I. CALL TO ORDER: Chairman Shaw

➢ Pledge of Allegiance: Commissioner Price

➢ Roll Call: Commissioners Krick, Briant, Price, Schuler, 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. (Items received under this heading may be 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 May 3, 2017 Regular Planning Commission meeting

IV. PUBLIC HEARINGS:

1. DISCUSS AND CONSIDER NOTICE OF EXEMPTION, CONDITIONAL USE PERMIT AMENDMENT 17-8002 AND RESOLUTION 2017-11 FOR A PROPOSED 6,000 SQUARE FOOT IMPROVEMENT TO AN EXISTING MEDICAL OFFICE FACILITY LOCATED AT 1070 EAST RAMSEY STREET AND OFF-SITE PARKING LOCATED AT 1415 EAST RAMSEY STREET.

Staff Report
Order of Procedure:

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

RECOMMENDATION:

That the Planning Commission adopt Resolution 2017-11:

I. Adopt findings and approve Conditional Use Permit Amendment 17-8002 subject to the Conditions of Approval.

II. Adopt a Categorical Exemption pursuant to CEQA Section 15301 (Existing Facilities) and direct Staff to file a Notice of Exemption with the County Recorder.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of July 5, 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].
A regular meeting of the City of Banning Planning Commission was held on Wednesday, May 3, 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 Briant

Commissioner Absent: Commissioner Wallace

Staff Present: Interim Community Development Director, Patty Nevins
Interim Assistant City Attorney, Gregg W. Kettles
Public Works Director/City Engineer, Art Vela
Contract Planner, Mark de Manincor
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS

None

III. CONSENT CALENDAR ITEMS


ACTION: Motion/Second (KRICK/PRICE) to approve the April 5, 2017 Planning Commission meeting minutes. (Motion Carried 4-0, Wallace 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.
Interim Community Development Director Nevins presented the staff report; she said that 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 considered at the April 5, 2017 meeting, at which time the public hearing was continued to the May 3, 2017 meeting to allow the applicant to attend and to answer questions related to the anticipated development time schedule.

Nevins explained that this is a new Conditional Use Permit and not an extension. The approval of this application will potentially provide the applicant with two years to commence construction for this proposed project.

Joseph Karaki, architect for the applicant, said that security cameras will be included as part of this project and will be shown in future plan submittal.

Karaki said construction will start as soon as the City completes the street improvement for the storm drain along Hargrave Street to ensure it doesn’t complicate accessibility to the site for their construction. Discussion took place regarding the time frame the City will potentially take to complete the street improvements.

Director Vela said there will be two public improvement projects taking place; one is being undertaken by Riverside Flood Control and the second is by the City of Banning; both projects should be completed early next year. In response to questions, Vela added that the City’s street improvement plan for the widening of Hargrave Street does include street lights.

Karaki said he will discuss with his client the possibility of expediting the demolition of the existing building.

Commissioner Krick said he would like to tie the removal of the existing buildings to any agreement made tonight.

Chairman Shaw opened the public hearing.

There were no public comments.

**ACTION:** Motion/Second (KRICK/PRICE) that the Planning Commission take the following action:

That the Planning Commission adopt Resolution 2017-06,

I. Finding 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.
Approving Conditional Use Permit (CUP) 17-8001 subject to the Findings and Conditions of Approval indicated, with an added condition to read as follows:

The applicant shall demolish all buildings on-site within six months from the date of Planning Commission approval. If the buildings are not demolished within the six-month period, then the Conditional Use Permit must be exercised by the commencement of construction within one year from the date of approval or the Conditional Use Permit shall become null and void.

Otherwise, the Conditional Use Permit must be exercised by the commencement of construction within two years from the date of approval or the Conditional Use Permit shall become null and void.

(Motion Carried 4-0, Wallace absent)

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.

Commissioner Krick recused himself from discussion and voting for this project due to a conflict of interest.

Interim Director Nevins presented the staff report; she stated that the two Tentative Tract Maps will subdivide land within the Butterfield Specific Plan area for financing purposes. This is part of the Butterfield project, which was originally approved by the City Council in 2012; the applicant returned to the City earlier this year for approval of modifications including a General Plan Amendment dealing with Highland Home Road and minor modifications that reduced the number of proposed units.

The current proposed project tentative maps are for financing and conveyance purposes only, do not convey development rights to the applicant, and require additional entitlements in order to develop the land.

Chairman Shaw opened the public hearing. There were no public comments.

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

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.

(Motion Carried 3-0, Wallace absent, Krick recused)

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.

Contract Planner, de Manincor presented the staff report. He indicated that the Municipal Code Amendment was to amend the precise plan of streets and highways of our Municipal Code. As a result of the recent approval of the proposed Butterfield Specific Plan and several traffic operation analyses of the Highland Springs/Joshua Palmer Way intersection, it was determined that the level of service could be improved by the relocation of Joshua Palmer Way.

The traffic analysis that was performed on November 30, 2010 recommended that the City realign Joshua Palmer Way to a position of about 250 feet north of its current location that would align with the driveway at the commercial center across Highland Springs Avenue.

Director Vela said that the City does not have a set street improvement schedule at this point but plans are close to completion. The Project is being discussed with all affected property owners and once the right-of-way is attained, the project will move forward.

Pardee will be responsible for the street improvements that include funding and management of the project.

Traffic signals will be maintained by joint agreement with the City of Beaumont; this agreement will identify the responsibility of each jurisdiction.

Vela said there was a focused traffic impact analysis that was done to evaluate the congestion issues on Highland Springs Avenue between Ramsey and Sun Lakes Blvd. The study showed the predominant congestion issues happening at the intersection of I-10 and the Highland Springs/Joshua Palmer intersection; another focused study was done and it showed that the operation of that intersection would drastically improve with the relocation of Joshua Palmer Way.

Vela said that he sees this project as a temporary solution to the current congestion that is present at this intersection, and said the City of Beaumont started a project study report to look at the long term solution for the interchange.
Chairman Shaw opened public hearing.

A resident of Banning asked who will be purchasing the properties along Joshua Palmer, and when this transaction will be completed.

Director Vela said the right-of-way needs to be completed and discussions continue with the property owners.

Chairman Shaw closed the public hearing.

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

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.

(Motion Carried 4 -0, Wallace absent)

V. **PLANNING COMMISSIONER COMMENTS:**

None

VI. **COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:**

None

VII. **ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:20 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: June 7, 2017

TO: Planning Commission

FROM: Patty Nevins, Interim Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

SUBJECT: NOTICE OF EXEMPTION, CONDITIONAL USE PERMIT AMENDMENT 17-8002 AND RESOLUTION 2017-11 FOR A PROPOSED 6,000 SQUARE FOOT IMPROVEMENT TO AN EXISTING MEDICAL OFFICE FACILITY LOCATED AT 1070 EAST RAMSEY STREET AND OFF-SITE PARKING LOCATED AT 1415 EAST RAMSEY STREET

RECOMMENDATION:

That the Planning Commission adopt Resolution 2017-11 (Attachment 1)

1. Adopt findings and approve Conditional Use Permit Amendment 17-8002 subject to the Conditions of Approval contained therein.
2. Adopt a Categorical Exemption pursuant to CEQA Section 15301 (Existing Facilities) and direct Staff to file a Notice of Exemption with the County Recorder.

APPLICANT INFORMATION:

Project Location: Medical Building, 1070 East Ramsey Street
Off-site parking, 1415 East Ramsey Street

APN Information: Medical Building, 541-200-026
Off-site parking, 541-170-031

Project Applicant: Doctor Temetry A. Lindsey, CEO/President
Inland Behavioral and Health Services, Inc.
665 North D Street
San Bernardino, CA 92401

Property Owner: Inland Behavioral and Health Services, Inc.
APPLICANT'S REQUEST:

The applicant, Doctor Temetry A. Lindsey, CEO/President, Inland Behavioral and Health Services, Inc., is requesting approval of Conditional Use Permit Amendment 17-8002 amending Conditional Use Permit (CUP) 09-803 by improving an additional 6,000 square feet of medical office space on the second floor of an existing building located at 1070 East Ramsey Street and establishing off-site parking at 1415 East Ramsey Street (Calvary Church) for the additional square footage, all in the Business Park (BP) land use zone.

BACKGROUND AND DESCRIPTION:

The project was initially approved by the Planning Commission on December 1, 2009 by Resolution 2009-12 for Design Review 09-701 and Conditional Use Permit 09-803. The original approval included 50 parking spaces for 9,000 square feet of medical office space. The project was conditioned to require a CUP amendment for any additional square footage.

During development of the project site, the 6,000 square foot second story shell was constructed. This additional 6,000 square feet of medical office space required an additional 35 parking spaces which the site could not support. The upstairs 6,000 square feet of medical office space was left unimproved, thereby relieving the owner of the additional parking requirement.

Now the owner requests to finish and occupy the upstairs 6,000 square feet as they have received funding from the Health Resources Services Administration (HRSA, a Federal Agency). The site will not support any additional parking space; therefore, the applicant is requesting approval to secure off-site parking at a location approximately 800 feet to the northeast (Calvary Church).

The summary table below lists the uses surrounding the site:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>South</td>
<td>I-10 Freeway</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
</tbody>
</table>

Medical Building Land Use Summary Table
<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Multi-Family Residential</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>East</td>
<td>Ramsey Self Storage</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>West</td>
<td>Stagecoach Motor Inn</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
</tbody>
</table>

Inland Behavioral and Health Services, Inc. (IBHS) has identified parking space within 800 feet of the site. The parking area is owned by Calvary Church of God in Christ (CCGC) and is located at 1415 East Ramsey Street. The parking area has 48 spaces that will not be utilized during operational hours of IBHS which are 8:00 – 5:00, Monday thru Friday. Church hours are all day Sunday, and Tuesdays and Fridays after 6:30 pm.

Recently, Calvary Church of God in Christ, constructed a second building on its lot built as a multi-purpose building. Several items need correcting before CCGC can obtain a Certificate of Occupancy, including drive isles, drive approaches, drainage improvements, parking lot striping, parking lot lighting, and other non-parking related issues. CCGC must correct all deficiencies prior to IBHS obtaining a Certificate of Occupancy for the second story. A condition of approval has been added to address this requirement.

Currently, IBHS has very little vehicular activity and seldom has more than 10 vehicles in the parking area. Although, the demand is not currently there to demonstrate a need of a total of 85 spaces required by the Development Code; the City must consider the highest possible use and anticipate future demand. This is why the City is requiring that the applicant secure available parking for future demand. When the demand is there to require the off-site parking, employees will be shuttled from location to location. It may be noted that the current on-site parking would not be sufficient per zoning ordinance requirements for general office use parking after the addition is factored in. As the applicant owns the property and has indicated that based on their contracts and operations they will thus be in the office long term, staff has not included any conditions relative to other use parking.
In accordance with Development Code Section 17.28.060 G., all parking spaces shall be located on the same parcel as the structure or the use, except in the Downtown Commercial district, or unless otherwise approved by the review authority. In this case, the Planning Commission is the review authority and can approve, deny or approve with changes to the project. Staff recommends approval as IBHS does not use most of the parking they have and they have secured additional parking if/when needed.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) is a Class 1 Categorical Exemption that applies to this project as the facilities already exist and the expansion is not over 10,000 square feet, has all public services and the area is not environmentally sensitive. A Notice of Exemption has been prepared for the project.

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:

Proposed Conditional Use Permit Amendment 17-8002 was advertised in the Record Gazette newspaper on May 26, 2017 (Attachment 3). As of the date of this report, staff has not received any comments for or against the proposal.

ATTACHMENTS:

1. Resolution No. 2017-11 with Conditions of Approval
2. Exhibits - Plans
3. Public Hearing Notice

Prepared By:                                      Reviewed and Recommended By:

Mark de Manincon                                         Patty Nevins
Contract Planner                                       Interim Community Development Director
ATTACHMENT 1
Resolution No. 2017-11
with Conditions of Approval
RESOLUTION 2017-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A NOTICE OF EXEMPTION FOR CONDITIONAL USE PERMIT AMENDMENT 17-8002 TO APPROVE SECOND STORY 6,000 SQUARE FOOT IMPROVEMENTS TO AN EXISTING FACILITY AT 1070 EAST RAMSEY STREET AND OFF-SITE PARKING AT 1415 EAST RAMSEY STREET WITHIN THE BUSINESS PARK ZONING DISTRICT.

WHEREAS, an application for a Conditional Use Permit Amendment to allow for the construction of second story 6,000 square foot improvements at an existing facility and off-site parking has been duly filed by:

- **Project Applicant:** Inland Behavioral and Health Services, Inc.
  Attn: Doctor Temetry A. Lindsey, CEO/President
  665 North D Street
  San Bernardino, CA 92401

- **Parcel Address:**
  - Medical Building: 1070 East Ramsey Street
  - Off-Site Parking: 1415 East Ramsey Street

- **APN:**
  - Medical Building: 541-200-026
  - Off-Site Parking: 541-170-031

- **Lot Area:**
  - Medical Building: 1.00 acres
  - Off-Site Parking: 1.25 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit Amendment 17-8002 for the 6,000 square foot second story improvements and off-site parking in the Business Park Zoning District; and

WHEREAS, on May 26, 2017 the City gave public notice by advertising in the **Record Gazette**, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on June 7, 2017 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit Amendment 17-8002; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit
Amendment 17-8002 and determined that, pursuant to CEQA Section 15301 (Existing Facilities), the project is Categorically Exempt; and

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with §15301 (Existing Facilities) Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is considered exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The Planning Commission has analyzed proposed Conditional Use Permit Amendment 17-8002 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as “existing facilities” as defined by §15301 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT AMENDMENT 17-8002:

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 Amendment 17-8002:

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

Finding of Fact: Conditional Use Permit Amendment 17-8002 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 Business Park (BP) allows land uses that are light industrial
and office/warehouse buildings. The proposed project under Conditional Use Permit Amendment 17-8002 is not adjacent to residential uses or a residentially zoned district. Further, Conditional Use Permit Amendment 17-8002 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 improvements of an existing facility and providing off-site parking will assist in retaining an existing business and maintain and create employment opportunities for the City.

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

Finding of Fact: Conditional Use Permit Amendment 17-8002 is consistent with Section 17.12.020 of the Zoning Ordinance in that medical services, clinics and labs are listed as conditionally permitted in the Business Park District and also consistent with Section 17.28.060(G) which provides that the review authority may approve parking not located on the same parcel as the structure or use.

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.

Finding of Fact: The proposed use is conditionally permitted under the Zoning Ordinance. The site is an existing facility which will be improved by the proposed 6,000 square foot improvements and the off-site parking facility will be conditioned to be maintained in a manner that will not interfere with the use and enjoyment of future development in that it will be conditioned to maintain landscaping areas and not permit outdoor storage.

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

Finding of Fact: The subject site is suitable for the type and intensity of land use proposed in that the proposed use will take place completely within an enclosed building and the proposal will provide sufficient parking area, both onsite and offsite, for employees and customers as well as landscaping.
improvements as required by the Zoning Ordinance. Its location on East Ramsey Street is conveniently accessible to Interstate 10 from the Ramsey Avenue and Hargrave freeway exits without impacting a residentially zoned district. The site circulation and landscaping is designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines.

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

Finding of Fact: The proposed project is served by the City's waste hauler. The site is serviced by the City's water and electrical departments. The disposal of medical waste shall comply with State law and the City's regulations and conditions of approval.

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

Finding of Fact: The proposed use involves the improvement of a building to accommodate additional floor area, which will improve the use of the property and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, it was reviewed pursuant to the California Environmental Quality Act (CEQA) and qualifies for a Class 1 (Existing Facilities) Categorical Exemption.

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

Finding of Fact: The proposed use involves the improvement of a building to accommodate additional floor area, which will improve the use of the property and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.
SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2017-11:
   a. Adopt findings and approve Conditional Use Permit Amendment 17-8002 subject to the Conditions of Approval contained therein.; and
   b. Adopt a Categorical Exemption pursuant to CEQA Section 15301 (Existing Facilities) and direct Staff to file a Notice of Exemption with the County Recorder.

PASSED, APPROVED AND ADOPTED this 7th day of June 2017.

________________________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

________________________________________
Gregg W. Kettles
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 2017-11 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of June 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

PROJECT #: Conditional Use Permit Amendment 17-8002

SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2017-11)

APPLICANT: Inland Behavioral and Health Services, Inc.

LOCATION: APN: 541-200-026 and 541-170-031

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

I. On-going.

Community Development Department

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

3. Construction shall commence within two (2) years from the date of project approval, or the Conditional Use Permit Amendment approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit Amendment shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit Amendment complies with all current Ordinance provisions.

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

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

6. The off-site parking facility located at 1415 East Ramsey Street shall be maintained in good condition and free of disabled vehicles at all times.

7. Inland Behavioral Health Services shall provide a shuttle service to transport individuals from 1415 East Ramsey Street to Inland Behavioral and Health Services located at 1070 East Ramsey Street.

8. The City shall review CUP Amendment 17-8002 every two years to insure compliance with the Conditions of Approval. If at any time Inland Behavioral Health Services becomes non-compliant with the Conditions of Approval, the City can reevaluate the project and make recommendations to continue, revoke or make changes to the project approval.

9. All Conditions of Approval for the new building located at 1415 East Ramsey Street in accordance with Conditional Use Permit (CUP) 08-803 shall be complied with prior to the issuance of a Certificate of Occupancy, for the second floor improvements, at 1070 East Ramsey Street (CUP Amendment 17-8002).

10. Inland Behavioral and Health Services, Inc., shall maintain off-site parking availability of 35 spaces for the life of the project or until the City deems it unnecessary to maintain.
11. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.

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

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

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

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

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

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

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

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

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

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

Public Works Department
22. Public Works has the following requirements in regards to improvements to 1387 E. Ramsey Street.

a. All of the following conditions shall be completed at 1387 E. Ramsey Street, to the satisfaction the Director of Public Works, prior to commencing work on improvements to 1070 E. Ramsey Street.

   i. New commercial driveways as shown on the approved plans, construction note 6, shall be installed.

   ii. Paving in front of the building as shown on the approved plans, construction note 1, shall be completed.

   iii. A 6” pvc drain line and under sidewalk drain shall be installed as shown on the approved plans, construction note 13 and 21.

      1. A block garden wall was constructed on the west side of the building that was not shown on the plans. The wall blocks drainage until the drain line and under sidewalk drain are complete.

   iv. Remove the existing westerly driveway in accordance with the existing plans.

   v. Install catch basins as shown on the approved plans, construction note 12.

   vi. Install Handicap parking stalls.

   vii. Complete parking lot striping.

   viii. Install Concrete step outs as shown on the approved plans, construction note 20.

   ix. Relocate the existing power pole as shown on the approved plans as it remains in place. It currently sits in the middle of the gutter.

   x. Install the parking lot light on the east side of the building as shown on the approved plans, construction note 15

   xi. Replace the existing water meter to a 1.5” water meter. The connection fees for this have not been paid ($12,294.40) and the meter has not been installed.
23. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

Electric Utility Department

24. All previously approved conditions for CUP 08-803 set by the City’s Planning Department shall be completed.

II. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

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

Building and Safety Department Conditions for IBHS Second Story Improvements

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

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

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

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

28. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
29. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

Fire Department

30. Tenant improvement plans and fire sprinkler plans for the second floor must be submitted to Fire and approved before work is started.

***END***
ATTACHMENT 2
Exhibits-Plans
NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR CONDITIONAL USE PERMIT AMENDMENT 17-8002 TO CONSIDER 6,000 SQUARE FOOT SECOND STORY IMPROVEMENTS TO AND EXISTING BUILDING LOCATED AT 1415 EAST RAMSEY STREET AND OFF-SITE PARKING LOCATED AT 1415 EAST RAMSEY STREET WITHIN THE BUSINESS PARK (BP) ZONE.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 7, 2017, at 6:30 p.m. in the Council Chambers, City Hall, 90 East Ramsey Street, Banning, California, to consider the environmental exemption and a proposal by Island Behavioral and Health Services, Inc. to allow for second story improvements of 6,000 square feet and off-site parking.

Information regarding the Notice of Exemption and Conditional Use Permit Amendment can be obtained by contacting the City’s Community Development Department at (951) 903-3125, or by visiting the City Hall located at 90 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 999, Banning, California, 92220.

If you are challenging 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 also raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65069).

BY ORDER OF THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA
Patty Novotni
Interim Community Development Director
Dated: May 23, 2017
Published: May 26, 2017
Published in
The Record Gazette
No. 144331
5-26-2017

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:

May 26, 2017

Executed on: 05/26/2017
At: Banning, CA

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

Ana Rivera
Signature