I. CALL TO ORDER: Chairman Shaw

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

II. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN (IF NECESSARY):

1. Motion and Second
2. Discussion on motion
3. Call the question (Roll call vote)

2.28.050 - Duties and responsibilities

B. At the regular February meeting, the planning commission shall choose a chairperson and a vice-chairperson from among the planning commission members. The chairman and vice-chairman shall serve for one term. Both positions shall rotate every year. All members must be present to conduct this business.

1. The chairperson shall preside at all regular and special meetings and rule on all points of order and procedure during the meetings.
2. The vice-chairperson shall assume all duties of the chairperson in his or her absence.
3. In the event the chairperson and vice-chairperson are both absent, an acting chairperson shall be appointed from the commission for the meeting from those present.

III. 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.

IV. 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 June 7, 2017 Regular Planning Commission meeting..........................Page 1

V. PUBLIC HEARINGS:

1. DISCUSS AND CONSIDER NOTICE OF EXEMPTION, CONDITIONAL USE PERMIT 16-8002, DESIGN REVIEW 16-7003 AND RESOLUTION 2017-12 FOR A PROPOSED EQUIPMENT RENTAL/RV STORAGE FACILITY AT CHARLES STREET (APN 543-090-019).

Staff Report..........................................................Page 5

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<th>Order of Procedure:</th>
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<td>2. Applicant presentation</td>
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<td>3. Planning Commission questions for staff and applicant</td>
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<td>4. Open public hearing</td>
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<td>9. Call the question (Roll call vote)</td>
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RECOMMENDATION:

That the Planning Commission adopt Resolution 2017-11:

I. Adopt findings and approve Conditional Use Permit 16-8002 and Design Review 16-7003 subject to conditions of approval.

II. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) and direct Staff to file a Notice of Exemption with the Riverside County Recorder.

2. DISCUSS AND CONSIDER NOTICE OF EXEMPTION, DESIGN REVIEW 17-7001 FOR A PROPOSED NEIGHBORHOOD GROCERY STORE AT WEST RAMSEY STREET (APN’S 419-112-016 AND 019).

Staff Report..........................................................Page 63
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 2017-13:

I. Adopt findings and approve Design Review 17-7001 subject to conditions of approval.

II. Find the project exempt pursuant to Section 15332 of the California Environmental Quality Act Guidelines and direct Staff to file a Notice of Exemption with the Riverside County Recorder.

3. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT.

Staff Report..................................................................................................................Page 98

Order of Procedure:
1. Staff report presentation
2. Motion and Second to continue the item to the August 2, 2017 Regular Planning Commission Meeting.
3. Roll call vote

Recommendation:

That the Planning Commission continue the item to the August 2, 2017 Regular Planning Commission Meeting.

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:
The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of August 2, 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

June 7, 2017

A regular meeting of the City of Banning Planning Commission was held on Wednesday, June 7, 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 Briant
Commissioner Schuler

Commissioner Absent: Commissioner Price

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

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Shaw

II. PUBLIC COMMENTS

David Ellis, resident of Banning encouraged the Commissioners to review projects presented and maintain integrity for the benefit of the community.

III. CONSENT CALENDAR ITEMS


ACTION: Motion/Second (SCHULER/KRICK) to approve the May 3, 2017 Planning Commission meeting minutes. (Motion Carried 4 -0, Price absent)

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
Contract Planner, de Manincor presented the staff report. He said the project applicant is requesting to improve an additional 6,000 square feet of a medical office space on the second floor of the building that requires an additional 35 parking spaces. The applicant wished to establish off-site parking at 1415 E. Ramsey Street for the additional square footage. The existing building was built in 2011; the first floor is 9,000 square feet, and it is currently occupied and fully improved.

The site can only support the existing 50 parking spaces that accommodate the lower floor. A condition of approval exists that requires that any additions would require an amendment to the Conditional Use Permit (CUP).

The off-site parking is located at Calvary Church, 1415 E. Ramsey Street. Calvary Church built a multi-purpose room, but has not received their Certificate of Occupancy and as a result, the City has conditioned the proposed project such that a Certificate of Occupancy will not be issued for this project until Calvary Church obtains theirs by completing all outstanding deficiencies.

The medical office building is located in the Business Park zone. In the event that the current medical office choses to move out and a Professional Office chooses to move in, there will not be adequate parking as the City code would require 57 parking spaces.

Chairman Shaw asked for questions for staff and the applicant.

Discussion took place regarding the building occupancy, and egress in case of an emergency.

De Manincor said an inspection was done at the site today by the Fire Marshal, and it passed inspection.

Project applicant Dr. Temetry Linsey, CEO/President introduced an architect who is part of her staff and he answered Commissioner Schuler question. He said the reason the building windows are obscured is because they are exam rooms, and changes will not be made to the exterior.

De Manincor listed all the required improvements to 1387 E. Ramsey Street for the Planning Commission.

Olaf Newman, CIO of Inland Behavioral said they have been in several discussions with the church, but they were not completely aware of all the placed conditions. He added that they’ve also contacted other churches within two mile radius for the possibility of another site.

Dr. Lindsey said the original project started back in 2008. The facility has been providing services to a predominantly low income/uninsured medical population. This property was chosen purposely to serve the greatest in need. She mentioned that they had hoped to acquire the land to the east of the facility to be able to expand parking, but now the possibility to work with the City utilizing Redevelopment funds is no longer available to purchase land at a reasonable rate.
Some of the population that is served owns a single vehicle, but the majority of the patients are dropped off at the facility, or are able to get there by a shuttle that is provided.

Inland Behavioral’s intent is to use the second story floor to accommodate women and children in areas designed for specific medical services.

Multiple extensions have been received from the Federal Government regarding their grant, but the deadline is nearby and the second story project is at risk of all loss of federal funds to support the completion of the building. Dr. Linsey said the grant funds may not be back available to them until the year of 2020, and asked the Commission for help with an alternative plan to reach an approval.

Dr. Linsey said there used to be a bus stop right in front of the site when it was purchased, but at the conclusion of the construction it was moved further east by the City.

The applicant’s architect said the completion of the second floor could probably be about six months, and hopes to start in the month of September. He stated that he has worked with Community Health Centers throughout California, and the City of Banning has a high parking ratio by comparison with other cities.

Director Nevins said the proposed project could be approved as it stands now with the existing facility, or the Planning Commission could continue the hearing to allow the applicant to find an alternate site that might not have the same requirements.

Interim City Attorney, Kettles said he doesn’t see a variance being an option.

Discussion from the Commission took place in an effort to find an alternative for an approval for the site.

Chairman Shaw opened the public hearing.

David Ellis, resident of Banning said he hopes the Commission reviewed the plans for maximum occupancy and additional weight that will be added to the second floor addition. He thinks we do need the facility to serve the community, and thinks the City should consider installing a bus stop in front of it.

Chairman Shaw closed the public hearing.

There was Planning Commission discussion

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

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.

With the following amendments to the Conditions of Approval:

9. Removing the condition in its entirely.

22. Removing the condition in its entirely.

*Added Condition*

Any changes in off-site parking may be approved administratively by the Planning Department.

*(Motion Carried 4 -0, Price 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 8:00 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

TO: Planning Commission

FROM: Patty Nevins, Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

MEETING DATE: July 5, 2017

SUBJECT: CONDITIONAL USE PERMIT 16-8002
DESIGN REVIEW 16-7003
PROPOSED EQUIPMENT RENTAL/RV STORAGE FACILITY
CHARLES STREET (APN 543-090-019)

RECOMMENDED ACTION:

That the Planning Commission adopt Resolution 2017-12:

1. Adopt findings and approve Conditional Use Permit 16-8002 and Design Review 16-7003 subject to conditions of approval.

2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) and direct Staff to file a Notice of Exemption with the Riverside County Recorder.

APPLICANT INFORMATION:

Project Location: North side of Charles Street between Hargrave Street and Hathaway Street

APN Information: 543-090-019

Project Applicant: Andy Andersen
36050 Elaine Way
Yucaipa, CA 92399

Property Owner: Same as project applicant
APPLICANT’S REQUEST:

The applicant, Andy Andersen, is requesting approval of a Conditional Use Permit to establish an equipment rental and recreational vehicle storage facility and Design Review for the construction of a new 8,000 square foot warehouse with 2,240 square foot office along with accessory carport/shade structures on the vacant parcel identified as APN 543-090-019, located on Charles Street and in the Industrial (I) Zoning District.

BACKGROUND AND DESCRIPTION:

The project site is a 4.53-acre rectangular-shaped parcel located on the north side of Charles Street, west of Hathaway Street. The site is located in the Industrial District; which allows light and medium intensity manufacturing operations, warehousing and distribution, ministorage, and associated offices. RV storage is a conditionally permitted use in the Industrial zoning district.

The summary table below lists the uses surrounding the site:

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<tr>
<th>Land Use Summary Table</th>
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<td><strong>Subject Site</strong></td>
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Proposal

The applicant proposes to establish a new equipment rental and recreational vehicle storage yard. The proposal includes storage and rental of construction equipment for rental to construction contractors. Additionally, the applicant is proposing a recreational vehicle storage yard for a storage business accommodating up to 78 recreational vehicles, depending upon the overall number of spaces allocated to equipment rental.

A new 8,000 square foot industrial building with 2,240 square feet of office space, totaling 10,240 square feet, to be used for any necessary maintenance and repair of the construction equipment is proposed. Future covered canopies with optional solar
panels are shown along the west and east property lines. A six foot high block wall is proposed around the project perimeter, along with an entry gate that would be closed to secure the property during non-working hours. Site landscaping, including retention basins, is proposed along the front of the property. A landscaped lined equipment wash run-off area is depicted at the northeast (rear) corner of the lot.

Existing Site

The project site is a 4.53 acre vacant lot, generally consisting of level/graded dirt with ruderal vegetation. The majority of the site is surrounded by a chain link fence encompassing construction equipment that has been stored on the site.

Conditional Use Permit

The applicant is requesting approval of a Conditional Use Permit to allow the use of the project site for recreational vehicle storage. Conditional uses are considered unique such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Review is required to 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 the use may cause. The Planning Commission may impose conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located. Typical concerns related to outdoor storage would include noise associated with business operations and associated traffic and visibility of the items being stored. Because the project site is adjacent to residential development along the westerly project line, these two aspects of the use should be given particular consideration relative to operations adjacent to that area.

The proposed construction equipment rental would consist of on-site, outdoor storage and rental of large construction equipment (e.g. Caterpillar heavy equipment scrapers and water trucks). Construction equipment would be kept on-site while not rented, with the outdoor storage for this equipment located along the north property line (behind the proposed building). Equipment would be delivered from the project site to a client's location via contracted low-bed service; the applicant states that ideally, the equipment is transported directly from one job to the next in order to minimize the cost associated with delivery to and from the site. The applicant estimates that fewer than twenty transport trips per month would be made to/from the site. Equipment would be rinsed or washed outside if needed, but this would normally not be a regular occurrence. Necessary maintenance or repair would occur inside the warehouse building, which will also accommodate storage of tools, parts, etc.

The recreational vehicle storage component of the business would include short and long-term storage of privately owned recreational vehicles, including trailers and fifth wheels (all of which will henceforth be referred to as recreational vehicles), with individual recreational vehicle parking spaces located along the west, east, and
northerly property lines. This activity would be expected to have low levels of activity due to the long term nature of recreational vehicle storage.

With respect to noise, storage uses would not in and of themselves generate noise, and since customer-related traffic from both uses (including transport of the construction equipment) is expected to be minimal, noise from traffic associated with either use would not be expected to generate a significant amount of noise. Maintenance and repair of the construction equipment would take place within the warehouse building, and any washing activities would take place along the east property line; thus these activities would also not be expected to affect existing or future neighbors on adjacent properties.

Visually, outdoor storage of construction rental and recreational vehicles would not be inconsistent with adjacent industrial properties to the east and north. Landscaping and walls at the front of the property, as well as distance, would minimize potential impacts to southerly residential property across Charles Street. However, while a block wall is proposed and a fifteen foot setback is depicted for proposed parking along the west property line adjacent to residential property, outdoor storage of recreational vehicles would still be visible to westerly-adjacent residential neighbors. Light from proposed pole lighting could also affect residential neighbors.

Visual issues associated with proposed outdoor storage can be addressed and minimized in a number of ways. The construction equipment to be rented is proposed to be stored in spaces designated along the rear property behind the warehouse building, while the recreational vehicles would be stored along the westerly property line as well as the north and east property lines. Staff recommends that all construction equipment storage be limited to the northeasterly portions of the site in order to place the equipment as far from the westerly residences as possible and has included a condition of approval to this effect. A six foot high wall is proposed around the project perimeter (see Design Review discussion below) along with a fifteen foot setback; staff recommends that the 15 foot wide landscape buffer, primarily depicted with wood chips, include hedge and screening plantings installed between the wall and the parking/storage area to further screen site storage. Additional potential measures to address visual concerns could include increased wall height to eight feet (the maximum allowed by the zoning code), limiting recreational vehicles storage along the west property line to lower height vehicles such as trailers rather than recreational vehicles, and further limiting lighting (e.g. location, height, and/or intensity) to ensure that night lighting does not negatively impact neighbors.

Given the low levels of activity anticipated from both uses, the proposal would be expected to have less impact than many permitted uses in the Industrial zoning district (e.g. manufacturing, machining, etc.).
Design Review

Building Design

The applicant proposes to construct a 10,240 square foot industrial building. The building would encompass 8,000 square feet of warehouse space accessed by three 16’ x 14’ roll-up doors and 2,240 square feet of office space. The building exterior would feature texture finished metal panels with accent lines, a decorative stone wainscot, standing seam metal pitched roof with skylights, and a glass storefront entry to the front office area.

Parking and Access

Table 17.28.040B Commercial and Industrial Parking Requirements, requires the following:

- General Office – one space for each 200 square feet of gross floor area (10 spaces) up to 2,000 square feet of gross floor area, and one space for each 250 square feet (1 space) for 2001 to 7500 square feet of gross floor area.

- Industrial Warehousing – Minimum of two spaces plus one space for each 1,000 square feet of gross floor area for up to 20,000 square feet (10 spaces).

Between the office and warehouse uses depicted on the floor plan, 21 total spaces would be required. The site plan depicts 22 standard parking spaces.

Site access will be provided with an entry driveway near the east property line including a gate that would be closed after hours to secure the property. Site circulation provides minimum thirty-five to forty-two foot wide drive aisles adequate to accommodate maneuvering for both recreational vehicles and the trucks that would be needed to transport construction equipment. A secondary exit gate is provided near the west property line.

Landscaping

Currently, the site is primarily dirt with sporadic individual vegetation. The preliminary landscaping plan depicts landscaped retention basins at the front of the property, a landscaped strip along the rear property line and landscaped planter areas at the northeast and northwest corners with the northeasterly corner landscaping surrounding the wash run-off area. The landscape plan depicts an approximately ten foot wide strip of recycled wood chips bordering the west and east property lines.

The landscape plan provides a variety of planting materials, one 24 inch box tree for every four parking spaces, minimum six foot dimensions for planter areas, and
appropriate pedestrian access around landscaping as required by the zoning code. Staff would also suggest certain planting substitutions (e.g. for the California Pepper, which although fast-growing and ornamental is also considered to have invasive roots). Conditions of approval will require that these items are addressed at the building permit plan check stage.

Refuse Storage

The site plan does include a location for trash storage and a condition of approval has been included to require a covered enclosure to complement the building.

Airport Land Use Commission Approval

An Airport Land Use Commission (ALUC) Director’s Determination was issued on November 7, 2016 (Attachment 3). The Determination found the project consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, subject to conditions. Those conditions are incorporated by reference into the proposed project conditions of approval.

Conclusion

The proposed use and site, building, and landscape design, along with proposed and recommended improvements and conditions, will enhance the site and provide for a land use that would be less impactful on adjacent residential neighbors than many permitted uses in the Industrial zoning district. Staff recommends approval of the proposed project, subject to conditions contained in Exhibit “A” attached.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with the California Environmental Quality Act (CEQA), the project is exempt from further environmental review as a Class 32 Categorical Exemption under CEQA Guidelines §15332 In-fill Development Projects. A Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described as the following: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

Staff has analyzed proposed Conditional Use Permit 16-8002 and Design Review 16-7003 and determined that the Project is Categorically Exempt from CEQA pursuant to
§15332 due to the fact that the proposal meets the required criteria to qualify as an “infill development project” as defined by §15332 of the CEQA Guidelines as follows: (a) it is conditionally permitted in the Industrial zoning district; (b) the site is less than five acres; (c) the site is not located in a MSHCP criteria cell area and the site is disturbed; (d) approval would not result in significant impacts, (e) and the site can be adequately serviced by required utilities and public services. Therefore, Conditional Use Permit 16-8002 and Design Review DR 16-7003 are Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

PUBLIC COMMUNICATION:

Proposed Conditional Use Permit 16-8002 and DR 16-7003 was advertised in the Record Gazette newspaper on June 23, 2017 (Attachment No. 4). As of the date of this report, staff has received one public comment letter in support of the project (Attachment 5).

ATTACHMENTS:

1. Resolution No. 2017-12 with Conditions of Approval
2. Exhibits – Plans
3. Airport Land Use Commission Approval
4. Public Hearing Notice
5. Public Comment Letter

Prepared By:                     Reviewed and Recommended By:

Mark de Manincor               Patty Nevins
Contract Planner               Community Development Director
ATTACHMENT 1
Resolution No. 2017-12

Exhibit A - Conditions of Approval
Exhibit B - Project Plans
RESOLUTION 2017-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A NOTICE OF EXEMPTION FOR CONDITIONAL USE PERMIT 16-8002 TO ALLOW FOR RENTAL EQUIPMENT AND RECREATIONAL VEHICLE STORAGE/PARKING AND DESIGN REVIEW 16-7003 TO CONSTRUCT AN 8,000 SQUARE FOOT WAREHOUSE AND 2,240 SQUARE FOOT OFFICE LOCATED NORTH OF CHARLES STREET, WEST OF HATHAWAY STREET, ASSESSOR’S PARCEL NUMBER 543-090-019 WITHIN THE INDUSTRIAL ZONE.

WHEREAS, an application for a Conditional Use Permit to allow for onsite storage/parking of rental equipment and recreational vehicles and for Design Review approval for the construction of an 8,000 square foot warehouse and 2,240 square foot office has been duly filed by:

Project Applicant: Andy Andersen
36050 Elaine Way
Yucaipa, CA 92399

APN: 543-090-019

Lot Area: 4.53 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 16-8002 for the on-site parking/storage of recreational vehicles in the Industrial Zoning District; and

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review 16-7003 for the construction of an 8,000 square foot warehouse and 2,240 square foot office for rental of construction equipment in the Industrial Zoning District; and

WHEREAS, on June 23, 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 July 5, 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 16-8002 and Design Review 16-7003; and
WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit 16-8002 and Design Review 16-7003 and determined that, pursuant to CEQA Section 15332 (Infill Development Projects), the project is Categorically Exempt;

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 Guidelines §15332 (Infill Development Projects) Class 32 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is considered exempt from further environmental review. A Class 32 Categorical Exemption consists of projects characterized by: (a) being consistent with the general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) the site can be adequately served by all required utilities and public services. The Planning Commission has analyzed proposed Conditional Use Permit 16-8002 and Design Review 16-7003 and has determined that it is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as “In-Fill Development Projects” as defined by §15332 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 16-8002:

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 16-8002:

Finding A: The proposed use is consistent with the General Plan;
Finding of Fact: Conditional Use Permit 16-8002 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." General Plan, Community Development, Land Use Element, Commercial and Industrial Goals, Policies and Programs, Policy 1, p. III-19. The land-use designation of Industrial (I) allows land uses that are industrial such as; on-site storage/parking of recreational vehicles with a Conditional Use Permit. The proposed project under Conditional Use Permit 16-8002 is adjacent to residential uses and will be buffered by the installation of an eight foot tall block wall. Further, Conditional Use Permit 16-8002 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." General Plan, Community Development, Economic Development Element, Policy 2, p. III-41. The proposed on-site storage/parking will assist in retaining an existing business and maintain and create employment opportunities for the City.

Finding B: 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 16-8002 is consistent with Section 17.12.020 of the Zoning Ordinance in that on-site storage and recreational vehicle storage are identified as a conditional use in the Industrial zone ("Storage, accessory, including self-storage") and the project has been conditioned to meet all applicable provisions of the Development Code.

Finding C: 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 a vacant lot which will be improved by the proposed 8,000 square foot warehouse, 2,240 square foot office and on-site parking and 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 compliance with the Banning Municipal Code.

Finding D: 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 within an enclosed building and on-site parking area. Its location on Charles Street is conveniently accessible to Interstate 10 from Hargrave Street freeway entry and exit. 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 E: 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 would contract with the City's waste hauler. The site is serviced by the City's water and electrical departments. The disposal of waste shall comply with State law and the City's regulations and conditions of approval.

Finding F: There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics.

Finding of Fact: The proposed use involves the parking and storage of recreational vehicles and rental equipment, 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 32 (Infill Development Projects) Categorical Exemption.

Finding G: 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 parking and storage of recreational vehicles and rental equipment, 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 32 (Infill Development Projects) Categorical Exemption.

REQUIRED FINDINGS FOR DESIGN REVIEW 16-7003:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Design Review 16-7003:

Finding A: The proposed use is consistent with the General Plan;

Finding of Fact: Design Review 16-7003 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." General Plan, Community Development, Land Use Element, Commercial and Industrial Goals, Policies and Programs, Policy 1, p. III-19. The land-use designation of Industrial (I) permits land uses that are industrial such as; warehousing and offices. The proposed project under Design Review 16-7003 is adjacent to residential uses and will be buffered by the installation of an eight foot tall block wall. Further, Design Review 16-7003 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." General Plan, Community Development, Economic Development Element, Policy 2, p. III-41. The proposed warehouse and office building will assist in retaining an existing business and maintain and create employment opportunities for the City.

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

Finding of Fact: The proposed project, 8,000 square foot warehouse with 2,240 square foot office, is consistent with the Zoning Ordinance and development standards as warehouses, offices and storage are permitted uses in the Industrial zone.
and the project has been conditioned to provide adequate parking and landscaping. Additionally, all setbacks, height requirements and other standards and design guidelines have been considered.

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

Finding of Fact: The design and layout of the proposed project has been conditioned to reduce interference with neighboring residential uses by constructing a block wall and landscape buffering. Additionally, all construction rental equipment will be parked in back of the building and all maintenance and repairs will be performed inside the warehouse.

Finding D: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The project is adjacent to industrial zoned property to the north and east and residential zoned property to the south and west. The project is considered a light industrial use as no manufacturing or heavy uses are proposed. Landscaping, walls and fences will be installed complementing the character of the surrounding neighborhood.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2017-12:
   
a. In accordance with CEQA Guidelines Section 15332 the Planning Commission hereby adopts the Class 32 Categorical Exemption (Infill Development Projects) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and

b. Conditional Use Permit 16-8002 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A and based on plans attached as Exhibit B.
c. Design Review 16-7003 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A and based on plans attached as Exhibit B.

PASSED, APPROVED AND ADOPTED this 5th day of July 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 2017-12 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of July 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Sandra Calderon, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit 16-8002, Design Review 16-7003
SUBJECT: Conditions of Approval (Planning Commission Resolution 2017-12)
APPLICANT: Andersen Equipment Rental
LOCATION: APN: 543-090-019

EXHIBIT A

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

Community Development Department

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

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

4. If more than three calls for service in any six-month period or any future issues arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses), the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

5. Prior to any occupancy/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.

6. Any repair and/or maintenance of vehicles shall take place entirely within the enclosed building.

7. No activity, including dismantling, service, loading or unloading shall be permitted on the adjacent public right-of-way. All such activities shall be conducted entirely within the property boundaries.

8. Outdoor hoists or other loading equipment shall be prohibited.

9. Exterior noise generated by the use shall not exceed 65 dBA at the property line.

10. The westerly side yard setback adjacent to existing residences shall be increased to fifteen (15) feet and shall be landscaped with screening materials to further buffer the industrial use from adjacent residents unless an eight foot high wall is constructed.

11. The site shall be maintained free of trash and/or debris. The applicant/occupant shall properly dispose of any refuse and bulk trash located on the property.
12. A trash enclosure shall be provided with three, decorative walls, enhanced wall cap, pedestrian entrance, a gate and structural steel cover, in a style compatible with the structure’s architecture. The gate shall be maintained in working order and shall remain closed except when in use.

13. The proposed block wall surrounding the site shall be of a decorative material, and shall be constructed behind the 10’ landscaped front yard setback. A wall plan including proposed finishes shall be submitted to the Community Development Department for review and approval prior to the submittal of building permits.

14. Exterior lighting shall be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way.

15. The proposed entry gate shall be constructed of decorative materials to complement the proposed structure and shall not exceed the height of the wall. A plan shall be submitted to the Community Development Department for review and approval prior to the submittal of building permits.

16. Any 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.

17. Twenty-two standard parking spaces shall be provided. All standard parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide. All parking spaces shall be surfaced and striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be surfaced and striped per City standards.

18. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Certificate of substantial completion.
The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to minimum dimensions and percentages of landscaping in parking areas, including required front yard setback landscaping.

19. Other than construction rental equipment and recreational vehicles (to include trailers and fifth wheels), there shall be no visible storage of any items including non-working vehicles, garbage, materials, or other items in any portion of the project.

20. Rental equipment shall only be parked/stored in the northeast area of the project site.

21. Storage, use and removal of toxic substances, solid waste, and flammable liquids shall conform to all applicable federal, state and local regulations. All required licensing shall be maintained in good order at all times. Lapse or revocation of any required license shall result in the voiding of the conditional use permit.

22. All conditions from the Riverside Airport Land Use Commission (ALUC) shall be complied with during construction and operation of the facility.

Building Department

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

24. 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 incorporates (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. Relocate parking spaces accordingly. Show location of disabled parking and path of travel from right-of-way.
25. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.

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

**Public Works Department**

**General Requirements** – All conditions shall be completed by the applicant at no cost to any government agency.

27. 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.

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

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- Riverside County Flood Control & Water Conservation District (storm drain)
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- California Department of Transportation (CALTRANS)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

29. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):
a. Rough Grading Plans 1" = 40' horizontal
   (All Conditions of Approval shall be reproduced
   on last sheet of set)
b. Haul Route Plans 1" = 40' horizontal
c. Clearing Plans 1" = 50' horizontal
   (Include construction fencing plan)
d. Erosion Control & SWPPP, WQMP 1" = 40' Horizontal
   (Note: a, b, c & d shall be reviewed
   and approved concurrently)
e. Storm Drain Plans 1" = 40' Horizontal
f. Street Improvement Plans 1" = 40' Horizontal
   1" = 4' Vertical
g. Signing & Striping Plans 1" = 40' Horizontal
h. Precise Grading Plans 1" = 40' Horizontal
i. Landscaping Plans 1" = 20' Horizontal
j. Water & Sewer Improvement Plans 1" = 40' Horizontal
   1" = 4' Vertical

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

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

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

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

29. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for Charles Street fronting the site as a local street; 30 feet one-half width of street.

30. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport (BNG).

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

32. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans.

33. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.

34. Construct street improvements in accordance with City standards fronting Charles Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, parkway, asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

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

36. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal.

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

Grading and Drainage

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

39. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

40. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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

42. The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code (BMC) and Title 18 “Grading, Erosion and Sediment Control” of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

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

The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.

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

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

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
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- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

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

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

43. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

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

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

46. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

47. The following notation shall be placed on the grading plan: “No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey.”

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

Landscaping Public Right of Way

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

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

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

Traffic

52. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

53. Driveway grades shall not exceed eight percent unless approved by the City Engineer.

54. Parking areas shall be designed and improved with grades not to exceed five percent slope.

55. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

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

57. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

58. Fire Services will require a Double Detector Check or RPP Device.

59. Pay all applicable water connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

Sewer

60. All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 6” and all sewer mains shall be a minimum of 8”. Final sizes shall be approved by the City Engineer.

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

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

Trash/Recycling

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

64. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

Fees

65. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

66. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.
67. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the fee schedule in effect at that time.

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

**Fire Department**

69. The following measures shall be complied with prior to building occupancy unless otherwise stated. Nothing in this review shall be construed as encompassing structural integrity. Review of this plan does not authorize or approve any omission or deviation from all applicable regulations. Final approval is subject to field inspection.

70. Fire Department approval is based upon the 2016 CBC requirements for Group B/S1/S2 occupancies. It is prohibited to use, process or store any materials in the occupancy that would classify it as a Group H occupancy.

71. The Fire Department is required to set a minimum fire flow for the construction of all commercial buildings using the procedure established in the 2013 CFC. A fire flow of 2,750 gpm for a 2-hour duration at 20 psi residual operating pressure must be available before any combustible material is placed on the job site. A 50% reduction is allowed when buildings are provided with an approved automatic fire sprinkler system. The resulting fire flow shall not be less than 1,500 gpm for a 2-hour duration at 20 psi residual operating pressure.

72. The required fire flow shall be available from 1 Super hydrant(s) (6" x 4" x 2 1/2" x 2 1/2"), no more than 250’ from any point on the street or road frontage, and spaced not more than 500’ apart. All Fire Department Appliances such as hydrants, FDCs and PIVs shall be located on the front access side of the building. PIV and FDC appliances shall not be less than 40’ from the building or more than 200’ from an approved hydrant.

73. Applicant and/or developer shall separately submit 2 sets of water system plans to the Fire Department office for review. Plans must be signed by a registered Civil Engineer and/or water purveyor prior to Fire Marshal review and approval. Mylar will be signed by the Fire Marshal after review and approval.

The following conditions must be met prior to occupancy:

74. Install a complete automatic fire sprinkler system per NFPA 13. A deferred submittal of the system plans must be submitted to the Fire Department for review.

75. Whenever sprinkler overhead mains of 4” size or larger are provided, the Riverside County Fire Department requires documentation from a structural engineer that
the roof structural members will be capable of supporting the weight of the water filled mains and attached lines. Provide appropriate detailed documentation, with a wet stamp and signature, by the project structural engineer.

76. Install a manual and/or automatic fire alarm system as per NFPA 72 required by the California Building Code, California Fire Code and designed in accordance with adopted standards. A C-10 licensed contractor must submit plans to the Fire Department office for review and approval prior to installation. (Prior to building final inspection)

Buildings/facilities

77. Install Knox Key Lock box on the building, and Knox Key switch on the gate, mounted per recommended standard of the Knox Company. Forms are available from this office for the ordering. This form must be authorized and signed by this office for the correctly coded system to be purchased.

78. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space.

Other requirements:

79. Install panic hardware and exit signs as per the 2013 CBC

80. Exit signs, exit marker and exit path markings shall be installed per the California Building Code. (Prior to building final inspection)

81. Submit flame-retardant certification(s) by applicator or manufacturer, along with CSFM Listing, for all decorative materials used in this facility. Samples of flame-retardant material(s) may be required for flame spread testing. All required treated materials must have a current CSFM approval tag affixed to each item or panel. (Prior to building final inspection)

82. Prior to final inspection of any building, the applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

83. Certain designed areas will be required to be maintained as fire lanes and will require approved signs and/or stenciling in red with CVC 22500.1 conspicuously posted.

84. Install portable fire extinguishers per Title 19, but not less than 2A10BC in rating. Contact a certified extinguisher company for proper placement and spacing of equipment.
85. This building will need to be evaluated, reviewed or approved for high pile/rack storage. Prior to such use, building(s) shall be approved for high-piled storage (materials in closely packed piles or on pallets, or in racks where the top of storage exceeds 12 feet in height, 6 feet for Group A plastics and certain other hazardous commodities) or aerosol products. High-piled and aerosol stock shall be approved by the Fire Department prior to materials being stored on site. A licensed Fire Protection Engineer or a Fire Department approved consultant must prepare plans for high-piled storage or aerosol storage in accordance with the 2013 CFC and NFPA 13.

86. Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12". All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.

87. Applicable room door(s) shall be posted “ELECTRICAL “, “FACP”, “FIRE RISER” and “ROOF ACCESS” on the outside of the door so it is visible and in a contracting color.

88. A durable sign stating "This door to remain unlocked during business hours" shall be placed on or adjacent to the front exit doors. The sign shall be in letters not less than one inch high on a contrasting background.

89. Please contact the City of Banning, Office of the Fire Marshal for final inspection prior to occupancy. Applicant/installer shall be responsible to contact the Fire Department to schedule inspections. Requests for inspections are to be made at least 48 hours in advance.

**Electric Department**

90. Street lights installation will be required with any street improvements.

91. The service point of connection will be from a vacant conduit that crosses Charles Street and is stubbed out in the street on the south west corner of the proposed project site.

92. A service vault may be required as part of the electric utility design, subject to final review by the Electric Department.

93. A pad mounted transformer to service this project shall be provided on the project site and must be in a decorative enclosure.
94. The area of the new pad mounted transformer & service equipment shall be sufficient in size for safe operation and maintenance and shall be subject to approval by the Electric Department.

95. The proposed PV system cannot offset more than one hundred percent (100%) of the customer’s annual consumption and would require 12 months of history with the utility prior to the approval of solar.

96. Obtaining the described information outlined below in a timely matter is critical for design, planning and ordering of material for the project. Prior to applying for building permits, the developer shall be responsible for the following:

   a. Submittal of detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format (currently AutoCad2016, please confirm prior to design). Plans shall consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

   b. Payment of required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

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

   d. Installation of utility structures (transformer pad, vault street light base(s) street light(s) hand hole(s) and conduit(s) per electric utility design.

***END***
ATTACHMENT 2
Exhibits-Plans
(Full Size Plans Provided)
ATTACHMENT 3
Airport Land Use Commission (ALUC) Approval
November 7, 2016

Ms. Patty Nevins, Senior Planner  
City of Banning Community Development Department/Planning Division  
P. O. Box 998  
99 E. Ramsey Street  
Banning CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW –  
DIRECTOR’S DETERMINATION

File No.: ZAP1022BA16  
Related File No.: CUP 16-8002 (Conditional Use Permit), DR 16-7003 (Design Review)  
APN: 543-090-019

Dear Ms. Nevins:

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to  
Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use  
Compatibility Plan, staff reviewed City of Banning Case No. CUP 16-8002 (Conditional Use  
Permit) and DR 16-7003 (Design Review), a proposal to construct a 10,500 square foot building  
24 feet in height for indoor storage of recreational vehicles (RVs) and contractors’ equipment and  
to operate an equipment rental and RV storage yard on a 4.5 acre parcel, located northerly of  
Charles Street, southerly of Barbour Street, easterly of Driftwood Circle, and westerly of  
Hathaway Street in the City of Banning.

The site is located within Airport Compatibility Zone E of the Banning Municipal Airport  
Influence Area (AIA). Compatibility Zone E does not restrict nonresidential intensity.

The elevation of Runway 8-26 at Banning Municipal Airport is approximately 2,219 feet above  
mean sea level (2219 feet AMSL). At a distance of approximately 1,969 feet from the runway to  
the above-referenced parcel, Federal Aviation Administration (FAA) review would be required  
for any structures with top of roof exceeding 2,239 feet AMSL. The existing site elevation is  
approximately 2,205 feet AMSL. The proposed maximum height of the building is 24 feet, for an  
approximate total maximum elevation of 2,229 feet AMSL. Therefore, FAA Obstruction  
Evaluation Service review for height/elevation reasons is not required.

As ALUC Director, I hereby find the above-referenced project CONSISTENT with the 2004  
Banning Municipal Airport Land Use Compatibility Plan, subject to the following conditions:

CONDITIONS:

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent
AIRPORT LAND USE COMMISSION

either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

2. The following uses shall be prohibited at this site:

(a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

(b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

(c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

(d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

3. The attached notice shall be provided to all potential purchasers of the property and to tenants of the proposed building.

4. Any new aboveground detention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be used in project landscaping.

If you have any questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

[Signature]
Edward C. Cooper, Director
AIRPORT LAND USE COMMISSION

Attachments: Notice of Airport in Vicinity

cc: Andy and Rebekah Anderson (applicant/representative/property owner/payee)
    Carl Szoyka, Airport Manager, City of Banning
    ALUC Case File

Y:\AIRPORT CASE FILES\Banning\ZAP1022BA16\ZAP1022BA16.LTR.doc
NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)
ATTACHMENT 4
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:

June 23, 2017

Executed on: 06/23/2017

At Banning, CA

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

Ana Rivera
Signature
ATTACHMENT 5
Public Comment Letter
From:
Steven Primack
1351 East Charles Street
Banning, Ca 92220

To:
Patty Nevins, Community Development Director
City of Banning

June 27, 2017

I have received your notice regarding A.P. Number 543-090-019, with the publish date June 23, 2017 and would like to take this opportunity to voice my support for the proposed exemption requested by Andy Andersen.

I have owned the neighboring property directly to the East of Mr. Andersen's property since 2003 and as a Banning property and business owner, would like to encourage the City of Banning to work with property owners, such as in this case, to allow for reasonable requests for exemptions in efforts for commercial development in our area.

Thank you for considering my opinion in this matter.

Steven Primack
CITY OF BANNING
Planning Commission Report

DATE: July 5, 2017
TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Mark de Manincor, Contract Planner

SUBJECT: DESIGN REVIEW 17-7001
PROPOSED NEIGHBORHOOD GROCERY STORE
WEST RAMSEY STREET (APN’S 419-112-016 AND 019)

RECOMMENDATION:
That the Planning Commission adopt Resolution 2017-13

1. Adopt findings and approve Design Review 17-7001 subject to conditions of approval.

2. Find the project exempt pursuant to Section 15332 of the California Environmental Quality Act Guidelines and direct Staff to file a Notice of Exemption with the Riverside County Recorder.

APPLICANT INFORMATION:
Project Location: South side of West Ramsey Street, east of Highland Springs Avenue
APN Information: 419-112-016 and 019
Project Applicant: Greg Lukosky
417 29th Street
Newport Beach, CA 92663
Property Owner: BMW Management, LLC
43172 Business Park, Suite 101
Temecula, CA 92590
APPLICANT’S REQUEST:

The applicant, Greg Lukosky, is requesting approval of a Design Review for the construction of a new 29,536 square foot neighborhood grocery store on the vacant parcel identified as APN 419-112-016 and 419-112-019, located on the south side of West Ramsey Street, east of Highland Springs Avenue in the General Commercial (C) Zoning District.

BACKGROUND AND DESCRIPTION:

The project site consist of two parcels totaling 3.2-acres located on the south side of West Ramsey Street approximately 400 feet east of Highland Springs Avenue. The site is located in the General Commercial Zoning District which allows for retail sales. The site is mostly surrounded by developed commercial buildings and has access to all services provided by the City, such as; sewer, water, electricity and paved roadways. A future realignment of Joshua Palmer Way is described on the plan that provides additional access to the site from the south.

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 Land/Medical Office</td>
<td>General Commercial (GC)</td>
<td>GC</td>
</tr>
<tr>
<td>South</td>
<td>Vacant/Restaurant</td>
<td>GC</td>
<td>GC</td>
</tr>
<tr>
<td>East</td>
<td>Medical Office</td>
<td>GC</td>
<td>GC</td>
</tr>
<tr>
<td>West</td>
<td>Retail</td>
<td>GC</td>
<td>GC</td>
</tr>
</tbody>
</table>

Proposal

The applicant proposes to establish a new neighborhood grocery store. The proposal includes a 29,536 square foot structure with 126 parking spaces, loading area and landscaping.

Existing Site

The project site is a 3.2-acre vacant lot, generally consisting of graded dirt with ruderal vegetation and signs of past disturbance. There is a minor downward gradient from
north to south. The site is also substantially surrounded by developed commercial uses with services provided adjacent to the property. A portion of the easterly area of the site will be a remainder parcel intended to be granted to the easterly adjoining property, leaving 2.6 acres of development area.

**Design Review**

**Building Design**

The applicant has proposed to construct a 29,536 square foot neighborhood grocery store. The building would encompass 29,536 square feet of retail space. The building exterior would feature colored cement plaster, stone veneer, metal awning, aluminum store front system, decorative lighting and tile mosaics. The building meets all setback and lot coverage requirements for the General Commercial zoning district.

The easterly elevation depicts a long wall plane unrelieved by any articulation. The City’s general design principles call for wall articulation and articulation of roof planes at fifty-foot intervals throughout a structure. Staff has not included conditions of approval related to either of these areas, but rather has simply noted them as a topic for Planning Commission discussion.

**Retaining Wall**

A retaining wall with a maximum height of approximately 3.3 feet near the south of the property is proposed to be located along the easterly property line adjacent to the building.

**Building Height**

The building height ranges from twenty-six to thirty-six feet in height. Building height in the General Commercial zone is limited to thirty-five feet, not including belltowers, steeples, and similar architectural embellishments not exceeding 10% of the total building area. Only limited portions of the façade, which is an architectural enhancement to the building, are proposed to the thirty-six foot height and the affected area appears to be within the ten percent limit. To ensure compliance with the zoning code, a condition of approval has been included requiring that portions of the building that exceed the thirty-five foot height limit shall not exceed ten percent of the building area.

**Parking and Loading**

Table 17.28.040B Commercial and Industrial Parking Requirements, requires the following:

Retail Commercial – one space for each 250 square feet of gross floor area.
With 29,426 square feet of Retail Commercial floor space depicted on the floor plan, 119 total spaces would be required. The site plan depicts 126 standard parking spaces, which includes five accessible spaces (handicap).

Site access will be provided by two driveways that allow ingress and egress via West Ramsey Street to the north and one driveway to the south providing access to the future realigned Joshua Palmer Way. Drive aisles are 25 to 35 feet in width which allows access to all areas of the parking lot and access to the loading dock located on the south side of the building.

Section 17.28.070 Off Street Loading Standards of the Zoning Ordinance requires three loading spaces for uses of more than 25,000 square feet. Loading areas are depicted on the site plan along the south side of the building, however they do not appear to meet dimensional requirements. Staff has included a condition of approval requiring three 15’ x 20’ loading spaces with 15 feet of vertical clearance. Additionally, as required by the Zoning Ordinance, staff has included a condition requiring a four foot high permanently maintained and irrigated landscaped berm.

Landscaping

Currently, the site is primarily dirt with sporadic individual vegetation. The preliminary landscaping plan depicts landscaping surrounding the site with a three foot tall hedge along the perimeter of the parking and loading areas. Trees and shrubs are proposed throughout the landscape area including the parking area.

The landscape plan provides a variety of planting materials, one 24 inch box tree for every four parking spaces, minimum six foot dimensions for planter areas, and appropriate pedestrian access around landscaping as required by the zoning code. However, additional landscaping will be required for added parking needed and calculations will be required to confirm that the plan meets the fifteen percent of parking areas requirement. Conditions of approval will require that these items are addressed at the building permit plan check stage.

Refuse Storage

A condition of approval has been included to require that the structure include decorative walls and cover to complement the building.

Conclusion

The proposed use and site, building, and landscape design, along with proposed and recommended improvements and conditions, will enhance the site and provide for a
land use that would complement adjacent development. Staff recommends approval of the proposed project, subject to conditions contained in Exhibit “A” attached.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with the California Environmental Quality Act (CEQA), the project is exempt from further environmental review as a Class 32 Categorical Exemption under Guidelines §15332 In-fill Development Projects. A Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described as the following: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

Staff has analyzed proposed Design Review 17-7001 and determined that the Project is Categorically Exempt from CEQA pursuant to §15332 due to the fact that the proposal meets the required criteria to qualify as an “in-fill development project” as defined by §15332 of the CEQA Guidelines as follows: (a) it is a permitted use in the General Commercial zoning district; (b) the site is less than five acres; (c) the site is not located in a MSHCP criteria cell area and the site is disturbed; (d) approval would not result in significant impacts, (e) and the site can be adequately serviced by required utilities and public services. Therefore, Design Review DR 17-7001 is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

PUBLIC COMMUNICATION:

Proposed DR 17-7001 was advertised in the Record Gazette newspaper on June 23, 2017 (Attachment No. 3). As of the date of this report, staff has not received any comments for or against the proposal.
ATTACHMENTS:

1. Resolution No. 2017-13
2. Exhibits - Plans
3. Public Hearing Notice

Prepared By: 

Reviewed and Recommended By:

Mark de Manincor
Contract Planner

Patty Névins
Community Development Director
ATTACHMENT 1
Resolution No. 2017-13

Exhibit A - Conditions of Approval
Exhibit B – Project Plans
RESOLUTION 2017-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A NOTICE OF EXEMPTION FOR DESIGN REVIEW 17-7001 TO CONSTRUCT A 29,536 SQUARE FOOT NEIGHBORHOOD GROCERY STORE LOCATED ON THE SOUTH SIDE OF WEST RAMSEY STREET, EAST OF HIGHLAND SPRINGS AVENUE ASSESSOR’S PARCEL NUMBER’S 419-112-016 AND 419-112-019 WITHIN THE GENERAL COMMERCIAL ZONE.

WHEREAS, an application for a Design Review of the construction of a 29,536 square foot neighborhood grocery store has been duly filed by:

Project Applicant: Greg Lukosky
417 29th Street
Newport Beach, CA 92663

APN’S: 419-112-016 AND 419-112-019

Lot Area: 3.2 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review 17-7001 for the construction of a 29,536 square foot neighborhood grocery store in the General Commercial Zoning District; and

WHEREAS, on June 23, 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 time the project would be considered; and

WHEREAS, on July 5, 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 Design Review 17-7001; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review 17-7001 and determined that, pursuant to CEQA Guidelines Section 15332 (Infill Development Projects), the project is Categorically Exempt;

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 Guidelines §15332 (Infill Development Projects) Class 32 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is considered exempt from further environmental review. A Class 32 Categorical Exemption consists of projects characterized by: (a) being consistent with the general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) the site can be adequately served by all required utilities and public services. The Planning Commission has analyzed proposed Design Review 17-7001 and has determined that it is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as “In-Fill Development Projects” as defined by §15332 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW 17-7001:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Design Review 17-7001:

Finding A: The proposed use is consistent with the General Plan;

Finding of Fact: Design Review 17-7001 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." General Plan, Community Development, Land Use
Element, Commercial and Industrial Goals, Policies and Programs, Policy 1, p. III-19. The land-use designation of General Commercial allows land uses that are commercial such as; grocery stores. The proposed project under Design Review 17-7001 is adjacent to commercial uses to the north, south, east and west. Further, Design Review 17-7001 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” General Plan, Community Development, Economic Development Element, Policy 2, p. III-41. The proposed neighborhood grocery store will assist in retaining an existing business and maintain and create employment opportunities for the City.

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

**Finding of Fact:** The proposed project is a 29,536 square foot neighborhood grocery store which is consistent with the Zoning Ordinance and development standards as retail facilities are permitted uses in the General Commercial zone and the project has been conditioned to provide adequate parking and landscaping. Additionally, all setbacks, height requirements and other standards and design guidelines have been considered.

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

**Finding of Fact:** The design and layout of the proposed project has been conditioned to reduce interference with neighboring uses by planting a three foot tall hedge around the parking and loading area. Additionally, all access to surrounding streets has been provided by two driveways to West Ramsey Street and one driveway to the proposed realigned Joshua Palmer Way.

**Finding D:** The design of the proposed project is compatible with the character of the surrounding neighborhood.
Finding of Fact: The project is adjacent to commercial zoned property to the north, south, east and west. The project is considered a general commercial use (retail). Landscaping, will be installed complementing the character of the surrounding neighborhood.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2017-13:
   a. In accordance with CEQA Guidelines Section 15332 the Planning Commission hereby adopts the Class 32 Categorical Exemption (Infill Development Projects) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and
   b. Design Review 17-7001 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A and based on plans attached as Exhibit B.

PASSED, APPROVED AND ADOPTED this 5th day of July 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 2017-13 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of July 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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

Community Development Department

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

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

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

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

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

6. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Certificate of substantial completion.
7. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

8. Architectural features of the building exceeding the thirty-five foot height limit shall not exceed ten percent of the total building area.

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

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

11. 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.

12. All trash enclosures shall be required to have three decorative walls with enhanced wall cap, pedestrian entrance, structural steel cover and a gate, in a style compatible with the structure’s architecture. The gate shall be maintained in working order and shall remain closed except when in use; per City Standards.

13. 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.

14. 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.

15. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (DR #17-7001). The applicant shall comply with 2016 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.

16. Prior to the issuance of a Certificate of Occupancy, a lot merger shall be recorded merging both lots into one.
17. 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.

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

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

20. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide. Two large vehicle parking spaces, 9 feet x 30 feet minimum shall be provided.

21. Three loading spaces with dimensions of 15' x 20' with fifteen feet of vertical clearance shall be provided. A four foot high permanently maintained and irrigated landscaped berm shall be provided adjacent to the loading area for screening of said areas.

22. 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.

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

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

b. Disabled access parking shall be located on the shortest accessible route. Relocated parking spaces accordingly.
24. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.

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

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

27. The monument sign shall be reviewed under a Sign Review application submittal.

28. The northerly driveway approaches shall be restricted to right-in and right-out only and a directional sign shall be provided alerting travelers.

**Public Works Department**

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

**General Requirements**

29. 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.

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

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- Riverside County Flood Control & Water Conservation District (storm drain)
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- California Department of Transportation (CALTRANS)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include
approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

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

a. Rough Grading Plans
   1" = 40' horizontal
   (All Conditions of Approval shall be reproduced on last sheet of set)

b. Haul Route Plans
   1" = 40' horizontal

c. Clearing Plans
   1" = 50' horizontal
   (Include construction fencing plan)

d. Erosion Control & SWPPP, WQMP
   1" = 40' Horizontal
   (Note: a, b, c & d shall be reviewed and approved concurrently)

e. Storm Drain Plans
   1" = 40' Horizontal

f. Street Improvement Plans
   1" = 40' Horizontal
   1" = 4' Vertical

g. Signing & Striping Plans
   1" = 40' Horizontal

h. Precise Grading Plans
   1" = 40' Horizontal

i. Landscaping Plans
   1" = 20' Horizontal

j. Water & Sewer Improvement Plans
   1" = 40' Horizontal
   1" = 4' Vertical

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

All off-site plan and profile, street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.
A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

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

Rights of Way/Public Improvements

33. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for Joshua Palmer Way and 5th Street fronting the site as a local street; 60 feet full width of street.

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

33. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans.

34. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.

35. Construct street improvements in accordance with City standards fronting Joshua Palmer Way and 5th Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, parkway, asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

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

37. There are water and sewer mains on the existing 5th Street that will required easement (15' in width) granted to the City of Banning for maintenance purposes if that portion of 5th Street is to be vacated.

38. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal.
39. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

Grading and Drainage

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

41. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

42. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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

44. The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code (BMC) and Title 18 “Grading, Erosion and Sediment Control” of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

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

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

The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

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

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

46. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

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

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

49. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

50. The following notation shall be placed on the grading plan: "No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the
breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey."

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

Traffic

52. Prior to the issuance of a grading permit or building permit, the applicant shall submit to the Public Works/Engineering Department an Traffic Operations Analysis for the project.

53. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line.

54. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

55. Driveway grades shall not exceed eight percent unless approved by the City Engineer.

56. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

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

Water

58. Design and construct an 8" D.I.P. water line on public street and connect to the existing water main on 5th Street or on Ramsey Street. Submit Water Improvement Plans to Public Works Department, Engineering Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.
59. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

60. Fire Services will require a Double Detector Check or RPP Device.

61. Pay all applicable water connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

**Sewer**

62. Design and construct sewer line on public streets and connect to existing sewer main on 5th Street or on Ramsey Street. Submit Sewer Improvement Plans to Public Works Department, Engineering Division for review and approval. If the sewer line is not located on a public street, an easement over the sewer line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.

63. All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 6” and all sewer mains shall be a minimum of 8”. Final sizes shall be approved by the City Engineer.

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

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

**Trash/Recycling**

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

67. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

**Final Map (If Required)**

68. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:
Exhibit A
Conditions of Approval
DR No. 17-7001
Page 12 of 16

- Faithful Performance Bond - 100% of estimated cost
- Labor and Material Bond - 100% of estimated cost
- Monumentation Bond - $7,500.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

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

70. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.

71. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

72. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

Fees

73. Plan check fees for professional report review (geotechnical, drainage, WQMP, etc.), and all improvement plans and maps review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

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

75. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the fee schedule in effect at that time.

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

77. The electric utility service design will include a point of connection on Joshua Palmer Way realignment and at the neighboring property of 6090 W. Ramsey (conduits stubbed on west side P/L under existing sidewalk).

78. An area of the new pad mounted transformer(s), vault(s) & service equipment must be sufficient in size for safe operation and maintenance.

79. The transformer(s) must be in a decorative enclosure (see attach sheet).

The developer shall be responsible the following:

80. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2016. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

81. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension. Additional cost for offsite electric utility improvements may also apply to this project.

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

83. Installation of all electric utility conduits and substructures.

84. All trenching, backfill, and compaction.

85. The installation of the service entrance cable from the transformer(s) to the pull section and switchgear.

Police Department

86. The applicant shall provide video monitoring of the premises with data storage of at least 30 days. The applicant agrees to share this data with law enforcement when requested.
Building and Safety Department

87. 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.

88. 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.

89. 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 owners responsibility to be aware of those differences and comply accordingly.

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

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

92. 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

All questions regarding the meaning of these conditions should be referred to the Fire Department staff.
93. For commercial areas, the required fire flow shall be available from 1 Super hydrant(s) (6" x 4" x 2\(\frac{1}{2}\)" x 2\(\frac{1}{2}\)" ) spaced not more than 350 apart and shall be capable of delivering a fire flow 1500 GPM per minute for two hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.

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

95. Install a complete commercial fire sprinkler system. Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a “wet signature”, that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage.

96. The PIV and FDC shall be located to the front of building within 50 feet of approved roadway and within 200 feet of an approved hydrant. Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation.

97. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads, along with current permit fees, to the Fire Department for review and approval prior to installation.

98. This building has not been reviewed or approved for high pile/rack storage. Prior to such use, building(s) shall be approved for high-piled storage (materials in closely packed piles or on pallets, or in racks where the top of storage exceeds 12 feet in height, 6 feet for Group A plastics and/or certain other high hazard commodities) or aerosols products. High-piled and aerosol stock shall be approved prior to materials being stored on site. A licensed Fire Protection Engineer or a Fire Department approved consultant must prepare plans for high-piled storage or aerosol storage in accordance with the California Fire Code and adopted standards.

99. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval.
100. Fire Apparatus access road and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.

101. Commercial address must be a minimum 12" tall in contrasting color visible from the street address side of the building. Illuminated internally or externally.

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

103. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department.

***END***
ATTACHMENT 2
Exhibits-Plans
(Full Size Plans Provided)
ATTACHMENT 3
Public Hearing Notice
Record Gazette  
218 N. Murray St.  
Proof of Publication  
(2015.5 C.C.P.)  
145183 PHN JULY 5TH PC MEETING

State of California  )  
County of Riverside  )  ss.

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:

June 23, 2017

Executed on: 06/23/2017
At Banning, CA

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

Ana Rivera  
Signature

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, July 5, 2017, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California to consider the following projects:

Design Review 16-7103, Conditional Use Permit 16-5002 and Notice of Exemption pursuant to section 15332 of the California Environmental Quality Act for a proposal by Andy Anderson to construct an 8,000 square foot warehouse with 2,240 square foot office for a rental equipment and recreational vehicle storage and parking facility on 4.53 acres of land located north of Charles Street, west of Hathaway Street, Assessors Parcel Number 543-390-019

Design Review 17-7101 and Notice of Exemption pursuant to section 15332 of the California Quality Act for a proposal by Greg Lukowski to construct a 29,338 square foot neighborhood grocery store located on the south side of Ramsey Street, east of Highland Springs Avenue, Assessors Parcel Number 419-112-016

Zone Text Amendment 17-5763 and Notice of Exemption pursuant to section 15361 (h)(3) of the California Quality Act for a proposal by the City of Banning to amend various sections of the Zoning Ordinances (Title 17 of the Banning Municipal Code) regarding Accessory Dwelling Units within the text

Information regarding the above projects can be obtained by contacting the City's Community Development Department at (951) 522-3125, 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 598, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited in 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 65093).

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

Patty Nesbit Dated: June 26, 2017 Community Development Director
Published in The Record Gazette
No. 145183
6/23/2017
CITY OF BANNING
Planning Commission Report

MEETING DATE: July 5, 2017
TO: Planning Commission
FROM: Patty Nevins, Community Development Director
BY: Mark de Manincor, Contract Planner
SUBJECT: ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT

RECOMMENDED ACTION:
Continue the item to the August 2, 2017 Regular Planning Commission meeting.

Prepared by

Recommended By:

Mark de Manincor
Contract Planner

Patty Nevins
Community Development Director