed on: 03/25/2016
At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

[Signature]
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Yvonne Franco, Contract Planner
MEETING DATE: April 6, 2016

SUBJECT: ADOPT RESOLUTION NO. 2016-05 APPROVING CONDITIONAL USE PERMIT NO. 14-8003 FOR THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AND MONOPINE LOCATED AT 1170 W. RAMSEY STREET (APN 540-180-006)

APPLICANT’S REQUEST:

A proposal to approve a proposed wireless telecommunications facility and monopine antenna tower located at 1170 W. Ramsey Street.

APPLICANT INFORMATION:

Project Location: 1170 W. Ramsey Street
APN Information: 540-180-006
Project Applicant: Verizon Wireless
15505 Sand Canyon Avenue
Building “D”, 1st Floor
Irvine, CA 92618

Property Owner: Crossroads Ministries International
P.O. Box 423
Calimesa, CA 92320

Conditional Use Permit No. 14-8003
RECOMMENDATION:

That the Planning Commission adopts Resolution No. 2016-05 (Attachment No. 1):

I. Adopting a Categorical Exemption, pursuant to Section 15303 (New Construction or Conversion of Small Structures); and

II. Approving Conditional Use Permit No. (CUP) 14-8003 subject to the Findings and Conditions of Approval.

BACKGROUND AND DESCRIPTION:

The proposed facility and monopine (Attachment 2) will be located on the southern end of “A New Creation Church”, at 1170 W. Ramsey Street, west of 8th Street, and at the terminus of 12th Street. Interstate 10 is located to the south. The proposal includes a 65-foot high monopine with four Verizon Wireless antennas in each of the three sectors. The antennas will be screened from public view with pine foliage.

The location of the proposal is in the Highway Serving Commercial (HSC) Zone, in an urbanized area north of Interstate 10. The HSC District allows land uses geared toward the Interstate 10 traveler, including restaurants (fast food and sit down), hotels and motels, auto-related retail, repair and services, including gas stations, convenience stores and similar uses.

The summary table below lists the uses existing surrounding land uses as well as the designated Zoning and General Plan Land Uses.
Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Church (New Creation Church)</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>South</td>
<td>Professional office &amp; vacant building</td>
<td>Highway Serving Commercial(HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>East</td>
<td>Interstate 10</td>
<td>Public Facilities Railroad/Interstate</td>
<td>Public Facilities Railroad/Interstate</td>
</tr>
<tr>
<td>East</td>
<td>Bank (J.P. Morgan Chase)</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>West</td>
<td>Motel (Hacienda Inn &amp; Suites)</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
</tbody>
</table>

The 1.02-acre lot has a depth of approximately 277 linear feet and frontage and 160 linear feet of frontage on West Ramsey. The surrounding lots to the east, west and north are all improved lots with frontage on Ramsey Street.

Analysis

As noted above the property is located in the Highway Serving Commercial zone; and, conditionally permits telecommunications antennae in all commercial and industrial zones except in the Downtown Commercial district.

The antennas will be screened by artificial pine foliage and the monopine will be partially visible from different views from the street. The two macro cell cabinets and generator will installed within a 170 square foot enclosure approximately measuring 16 feet by 10 feet 8 inches, and not extend beyond the height of the eight foot wall. Furthermore, the antenna meets the development standards of the HSC district in which it is proposed and demonstrated below and complies with Section 17.24.060 of Title 17, Antennae, vertical design standards.
Development Standards per Section 17.24.060

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>10 feet</td>
<td>231</td>
<td>Yes</td>
</tr>
<tr>
<td>Street Side Setback</td>
<td>N/A – interior lot</td>
<td>N/A – interior lot</td>
<td>-</td>
</tr>
<tr>
<td>Maximum Antenna Height</td>
<td>80 feet</td>
<td>65 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Screening</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking*</td>
<td>1 space</td>
<td>1 space</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

Antennas are required to not be visible from federal highways and be camouflaged. The proposed site for the monopine is north of Interstate 10 freeway. The monopine antenna would be constructed as a simulated pine tree (monopine). The monopine and facilities will be installed behind an existing building at the southern end of the property which will greatly diminish any possible visual impacts to travelers on W. Ramsey.

The applicant was required to provide a sound study for the operation of the stand-by generator which will operate in case there is a power outage; and a letter from the Church was provided by a representative of the church stating that the sound levels were adequate (Attachment 3).

There is one non-exclusive space proposed for Verizon Wireless to utilize when performing standard and emergency maintenance work; furthermore, a conditional of approval has been added to prohibit standard maintenance work during church activities, when the parking lot is utilized by its church members.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with §15303 (New Construction or Conversion of Small Structures) a Class 3 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 3 Categorical Exemption consists of construction and location of limited numbers of new, small

Conditional Use Permit No. 14-8003
facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Staff has analyzed proposed Conditional Use Permit No. 14-8003 and recommends to the Planning Commission adoption of a Categorical Exemption pursuant to pursuant to §15303 due to the fact that the proposed meets the required criteria to qualify as a “new construction or conversion of small structures” as defined by §15303 of the CEQA Guidelines. Therefore, Conditional Use Permit 14-8003 are Categorically Exempt from CEQA pursuant to §15303 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 FOR CONDITIONAL USE PERMIT NO. 14-8003:**

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

**Finding No. 1:** The proposed use is consistent with the General Plan;

**Findings of Fact:** The project is consistent with General Plan Economic Development Element Policy No. 3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” The proposed project provides for the installation a telecommunication facility that will increase the efficiency of cell phone communications.

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

**Findings of Fact:** The land-use designation of Highway Serving Commercial (HSC) conditionally permits telecommunications facilities. Additionally, the proposed project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, fencing and screening of utility equipment from onsite and offsite uses through the use of a wall enclosure for the telecommunications equipment and the antennas located on the monopine.

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Conditional Use Permit No. 14-8003
**Finding No. 3:** The proposed use would not impair the integrity and character of the land use district in which it is to be located.

**Findings of Fact:** The proposed use will not impair the integrity and character of the Highway Serving Commercial district because it is proposed in an urbanized setting. The antennas will be screened with artificial pine foliage and the equipment will be within a wall enclosure. Furthermore, the applicant provided a sound study for the generator and was approved by a representative of the church.

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

**Findings of Fact:** The subject site currently operates as a church. The project will provide a parking space for maintenance related work. There is adequate access to the location from W. Ramsey Street, and through a paved parking lot.

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

**Findings of Fact:** The site is serviced by public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from W. Ramsey Street, and existing development roadway with existing utilities.

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

**Findings of Fact:** There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar pools of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed and paved. The parcel is flat and surrounded by developed parcels. A sound study was conducted for the generator, and was deemed adequate and the results of the sound study were approved by a church representative.

**Finding No. 7:** The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.
Findings of Fact: The proposed location of a wireless telecommunication facility will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning code development standards. Furthermore, there is adequate parking and screening from onsite and adjacent uses.

PUBLIC COMMUNICATION:

Proposed Conditional Use Permit No. 14-8003 was advertised in the Record Gazette newspaper on March 25, 2016 (Attachment No. 4). As of the date of this report, staff has not received any verbal comments for or against the proposal.

ATTACHMENTS:

1. Resolution No. 2016-05 with Conditions of Approval
2. Exhibits - Plans
3. Letter dated March 1, 2016
4. Public Hearing Notice

Prepared By: 

Yvonne Franco
Contract Planner

Reviewed and Recommended By:

Brian Guillot
Community Development Director

Conditional Use Permit No. 14-8003
ATTACHMENT 1
Resolution No. 2016-05
with Conditions of Approval
RESOLUTION NO. 2016-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 14-8003 A REQUEST BY VERIZON WIRELESS TO LOCATE A WIRELESS TELECOMMUNICATION FACILITY AT 1170 W. RAMSEY STREET (APN 540-180-006) WITHIN THE HIGHWAY SERVING COMMERCIAL DISTRICT

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

Project Applicant: Smartlink, LLC for Verizon Wireless
15505 San Canyon Avenue
Building D, 1st Floor
Irvine, CA 92618

Property Owner: Crossroads Ministries International

Project Location: 1170 W. Ramsey Street

APN Information: 540-180-006

Lot Size 1.02 acre

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit No. 14-8003 to locate a wireless telecommunications facility in the Highway Serving Commercial (HSC); and

WHEREAS, on March 25, 2016, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on April 6, 2016, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit No. 14-8003, and at which meeting the Planning Commission considered the Conditional Use Permit; and

WHEREAS, staff has reviewed the project’s potential effects on the environment and has recommended to the Planning Commission that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15303 “New Construction or Conversion of Small Structure” contained in CEQA Guidelines.
NOW THEREFORE, the Planning Commission of the City of Banning does resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS

California Environmental Quality Act (CEQA)

In accordance with §15303 (New Construction or Conversion of Small Structures) a Class 3 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. A Class 3 Categorical Exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The Planning Commission has analyzed proposed Conditional Use Permit No. 14-8003 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a "new construction or conversion of small structures" as defined by §15303 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.

SECTION 2. REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 14-8003

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

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

Findings of Fact: The project is consistent with General Plan Economic Development Element Policy No. 3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” The proposed project provides for the installation a telecommunication facility that will increase the efficiency of cell phone communications.

Finding No. 2: The proposed use as a telecommunications facility is conditionally permitted within the subject land use district.
Findings of Fact: The land-use designation of Highway Serving Commercial (HSC) conditionally permits telecommunications facilities. Additionally, the proposed project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, fencing and screening of utility equipment from onsite and offsite uses through the use of a wall enclosure for the telecommunications equipment and the antennas located on the monopine.

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

Findings of Fact: The proposed use will not impair the integrity and character of the Highway Serving Commercial district because it is proposed in an urbanized setting. The antennas will be screened with artificial pine foliage and the equipment will be within a wall enclosure. Furthermore, the applicant provided a sound study for the generator and was approved by a representative of the church.

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

Findings of Fact: The subject site currently operates as a church. The project will provide a parking space for maintenance related work. There is adequate access to the location from W. Ramsey Street, and through a paved parking lot.

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

Findings of Fact: The site is serviced by public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from W. Ramsey Street, and existing development roadway with existing utilities.

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

Findings of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar pools of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed and paved. The parcel is flat and surrounded by developed
parcels. A sound study was conducted for the generator, and was deemed adequate and the results of the sound study were approved by a church representative.

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

Findings of Fact: The proposed location of a wireless telecommunication facility will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning code development standards. Furthermore, there is adequate parking and screening from onsite and adjacent uses.

SECTION 3. PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a Categorical Exemption under CEQA Guidelines Section 15303 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit. (CUP) #14-8003 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “A”.
PASSED, APPROVED AND ADOPTED this 6th or April 2016.

Eric Shaw, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Robert Khuu
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

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. 2016-05, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of April 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit No. 14-8003
SUBJECT: Conditions of Approval (PC Resolution No. 2016-04)
APPLICANT: Smartlink LLC. for Verizon Wireless
LOCATION: APN: 540-180-006

EXHIBIT A

* 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, 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. Construction shall commence within two (2) years from the date of project approval, or Conditional Use Permit 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 shall become null and void. Project 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 complies with all current Ordinance provisions.

3. 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.

4. The site shall be developed and maintained in accordance with the plans stamped 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.

5. 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.

6. The property owner shall permanently maintain the Verizon Wireless non-exclusive parking stall as identified in the plans.

7. 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.

8. 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.

9. The site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.
10. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landing, walks, and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning, signage, gates lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.

   a. City of Banning enforces the State of California provisions of the California Building code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owner's responsibility to be aware of those differences and comply accordingly.

   b. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.

11. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.

12. Site Facilities such as parking (open and covered), recreation facilities, and trash dumpsters, shall be accessible per California Building Code (CBC) 11A, 11B and 31B.

13. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

14. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer. Based on change of use and potential exiting and fire life safety improvements.

15. Prior to the issuance of building permits a copy of the signed lease with the property owner shall be filed with the City.

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

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

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

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

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

21. The mono-pine structure shall completely conceal antennas and antenna structure utilizing sock and other approved camouflaging material such that the antenna and related structure are not visible from the federal highway. Quality and appearance of the mon-pine shall be of the same quality and appearance as reflected in the applicant’s statements, representations and/or exhibits presented to the City’s staff or Planning Commission or the Conditional Use Permit shall be revoked.

22. The applicant shall ensure that the mono-pine structure has full green foliage, realistic bark.

**Electric Utility Department**

23. A five-foot clearance from the existing underground electric utility to the proposed Telco Pulumi Box will be required.

24. Bollards shall be installed to protect the proposed Verizon Wireless Meter Pedestal per City of Banning Electric Utility Standards

**Fire Department**

All questions regarding the meaning of these conditions should be referred to the Fire Department Planning & Engineering staff.

25. For commercial areas, the required fire flow shall be available from 1 Super hydrant(s) (6” x 4” x 2 1/2” x 2 1/2”) spaced not more than 350 apart and shall be capable of delivering the required fire flow for two hours duration at 20 psi residual operating pressure, which must be available before any combustible
material is placed on the construction site. The required fire flow will be based on
the total building sq. footage per table B105.1 of the 2013 CFC. Total bldg. sq.
footage will need to be provided to determine fire flow requirements.

26. Prior to building plan approval and construction, applicant/developer shall furnish
two copies of the water system fire hydrant plans to Fire Department for review
and approval. Plans shall be signed by a registered civil engineer, and shall
confirm hydrant type, location, spacing, and minimum fire flow. Once plans are
signed and approved by the local water authority, the originals shall be presented
to the Fire Department for review and approval.

27. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on
private streets, public streets and driveways to indicated location of the fire
hydrant. It should be 8 inches from centerline to the side that the fire hydrant is
on, to identify fire hydrant locations.

28. Emergency gate access will be required for the equipment enclosure. A Knox
box with lock key placed inside or Knox padlock will be required. Applications
can be picked up at Banning City Hall.

***END***
ATTACHMENT 2
Exhibits-Plans

Conditional Use Permit No. 14-8003

P70
ATTACHMENT 3
Letter dated March 1, 2016

Conditional Use Permit No. 14-8003
March 1, 2016

Yvonne Franco, Contract Planner
City of Banning
Community Development Department
Planning Division
99 E. Ramsey Street
Banning, CA 92220

SUBJECT: Generator Sound Acceptance
Verizon Wireless Telecommunications Facility
1170 W. Ramsey Street, Banning, CA (APN 540-180-006)

Dear Ms. Franco:

Pursuant to your email request dated February 11, 2016, indicating the City’s need for a letter regarding the noise levels from the generator, the property owner, Crossroads Ministries Int’l, a Religious Corporation (dba New Creation Church) has reviewed the attached Sound Test for the Verizon Wireless diesel generator at the proposed wireless telecommunication facility at 1170 W. Ramsey Street, Banning, CA.

Crossroad Ministries International (property owner) finds the sound levels produced by the proposed Verizon diesel acceptable to us and the Church’s function.

Respectfully,

Juan De La Fuente
Communications Pastor
### Sound Pressure Levels in dB(A)

<table>
<thead>
<tr>
<th>Position</th>
<th>Overall Level</th>
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<th>63</th>
<th>125</th>
<th>250</th>
<th>500</th>
<th>1000</th>
<th>2000</th>
<th>4000</th>
<th>8000</th>
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<td>46.7</td>
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<td>48.2</td>
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<td>46.6</td>
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<td>46.0</td>
<td>47.1</td>
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<td>49.6</td>
<td>48.3</td>
<td>46.9</td>
<td>46.2</td>
<td>40.5</td>
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<tr>
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<td>45.2</td>
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<td>48.8</td>
<td>46.6</td>
<td>46.2</td>
<td>39.6</td>
<td></td>
</tr>
</tbody>
</table>

### Notes:
1. Generator operating at full rated load.
2. Generator configuration includes quiet exhaust system.
3. All measurement positions are 7 m (23 ft) from center of generator set and 1 m (3.3 ft) height.
4. Test conducted outside on an asphalt surface, temperature 72°F, humidity 69%, wind 12 mph, barometer 29.65 inHg.
5. Meter used - Ficono FAA2, Serial No. 0000820208
ATTACHMENT 4
Public Hearing Notice

Conditional Use Permit No. 14-8003
NOTICE OF INTENT TO ADOPT A CATEGORY IX EXEMPTION AND NOTICE OF PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 14-8003 A REQUEST BY VERIZON WASHINGTON LLC TO LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY AT 1970 W. RAMSEY STREET (APN No. 440-189-006) WITHIN THE HIGHWAY SERVING COMMERCIAL DISTRICT NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, April 8, 2015, at 5:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the request of a wireless telecommunications facility (by proposed Conditional Use Permit No. 14-8003) pursuant to Chapter 17.52 (Conditional Use Permit) of the City of Banning Municipal Code.

Information regarding the Exemption for Conditional Use Permit No. 14-8003 can be obtained by contacting the City’s Community Development Department at (909) 922-3120, 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.cityofbanning.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, City Hall, 99 East Ramsey Street, Banning, California 92220. If you challenge any action taken in reliance of 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 date 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 65026).

By Order of the Community Development Director of the City of Banning, California

Date: March 22, 2015
Published: March 25, 2015
Published In: The Record Gazette
No. 129657
03-25-2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Executed on: 03/25/2016
At Banning, CA
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Brian Guillot, Community Development Director
MEETING DATE: April 6, 2016

SUBJECT: Adopt Resolution No. 2016-06
   Recommending that City Council Approve a Categorical Exemption
   and Zone Text Amendment (ZTA) No. 16-97501 amending various
   sections of the Zoning Ordinance (Title 17 of the Banning Municipal
   Code) to provide consistency within the text

RECOMMENDATION:

Staff recommends that the Planning Commission adopts Resolution No. 2016-06
(Attachment 1):

I. Recommending to the City Council the adoption of a Categorical Exemption for the
   subject proposal; and

II. Recommending to the City Council the adoption of Ordinance No. 1496
    (Attachment 2) approving Zone Text Amendment No. 16-97501 amending various
    sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) to
    provide consistency within the text.

APPLICANT INFORMATION:

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

ZTA 16-97501
BACKGROUND:

On February 14, 2006, the City Council of the City of Banning adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing zoning ordinance and adopting the new Zoning Ordinance. A review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications. The proposed amendments to provide these clarifications are discussed below.

PROPOSED AMENDMENTS TO THE ZONING TEXT:

The residential use “Multi-family Dwelling” as listed in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses is permitted subject to a conditional use permit. However, the Minimum Lot Size (Ac.) Multi-Family Units standards and parameters as listed in Table 17.08.030 Residential Development Standards currently designates that the minimum lot size for Low Density Residential (LDR) is “N/A” (not applicable). Therefore, the minimum lot size standard should changed to “2 Ac.” to be consistent with the other multi-family land uses. Please see below.

Amend the Minimum Lot Size (Ac.) Multi-Family Units standards and parameters as listed in Table 17.08.030 Residential Development Standards as follows:

<table>
<thead>
<tr>
<th>Min. Lot Size (Ac.) Multi-Family Units</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>&quot;2 Ac.&quot;</td>
<td>2 Ac.</td>
<td>2 Ac.</td>
</tr>
</tbody>
</table>

Residential second units are permitted in the Ranch Agriculture (R/A), Ranch/Agriculture Residential Hillside (R/A/H), Rural Residential (RR), Rural Residential Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) zoning districts as stated in Section 17.08.100(B) of the regulations. Therefore, Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses should be changed to “Permitted (P)” to be consistent with Section 17.08.100(B). Please see below.

Amend the Second Dwelling Unit uses as listed in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses as follows:

<table>
<thead>
<tr>
<th>Second Dwelling Unit</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>&quot;P&quot;</td>
<td>&quot;P&quot;</td>
<td>X</td>
</tr>
</tbody>
</table>

ZTA 16-97501
Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses provides that Multi-family housing is permitted in the MDR, HDR and VHDR zones, and conditionally permitted in the LDR zone. However, Section 17.08.140 Multi-family housing standards is not consistent with Table 17.08.020 in that all residential uses are permitted by right. Please see below.

Amend the preamble to Section 17.08.140 Multi-family housing standards as follows:

17.08.140 Multi-family housing standards.
"Multi-family housing is permitted in the LDR, MDR, HDR and VHDR zones; and conditionally permitted in the LDR zone; and, is subject to design review. Multi-family housing shall be constructed in the following manner:"

In paragraph G of Section 17.08.250 Single-family architecture the word "year" should read "rear"; and the word "with" is misspelled as "wit". Please see below.

Amend paragraph G of Section 17.08.250 Single-family architecture as follows:

"G. Equipment Screening. All heating and air conditioning equipment, pool equipment, etc., must be located in the side or year rear yard, and must be screened. The method of screening must be architecturally compatible in terms of materials, color, finish, shape and size. The screening design should blend wit with the building design. Where individual equipment is provided, a continuous screen is desirable. Landscaping of sufficient density and height may be used for equipment screening."

Section 17.24.070 Environmental resources/constraints requires compliance with the Environmental Quality Act (CEQA), but does not set forth the process. Additionally, Public Resources Code Section 21089(a) and California Code of Regulations Section 15045(a) makes provision for the City to collect reasonable fees to process the negative declaration or environmental impact report necessary to comply with CEQA. Please see below.

Amend Section 17.24.070 Environmental resources/constraints as follows:

17.24.070 - Environmental resources/constraints.
"A. All development proposals shall be reviewed for compliance with the California Environmental Quality Act (CEQA). If the proposal is determine to qualify as a project under CEQA, the project proponent may be required to submit specialized studies to determine the effect on specific resources and hazards, including, but not limited to, biological resources, cultural resources, geotechnical hazards, hydrology, air quality, noise, and traffic. No project shall be approved without first satisfying the requirements of CEQA.

B. When it is determined that an environmental impact report, or a negative declaration is required for a project, the application for that project shall not be deemed complete until the applicant has deposited with the City sufficient funds to
pay the cost of completion of the environmental documents. The Director shall determine the amount of funds required to be deposited with the City for the preparation and review of the environment documents and shall advise the applicant of the amount required.

Vehicle and auto sales both new and used are permitted in the General Commercial (GC), and Highway Serving Commercial (HSC); and, conditionally permitted in the Industrial (I) zoning districts. Vehicle and auto sales both new and used are prohibited in the Airport Industrial (AI) zoning district. The requirement for a conditional use permit generally is for the purpose of analyzing the unique effect of the use on that environment for the purpose of mitigation potential impacts. The prohibition of a use is generally due to the incompatibility of that use with other permitted uses. Since the sale of vehicles in itself does not create impacts greater than those generally allowed in the Industrial and Airport Industrial zoning districts, it is deemed necessary to permit that use in the Industrial and Airport Industrial zoning district to be consistent with the existing permitted uses for those zones.

Additionally, a significant portion of the City’s revenue is obtained through sales tax collected by the State of California. It is anticipated that allowing vehicle and auto sales both new and used as a permitted use in the Industrial and Airport Industrial zoning districts will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. Please see below.

Amend the Auto, mobile home, and motor vehicle sales, and part sales, new; and, amend the Auto, mobile home, and motor vehicle sales, and part sales, new and used uses as listed in Table 17.12.020 Permitted, conditional and prohibited uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
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<tbody>
<tr>
<td>Auto, mobile home, and motor vehicle sales, and part sales, new</td>
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<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
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<tr>
<td>Auto, mobile home, and motor vehicle sales, and part sales, new and used</td>
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<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can
be seen with certainty that there is no possibility that the activity in question may have a
significant effect on the environment; the activity is not subject to CEQA. The
amendments to the Zoning Ordinance do not relate to any one physical project and will
not result in any physical change to the environment. Therefore, it can be seen with
certainty that there is no possibility that Zone Text Amendment No. 16-97501 may have
a significant adverse effect on the environment, and thus the adoption of this Ordinance
is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

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

REQUIRED FINDINGS OF APPROVAL FOR ZONE TEXT AMENDMENT NO. 16-97501:

The California Government Code and Section 17.116.050 (Findings) of the City of
Banning Municipal Code require that Zone Text Amendments meet certain findings prior
to the approval by the City Council. The following findings are provided in support of the
approval of the Zone Text Amendment No. 16-97501.

Finding No. 1: Proposed Zone Text Amendment No. 16-97501 is consistent with
the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 16-97501 is consistent with
the goals and policies of the General Plan, insofar as the General
Plan designations and Zoning designations within the City will not
change, and the text amendments will result in meeting some of the
objectives of the General Plan and more specifically that of the
Economic Development Element.

Furthermore, it is a goal of the Land Use element of the City’s
General Plan to provide for complimentary commercial uses;
specifically the Commercial Goal states that provision for
“Complementary commercial uses which meet the needs of the
City’s residents, increase the City’s revenues, and provide a range
of employment opportunities” shall be provided; and, more
specifically Policy 3 states that “the Zoning Ordinance shall include
principles, design standards and guidelines which encourage the
development of high quality commercial projects”. It is anticipated
that allowing vehicle and auto sales both new and used as a
permitted use in the Industrial and Airport Industrial zoning districts
will encourage and facilitate small business development that
increases tax revenue for the City through the sale of additional
goods and services as well as employment opportunities.

**Finding No. 2:** *Proposed Zone Text Amendment No. 16-97501 is internally consistent with the Zoning Ordinance.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97501 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare. A review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and, the purpose of the proposed changes are to provide internal consistency within the text with the following examples listed.

The residential use "Multi-family Dwelling" as listed in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses is permitted subject to a conditional use permit. However, the Minimum Lot Size (Ac.) Multi-Family Units standards and parameters as listed in Table 17.08.030 Residential Development Standards currently designates that the minimum lot size for Low Density Residential (LDR) is "N/A" (not applicable). Therefore, the minimum lot size standard should be amended to "2 Ac." to be consistent with the other multi-family land uses.

There are other inconsistencies within the text, conflicting information between sections, and a need for clarifications as identified in the Staff Report dated April 6, 2016, such as a process for provision for the City to collect reasonable fees to process the negative declaration or environmental impact report necessary to comply with CEQA.

**Finding No. 3:** *The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.*

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty
that there is no possibility that Zone Text Amendment No. 16-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PUBLIC COMMUNICATION:

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on March 25, 2016 (Attachment 4). As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

ATTACHMENTS:

1. PC Resolution No. 2016-06
2. Draft Ordinance No. 1496
3. Public Hearing Notice

Prepared By:

[Signature]
Brian Guillot
Community Development Director
ATTACHMENT 1
PC Resolution No. 2016-06
RESOLUTION NO. 2016-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF CATEGORICAL EXEMPTION AND APPROVAL OF ZONE TEXT AMENDMENT (ZTA) #16-97501 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TILE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT

WHEREAS, on February 14, 2006, the City Council of the City of Banning adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing zoning ordinance and adopting the new Zoning Ordinance; and

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and

WHEREAS, the Planning Commission has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to make recommendations to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, on the 25th day of March, 2016, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

WHEREAS, on the 6th day of April, 2016, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the Planning Commission considered the Categorical Exemption and Zone Text Amendment No. 16-97501; and

WHEREAS, at this public hearing on the 6th day of April, 2016, the Planning Commission considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

WHEREAS, the Planning Commission has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 6th day of April, 2016;
NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The following environmental findings are made and supported by substantial evidence on the record before the Planning Commission, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

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

SECTION 2. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 16-97501.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment No. 16-97501:

Finding No. 1: Proposed Zone Text Amendment No. 16-97501 is consistent with the goals and policies of the General Plan.
Findings of Fact: Proposed Zone Text Amendment No. 16-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in meeting some of the objectives of the General Plan and more specifically that of the Economic Development Element.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”. It is anticipated that allowing vehicle and auto sales both new and used as a permitted use in the Industrial and Airport Industrial zoning districts will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities.

Finding No. 2: Proposed Zone Text Amendment No. 16-97501 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 16-97501 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare. A review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and, the purpose of the proposed changes are to provide internal consistency within the text with the following examples listed.

The residential use “Multi-family Dwelling” as listed in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses is permitted subject to a conditional use permit. However, the Minimum Lot Size (Ac.) Multi-Family Units standards and parameters as listed in Table 17.08.030 Residential Development Standards currently designates that the minimum lot size for Low Density Residential (LDR) is “N/A” (not applicable). Therefore, the minimum lot size standard should be amended to “2 Ac.” to be consistent with the other multi-family land uses.
There are other inconsistencies within the text, conflicting information between sections, and a need for clarifications as identified in the Staff Report dated April 6, 2016, such as a process for provision for the City to collect reasonable fees to process the negative declaration or environmental impact report necessary to comply with CEQA.

**Finding No. 3:** The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby takes the following action:

Adopts Planning Commission Resolution No. 2016-06:

1. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment No. 16-97501; and

2. Recommending to the City Council the adoption of Ordinance No. 1496 approving Zone Text Amendment No. 16-97501.
PASSED, APPROVED AND ADOPTED this 6th day of April, 2016.

Eric Shaw, Vice Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Robert Khuu
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

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. 2016-06, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of April, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft Ordinance No. 1496
ORDINANCE NO. 1496

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONING TEXT AMENDMENT NO. 16-97501 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TILE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT

WHEREAS, on February 14, 2006, the City Council of the City of Banning adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing zoning ordinance and adopting the new Zoning Ordinance; and

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and

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

WHEREAS, on ________________, 2016, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2016-06 recommending to the City Council the adoption of Ordinance No. 1496 approving the Categorical Exemption and Zone Text Amendment No. 16-97501; and

WHEREAS, on the ________th day of __________ 2016, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

WHEREAS, on the ________nd day of __________ 2016, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zone Text Amendment No. 16-97501; and

WHEREAS, at this public hearing on the ________nd day of __________ 2016, the City Council considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and
WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ___ nd day of ________________ 2016;

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

SECTION 1. ENVIRONMENTAL.

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

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

SECTION 2. REQUIRED FINDINGS.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 16-97501.

Finding No. 1: Proposed Zone Text Amendment No. 16-97501 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 16-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in meeting some of the
objectives of the General Plan and more specifically that of the Economic Development Element.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”. It is anticipated that allowing vehicle and auto sales both new and used as a permitted use in the Industrial and Airport Industrial zoning districts will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities.

Finding No. 2: Proposed Zone Text Amendment No. 16-97501 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 16-97501 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare. A review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and, the purpose of the proposed changes are to provide internal consistency within the text with the following examples listed.

The residential use “Multi-family Dwelling” as listed in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses is permitted subject to a conditional use permit. However, the Minimum Lot Size (Ac.) Multi-Family Units standards and parameters as listed in Table 17.08.030 Residential Development Standards currently designates that the minimum lot size for Low Density Residential (LDR) is “N/A” (not applicable). Therefore, the minimum lot size standard is amended to “2 Ac.” to be consistent with the other multi-family land uses.

There are other inconsistencies within the text, conflicting information between sections, and a need for clarifications as identified in the Staff Report dated April 6, 2016, such as a process for provision for the City to collect reasonable fees to process the
negative declaration or environmental impact report necessary to comply with CEQA.

**Finding No. 3:** The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3. CITY COUNCIL ACTION.**

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zone Text Amendment No. 16-97501.

2. **Approve Zone Text Amendment No. 16-97501 as follows:**

Amend the Minimum Lot Size (Ac.) Multi-Family Units standards and parameters as listed in Table 17.08.030 Residential Development Standards as follows:

<table>
<thead>
<tr>
<th></th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (Ac.) Multi-Family Units</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>&quot;2 Ac.&quot;</td>
<td>2 Ac.</td>
<td>2 Ac.</td>
<td>2 Ac.</td>
</tr>
</tbody>
</table>

Amend the Second Dwelling Unit uses as listed in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses as follows:

<table>
<thead>
<tr>
<th></th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Dwelling Unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>&quot;P&quot;</td>
<td>&quot;P&quot;</td>
<td>X</td>
</tr>
</tbody>
</table>
Amend the preamble to Section 17.08.140 *Multi-family housing standards* as follows:

17.08.140 Multi-family housing standards.

"Multi-family housing is permitted in the MDR, HDR and VHDR zones, and conditionally permitted in the LDR zone; and, is subject to design review. Multi-family housing shall be constructed in the following manner;"

Amend paragraph G of Section 17.08.250 *Single-family architecture* as follows:

"G. Equipment Screening. All heating and air conditioning equipment, pool equipment, etc., must be located in the side or rear yard, and must be screened. The method of screening must be architecturally compatible in terms of materials, color, finish, shape and size. The screening design should blend with the building design. Where individual equipment is provided, a continuous screen is desirable. Landscaping of sufficient density and height may be used for equipment screening."

Amend Section 17.24.070 *Environmental resources/constraints* as follows:

17.24.070 - Environmental resources/constraints.

"A. All development proposals shall be reviewed for compliance with the California Environmental Quality Act (CEQA). If the proposal is determine to qualify as a project under CEQA, the project proponent may be required to submit specialized studies to determine the effect on specific resources and hazards, including, but not limited to, biological resources, cultural resources, geotechnical hazards, hydrology, air quality, noise, and traffic. No project shall be approved without first satisfying the requirements of CEQA.

B. When it is determined that an environmental impact report, or a negative declaration is required for a project, the application for that project shall not be deemed complete until the applicant has deposited with the City sufficient funds to pay the cost of completion of the environmental documents. The Director shall determine the amount of funds required to be deposited with the City for the preparation and review of the environment documents and shall advise the applicant of the amount required."

Amend the *Auto, mobile home, and motor vehicle sales, and part sales, new;* and, amend the *Auto, mobile home, and motor vehicle sales, and part sales, new and used* uses as listed in Table 17.12.020 *Permitted, conditional and prohibited uses* as follows:
<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto, mobile home, and motor vehicle sales, and part sales, new</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>&quot;P&quot;</td>
<td>&quot;P&quot;</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Auto, mobile home, and motor vehicle sales, and part sales, new and used</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>&quot;P&quot;</td>
<td>&quot;P&quot;</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. PUBLICATION; EFFECTIVE DATE.**

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.
PASSED, APPROVED, AND ADOPTED this __ day of __________, 2016.

________________________________________
Arthur L. Welch, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

________________________________________
Anthony R. Taylor, City Attorney
Aleshire & Wynder, LLP

ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1496 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the __________ day of ____________, 2016, and was duly adopted at a regular meeting of said City Council on the __________ day of ____________, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________________
Marie A. Calderon, City Clerk
City of Banning, California
ATTACHMENT 3
Public Hearing Notice
NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF A PUBLIC HEARING FOR ZONE TEXT AMENDMENT (ZTA) NO. 16-97501 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, April 6, 2016, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ranney Street, Banning, California, to consider proposed Zone Text Amendment (ZTA) 16-97501 pursuant to Chapter 7.119 (Zoning Ordinance Amendments) of the City of Banning Municipal Code. The proposal consists of amending the Minimum Lot Size (Sec. 17.06.100), Multi-family Unit standards and parameters as listed in Table 17.08.000 Residential Development Standards; amending the Second Dwelling Unit zone as listed in Table 17.08.020 Permitted, Conditional and Prohibited; Residential Uses; amending paragraphs B of Section 17.06.110 Second Unit standards; amending the preamble to Section 17.08.140 Multi-family housing standards; amending paragraph E of Section 17.08.020 Single-family architecture; amending Section 17.24.070 Environmental resource constraints; and, amending the Auto, mobile home, curb-level vehicle sales, and parts sales, new and used as listed in Table 17.12.000 Permitted, conditional and prohibited uses. Information regarding the Categorical Exemption and Zone Text Amendment (ZTA) 16-97501 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 Ranney Street, Banning. You may also go to the City of Banning website at http://www.cityofbanning.ca.gov. All parties interested in speaking either in support of or in opposition to this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning, P.O. Box 908, 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 this 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 65022). BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA Dated: March 23, 2016 Public Notice: March 25, 2016 Published in the Record Gazette No. 129666 03-25-2016

State of California  ss.
County of Riverside  ss.

I am a citizen of the United States and a resident of the State of California, over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

March 25, 2016

NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF A PUBLIC HEARING FOR ZONE TEXT AMENDMENT (ZTA) NO. 16-97501 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, April 6, 2016, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ranney Street, Banning, California, to consider proposed Zone Text Amendment (ZTA) 16-97501 pursuant to Chapter 7.119 (Zoning Ordinance Amendments) of the City of Banning Municipal Code. The proposal consists of amending the Minimum Lot Size (Sec. 17.06.100), Multi-family Unit standards and parameters as listed in Table 17.08.000 Residential Development Standards; amending the Second Dwelling Unit zone as listed in Table 17.08.020 Permitted, Conditional and Prohibited; Residential Uses; amending paragraphs B of Section 17.06.110 Second Unit standards; amending the preamble to Section 17.08.140 Multi-family housing standards; amending paragraph E of Section 17.08.020 Single-family architecture; amending Section 17.24.070 Environmental resource constraints; and, amending the Auto, mobile home, curb-level vehicle sales, and parts sales, new and used as listed in Table 17.12.000 Permitted, conditional and prohibited uses. Information regarding the Categorical Exemption and Zone Text Amendment (ZTA) 16-97501 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 Ranney Street, Banning. You may also go to the City of Banning website at http://www.cityofbanning.ca.gov. All parties interested in speaking either in support of or in opposition to this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning, P.O. Box 908, 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 this 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 65022). BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA Dated: March 23, 2016 Public Notice: March 25, 2016 Published in the Record Gazette No. 129666 03-25-2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Executed on: 03/25/2016

At Banning, CA