I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioners Krick, Briant, Price, Wallace, Chairman Shaw

II. PUBLIC COMMENTS - On Items Not on the Agenda

A five-minute limitation shall apply to each member of the public who wishes to address the Chairman and Commissioners for items not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff or future study, research, completion and/or future Commissioner Action.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

III. CONSENT CALENDAR ITEMS:

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

Minutes of April 5, 2017 Regular Planning Commission meeting………………….Page 1

IV. PUBLIC HEARINGS:

1. DISCUSS AND CONSIDER APPROVAL OF CONDITIONAL USE PERMIT 17-8001 BY RESOLUTION 2017-06 FOR LA QUINTA HOTEL, TO ALLOW EXCESS HEIGHT AT A MAXIMUM OF 48 FEET FOR A THREE STORY HOTEL ON THE PARCEL IDENTIFIED AS APN 541-150-020, LOCATED ON THE NORTHWEST CORNER OF EAST RAMSEY AND HARGRAVE STREETS, IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT.
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 adopt Resolution 2017-06.

I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption shall be filed.

II. Adopt Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001 subject to the Findings and Conditions of Approval.

2. DISCUSS AND CONSIDER TENTATIVE TRACT MAPS No. 35966 and No. 35967. PROPOSAL TO SUBDIVIDE 1523 ACRES OF VACANT LAND (616 AND 907 ACRES RESPECTIVELY) FOR PURPOSES OF CREATING 129 LOTS (61 AND 68 LOTS, RESPECTIVELY) FOR FINANCING AND CONVEYANCE PURPOSES WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA.

RECOMMENDATION:
That the Planning Commission adopt Resolution 2017-09 recommending the following:
I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption shall be filed; and

II. Adopt Resolution 2017-09 approving Tentative Tract Map 35966 to create 61 lots for financing and conveyance purposes only, and approving Tentative Tract Map 35967 to create 68 lots for financing and conveyance purposes only, subject to the conditions of approval.

3. DISCUSS AND CONSIDER MUNICIPAL CODE AMENDMENT 17-9503 TO AMEND THE PRECISE PLAN OF STREETS AND HIGHWAYS SECTION OF THE MUNICIPAL CODE (TITLE 12.04 STREET AND HIGHWAY COMPREHENSIVE PLAN) PROVIDING FOR THE REALIGNMENT OF THE JOSHUA PALMER WAY AND HIGHLAND SPRINGS AVENUE INTERSECTION TO A LOCATION APPROXIMATELY 250 FEET NORTH IMPROVING THE LEVEL OF SERVICE IN THE AREA.

Staff Report

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

RECOMMENDATION:

That the Planning Commission adopt Resolution 2017-08 recommending the following:

I. Recommending to the City Council that adoption of Municipal Code Amendment 17-9503 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c); and

II. Recommending to the City Council the adoption of Ordinance 1511 approving Municipal Code Amendment 17-9503.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of June 7, 2017 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

REGULAR PLANNING COMMISSION MEETING MINUTES

April 5, 2017

A regular meeting of the City of Banning Planning Commission was held on Wednesday, April 5, 2017 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Shaw
Vice-Chairman Krick
Commissioner Price
Commissioner Wallace

Commissioner Absent: Commissioner Briant (Excused)

Staff Present: Interim Community Development Director, Patty Nevins
City Manager, Michael Rock
Interim Assistant City Attorney, Gregg W. Kettles
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS

No comments

III. CONSENT CALENDAR ITEMS


ACTION (KRICK/PRICE): (Motion Carried 4 -0, Briant absent)

IV. PUBLIC HEARINGS

1. DISCUSS AND CONSIDER APPROVAL OF CONDITIONAL USE PERMIT 17-8001 BY RESOLUTION 2017-06 FOR LA QUINTA HOTEL, TO ALLOW EXCESS HEIGHT AT A MAXIMUM OF 48 FEET FOR A THREE STORY HOTEL ON THE PARCEL IDENTIFIED AS APN 541-150-020, LOCATED ON THE NORTHWEST CORNER OF EAST RAMSEY AND HARGRAVE STREETS, IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT. APPROVAL WOULD SERVE TO EXTEND THE PREVIOUS CONDITIONAL USE PERMIT APPROVAL, WHICH WAS GRANTED ON OCTOBER 1, 2014 AND EXPIRED ON OCTOBER 1, 2016.

Planning Commission Meeting Minutes
April 5, 2017
Interim Community Development Director Nevins presented the staff report; she said the request for approval is for excess height to construct a hotel at three-stories, with a maximum height of 48 feet to be located at 775 E. Ramsey Street in the General Commercial Zoning District. The project was originally approved in October of 2014; there was a Conditional Use Permit (CUP) and a Design Permit Application for the project. The Design Review came back for modification and this resulted in a different timeline. Both entitlements had a two year approval with a one year extension that can be granted by the Community Development Director. Nevins further explained that subsequently the Conditional Use Permit for the height expired, and this request tonight will essentially serve as an extension to accompany the Design Review.

The applicants have submitted construction plans to the City for review and conditions from the previous approval will remain intact with this approval.

Nevins explained that the applicant had an unavoidable conflict and was not able to attend this evening to answer questions regarding their project.

Commissioner Krick questioned the height of the pole sign that’s located to the west property line of the project, and if approval was obtained from the Airport Land Use Commission (ALUC).

Nevins said the pole sign would require a separate review and approval from the Airport Land Use Commission.

Nevins said the gas tanks were removed from the site in January 2014 with approval from Riverside County without contamination.

Commissioner Krick said he’s concerned about the extended time this approval will grant the applicant; he said he would like to see the current building be demolished within the next six months.

Commissioner’s Krick and Price agreed that security cameras be added to the current conditions of approval for this project.

Chairman Shaw opened public hearing.

Frank J. Burgess said he would like to see the project be approved, but also noted the lack of the project representative at the meeting and also stated that the Conditional Use Permit should not be an extension since the previous approval expired.

It was explained that this new Conditional Use Permit application was submitted with all applicable fees required. Nevins stated that she would correct the staff report verbiage.

Chairman Shaw closed public hearing.
Discussion was made about setting a shorter time frame and alternatives to the Conditional Use Permit as to when the demolition of the existing building should occur.

Further discussion was made about adding a condition that allows the City for the removal of the existing building.

Interim Assistant City Attorney, Gregg W. Kettles said he discourages the Commission from inserting this type of condition that would allow the City to remove the building within a specific time.

A consensus was made from the Commission that they would like to have the applicant present during the presentation of the project.

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

CONDITIONAL USE PERMIT 17-8001 BY RESOLUTION 2017-06 FOR LA QUINTA HOTEL, TO ALLOW EXCESS HEIGHT AT A MAXIMUM OF 48 FEET FOR A THREE STORY HOTEL ON THE PARCEL IDENTIFIED AS APN 541-150-020, LOCATED ON THE NORTHWEST CORNER OF EAST RAMSEY AND HARGRAVE STREETS, IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT.

CONTINUE TO THE NEXT REGULAR PLANNING COMMISSION MEETING OF MAY 3, 2017.

(Motion Carried 4 -0)

2. **DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPALCODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT.**

Interim Director Nevins presented the staff report; she said these modifications are to bring clarifications to the code and to clean-up some typographical errors.

Commissioner Krick said he’s glad to see some of these code clean-up’s be brought forward and corrected.

Chairman Shaw opened public hearing.
None

**ACTION (WALLACE/KRICK):** A motion was moved, seconded and carried that the Planning Commission take the following action:
That the Planning Commission adopt Resolution 2017-07 recommending the following:

I. That the City Council adopt a Categorical Exemption for Zoning Text Amendment 17-97502; and

II. That the City Council adopt Ordinance 1510 approving Zoning Text Amendment 17-97502.

(Motion Carried 4 -0)

V. PLANNING COMMISSIONER COMMENTS:
    Commissioner Price asked about the status of Banning Business Center on Lincoln Street.

City Manager, Michael Rock said this property is currently under receivership awaiting review and approval from the judge for the City to receive the property; once approval is received, the City will begin the demolition process, then market the property.

VI. COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS:
    None

VII. ADJOURNMENT:
    There being no further business, the meeting was adjourned at 7:23 p.m.

Respectfully submitted,

____________________
Sandra Calderon
Recording Secretary

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

MEETING DATE: May 3, 2017

TO: Planning Commission

FROM: Patty Nevins, Interim Community Development Director

SUBJECT: CONDITIONAL USE PERMIT 17-8001. PROPOSAL TO ALLOW EXCESS HEIGHT UP TO 48 FEET FOR A THREE STORY HOTEL (LA QUINTA HOTEL) TO BE LOCATED AT 775 E. RAMSEY STREET (APN 541-150-020) WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT

RECOMMENDATION:

I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption shall be filed.

II. Adopt Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001 subject to the Findings and Conditions of Approval contained therein.

APPLICANT INFORMATION:

Project Applicant: Joseph Karaki
Western States Engineering, Inc.
4887 E. La Palma Suite 707
Anaheim, CA 92607

Property Owner: Danny Wei
Pacific Banning, Inc.
2483 San Gabriel Blvd.
Rosemead, CA 91770

Project Location: 775 E. Ramsey Street
REQUEST:

The applicant, Joseph Karaki, is requesting approval of a Conditional Use Permit to allow excess height at a maximum of 48 feet for a three story hotel on the parcel identified as APN 541-150-020, located on the northwest corner of East Ramsey and Hargrave Streets, in the General Commercial (GC) zoning district.

PREVIOUS PUBLIC HEARING:

This item was initially considered at the Planning Commission’s April 5, 2017 meeting. At that time, the Commission continued the public hearing so that the applicant could be present to answer questions regarding development timing. The April 5, 2017 staff report, which included the original project 2014 staff report and adopted Negative Declaration, is available at http://www.ci.banning.ca.us/Archive.aspx?AMID=32&Type=Recent.

The applicant has indicated that the project is ready to move forward with development while noting that pending public infrastructure projects (storm and street widening improvements) will likely affect their construction schedule.

BACKGROUND:

The La Quinta Hotel project was originally considered by the Planning Commission on October 1, 2014 and approved with Resolution 2014-12. The approval included Design Review 13-7002 for the construction of a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café in the General Commercial (GC) zoning district; and Conditional Use Permit 13-8004 to allow a third story for an overall 48’ high building as provided for by Table 17.12.030 of the Zoning Ordinance.

An amendment to the Design Review approval, to change the architectural design of the buildings from a “Mediterranean” to “contemporary” architectural design, was applied for and approved by the Planning Commission on April 1, 2015. The amendment to Design Review 13-7002 adopted with Resolution 2015-07 remains active (a one-year administrative extension as provided for under Section 17.56.080 of the Zoning Ordinance was applied for and granted by the Community Development Director). However the Conditional Use Permit to allow the height of 48 feet and three stories has since expired. Unless an extension is applied for and granted, both Conditional Use Permits and Design Review approvals must be exercised by commencement of construction within two years or they become null and void.
**ANALYSIS:**

Per the Zoning Ordinance, the General Commercial land use designation allows two story buildings at a maximum height of 35-feet. The applicant is requesting approval to allow the hotel to exceed the maximum height, and construct the hotel at three-stories, with a maximum height of 48 feet as approved under the Design Review.

The proposed Conditional Use Permit (CUP 17-8001) does not propose to alter the previously approved height or design of the building, nor the site and circulation layout design. Therefore, new and/or revised Conditions of Approval have not been requested.

The summary table below lists the uses surrounding the site:

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<th>Land Use Summary Table</th>
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<tr>
<td><strong>Existing Land Use</strong></td>
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<td><strong>Subject Site</strong></td>
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**Conditional Use Permit - Additional Building Height**

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. The Planning Commission may want to impose limits that would make the use more compatible with the neighborhood in which it is proposed to be located.
The Commercial Development Standards limit building height to 35 feet in the General Commercial zoning district. Additional height may be permitted with approval of a Conditional Use Permit (CUP) as noted in Table 17.12.030 of the zoning ordinance. As noted with the previous CUP consideration, the applicant’s request for approval of building height of up to 48 feet would allow the construction of the third story for the hotel building. The additional building height provides for 34 of the hotel rooms that would be available for use. The hotel is proposed to be located in the vicinity of Interstate 10 that serves as a highway for the traveling public, and temporary lodging facilities are a direct need of the traveling public.

The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment; therefore, it is recommended that the Conditional Use Permit for additional building height be granted, subject to all conditions of the original project approval granted on October 1, 2014.

Other Discussion

Although not germane to the application at hand, it is noted that the plans provided indicate that the proposed hotel will include 83 rooms whereas the original Resolution approving the project identifies the project as having 81 rooms. The approved amended design review plans included 83 rooms (although overall reduced building square footage), however the amendment resolution also identified the hotel as having 81 rooms. The difference is considered negligible and assuming compliance with the plans and all conditions, the hotel would be approved with 83 units during building permit plancheck.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

On October 1, 2014, the Planning Commission adopted Resolution 2014-14 adopting an Initial Study/Negative Declaration for the project in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Conditional Use Permit 13-8004.

The California Environmental Quality Act (CEQA) Guidelines Section 15162 sets forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. Section 15162(a) states that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous Negative Declaration due to the involvement of new significant
environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:

   a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or

   b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or

   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Staff finds that none of these circumstances have occurred and as such, no additional environmental review is required.

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 17-8001:**

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval for Conditional Use Permit 17-8001:
Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of General Commercial (GC) allows hotel and restaurant uses with the provision for additional building height subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide a hotel building consisting of approximately 49,219 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

Further, the project is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues". The proposed project will generate the need for hotel management and service worker positions; and, food service management and worker positions. Additionally, transient occupancy tax revenues will be created by the hotel operation especially as it relates to approving the additional building height as it provides a significant portion of the available hotel rooms needed by the traveling public.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The additional building height for the hotel building is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment because the developer has agreed to set the building back at least 30 feet from the property lines. The proposed project meets the development standards as required in Table 17.12.030 of the zoning ordinance and other design guidelines as shown in this staff report.

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 GC land use district in which it is to be located because it is surrounded by existing developments and the Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. 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 have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

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

Findings of Fact: The subject site is basically flat with a gentle slope to the southeast, and is surrounded by developed roadways providing suitable access (Ramsey Street, Hargrave Street, and Williams Street). The 2.66 acre land area is of adequate size to accommodate the proposed use including building area, parking area, site circulation, and landscaping with conditions as shown in the staff report dated October 1, 2014.

Furthermore, the review of the project by the Riverside County Airport Land Use Commission found the proposed project consistent with the Banning Municipal Airport Land Use Compatibility Plan subject to certain conditions.

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 served by the public and private utilities, including the City’s water, sewer, and electrical utilities. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel
waterline in Ramsey Street. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site.

The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system. Additionally, the City requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance. Provisions of the Ordinance will require connection permits, monitoring and inspection of the project, and restrictions on certain wastewater discharges.

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 environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the Initial Study/Negative Declaration for the project dated August 13, 2014. There have been no substantial changes in either the project or the circumstances under which the project is undertaken, nor any new information, that would change the findings of the previous Negative Declaration; therefore, no further environmental review is required.

The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

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: A hotel use is a permitted use in the General Commercial (GC) zone. The proposed project will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval as listed within this staff report. The project will not generate excessive
noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience or welfare of the City as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

PUBLIC COMMUNICATION:

Proposed Conditional Use Permit 17-8001 was advertised in the Record Gazette newspaper on March 24, 2017 (Attachment 3) and notices were mailed to property owners within 300 feet of the subject property. At the April 5, 2017 Planning Commission meeting, one property owner spoke, indicating that he supported the project. At the April 5, 2017 meeting, the public hearing was continued to a date specific, May 3, 2017. As of the date of this report, staff has not received any comments for or against the proposal.

ATTACHMENTS:

1. Resolution 2017-06
2. Exhibits – Plans
3. Public Hearing Notice

Approved By:

Patty Nevins
Interim Community Development Director
ATTACHMENT 1
Resolution 2017-06
RESOLUTION 2017-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING THE EXTENSION OF A PREVIOUS APPROVAL FOR A THREE STORY HOTEL ON A 2.66 ACRE PARCEL LOCATED AT 775 E. RAMSEY STREET WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT

WHEREAS, an application for a Conditional Use Permit to allow construction of a hotel at three stories and up to 48 feet has been duly filed by:

Project Applicant: Joseph Karaki - Western States Engineering, Inc.
4887 E. La Palma Street, Suite 707
Anaheim, CA 92807

APN: 541-150-020 (775 E. Ramsey Street)

Lot Area: 2.66 acres

WHEREAS, Design Review 13-7002 Amendment No. 1, for a three story hotel, in conjunction with a drive-thru and deli café is still valid;

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 17-8001 to construct an approved three story hotel and a maximum of 48 feet in height on a 2.77 acre parcel in the General Commercial (GC) zone located north of Ramsey Street west of Hargrave Street; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed the Negative Declaration associated with previously approved Conditional Use Permit 13-8004 and Design Review 13-7002 and determined that, pursuant to CEQA Section 15062(a) no factors listed in CEQA Guidelines Sections, 15162(a) have occurred; and, therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and

WHEREAS, on March 24, 2017, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning Conditional Use Permit 17-8001. The City also mailed public hearing notices to the owners of properties that are directly affected by the Conditional use Permit and to the property owners that are located within a 300’ radius of the project boundaries. At the April 5, 2017 Planning Commission meeting, the Planning Commission continued the public hearing to the May 5, meeting.

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)

The potential environmental effects of the project were addressed in the Negative Declaration adopted for CUP 13-8004 and DR 13-7002 for a three story hotel in conjunction with a drive-thru and deli café. The current proposal would be sited in the same location, but with less square footage than was originally analyzed and there have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15062(a), no factors listed in CEQA Guidelines Sections, 15162(a) have occurred; and, therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and

Staff has analyzed proposed Conditional Use Permit 17-8001 and determined that the Project meets the above criteria and no further environmental review is required.

The Planning Commission has analyzed proposed Conditional Use Permit 17-8001 and has determined that pursuant to §15162 of the CEQA Guidelines no further environmental review is required.

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 2017-8001:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Conditional Use Permit 17-8001:

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall
provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of General Commercial (GC) allows hotel and restaurant uses with the provision for additional building height subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide a hotel building consisting of approximately 49,219 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate the need for hotel management and service worker positions; and, food service management and worker positions. Additionally, transient occupancy tax revenues will be created by the hotel operation especially as it relates to approving the additional building height as it provides a significant portion of the available hotel rooms needed by the traveling public.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The additional building height for the hotel building is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment because the developer has agreed to set the building back at least 30 feet from the property lines. The proposed project meets the development standards as required in Table 17.12.030 of the zoning ordinance and other design guidelines as shown in this staff report dated May 3, 2017.
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 GC land use district in which it is to be located because it is surrounded by existing developments and the Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. 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 have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

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

Findings of Fact: The subject site is basically flat with a gentle slope to the southeast, and is surrounded by developed roadways providing suitable access (Ramsey Street, Hargrave Street, and Williams Street). The 2.66 acre land area is of adequate size to accommodate the proposed use including building area, parking area, site circulation, and landscaping with conditions as shown in the staff report dated October 1, 2014.

Furthermore, the review of the project by the Riverside County Airport Land Use Commission found the proposed project consistent with the Banning Municipal Airport Land Use Compatibility Plan subject to certain conditions.
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 served by the public and private utilities, including the City’s water, sewer, and electrical utilities. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel waterline in Ramsey Street. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site.

The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system. Additionally, the City requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance. Provisions of the Ordinance will require connection permits, monitoring and inspection of the project, and restrictions on certain wastewater discharges.

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 environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014. There have been no substantial changes in either the project or the circumstances under which the project is undertaken, nor any new information, that would change the findings of the previous Negative Declaration; therefore, no further environmental review is required.

The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines. Additionally, a 6 foot tall solid wall along with
landscaping will separate the site from the legal non-conforming residential properties nearby.

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: A hotel and restaurant use is a permitted use in the General Commercial (GC) zone. The proposed project will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval as listed within this staff report dated May 3, 2107. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience or welfare of the City as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2017-06:
   a. In accordance with CEQA Guidelines Section 15062 the Planning Commission hereby determines that potential environmental impacts associated with the proposed project were analyzed under the Negative Declaration adopted for Conditional Use Permit 13-8004 and Design Review 13-7002 and no further environmental review is required.
   b. Conditional Use Permit 17-8001 is approved, subject to the original project Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A and in accordance with DR 13-7002 Amendment No 1.
PASSED, APPROVED AND ADOPTED this 3rd day of May 2017.

__________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________
Gregg W. Kettles
Interim Assistant City Attorney
Jenkins & Higin, LLC

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 2017-06, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of May 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Exhibits-Plans
Site Plan
ATTACHMENT 3
Public Hearing Notice
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 24, 2017

Executed on: 03/24/2017
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

MEETING DATE: May 3, 2017

TO: Planning Commission

FROM: Patty Nevins, Interim Community Development Director

SUBJECT: TENTATIVE TRACT MAPS No. 35966 and No. 35967, FILE NO. 17-4501. PROPOSAL TO SUBDIVIDE 1523 ACRES OF VACANT LAND (616 AND 907 ACRES RESPECTIVELY) FOR PURPOSES OF CREATING 129 LOTS (61 AND 68 LOTS, RESPECTIVELY) FOR FINANCING AND CONVEYANCE PURPOSES WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

RECOMMENDATION:

1. Adopt Resolution No. 2017-09 (Attachment 1), recommending that the City Council take the following actions:

   I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption shall be filed.

   II. Adopt a Resolution approving Tentative Tract Map 35966 to create 61 lots for financing and conveyance purposes only, and approving Tentative Tract Map 35967 to create 68 lots for financing and conveyance purposes only, subject to the conditions of approval.

APPLICANT INFORMATION:

Project Applicant: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879
Property Owner: Pardee Homes  
1250 Corona Pointe Court, #600  
Corona, CA 92879

Project Location: North of Wilson Street, east of Highland Springs Avenue

APN Information:  
TTM 35967: 408-120-014 through 017, 408-120-022, -025, and a portion of 408-120-020; 408-030-001 and 408-030-005

REQUEST:

Tentative Tract Maps 35966 and 35967 would subdivide a total of 1523 acres of vacant land into 129 lots for financing and conveyance purposes. The Project site is located north of Wilson Street and east of Highland Springs Road, encompassing the Butterfield Specific Plan area as shown in Figure 1.

Figure 1: Butterfield Specific Plan Area
1250 Corona Pointe Court, #600
Corona, CA  92879

Project Location: North of Wilson Street, east of Highland Springs Avenue

TTM 35967: 408-120-014 through 017, 408-120-022, -025, and a portion of 408-120-020; 408-030-001 and 408-030-005

REQUEST:

Tentative Tract Maps 35966 and 35967 would subdivide a total of 1523 acres of vacant land into 129 lots for financing and conveyance purposes. The Project site is located north of Wilson Street and east of Highland Springs Road, encompassing the Butterfield Specific Plan area as shown in Figure 1.

Figure 1: Butterfield Specific Plan Area
BACKGROUND:

The Butterfield Specific Plan was originally approved by the City Council in March of 2012. Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval of a general plan amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan; these applications were reviewed by the Planning Commission in January 2017 and were reviewed and approved by the City Council in February 2017.

The Project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning; see Figure 1. The Project site is located in the San Gorgonio Pass area joining Riverside and Perris Valley with Palm Springs and the Coachella Valley lower desert. Several major freeways connect the Project site to western Riverside and San Bernardino County: Interstate (I) 10, State Route (SR) 60, SR-79, and SR-243. Regional access to the site is provided by I-10 from Highland Springs Avenue. The site is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west, Riverside County unincorporated land to the north and northeast, and portions of Highland Home Road to the east. The San Bernardino National Forest is farther north of the Project site. The site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road.

The Project site is currently designated Specific Plan in the City’s General Plan. Site development is governed by the provisions of the Butterfield Specific Plan, which includes land use designations of Very Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Active Recreation, and Passive Open Space-Parks.

ANALYSIS:

Tentative Tract Map 35966

Tentative Tract Map No. 35966 proposes 61 lots on 616 acres for financing and conveyance purposes. This tract map covers the southerly portion of the Butterfield Specific Plan project area, generally from Wilson Street to the northerly boundary of the SCE transmission easement that transects the site.

Tentative Tract Map 35967

Tentative Tract Map No. 35967 proposes 68 lots on 907 acres for financing and conveyance purposes. This tract map covers the northerly portion of the Butterfield Specific Plan project area, excluding the substation site along the easterly edge of the site and the former annexation area at the northwest portion of the site.
Development Agreement

On April 10, 2012, in conjunction with other project entitlements, the City Council approved Ordinance 1451 approving a Development Agreement for the Butterfield Specific Plan.

In accordance with Section 9.8 Financing and Conveyance Maps of the approved Development Agreement, "The Developer may have a Master Tract map approved for the purpose of conveying portions of the Developer’s Property to others and/or for the purpose of creating legal lots which may be used as security for loans to develop the Developer’s Property and as provided in Section 6.5.1. Any such map shall not authorize any Development and shall not be subject to any conditions, exactions or restrictions, other than monumentation and conditions which do not require the payment of money or the installation or construction of improvements."

The proposed Tentative Tract maps are proposed as financing and conveyance maps only, the function of which is simply to permit conveyance of parcels to individual owners and/or to facilitate project financing. No development is proposed or permitted in conjunction with these maps; notes on the maps clearly
indicating this and a condition of approval reiterates same. No physical improvements are required for financing and conveyance maps, although tentative maps for future development of the project sites will require street design and other improvement information. Additional future approvals needed prior to site development would include design review approvals, grading permits, and other approvals and permits as may be required.

The lots depicted on each map generally correspond to the streets and planning areas depicted on the approved land use plan in the Butterfield Specific Plan. There are certain variations, however, including acreage differences for some lots and certain parks that are not depicted within the maps, e.g. parks within planning areas adjacent to Highland Home Road (see Exhibit 3 for the approved Butterfield land use plan). Notwithstanding the fact that the proposed maps do not provide development rights, to ensure that there is no ambiguity with respect to future development staff has included a condition of approval that prior to final maps, the affected lots shall be adjusted to be consistent with the approved land use plan.

Figure 3: Butterfield Specific Plan Land Use Map
ENVIRONMENTAL DETERMINATION:

1. California Environmental Quality Act (CEQA)
   Potential environment issues associated with the proposed tentative tract maps were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed.

2. Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the project mitigation monitoring program to ensure consistency with the MSHCP.

SUBDIVISION MAP ACT FINDINGS

An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 of the Banning Subdivision Municipal Code and Government Code Section 66473.1, 66473.5 and Section 66474. A tentative map must adequately meet the adopted provisions of the Title 16 Subdivision chapter based upon the following findings:

1. Tentative Tact Map 35966 and 35967 are consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan.

Findings of Fact: The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Very Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Active Recreation, and Passive Open Space-Parks. The proposed Tentative Tract Maps are generally consistent with the Butterfield Specific Plan and are for financing and conveyance purposes only. Tentative tract maps for future development will be required prior to any development of the site and will be required to be consistent with the development standards of the Butterfield Specific Plan. As such, the proposed maps are consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan.
2. The design and improvement of the subdivision proposed under Tentative Tract Maps 35966 and 35967 are consistent with the City’s General Plan.

Findings of Fact: The proposed subdivisions are for financing and conveyance purposes only and do not propose physical improvements. Future tentative tract maps are required for development purposes and will be required to be designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities.

3. The site is physically suitable for the type of development proposed under Tentative Tract Maps 35966 and 35967.

Findings of Fact: The project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road. Analysis of the project site relative to the physical suitability of the site for development was included in the approvals for the Butterfield Specific Plan. Although the current tentative tract maps do not propose development of the site, the site is physically suitable for future development as allowed under the Butterfield Specific Plan.

4. The site is physically suitable for the density of development under Tentative Tract Map 35966 and 35967.

Findings of Fact: The project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road. Analysis of the project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan. Although the current tentative tract maps do not propose development of the site, the site is physically suitable for future development densities as allowed under the Butterfield Specific Plan.

5. The design of the subdivision and improvements proposed under Tentative Tract Maps 35966 and 35967 are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: Potential environment issues associated with the proposed tentative tract maps were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). With mitigation, the project will not have a significant effect on biological resources. There have been no substantial changes in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information
that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed tentative tract maps are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. The design of the subdivision and improvements proposed under Tentative Tract Maps 35966 and 35967 is not likely to cause health problems.

**Findings of Fact:** The subdivision maps are in conformance with the City’s General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the project has been conditioned to comply with all applicable Specific Plan requirements and City of Banning ordinances, codes, and standards. In addition, the design and construction of all future improvements for development subdivision will be conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare.

7. The design of the subdivision and improvements proposed under Tentative Tract Maps 35966 and 35967 will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Findings of Fact:** Tentative Tract Maps 35966 and 35967 do not propose physical development or improvements. As such, the subdivisions will not conflict with any easements for access through or use of property within the proposed subdivisions.

8. The design of the subdivision proposed, Tentative Tract Maps 35966 and 35967 adequately provide for future passive or natural heating and cooling opportunities.

**Findings of Fact:** Tentative Tract Maps 35966 and 35967 do not propose physical development or improvements. As such, the subdivisions will not affect nor will they conflict with, future passive or natural heating and cooling opportunities.

**PUBLIC COMMUNICATION**

Tentative Tract Maps 35966 and 35967 were advertised in the Record Gazette newspaper on April 21, 2017 (Attachment 3). Additionally, the notice was mailed to all property owners within 300 feet of the Project. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.
Prepared By:

Patty Nevins
Interim Community Development Director

**Attachments:**

1. Planning Commission Resolution 2017-09
2. Tentative Tract Maps 35966 and 35967
3. Public Hearing Notice
ATTACHMENT 1

Planning Commission Resolution 2017-09
RESOLUTION 2017-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE BANNING CITY COUNCIL ADOPT RESOLUTION APPROVING TENTATIVE TRACT MAP 35966 and TENTATIVE TRACT MAP 35967 FOR FINANCING AND CONVEYANCE PURPOSES ONLY FOR PROPERTY NORTH OF WIlSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE

WHEREAS, the applicant has submitted an application for Tentative Tract Map No. 35966 and Tentative Tract Map 35967 to subdivide 1523 acres of vacant land into 129 lots (61 and 68 lots, respectively) for financing and conveyance purposes only, which was duly filed by:

Project Applicant: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Property Owner: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Parcel Address: North of Wilson Street, east of Highland Springs

APN’s:
TTM 35967: 408-120-014 through 017, 408-120-022, -025, and a portion of 408-120-020; 408-030-001 and 408-030-005

Lot Area: 1523 acres total;
TTM 35966: 616 acres TTM 35967: 907 acres

WHEREAS, the Municipal Code allows the subdivision of approximately 1523 acres and the Butterfield Specific Plan Development Agreement specifically provides for Tentative Tract Maps for financing and conveyance purposes; and

WHEREAS, the Community Development Department has evaluated the project’s potential effects on the environment as required under the California Environmental Quality Act ("CEQA") and determined that potential impacts associated with the Tentative Tract Maps were adequately analyzed under the previously approved
Final Environmental Impact Report for the Butterfield Specific Plan project and that pursuant to CEQA Section 15162 no further environmental analysis is required; and

WHEREAS, on April 21, 2017 the City gave public notice as required under Government Code Section 66451.3 by advertising in the Record Gazette Newspaper, and mailing notices to all property owners within 300 feet of the project site of the holding of a public hearing for the Planning Commission’s review, at which time the project would be considered; and

WHEREAS, on May 3, 2017, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered Tentative Tract Map 35966 and Tentative Tract Map 35967.

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)

Potential environment issues associated with the proposed tentative tract maps were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed.

Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the project mitigation monitoring program to ensure consistency with the MSHCP.

SECTION 2. FINDINGS TENTATIVE TRACT MAP

An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 of the Banning Subdivision Municipal Code and Government Code Section 66473.1, 66473.5 and Section 66474. A tentative map must adequately
meet the adopted provisions of the Title 16 Subdivision chapter based upon the following findings:

1. Tentative Tact Maps 35966 and 35967 are consistent and compatible with the objectives, policies, general land uses, and programs specified in the City's General Plan.

**Findings of Fact:** The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Very Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Active Recreation, and Passive Open Space-Parks. The proposed Tentative Tract Maps are generally consistent with the Butterfield Specific Plan and are for financing and conveyance purposes only. Tentative tract maps for future development will be required prior to any development of the site and will be required to be consistent with the development standards of the Butterfield Specific Plan. As such, the proposed maps are consistent and compatible with the objectives, policies, general land uses, and programs specified in the City's General Plan.

2. The design and improvement of the subdivision proposed under Tentative Tract Maps 35966 and 35967 are consistent with the City's General Plan.

**Findings of Fact:** The proposed subdivisions are for financing and conveyance purposes only and do not propose physical improvements. Future tentative tract maps are required for development purposes and will be required to be designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities.

3. The site is physically suitable for the type of development proposed under Tentative Tract Maps 35966 and 35967.

**Findings of Fact:** The project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road. Analysis of the project site relative to the physical suitability of the site for development was included in the approvals for the Butterfield Specific Plan. Although the current tentative tract maps do not propose development of the site, the site is physically suitable for future development as allowed under the Butterfield Specific Plan.

4. The site is physically suitable for the density of development under Tentative Tract Maps 35966 and 35967.
Findings of Fact: The project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road. Analysis of the project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan. Although the current tentative tract maps do not propose development of the site, the site is physically suitable for future development densities as allowed under the Butterfield Specific Plan.

5. The design of the subdivision and improvements proposed under Tentative Tract Maps 35966 and 35967 are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: Potential environment issues associated with the proposed tentative tract maps were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). With mitigation, the project will not have a significant effect on biological resources. There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed tentative tract maps are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. The design of the subdivision and improvements proposed under Tentative Tract Maps 35966 and 35967 are not likely to cause health problems.

Findings of Fact: The subdivision maps are in conformance with the City’s General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the project has been conditioned to comply with all applicable Specific Plan requirements and City of Banning ordinances, codes, and standards. In addition, the design and construction of all future improvements for development subdivision will be conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare.

7. The design of the subdivision and improvements proposed under Tentative Tract Maps 35966 and 35967 will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact: Tentative Tract Maps 35966 and 35967 do not propose physical development or improvements. As such, the subdivisions will not conflict with any easements for access through or use of property within the proposed subdivisions.
8. The design of the subdivision proposed, Tentative Tract Map 35966 and 35967 adequately provide for future passive or natural heating and cooling opportunities.

**Findings of Fact:** Tentative Tract Maps 35966 and 35967 do not propose physical development or improvements. As such, the subdivisions will not affect nor will they conflict with, future passive or natural heating and cooling opportunities.

**SECTION 3. PLANNING COMMISSION ACTION:**

The Planning Commission hereby adopts Resolution No. 2017-09 recommending to the City Council approval of Tentative Tract Map 35966 and Tentative Tract Map 35967 as follows:

1. Potential environment issues associated with the proposed tentative tract maps were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed.

2. Approval of Tentative Tract Map 35966 to create 61 lots for financing and conveyance purposes only, and approval of Tentative Tract Map 35967 to create 68 lots for financing and conveyance purposes only, in accordance with the maps attached as Exhibits "A" and "B" respectively and subject to the conditions of approval depicted in attached Exhibit "C".

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2017.

_________________________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Gregg W. Kettes
Interim Assistant City Attorney
Jenkins & Hogin, LLC

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. 2017-09, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of May, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
Exhibit "A"
Tentative Tract Map 35966
Exhibit "B"
Tentative Tract Map 35967
TENTATIVE TRACT NO. 35967
CITY OF BANNING,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FOR CONVEYANCE AND FINANCE PURPOSES ONLY

See Sheet B
Exhibit “C”
Tentative Tract Maps 35966 and 35967 Conditions of Approval

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, boards, 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. Approval of this entitlement shall not waive compliance with any sections of the Development Code, Butterfield Specific Plan, or other applicable City Ordinances in effect at the time of building permit issuance.

3. Approval of Tentative Tract Map 35966 and Tentative Tract Map 35967 shall be for a period of two (2) years from the date of City Council approval. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.

4. Approval of Tentative Tract Map 35966 and Tentative Map 35967 shall be for financing and conveyance purposes only. No applications for building or grading permits shall be accepted for the parcels created by this map until a future map for development has been approved by the city or as prescribed by conditions of approval already in place under the Butterfield Specific Plan and associated approvals.

5. Prior to final map, individual lots shall be modified as needed to substantially conform with the approved land use plan for the Butterfield Specific Plan.

-END-
ATTACHMENT 2

Tentative Tract Maps 35966 and 35967
(See Attachment 1, Resolution 2017-09, for Tentative Tract Map reductions)
ATTACHMENT 3

Public Hearing Notice
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:

April 21, 2017

Executed on: 04/21/2017
At Banning, CA

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

[Signature]

NOTICE OF A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A NOTICE OF EXEMPTION FOR TENTATIVE TRACT MAP NO. 35966 AND TENTATIVE TRACT MAP NO. 35967, BOTH FOR FINANCING AND CONVEYANCE PURPOSES ONLY, FOR PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, May 3, 2017, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider Project No. 14-4201, proposed Tentative Tract Map No. 35966 and Tentative Tract Map No. 35967 to subdivide property for financing and conveyance purposes only. The property is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan area.

Information regarding the Notice of Exemption and Tentative Tract Maps No. 35966 and 35967 can be obtained by contacting the City's Community Development Department at (951) 922-3129, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.

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

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

Patty Nevins
Interim Community Development Director
Dated: April 18, 2017
Publish: April 21, 2017
Published in
The Record Gazette
No. 143174
04/21/2017
CITY OF BANNING
Planning Commission Report

MEETING DATE: May 3, 2017

TO: Planning Commission

FROM: Patty Nevins, Interim Community Development Director
BY: Mark de Manincor, Project Planner

SUBJECT: MUNICIPAL CODE AMENDMENT 17-9503 TO AMEND THE PRECISE PLAN OF STREETS AND HIGHWAYS SECTION OF THE MUNICIPAL CODE (TITLE 12.04 STREET AND HIGHWAY COMPREHENSIVE PLAN) PROVIDING FOR THE REALIGNMENT OF THE JOSHUA PALMER WAY AND HIGHLAND SPRINGS AVENUE INTERSECTION TO A LOCATION APPROXIMATELY 250 FEET NORTH IMPROVING THE LEVEL OF SERVICE IN THE AREA.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2017-08 (Attachment 1):

I. Recommending to the City Council that adoption of Municipal Code Amendment 17-9503 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c); and

II. Recommending to the City Council the adoption of Ordinance 1511 approving Municipal Code Amendment 17-9503.

APPLICANT INFORMATION:

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

BACKGROUND:

As a result of the recent approval and proposed development of the Pardee Specific Plan (Ordinance 1450 and 1451) the improvement of the Joshua Palmer Way, Highland Springs Avenue intersection requires relocation. This report contains a recommendation
for an amendment to the Precise Plan of Streets and Highways to address that relocation.

Due to the deficiencies in the Level of Service (LOS) on Highland Springs Avenue between the Highway 10 (I-10) east bound exit ramp and Ramsey Street, a Traffic Operation Analysis was performed by LSA Associates, Inc., September 2007. The result of the analysis suggested several mitigation measures that would increase the LOS to acceptable levels. These mitigation measures were never utilized and a second study was performed in 2010.

On November 30, 2010, a second Traffic Operations Analysis was performed by LSA Associates, Inc. that considered the realignment of Joshua Palmer Way. This analysis determined that the mitigation measures suggested in the original 2007 study were not necessary with the realignment of Joshua Palmer Way to a location approximately 250 feet north of its existing location. This realignment is a requirement of the Development Agreement for the Pardee Specific Plan.

Currently, Joshua Palmer Way is an east-west Local Street just north of the I-10 that extends approximately 0.5 mile from Highland Springs Avenue, east, to Apex Avenue. It serves as the frontage road, providing access to businesses and residents. The majority of traffic along this street is generated by a motel and two restaurants located just east of the intersection of Highland Springs Avenue/Joshua Palmer Way.

According to the recommendations of the 2010 Traffic Operations Analysis, an alternative is proposed for realigning a section of Joshua Palmer Way such that it aligns with the existing Shopping Center Drive, to the west, to form a four-legged intersection that will be signalized. The access to existing businesses will be provided from the realigned Joshua Palmer Way, and the existing Joshua Palmer Way will be converted to additional parking and may be used as a shared drive isle between businesses without any direct access to Highland Springs Avenue. Joshua Palmer Way will have a right-of-way width of 60 feet with a continuous paved width of 40 feet. A ten foot parkway with sidewalk will be provided on both sides of the street.

Additionally, the intersection of the Highland Springs Avenue/I-10 Westbound ramp is proposed to be modified such that the stop line for the southbound approach will be moved southerly and closer to the ramps, and the left-turn lane in the southbound direction will be removed. Hence, with the proposed realignment, the existing operational issues at this intersection will be eliminated. Furthermore, the existing pocket for the northbound left-turn lane at the intersection of Highland Springs Avenue/Ramsey Street will be extended (to 150 ft.) and striped such that it aligns back-to-back with the southbound left-turn lane at the new intersection of Highland Springs Avenue/Joshua Palmer Way.

**PROPOSAL/ANALYSIS:**

In accordance with Chapter 12.04 (Street and Highway Comprehensive Plan) a precise plan of Streets and Highways is to be prepared and adopted. Additions to or amendments of the precise plan of streets and highways shall be adopted by ordinance. Each amendment shall contain a detailed map of the streets or highways project and a
statement of purpose and objective of the project. It is the responsibility of the Planning Commission to recommend to the City Council, adoption or denial of the Amendment to the Precise Plan of Streets and Highways.

Statement of Purpose and Objective

A traffic operation analysis of Highland Springs Avenue between Wilson Street and Sun Lakes Boulevard concluded that the predominant congestion along these limits occurred as a result of the deficiencies of the I-10/Highland Springs/Joshua Palmer intersections. The purpose of realigning the intersection of Highland Springs Avenue/Joshua Palmer Way to a location approximately 250 feet north of its current location is to significantly improve the Level of Service at the intersection of I-10/Highland Springs Avenue and to not adversely impact the existing traffic operations along Highland Springs Avenue in either the a.m. or p.m. peak hours.

The Highland Springs Avenue/I-10 Westbound ramps intersect approximately 100 feet south from the intersection of Highland Springs Avenue/Joshua Palmer Way; the close proximity of these intersections results in both intersections being controlled by one common traffic signal. The signal comprises of five phases; the northbound and southbound through phases operate concurrently, and the remaining phases operate independently: southbound and north bound left turns, the westbound off ramps turning/through movements and the Joshua Palmer left turn to Highland Springs Avenue. The objective is to relocate Joshua Palmer Way in order to eliminate the fifth leg at the intersection of Highland Springs Avenue/Joshua Palmer Way resulting in reduced delays (congestion).

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Municipal Code Amendment 17-9503 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15301 (c) Existing Facilities of the CEQA Guidelines which provides that minor alterations to public facilities such as streets and highways are considered a Class 1 Categorical Exemption. The project will occur on an existing roadway and will not expand the use beyond its existing use. The realignment of Joshua Palmer way is considered a minor alteration and is therefore exempt pursuant to Section 15301 (c) 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.
PUBLIC COMMUNICATION

The proposed Notice of Exemption and Municipal Code Amendment was advertised in the Record Gazette newspaper on April 21, 2017. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution 2017-08:

1. Recommending to the City Council that adoption of Municipal Code Amendment 17-9503 is exempt pursuant to Section 15301 (c) of the Environmental Quality Act; and

2. Recommending to the City Council the adoption of Ordinance 1511 approving Code Amendment 17-9503.

Attachments:

1. Planning Commission Resolution 2017-08
2. Draft Ordinance 1511
3. Public Hearing Notice

Approved By:

[Signature]

Patty Nevins
Interim Community Development Director
ATTACHMENT 1
PC Resolution 2017-08
RESOLUTION NO. 2017-08


WHEREAS, a Traffic Operations Analysis determined a level of service deficiency at the intersection of Joshua Palmer Way and Highland Springs Avenue; and

WHEREAS, the Traffic Operations Analysis provided a solution that will improve the level of service and safety at the intersection of Joshua Palmer Way and Highland Springs Avenue; and

WHEREAS, the solution requires an amendment to the Precise Plan of Streets and Highways; and

WHEREAS, staff has prepared an amendment to the Precise Plan of Streets and Highways; and

WHEREAS, the Planning Commission has authority pursuant to Section 12.04.050 (Responsibility of Planning Commission) of the City of Banning Municipal Code to make a written recommendation to the City Council to approve, approve with modifications, or disapprove amendments to the Municipal Code; and

WHEREAS, the City has reviewed the proposed Municipal Code Amendment for compliance with the California Environmental Quality Act (CEQA) and it is determined that Municipal Code Amendment 17-9503 is categorically exempt under CEQA Guidelines Section 15301 (c); and

WHEREAS, on April 21, 2017, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Notice of Exemption and Municipal Code Amendment 17-9503; and

WHEREAS, on May 3, 2017, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Notice of Exemption and Municipal Code Amendment 17-9503.
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 Planning Commission has analyzed proposed Municipal Code Amendment 17-9503 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15301 (c) Existing Facilities of the CEQA Guidelines which provides that minor alterations to public facilities such as streets and highways are considered a Class 1 Categorical Exemption. The project will occur on an existing roadway and will not expand the use beyond its existing use. The realignment of Joshua Palmer way is considered a minor alteration and is therefore exempt pursuant to Section 15301 (c) 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 MUNICIPAL CODE AMENDMENT 17-9503.

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 Municipal Code Amendment 17-9503:

Finding No. 1: Proposed Municipal Code Amendment 17-9503 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Municipal Code Amendment 17-9503 is consistent with the goals and policies of the General Plan, insofar as the General Plan Circulation Element identifies the main goal of the Circulation Element is to provide a safe and efficient transportation system. The precise plan of streets and highways project is intended to increase safety and efficiency.

Findings of Fact: Proposed Municipal Code Amendment 17-9503 is consistent with the existing provisions of the Municipal Code. This code amendment conforms to the provisions for amending the precise plan of streets and highways as outlined in Chapter 12.04 of the Banning Municipal Code.

Finding No. 3: The Planning Commission 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 Planning Commission has analyzed proposed Municipal Code Amendment 17-9503 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15301 (c) Existing Facilities of the CEQA Guidelines which provides that minor alterations to public facilities such as streets and highways are considered a Class 1 Categorical Exemption. The project will occur on an existing roadway and will not expand the use beyond its existing use. The realignment of Joshua Palmer way is considered a minor alteration and is therefore exempt pursuant to Section 15301 (c) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adoption of Planning Commission Resolution 2017-08:

1. Recommending to the City Council the adoption of a Notice of Exemption for Municipal Code Amendment 17-9503; and

2. Recommending to the City Council the adoption of Ordinance 1511 approving Municipal Code Amendment 17-9503.

ATTACHMENTS:

1. Precise Plan of Streets Map, Joshua Palmer Way/Highland Springs Avenue Intersection.
2. Draft Ordinance 1511.
PASSED, APPROVED AND ADOPTED this 3rd day of May, 2017.

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Gregg W. Kettles
Jenkins & Hogin, LLC
Interim 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. 2017-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of May, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft Ordinance 1511
ORDINANCE NO. 1511

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A NOTICE OF EXEMPTION FROM CEQA AND APPROVING MUNICIPAL CODE AMENDMENT NO. 17-9503 AMENDING THE PRECISE PLAN OF STREETS AND HIGHWAYS (CHAPTER 12.04 STREET AND HIGHWAY COMPREHENSIVE PLAN) PROVIDING FOR THE REALIGNMENT OF THE JOSHUA PALMER WAY AND HIGHLAND SPRINGS AVENUE INTERSECTION TO A LOCATION APPROXIMATELY 250 FEET TO THE NORTH

WHEREAS, the City of Banning has enacted procedural regulations as part of the adopted Municipal Code; and

WHEREAS, Title 12, Chapter 12.04, Street and Highway Comprehensive Plan, requires all amendments to the Precise Plan of Streets and Highways be adopted by Ordinance; and

WHEREAS, the City Council has authority to approve, approve with modifications, or disapprove amendments to the Municipal Code; and

WHEREAS, on May 3, 2017, the Planning Commission voted _____ to recommend to the City Council, proposed Municipal Code Amendment 17-9503; and

WHEREAS, on the _____th day of ___________ 2017 the City gave public notice as required of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which a Notice of Exemption and Municipal Code Amendment would be considered; and

WHEREAS, a duly noticed public hearing was held before the City Council on _____, 2017, to hear public testimony and consider the proposals.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA HERBY ORDAINS AS FOLLOWS:

SECTION 1: The above recitals are all true and correct.

SECTION 2: The City Council has reviewed and considered the information included in the General Plan, Zoning Code, Staff report for the public hearing, and public testimony prior to taking action on the proposed Municipal Code Amendment and Ordinance. This information is on file and available at the Community Development Department at the City Hall of the City of Banning.
SECTION 3: The City Council finds and determines that the adoption of Ordinance 1511 and Municipal Code Amendment 17-9503 is Categorically exempt pursuant to Section 15301 (c) of the California Environmental Quality Act as the Code Amendment is a minor alteration to an existing facility and the City Council determinations reflect the independent judgment of the City Council.

SECTION 4: The City Council hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in Sections 65850 thru 65863.12 of the California Government Code.

SECTION 5: The City Council of the City of Banning hereby adopts Ordinance 1511, adopting Municipal Code Amendment 17-9503, amending the Precise Plan of Streets and Highways pursuant to Chapter 12.04, incorporating a map of the realignment of Joshua Palmer Way, attached hereto as Exhibit A and incorporated herein.

SECTION 6: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 7: The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its final passage.

Attachments

1. Exhibit A, Precise Plan of Streets and Highways map of the Joshua Palmer realignment.
PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2017.

________________________________________________________
George Moyer, Mayor
City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT:

________________________________________________________
John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLC

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. 1511 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______ day of ______________, 2017, and was duly adopted at a regular meeting of said City Council on the ______ day of _______ ________, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

___________________________
Marie A. Calderon, City Clerk
City of Banning, California
EXHIBIT A
Map of Joshua Palmer Way Realignment
ATTACHMENT 3
Public Hearing Notice
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, 1968, 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:

April 21, 2017

NOTICE OF A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A NOTICE OF EXEMPTION FOR MUNICIPAL CODE AMENDMENT NO. 17-9503 AMENDING THE PRECISE PLAN OF STREETS AND HIGHWAYS (TITLE 12 OF THE BANNING MUNICIPAL CODE) PROVIDING FOR THE REALIGNMENT OF THE JOSHUA PALMER WAY AND HIGHLAND SPRINGS AVENUE INTERSECTION TO A LOCATION APPROXIMATELY 260 FEET NORTH.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, May 3, 2017, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Municipal Code Amendment No. 17-9503 pursuant to Chapter 12.04.030 (Additions and Amendments) of the City of Banning Municipal Code. The proposal consists of amending the Precise Plan of Streets and Highways pursuant to Chapter 12.04 (Street and Highway Comprehensive Plan), to allow for the realignment of the Joshua Palmer Way and Highland Springs Avenue intersection to a location 250 feet north of its existing location to eliminate the fifth leg of the intersection, thereby increasing the level of service at that intersection.

Information regarding the Notice of Exemption and Municipal Code Amendment No. 17-9503 can be obtained by contacting the City's Community Development Department at 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us/. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 988, 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 Planning Commission makes its decision on the proposal, or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA.

Patty Nevins
Interim Community Development Director
Dated: April 18, 2017
Publish: April 21, 2017
Published in
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No. 143175
4/21/2017

Executed on: 04/21/2017
At Banning, CA

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

[Signature]

Virginia Bradford