I. CALL TO ORDER: Chairman Shaw

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

II. PUBLIC COMMENTS - On Items Not on the Agenda

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

III. CONSENT CALENDAR ITEMS:

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

Minutes of December 6, 2017 Regular Planning Commission meeting

IV. PUBLIC HEARING:

DISCUSS AND CONSIDER DESIGN REVIEW 17-7005, A PROPOSED REMODEL/EXPANSION OF AN EXISTING AUTO DEALERSHIP LOCATED AT 4545 W. RAMSEY STREET (APN 537-100-043).

Staff Report – Sonia Pierce

Page 6
Order of Procedure:
1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public comments
5. Close public comments
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 2018-01:

I. Approve Design Review (DR) 17-7005 subject to the Findings and Conditions of Approval; and

II. Adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities).

V. REVIEW AND DISCUSSION ITEMS:

I. Topics Review, Planning Commissioner Comments of December 6, 2017 meeting.

Staff Report – Patty Nevins…………………………………………………………………………………………..Page 27

II. Planned Unit Development Research.

Staff Report – Patty Nevins…………………………………………………………………………………………..Page 29

NO RECOMMENDED ACTION

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 February 7, 2018 starting at 6:30 p.m. in the City Council Chambers.
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].
A regular meeting of the City of Banning Planning Commission was held on Wednesday, December 6, 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 Ellis
Commissioner Price
Commissioner Schuler

Staff Present: Community Development Director, Patty Nevins
Public Works Director/City Engineer, Art Vela
Assistant City Attorney, Serita R. Young
Senior Planner, Sonia Pierce
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:

No Comments

III. CONSENT CALENDAR ITEMS:


ACTION: Motion/Second (ELLIS/PRICE) to approve the November 1, 2017 Planning Commission meeting minutes. (Motion Carried 5-0) with an addendum to item number IV.

Requested change (Addendum):

Commissioner Schuler said she understands that the settlement that was imposed on Pardee indicated that the City was to supply non-potable water.

IV. PUBLIC HEARING:

1. DISCUSS AND CONSIDER STREET VACATION REQUEST PH#17-9508: A REQUEST BY CRUZ INDUSTRIAL TRUCK, INC. OF BANNING, CALIFORNIA TO VACATE 25 FEET OF PUBLIC RIGHT-OF-WAY FRONTING 1233 EAST RAMSEY STREET

Planning Commission Meeting Minutes
December 6, 2017
Director Vela presented the staff report. He said the street vacation request is related to Conditional Use Permit 16-8003 approved by the Planning Commission on December 7, 2016 for the establishment of a truck repair and service facility at 1233 East Ramsey Street. As part of the approval, the property owner was required to participate in the vacation of 25 feet of public right-of-way prior to the installation of public improvements and the start of business operations. He said this request is consistent with the General Plan. Vela said the property owner is agreeable with this modification which will result in acquiring additional property that will also become part of the front business parking area.

Commissioner Shaw opened public comment.

No comments

ACTION: Motion/Second (ELLIS/PRICE) that the Planning Commission adopt Resolution No. 2017-19 recommending that the City Council approve the request from Cruz Industrial Truck, Inc., to vacate 25 feet of public right-of-way fronting 1233 East Ramsey Street

(Motion Carried 5-0)

V. REVIEW AND DISCUSSION ITEM:

I. Highland Home Road I-10 Interchange

Director Nevins stated that at the previous meeting the topic of a Highland Home Road interchange was requested as a discussion item for a future agenda. She said a copy of the staff report and the resolution that was approved for the previous removal of this interchange from the General Plan Circulation Element was included as part of the agenda packet.

Commissioner Schuler said that she and Commissioner Krick were part of the General Plan Advisory Committee for the 2006 General Plan update. She said that Commissioner Krick had advocated for the Interchange on Highland Home Road in anticipation of the circulation problems that are presently occurring with the increase in demographics. She feels that discussions that took place at that time need to be re-visited in order to find an improvement to our current traffic flow within this area.

Commissioner Krick indicated that he thinks there’s not enough money to fix the problem at Highland Springs Avenue. With the addition of the Butterfield project, he anticipated a solution to the additional traffic would be having the Highland Home Road exit. He feels the traffic problem will continue for many years to come if discussions are not back again to have the Highland Home Interchange.

Director Nevis said that the staff report for the previous action that financial and environmental constraints were provided as the reason for the recommendation to remove the interchange.
Director Vela said he’s not sure what the environmental concerns were, but he knows that a lot of work was done in removing the interchange and will also take a lot of work to bring it back. He said that part of the work that was done to take it off included modeling the City’s network at ultimate build-out.

Commissioner Krick said an off ramp at Highland Home Road east of Highland Springs Avenue could cure the same problem for us in the future as the Pennsylvania off ramp will cure for the City of Beaumont, which is also one exit away from Highland Springs Avenue.

Commissioner Price said in 2008 the City conducted a feasibility study on this project, and at the time the cost was estimated to be between $60.5- $69 Million. He thinks that at eight years later, we are looking at a minimum of $130 Million because there were many things that were not included in that projection.

Director Vela said a lot of work will have to be done to include this back to the Circulation Element of the General Plan. He suggested that any proposed changes be postponed until the General Plan is updated.

Commissioner Ellis talked about the benefits between the two Cities. He said Oak Valley Parkway is a major artery, and many people utilize it to exit Beaumont to get on the I-10 Fwy. He thinks that another benefit to the City will be the increase in property values in addition to opportunities that will be created having four corners with commercial properties for future development that will generate sales tax.

Director Vela said he does see the value in Highland Home Road, adding that he would want to see the modeling and that the costs and benefits need to be weighed before committing to any particular solution. In response to questions about hook-ramps, Vela said that Caltrans does not like hook-ramps, but there is nothing to say that they cannot be done.

Director Nevins said there are two alternatives to bring this forward. The General Plan could be proposed to be amended earlier, which would require Council Direction, or wait until the General Plan update process starts, approximately a year from now, and include consideration of the interchange in that analysis.

Discussion took place and it was recommended by Assistant City Attorney Young that staff prepare a brief staff report as a receive and file item to City Council from the Planning Commission making a recommendation that consideration of the Highland Home Road Interchange be part of the overall future General Plan update.

Commissioner Shaw opened public comment.

Rick Pippenger, resident of Banning said the General Plan in the City of Banning means nothing. He stated that developers come to the City and it gets changed to meet their criteria (e.g. Rancho San Gorgonio and Pardee Homes). He also said the Highland Springs Avenue problem will get worse sooner than predicted.
Linda Pippenger, resident of Banning, said she lives off the Sunset off ramp which is always backed-up both ways, and thinks with the addition of newer homes on Highland Springs Avenue in the Beaumont side is going to get worse.

Frank Burgess, resident of Banning said he knows the value if the Highland Home Road overpass, and the financial benefits that this City will have. He said nothing has been done on the Midway project, and businesses have come and gone.

Commissioner Ellis asked staff what can be done to immediately eliminate gridlock at the intersection of Highland Springs Avenue. He said other cities have limit lines, no gridlock signs, and heavy fines are issued to drivers for obstructing intersections. A recommendation was made to bring this discussion forward to City Council for further discussion.

Chairman Shaw said that the City of Beaumont is aware of current problem at Highland Springs Avenue. The City is currently in design to extend Second Street, and widen, construct ramps, and develop a grade separation at Pennsylvania Avenue.

**ACTION:** Motion/Second (KRICK/SCHULER) that the Planning Commission makes a recommendation to the City Council to take into consideration a Highland Home Road Interchange as part of the General Plan Update.

*(Motion Carried 5-0)*

**VI. PLANNING COMMISSIONER COMMENTS:**

Commissioner Ellis said the City needs something immediately done at the Highland Springs Avenue to eliminate gridlock at that intersection. He requested that to the Public Works Director work with the City Manager to find out what needs to be done about getting that accomplished.

Commissioner Ellis also said that we have a lack of crosswalks in the City. He requested the Public Works Director study the issue, and work with management about the crosswalk deficit in the City and report back to the Commission if need. He asked that Director Vela work towards getting this accomplished as quickly as possible in order to prevent any future tragedies.

As a future item, Commissioner Krick asked if the City could take an inventory of the City alleys located on the East Side of town, find out which ones will not be used, and possibly deed them back to surrounding property owners.

Commissioner Krick also made a recommendation to City Council that on the Paseo San Gorgonio project, any streets that were vacated in that project not be sold and be retained for public use. Director Vela said some members of the City Council are aware of that, and are currently in discussion with the Interim City Manager about this. Director Nevins said she will research Commissioner Krick’s request and bring back information at a future meeting.
Commissioner Ellis said he’s looking for an immediate fix to eliminate homeless people setting up temporary shelters in the Downtown area, and under trees in vacant land. He also would like to find out how the City can help to provide shelter for them to eliminate this current problem.

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

Director Nevins reminded the Planning Commission about the upcoming Planning Commission Academy April 4-April 6, 2018. The training will be in Monterey.

VIII. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:24 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 FROM THE CITY CLERK’S OFFICE.
CITY OF BANNING
Planning Commission Report

DATE: January 3, 2018
TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner

SUBJECT: DESIGN REVIEW 17-7005
PROPOSED REMODEL / EXPANSION OF AUTO DEALERSHIP
4545 W. RAMSEY STREET (APN 537-100-043)

RECOMMENDATION:
That the Planning Commission adopt Resolution 2018-01

1. Adopt findings and approve Design Review 17-7005 subject to the Conditions of Approval.

2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and direct staff to file a Notice of Exemption with the Riverside County Recorder.

APPLICANT INFORMATION:
Project Location: 4545 W. Ramsey Street
APN Information: 537-100-043
Project Applicant: Alam Khan
4545 W. Ramsey Street
Banning, CA 92220

Property Owner: Khan Property Holdings
4545 W. Ramsey Street
Banning, CA 92220
APPLICANT'S REQUEST:

The applicant, Alam Khan, is requesting Design Review approval for the remodel and 4,606 square foot expansion of a new storefront for the existing Diamond Hills Auto dealership on a fully developed parcel at 4545 W. Ramsey Street, also identified as APN 537-100-043, located on the north side of West Ramsey Street, east of Highland Home Road in the General Commercial (GC) Zoning District.

BACKGROUND AND DESCRIPTION:

The project site consists of one parcel totaling 5.79-acres located at 4545 West Ramsey Street, east of Highland Home Road. The site is located in the GC Zoning District, which allows for retail auto sales. The site is mostly surrounded by other automobile or recreational vehicle sales and repair business along Ramsey Street. To the north are single family residential homes, and adjacent property to the east is vacant land with drainage swales. The project site is an existing commercial building and has access to all services provided by the City, such as: sewer, water, electricity, and paved roadways.

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>Subject Site</td>
<td>Auto Dealership</td>
<td>General Commercial (GC)</td>
<td>GC</td>
</tr>
<tr>
<td>North</td>
<td>Low Density Residential</td>
<td>Low Density Residential (LDR)</td>
<td>LDR</td>
</tr>
<tr>
<td>South</td>
<td>RV Sales/ Repairs</td>
<td>GC</td>
<td>GC</td>
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<tr>
<td>East</td>
<td>Vacant</td>
<td>GC</td>
<td>GC</td>
</tr>
<tr>
<td>West</td>
<td>Auto Dealership</td>
<td>GC</td>
<td>GC</td>
</tr>
</tbody>
</table>

Proposal

The applicant proposes to remodel and expand an existing auto dealership facility. The proposal includes the interior remodel of the former showroom and the addition of 4,606 square feet to be used for employee office space, restrooms, showroom, customer lounge, parts, and storage.
The exterior remodel includes the removal of the A-frame shaped entry statement and replacement with the new vertical, blue, aluminum entry statement. The storefront will be replaced with glass in an aluminum frame, consistent with the look that the national brand has adopted. Additionally, a 606 square foot canopy will be built for the customer car pick up area on the west side of the building. The total square footage of the completed remodeled structure will be 28,465 square foot and parking on the site will remain at 292 spaces with existing loading areas and landscaping.

Existing Site

The project site is a 5.79-acre commercial lot developed with an existing auto dealership. The site is surrounded by developed commercial uses, residential uses and a vacant flood control plain with existing services provided on-site.

Design Review

Building Design

The applicant has proposed to remodel and expand an existing 23,917 square foot structure used as an auto dealership showroom and office. The new expansion will be a 4,606 square feet construct on the west side of the building. Including the new addition, the building would total 28,465 square feet. The new building storefront exterior would feature an aluminum storefront system with a maximum 34-foot high, blue monument entry statement, a new exterior canopy over the car delivery area and recessed exterior soffit lights.

Parking and Access

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

- one space for each 400 square feet of gross floor area – Showroom and office;
- plus one space for each 2000 square feet – Outdoor display;
- plus one space for each 500 square feet floor area – Vehicle repair;
- plus one space for each 300 square feet – Parts department; and
- one space for each employee on the largest shift.

With 6,556 square feet of showroom and office floor space depicted on the floor plan, 28,800 square feet of outdoor display, 13,824 square feet of repair / service bays, 882 square feet of parts sales, and the largest shift consisting of 35 employees, a minimum of 97 total spaces would be required. The site plan depicts 292 standard parking spaces, which is more than adequate to include employees and customer parking. Handicap accessible spaces have not been identified on the plan.
Site access will be provided by two driveways that allow ingress and egress via West Ramsey Street to the south and one mutual access driveway with the adjacent parcel to the west, providing access to Highland Home Road.

Landscaping

Currently, the site is primarily landscaped with a desert rock theme and accent shrubs, trees and sodded lawn. Trees and shrubs are existing throughout the parking area.

There are no plans to remove any landscaping and all existing landscape will remain as is.

Refuse Storage

The site plan does not include a location for trash storage and a condition of approval has been included to require a covered enclosure to complement the building.

Conclusion

The proposed building remodel and addition, along with proposed and recommended conditions, will enhance the site and provide for upgraded building elevations that would enhance West Ramsey Street. 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 1 Categorical Exemption under CEQA Guidelines § 15301, Existing Facilities. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical, features, involving negligible or no expansion of use beyond the existing at the time of the lead agency’s determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include, but are not limited to: (1) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and (2) additions to existing structures provided that the addition will not result in an increase of more than: (a) 10,000 square feet if: (i) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and (ii) the area in which the project is located is not environmentally sensitive.

Staff has analyzed proposed Design Review 17-7005 and determined that the Project is Categorically Exempt from CEQA pursuant to CEQA Guidelines § 15301 due to the fact
that the proposal meets the required criteria to qualify as an "existing facility" as defined by Sections 15301(a) and (e)(2) of the CEQA Guidelines. Proposed Design Review 17-7005 is a minor alteration of existing private structures involving negligible expansion of an existing use, including interior and exterior alterations involving interior partitions, plumbing, and/or electrical conveyances and (b) an addition to the existing structure that will not result in an increase of more than 10,000 square feet, which project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. Therefore, Design Review DR 17-7005 is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

PUBLIC COMMUNICATION:

Proposed DR 17-7005 was advertised in the Record Gazette newspaper on December 22, 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. 2018-01 with Conditions of Approval
2. Exhibits - Plans
3. Public Hearing Notice

Prepared By:  Reviewed and Recommended By:

Sonia Pierce  Patty Nevins
Senior Planner  Community Development Director
ATTACHMENT 1
Resolution No. 2018-01
with Conditions of Approval
RESOLUTION 2018-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, APPROVING DESIGN REVIEW 17-7005 AND ADOPTING A NOTICE OF EXEMPTION FOR A PROPOSAL TO REMODEL AN EXISTING 23,917 SQUARE FOOT AUTO DEALERSHIP AND A 4,606 SQUARE FOOT EXPANSION OF ADMINISTRATIVE OFFICES AND SHOWROOM LOCATED AT 4545 W. RAMSEY STREET ON THE NORTH SIDE OF RAMSEY STREET, EAST OF HIGHLAND HOME ROAD, ASSESSOR'S PARCEL NUMBER 537-100-043 WITHIN THE GENERAL COMMERCIAL ZONE.

WHEREAS, an application for Design Review of a remodel and 4,606 square foot expansion of the existing Diamond Hills Auto dealership has been duly filed by:

Project Applicant: Alam Khan  
4545 W. Ramsey Street  
Banning, CA 92220

APN: 537-100-043
Lot Area: 5.79 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review 17-7005 for the remodel and 4,606 square foot expansion of an existing auto dealership in the General Commercial Zoning District; and

WHEREAS, on December 22, 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 January 3, 2018, 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 17-7005; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review 17-7005 and determined that, pursuant to CEQA Guidelines Sections 15301(a) and (e)(2) (Existing Facilities), the project is categorically exempt from environmental review under CEQA;
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 the California Environmental Quality Act (CEQA), the project is exempt from further environmental review as a Class 1 Categorical Exemption under CEQA Guidelines § 15301, Existing Facilities. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include, but are not limited to: (1) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and (2) additions to existing structures provided that the addition will not result in an increase of more than: (a) 10,000 square feet if: (i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and; (ii) the area in which the project is located is not environmentally sensitive. The Planning Commission has analyzed proposed Design Review 17-7005 and has determined that it is categorically exempt from environmental review under CEQA pursuant to Sections 15301(a) and (e)(2) of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify for the “Existing Facilities” exemption as defined by Section 15301 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW 17-7005:

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 17-7005:

Finding A: The proposed use is consistent with the General Plan;
Finding of Fact: Design Review 17-7005 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of General Commercial allows commercial land uses including vehicle sales. The proposed project under Design Review 17-7005 is adjacent to commercial uses to the south, east and west and has existed for many years adjacent to Low Density Residential zoned land uses to the north. Further, Design Review 17-7005 is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues." The proposed remodel and minor expansion of the Diamond Hills Auto dealership 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 4,606 square foot expansion and remodel of an existing automobile dealership which is consistent with the Zoning Ordinance and development standards as vehicle sales facilities are permitted uses in the General Commercial zone and the project has adequate parking and landscaping. Additionally, all setbacks, height requirements and other applicable standards and design guidelines have been satisfied.

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 is almost identical to the existing layout and the design is an upgrade to the dealership's new corporate identity. The proposed design and layout has not created any new interference with pedestrian or vehicular traffic paths of the neighboring properties. Additionally, all access to surrounding streets have
been provided by two driveways to Ramsey Street and one shared driveway to Highland Home Road.

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

**Finding of Fact:** The project is a remodel and negligible expansion to an existing business that has been in the neighborhood for many years and is compatible with the adjacent commercial zoned property to the, south, east and west. The residential zoned property to the north has been in existence with the auto dealership for many years. The project is considered a general commercial use (vehicle sales). Landscaping will not be disturbed to maintain 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 2018-01:
   a. In accordance with CEQA Guidelines Sections 15301(a) and (e)(2) the Planning Commission hereby finds that Design Review 17-7005 is exempt from review under CEQA pursuant to the Class 1 categorical exemption (Existing Facilities) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and
   b. Design Review 17-7005 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3rd day of January, 2018.

__________________________
Eric Shaw, Chairman  
Banning Planning Commission

APPROVED AS TO FORM  
AND LEGAL CONTENT:
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-01 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of January, 2018, 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. This Design Review approval is for the remodel and expansion of an auto sales dealership.

2. 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.

3. 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.

4. 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 one time 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.

5. 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.

6. 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.

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

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

9. Exterior noise, including any bells, public address system, etc. shall not exceed 65dBA at the property line.

10. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.
11. All trash enclosures shall be required with three, decorative walls with enhanced wall cap, 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.

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

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

14. 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.

15. All ground-mounted utility appurtenances, such as transformers and A/C 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.

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

17. All new proposed signs shall be reviewed under a Sign Review application submittal and a separate permit is required prior to installation.

18. 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

General Requirements

19. 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.
20. 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.

**Electric Utility Department**

21. The applicant shall submit 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.

22. The applicant shall pay required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

23. The applicant shall grant easement for electric facilities installation/maintenance, etc.

24. The applicant shall install utility hand hole, conduits, protective barriers and a commercial meter pedestal per electric utility design.

25. The C.O.B. Electric Utility shall be responsible for:

   A. Reviewing plans submitted by customer.
   
   B. Designing an electrical utility plan for the installation of structures and conduit by developer.
   
   C. Providing a cost estimate for installing an underground electrical system for this project.
   
   D. Inspecting all trenches and substructures prior to backfilling. 24-hour prior notice is required before inspection.
   
   E. Installing electrical utility conductors, terminations, metering, to provide electrical service for your project.

   *This is intended to provide general information for electrical service, and therefore may not be entirely inclusive of all responsibilities of the customer or the City.*

**Building and Safety Department**

The following are required at time of plan check submittal:
26. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

27. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not be 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.

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

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

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

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

Fire Department

32. The applicant shall follow the requirements as approved by Design Review for access.

33. The applicant shall comply with the water department requirements for adequate fire flow.

***END***
ATTACHMENT 3
Public Hearing Notice
Notice of Public Hearing and Notice of Exemption for Design Review

To Consider the Remodel of an Existing 23,917 Square Foot Auto Dealership and a 4,606 Square Foot Expansion of the Administrative Offices and Showroom Located at 4554 W. Ramsey Street on the North Side of Ramsey Street East of Highland Home Road, Assessors Parcel Number 537-130-043 Within the General Commercial (GC) Zone.

Notice is hereby given of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, January 3, 2018, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the notice of exemption and a proposal by Alam Khan to remodel a 23,917 square foot building and construct a 4,606 square foot expansion to the Diamond Hills Auto dealership.

Information regarding the Notice of Exemption and Design Review can be obtained by contacting the City’s Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California 92220.

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

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

Patty Nevins
Community Development Director
Dated: December 19, 2017
Published: December 22, 2017
Published In:
The Record Gazette
No. 150767
12/22/2017

Notary Public in and for the State of California

Patty Nevins
Community Development Director
Dated: December 19, 2017
Published: December 22, 2017
Published In:
The Record Gazette
No. 150767
12/22/2017

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

[Signature]

December 22, 2017

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

December 22, 2017

Executed on: 12/22/2017
At Banning, CA.

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

[Signature]
MEETING DATE: January 3, 2018

TO: Planning Commission

FROM: Patty Nevins, Community Development Director

SUBJECT: Topics Review, Planning Commissioner Comments of December 6, 2017 meeting

STAFF RECOMMENDATIONS:

This item is for information and discussion only; there is no recommended action.

BACKGROUND:

At the December 6, 2017 Planning Commission meeting, information and/or actions on a number of topics were requested by Planning Commissioners under the agenda item of Planning Commissioner Comments. It was noted during discussions that certain topics might not fall within the Planning Commission’s responsibilities; for information on the Planning Commission’s Duties and Responsibilities, please see Banning Municipal Code Section 2.28.050

The topics raised during the December 6th meeting and staff responses are as follows:

1. Highland Springs Avenue traffic concerns. Engineering and Public Works staff anticipates providing future updates on activities planned and/or underway to improve traffic conditions along Highland Springs Avenue.

2. Crosswalk Study & Alley Study. A crosswalk study and/or alley study would require City Council direction prior to commencement. The Planning Commission may, as a body, forward a request for a study to the City Council. Alternatively, any individual may make a request for a study to the City Council.

3. Vacated streets on the Paseo San Gorgonio project. The Planning Commission may forward a recommendation to the City Council requesting that re-acquisition of previously vacated streets associated with the Paseo San Gorgonio project be considered.
4. Temporary homeless shelters. Staff will provide information on this topic at the meeting.

Prepared By:

Patty Nevins
Community Development Director
CITY OF BANNING
Planning Commission Report

DATE: January 3, 2018
TO: Planning Commission
FROM: Patty Nevins, Community Development Director
SUBJECT: Planned Unit Development Research

STAFF RECOMMENDATIONS:
This item is for information and discussion only; there is no recommended action.

BACKGROUND:
At the October 4, 2017 Planning Commission meeting, it was requested that a discussion of the City of Banning’s Planned Unit Development (PUD) Ordinance be placed on a future agenda. Planned unit developments in the City of Banning are regulated by Chapter 17.92 and Section 17.08.170 of the Municipal Code. (See Attachment No. 1.)

At the November 1, 2017 Planning Commission meeting, after discussion of the City’s ordinance related to Planned Unit Developments, it was requested that staff research Planned Unit Development requirements in other jurisdictions in order to inform the Commission’s discussion of the topic in relation to the City of Banning’s existing PUD Ordinance.

Multiple other jurisdictions researched were found to have similar Planned Unit Development provisions in their zoning codes. For a representative sample of how other nearby jurisdictions handle PUD’s, staff has provided summary PUD information for the nearby jurisdictions of Calimesa, Yucaipa, and Moreno Valley, contained in Attachment No. 2, illustrating various development standards including Minimum Site/Lot Area, Maximum Site Coverage, Permitted Density, Street Design, and Parking.

Density based on underlying zoning and allowance of private streets were similar in PUD regulations in all jurisdictions examined. Another common characteristic all jurisdictions shared is the inclusion of language indicating the discretion of the Planning Commission
to alter adopted standards in PUD’s, thus the information provided should not be taken as compulsory for any jurisdiction represented. Development flexibility is the primary benefit accorded by a Planned Unit Development ordinance.

The City of Banning’s PUD ordinance specifically provides the Planning Commission with flexibility relative to the following development standards: minimum lot size; front yard setback to the extent compatible with existing development; side and rear yards; and private streets. All other development standards (e.g. density, parking, height, etc) must meet the requirements of the underlying zone.

**ATTACHMENTS:**

1. Chapter 17.92 and Section 17.08.170 of the Municipal Code
2. Summary Comparison of Planned Unit Development Standards
3. Planned Unit Development Ordinances of Nearby Jurisdictions

Prepared By:

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Patty Nevins
Community Development Director
ATTACHMENT 1
Chapter 17.92 and Section 17.08.170 of the Municipal Code
Chapter 17.92 - PLANNED UNIT DEVELOPMENTS

Sections:

17.92.010 - Purpose.

Planned Unit Development permits allow greater flexibility in design in integrated developments than is possible through the strict application of zoning district regulations, and encourage the design of well-planned facilities which offer a variety of land uses through creative and innovative planning, including but not limited to the following types of development:

A. Residential Development. Residential developments, which may include a variety of housing types and site plans, accessible open (green spaces) or common recreational areas and facilities, and other features of substantial benefit to a viable and balanced community.

B. Residential/Commercial Development. Mixed residential/commercial developments that would permit but not be limited to apartments, convenience shopping facilities, professional office, commercial, recreational facilities, or other compatible land uses grouped in a well-designed and coordinated site development.

C. Industrial/Commercial Development. Well-designed and controlled groupings of research, service and/or light industrial/commercial uses within an area containing visual and operational amenities, and features, such as selective occupancies, setbacks, landscaping and bulk and building material controls.

(Zoning Ord. dated 1/31/06, § 9123.01.)

17.92.020 - Design criteria and considerations.

A. In administering the provisions of this chapter, the Community Development Department and the Planning Commission shall take into consideration the extent to which the proposed Planned Unit Development (PUD) generally promotes the purposes of this chapter. It is intended that this chapter be applied to developments capable of achieving the distinct environmental and developmental characteristics and benefits intended by the Planned Unit Development criteria set forth in this chapter.

B. The PUD shall observe the following design criteria:

1. The overall plan shall be comprehensive, and include all land, buildings, landscaping and their interrelationships.

2. The plan shall provide for adequate open space, circulation, off-street parking, recreational facilities and other pertinent amenities as related to the intended use and intensity of development. Buildings, structures and facilities in the parcel shall be well integrated, and oriented to the topographic and natural landscape features of the site, including wildlife passage corridors, when possible.

3. The proposed development shall be compatible with existing and planned land uses and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood or community.

4. The internal street system should not be a dominant feature in the overall design; rather it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.

5. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the PUD and shall be well related to any common open spaces provided.

6. Architectural unity and harmony should be achieved so far as practicable within the development, as well
as with historical and other desirable characteristics of the immediate neighborhood, the broader community, and environmental features such as wetlands, trees, other vegetation, and wildlife habitat.

(Zoning Ord. dated 1/31/06, § 9123.02.)

17.92.030 - Development standards.

In addition to the general provisions of this ordinance and the requirements of the underlying zones, unless modified herein, a PUD shall comply with the following standards:

A. Design standards. The PUD project shall be designed to promote more economical and efficient use of the land, to provide a higher level of urban amenities, and to preserve the natural scenic qualities of open spaces. Overall standards for open spaces, circulation, off-street parking and other design criteria should be incorporated to create a harmonious, integrated project of such high quality as to justify exceptions to the regulations that pertain to the zoning district affecting the proposed project.

B. Density standards. The density standards of the zone in which the property is located shall apply to residential uses. The total number of dwelling units permitted on a residential portion of planned development shall be computed by multiplying the gross acreage of the site by the permitted density factor.

C. Minimum Lot Size. Residential lot size in a Planned Unit Development may be reduced below the minimum standards required by the zoning ordinance. However, as a prerequisite, the developer shall demonstrate that there is a reasonable relationship between the proposed lot size and the usable and accessible open area within the total development. When the required minimum lot area is reduced below the standards set forth in any residential zone, the additional amount of open space provided (above the minimum requirements of the zone) shall be equal to or greater than the sum of all reductions of the required minimum lot size.

D. Yards.

1. Front Yards. Front yard setback compatible with the existing or potential development adjacent and/or opposite from existing development shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect, and enhance the properties adjacent to the proposed planned development. The front yard of the proposed Planned Unit Development shall not be less than that of the developed lots, and shall not be less than the minimum requirements of the zoning district in which they are located. Where this is not the case, front yard setbacks shall be shown on the development plan and shall be subject to approval as shown or modified by the Planning Commission.

2. Side and rear yards. The side and rear yards for each lot shall be shown on the development plan and shall be subject to approval, as shown, or as modified, by the Planning Commission.

E. Development Standards. Development standards for building height, landscaping, lot coverage, types of structures, access and signs, shall meet the requirements of the underlying zones.

F. Parking. Parking requirements for each land use shall be consistent with Chapter 17.28, Parking Requirements.

(Zoning Ord. dated 1/31/06, § 9123.03.)

17.92.040 - Open spaces, common areas and facilities.
Common open spaces shall comprise not less than thirty percent (30%) of the gross site area. Common open space shall be that portion of the gross site area developed for recreational use (such as swimming pool, tennis court, golf course, children’s playground, picnic area), and designated for the use and enjoyment of all the occupants within the development, but shall not include streets, highways or other vehicular rights-of-way.

A. The topographic constraints of said open space shall be such that at least fifty percent (50%) thereof shall be comprised of level land, or land of moderate slopes not exceeding ten percent (10%) grade. No grading slope or area exceeding a ten percent (10%) grade shall be counted as open space.

B. The defined streambed of any water course shall not be counted as open space.

C. A declaration of covenants, conditions and restrictions relating to the repair, maintenance and management of the open spaces and common areas and facilities, signed and acknowledged by those parties having any record title to the land to be developed, and enforceable by the City shall be recorded. Such declaration shall provide that an assessment for the purposes of care, maintenance and improvement of the open spaces, common area and facilities upon any lot shall be a lien upon the lot and shall establish a method for making the claim and foreclosure, including power of sale.

D. Common open space shall be left in its natural attractive, unique or scenic state, unless landscaped in accordance with an approved landscaping plan. Preservation of scenic landscape features such as watercourses, rock outcroppings, hillsides, sensitive land areas, existing vegetation, wildlife, unique topographic features and views shall be encouraged. Open spaces shall be integrated into the overall design of the project.

E. All improvements, located within the common open space, such as landscaping, parks, recreational facilities, travel ways, and parking area, shall be maintained in a safe condition and a state of good repair.

F. Any failure to maintain such improvements located within the common areas shall be declared to be unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

G. In addition to any other remedy provided by law for the abatement, removal or correction of such public nuisance, the City, after giving proper notice, may cause the necessary work of maintenance or repair to be done, and the cost thereof shall be assessed against the development property owners and the City may record and collect this assessment in the same manner as property taxes are recorded and collected.

(Zoning Ord. dated 1/31/06, § 9123.04.)

17.92.050 - Application and processing procedures.

An application for a Planned Use Development Permit shall be filed in a manner consistent with the requirements contained in Chapter 17.48, Applications and Fees.

(Zoning Ord. dated 1/31/06, § 9123.05.)

17.92.060 - Permitted uses.

In order to classify, regulate, restrict, and control the uses of land, buildings, and structures, to regulate and limit the type, height, bulk, and architecture of buildings and structures, and to regulate landscaping, open space, and density, the uses permitted pursuant to Planned Unit Development Permit shall be limited to the following:

A. Residentially Zoned Districts.
1. All uses permitted in residential zones, including but not limited to single family detached or attached multiple family dwelling units;

2. Commercial uses are permitted, provided that the juxtaposition of commercial uses with residential uses is deemed compatible and will not unreasonably interfere with the peaceful and relatively quiet use of the residential uses; provided, however, that said commercial uses shall not occupy more than ten percent (10%) of the site;

3. Educational, cultural and institutional uses are also permitted in PUDs which are located in residential zoning districts, and are not subject to the above ten percent maximum.

B. Industrial and Commercial Zone Districts.

1. All uses permitted in industrial or commercial zones, provided that the juxtaposition of industrial uses with commercial uses is compatible and complementary.

2. Residential uses are permitted, provided that the residential use is either above or behind the primary commercial or industrial use, and that separate access is provided.

(Zoning Ord. dated 1/31/06, § 9123.06.)

17.92.070 - Authority.

Upon compliance by the applicant with the procedures set forth in this chapter and Chapter 17.48, Applications and Fees, the Community Development Department may, as provided herein and upon approval by the Planning Commission, issue in any zoning district a Planned Unit Development Permit designating an area for Planned Unit Development and establishing conditions, standards and requirements for such development pursuant to this chapter.

(Zoning Ord. dated 1/31/06, § 9123.07.)
A planned unit development (PUD) generally provides amenities beyond those expected in conventional residential developments. PUDs can achieve greater flexibility in design; they can improve the quality of residential neighborhoods through good planning; and PUDs provide for appropriate use of land which is sufficiently unique in its physical characteristics, scenic beauty, or other circumstances to warrant special methods of development. PUDs can also provide mixed use development, including a mix of commercial and residential development consistent with Section 17.08.160.

The purpose of a PUD is to allow clustered residential subdivisions and small lot subdivisions in zoning districts that allow higher densities: VLDR, LDR, MDR, and HDR. PUDs are prohibited in other zones. PUDs are subject to Design Review. Single family dwellings in PUDs may be either attached or detached.

A. Density. The underlying residential land use district shall determine the maximum number of dwelling units allowed in a PUD. Where parcels span more than one zone, the maximum number of dwelling units shall be determined by adding together the allowable density for each zone. Density transfer through the PUD project area is permitted for the promotion of clustering units in those areas suited to development, thus preserving the green space and natural features of the site.

B. Lot Size and Site Coverage. PUDs may create lot sizes to accommodate the creation of attached single family dwelling units or clustered subdivisions. Structures shall not occupy more than forty percent of the gross site area. Smaller lot sizes can be considered on a case-by-case basis; however, smaller lots must demonstrate unique lot orientations (e.g. clustering with open space) and must provide project amenities such as common open spaces (unencumbered by utility easements), parks, recreation facilities, etc.

C. Number of Attached Units and Height of Structures. The maximum average number
of single family units attached in any manner to form a single structure is six. Attached single family structures shall not exceed three stories or forty-two feet. Detached single family structures shall not exceed two and one-half stories, or thirty-five feet.

D. Setbacks.

1. Structural Setbacks from the project perimeter boundary

| Front Yard | 15 feet |
| Rear yard  | 15 feet |
| Side Yard  | 15 feet |

2. The minimum dwelling unit side structural setback from other dwelling unit structures is fifteen feet, plus one additional foot for each fifteen feet of structure length.

E. Open Space.

1. All PUDs with twelve or more dwelling units shall provide at least thirty percent of the total property as useable open space for passive and active recreational uses. Useable open space shall not include:
   a. Rights-of-way;
   b. Vehicle parking areas;
   c. Areas adjacent to or between any structures which are less than fifteen feet apart;
   d. Setbacks;
   e. Patios and private yards;
   f. Or slope areas greater than eight percent.

2. Useable open space that is encumbered by an underlying utility easement can be included in the open space requirement, but shall not be included in the required park land dedication as required in Banning Municipal Code Chapter 15.68.

F. Amenities. All PUDs shall provide recreational amenities within the site such as a: swimming pool; spa; clubhouse; tot lot with play equipment; court game facilities for tennis, basketball or racquetball; improved softball or baseball fields; or day care facilities. The type of amenities shall be approved by the Community Development Director and provided according to the following schedule:
<table>
<thead>
<tr>
<th>Units Range</th>
<th>Amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10 units</td>
<td>1 amenity</td>
</tr>
<tr>
<td>11-50 units</td>
<td>2 amenities</td>
</tr>
<tr>
<td>51 to 100 units</td>
<td>3 amenities</td>
</tr>
<tr>
<td>101 to 200 units</td>
<td>4 amenities</td>
</tr>
<tr>
<td>201 to 300 units</td>
<td>5 amenities</td>
</tr>
<tr>
<td>Above 300 units</td>
<td>one amenity should be added for each 100 additional units or fraction thereof.</td>
</tr>
</tbody>
</table>

G. Private Streets. Private streets shall be permitted when there is a homeowner's association established to maintain them. Streets shall be built to standards and specifications no less than those for public works construction.

H. Covenants.

1. Lots and dwelling units within a PUD may not be sold unless a corporation, homeowner's association, assessment district or other approved appropriate legal entity has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all of the
mutually available features of the development including, but not limited to, open space, amenities, landscaping or slope maintenance landscaping (which may be on private lots adjacent to street rights-of-way).

2. No lot or dwelling unit may be sold unless all approved and required open space, amenities, landscaping and other improvements have been completed, or if completion is assured by a bond or other financing guarantee method approved by the City Engineer and/or City Attorney.

I. Fire Code. All parts of any structures shall be within 150 feet of paved access for single story residences, and within 50 feet of paved access for multi-story residential units.

J. Additional Standards. In addition to the PUD development requirements, the following specific standards contained in the zoning ordinances shall apply, including but not limited to:

1. Day care facilities;
2. Guest houses;
3. Lighting;
4. Minimum room size;
5. Minimum dwelling size;
6. Mobile homes and manufactured housing;
7. Mobile home park subdivision;
8. Golf courses and related facilities;
9. Recreational vehicle storage.

(Zoning Ord. dated 1/31/06, § 9102.03(2)(M).)
ATTACHMENT 2
Summary Comparison of Planned Unit Development Standards
## Summary Comparison of Planned Unit Development (PUD) Standards

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Site Area &amp; Lot Size</strong></td>
<td><strong>Max. Site Coverage</strong></td>
</tr>
<tr>
<td><strong>Banning</strong></td>
<td>No minimum site or lot area</td>
</tr>
<tr>
<td><strong>Calimesa</strong></td>
<td>Minimum site area: 10 acres; No minimum lot area</td>
</tr>
<tr>
<td><strong>Yucaipa</strong></td>
<td>Minimum site area: 10 acres for an SF PUD; 5 acres for a MF PUD; No minimum lot area</td>
</tr>
<tr>
<td>Moreno Valley</td>
<td>Minimum site area: One acre</td>
</tr>
</tbody>
</table>
ATTACHMENT 3
Planned Unit Development Ordinances of Nearby Jurisdictions

3.1 City of Calimesa
3.2 City of Yucaipa
3.3 City of Moreno Valley
3.1 City of Calimesa
Chapter 18.40
SPECIAL DISTRICTS

Sections:

18.40.010 Planned Residential Development (PRD) district.
18.40.020 Public/Quasi-Public (P/Q) district.
18.40.030 Calimesa Creek Overlay (CCO) district.

18.40.010 Planned Residential Development (PRD) district.

A. Purpose. The purpose of the Planned Residential Development (PRD) zone district is to promote residential amenities beyond those expected in conventional residential developments, to achieve greater flexibility in design, to encourage well-planned neighborhoods through creative and imaginative planning as a unit, to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, to create flexibility in street design as long as adequate off-street parking is provided, to reduce development problems in hillside areas, and to preserve areas of natural scenic beauty through the encouragement of integrated planning and design and unified control of development.

B. Definition. "Planned residential development" means a development located on a site approved as a subdivision, to be constructed by a person or corporate body, involving a variety of residential structure types, planned as a total entity and therefore subject to approval, development, and regulation as one land use complex.

C. Establishment.

1. There is hereby created a Planned Residential Development (PRD) zone district. Whenever it is placed on the official zoning map, the designation PRD shall be indicated after the zoning designation of the area over which it is placed, and the provisions of said PRD zone shall apply in addition to the provisions of the principal zone of the area to which it is applied. Whenever a use is permitted in said PRD zone, said use shall be permitted in addition to the uses otherwise allowed in the area over which it is placed.


D. Permitted Uses. Principal permitted uses in the PRD zone shall be as follows:

1. Attached and detached single-family homes, townhouses, patio houses, or combinations thereof not exceeding four units in any one group shall be permitted, and such other uses as are permitted in the zone in which the Planned Residential Development is to be located.

   a) For purposes of this chapter, all permitted dwelling types are considered to be single-family in nature. Each unit shall be a separate and complete entity extending from the lowest floor level to the highest point of the building. Separate dwelling units shall not be placed above one another, and each unit shall be directly accessible to private, ground-level open spaces.
2. Open Space Uses. Noncommercial parks, gardens, playgrounds, golf courses, natural open space, and other open space uses are permitted in the zone in which the Planned Residential Development is to be located. Various noncommercial facilities such as clubhouses, swimming pools, tennis courts, and horticultural conservatories may be included in such open space uses.

E. Prohibited Uses. All uses and structures not listed as permitted in this section are hereby deemed to be specifically prohibited.

F. Property Development Standards. The following property development standards shall apply to all land and buildings in the PRD zone:

1. Site Area. The minimum gross site area for a PRD zone shall be 10 acres, except that sites with a lesser area may be permitted when contiguous to an existing planned development and when they constitute a logical extension in arrangement of buildings, facilities, and open space. All of the area of dedicated street right-of-way entirely within the boundaries of the site may be included in determining the gross area of the zone for minimum area purposes.

2. Density. The underlying residential land use district shall determine the maximum number of dwelling units allowed in PRD developments. Where a parcel or parcels have more than one land use district, the maximum number of dwelling units shall be determined by adding together the allowable density for each land use district area. Density transfer throughout the PRD project area is permitted for the promotion of clustering units in those areas suited to development, and thus preserving the open space and natural features of the site.

3. Lot Area. Individual lot areas may be reduced below the minimum standard requirement for the zone; provided, however, that the average overall lot size of the development is in conformance with the underlying zone, and provided that the developer demonstrates that there is a direct relationship between the lot size and adjacent open space area within the development. Individual lots shall contain sufficient area to provide all required setbacks, yards, and private outdoor living areas.

4. Lot Dimensions. Lot widths and depths may be reduced below the standard of the district; however, to preserve and maintain the quality of the zone in an existing neighborhood and surrounding neighborhoods, all lots abutting a dedicated public street shall have a lot width not less than the minimum required for the zone. Certain exceptions may be approved by the Planning Commission where it can be shown that a reduction in lot width will not adversely affect the character and quality of the surrounding neighborhood.

5. Site Coverage. Buildings and structures, which shall not include patios open on three or more sides, shall not occupy more than 30 percent of the gross area of the PRD zone.

6. Building Height. A building, structure, or portion thereof shall not exceed the following heights:
   a) Single-family dwellings: two stories or 32 feet, whichever is less.
   b) Exceptions.
      i. On slopes, single-family dwellings may be three stories in height on the downhill side provided they do not exceed two stories on the uphill side.
      ii. If a cantilever foundation structure is used on a hillside, the height shall be measured from the lowest point at which the foundation beams enter the hill.
iii. If the downhill sides of the structure are enclosed in a monolithic foundation, the height shall be measured from the midpoint of that portion of the finished slope which is covered by the structure.

G. Minimum Yard Requirements.

1. Front Yard Setback. The minimum front yard provisions of the zone in which the site is located shall apply to all lots, whether abutting a public or private street, pursuant to subsection F.4 of this section.

2. Side Yard Setback(s).
   a) The side yard provisions of the zone in which the site is located shall apply to all properties in the planned development which abut property not a part of the development, pursuant to subsection F.4 of this section.
   b) For the remainder of the development, the side yard(s) for a residence or group of residences may be modified as follows:
      i. For a single-family detached residence on a separate lot, one side yard may be reduced to zero, provided the opposite side yard is not less than the total required for each side yard in the zone. No window or door openings are permitted on the zero setback line.
      ii. For attached single-family residences or patio houses and townhouses, both interior side yards between structures may be reduced to zero, provided the exterior side yards of the series or group are set back a distance not less than 10 feet for each story or height of each building series or group. No window or door openings are permitted on the zero setback line.

3. Rear Yard Setback. The rear yard provisions of the zone in which the site is located shall apply.

H. Accessory Buildings. The provisions of the zone in which the site is located shall apply, provided that such accessory uses are compatible with the approved PRD.

I. Off-Street Parking. Off-street parking shall be provided in accordance with the provisions of Chapter 18.45, Off-Street Parking. In addition, an appropriate number of off-street parking spaces shall be provided to compensate for the reduction in on-street parking resulting from the reduced linear feet of streets typically associated with planned residential developments. The number and distribution of such required additional spaces shall be determined by an analysis of the plan by the Planning Department.

J. Open Space Areas.

1. For the purposes of this chapter, open space within a PRD shall be the total area of land or water within the boundaries of a PRD, designed and intended for use and enjoyment as open space areas.

2. Open space areas may include swimming pools, tot lots, putting greens, court game facilities, and recreational buildings. Natural canyons and similar natural physical features may be included in open space areas as approved by the Planning Commission; these areas are to be cleared of debris, poison oak, and similar fire and health hazards. Automatic sprinklers shall be provided at top of slope in canyon areas where it has been determined by the City that a fire hazard exists.
3. Except as provided in subsection J.2 of this section, usable open space areas shall not include:
   a) Rights-of-way.
   b) Vehicle parking areas and accessways.
   c) Areas less than 15 feet in width that are adjacent to or between structures.
   d) Slope areas of more than 8 percent grade.
   e) School sites.
   f) Commercial, industrial, or office areas, and the buildings, accessory buildings, parking, and loading facilities thereof.

4. A PRD project shall have a minimum of 40 percent private and common open space, not including balcony area.

5. The City shall be granted an easement or other interest limiting the future use of the open space and preserving open spaces.

6. Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the reviewing authority. Such approval shall be based on the following criteria:
   a) The applicant shall establish a property owners association prior to the selling of any lot or occupancy of any dwelling unit.
   b) The property owners association bylaws, restrictions, and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration, the California Department of Real Estate, and other governmental agencies.

7. All improvements located within the common open space, such as landscaping, parks, recreational facilities, travelways, and parking areas, shall be maintained in a safe condition and a state of good repair.
   a) Any failure to maintain such improvements located within the common areas shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding community.
   b) In addition to any other remedy provided for by law for the abatement, removal, and enjoinderment of such public nuisance, the City, after giving proper notice, may cause the necessary work of maintenance or repair to be done, and the cost thereof shall be assessed against the owner or owners of the development.

K. Phasing. In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.

L. Subdivision. When a tentative subdivision map is filed with a Planned Residential Development, prior to recordation of the final subdivision map, the following items shall be filed with the appropriate agency:
   1. Documentation of easements, covenants, deeds, and property owners association bylaws, restrictions, and articles of incorporation.
2. Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the reviewing authority; the amount of the performance bonds shall be reviewed annually by the appropriate agency.

M. Revision of Approved Development Plans. No revisions may be made in an approved Planned Residential Development before, during, or after the construction of a PRD, except upon application by the applicant to the appropriate reviewing authority, under the procedures provided below.

1. Minor revisions such as in the location and siting of buildings and structures may be authorized by the Planning Director if required by engineering or other circumstances not foreseen at the time the development plan was approved. These revisions shall be made prior to recording the final subdivision map or the issuance of any building permits, whichever occurs first.

2. Major revisions such as changes in use; any significant rearrangement of lots, blocks, and building tracts; any substantial changes in the provision of common open spaces; and all other modifications shall be approved by the reviewing authority authorized to approve the plan being revised. The reviewing authority shall hold a public hearing to consider such major revisions. No amendments may be made in the approved development plan unless they are shown to be required by changes in conditions that have occurred since the development plan was approved or by changes in the General Plan, specific plan, or area plan.

N. Design Standards.

1. Unless specifically changed within this section, all adopted City ordinances, standards, and policies apply to a Planned Residential Development, including those set forth in the Calimesa General Plan. The Planning Commission may alter adopted standards where, in their opinion, the altered standards would more adequately serve the intent and purposes of the Planned Residential Development provisions of the code.

2. Circulation.

   a) The vehicular circulation pattern shall be designed such that the following are accomplished:

      i. It provides adequate vehicular access to and within the project, in accordance with adopted City standards.

      ii. It is coordinated with external transportation networks in terms of location and loads.

      iii. It is integrated with the natural landscape and, where possible, parallels the natural drainage system.

      iv. It is designed such that the noise levels from vehicular traffic shall comply with the noise quality standards of the Calimesa General Plan.

      v. The Planned Residential Development project and each phase thereof has two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only. Where the applicant can show that this is a physical impossibility, this requirement may be modified by the County Fire Department.

      vi. Private streets are acceptable if they are built to city standards and are inspected by the City. However, right-of-way shall not be accepted by the City, nor shall private streets be accepted into the City-maintained road system.
b) The pedestrian circulation pattern shall be designed such that the following are accomplished:
   i. It is separated from vehicular traffic, where possible, and designed to discourage pedestrian crossing of the vehicular network, except at controlled points which are designed for pedestrian safety.
   ii. Hard-surfaced, safely lighted pedestrian access to common open space, recreational areas, community facilities, and other logical terminal points shall be provided.

c) All common off-street parking areas shall be designed such that the following are accomplished:
   i. They provide adequate, convenient, well-marked, and safely lighted parking.
   ii. With the exception of building-enclosed parking structures, they contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete.

d) All proposed developments shall incorporate design features or trip reduction programs, or a combination of design features and trip reduction programs in accordance with Subsection 18.100.050.A.

   a) The Planned Residential Development shall be designed and developed in such a manner as to minimize the cutting of trees, disturbance of ground cover, cut-and-fill work, drainage alteration, and hillside development. All tree removals shall be in accordance with City permit procedures.
   b) All new dirt work, exposed slopes, and erosion control problem areas shall be suitably stabilized in accordance with Chapter 18.70, Landscape Requirements. Scarred and erosion-prone areas shall be stabilized with appropriate planting methods or other appropriate techniques as determined by the Planning Director.
   c) A drainage analysis shall be prepared and shall accompany the application for a PRD.

4. Site and Structure Relationship.
   a) The spacing of buildings shall be governed by the requirements for adequate light and air, proper access, fire regulations, and by the need for visual and auditory privacy.
   b) Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to micro (subsections of the planned development) climate control and pleasing relationships of building mass.
   c) The placement of garages behind dwelling units and the construction of front porches is encouraged to enhance the neighborhood streetscape.
   d) The Planned Residential Development shall be designed to minimize the likelihood of criminal activity by the following methods:
      i. Minimizing those areas that are neither clearly private nor public.
      ii. Planting landscaping such that maximum observation is obtained while providing the desired degree of aesthetics.
   e) Building height, bulk, and micro coverage are regulated only inasmuch as they meet the performance criteria set out above.
f) No structure for human habitation shall be placed in an environmentally hazardous, fragile, or unique area.

5. Perimeter.

a) Adjacent properties to the Planned Residential Development shall be protected from adverse influences of traffic, land uses, building scale, and density by the combined use of screening, setbacks, and land use location.

b) Perimeter planning and coordination are required to assure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure. [Ord. 95-7 § 2; Code 1990 § 12.7.01.]

18.40.020 Public/Quasi-Public (P/Q) district.

A. General Purpose. The purpose of the Public/Quasi-Public (P/Q) district is to provide appropriate areas to accommodate uses such as City Hall, post offices, police and fire stations, institutional uses (schools, churches), libraries, and other similar development.

B. Use Regulations for the Public/Quasi-Public District.

1. Table 18.40.020 identifies those uses and activities which may be permitted in the Public/Quasi-Public district subject to the provisions of this title and applicable General Plan policies, and those uses and activities which are not permitted. Table 18.40.020 also indicates the development procedure and the approval type by which each listed use or activity may be permitted. A minor development plan review or major development plan review may be required in accordance with Chapter 18.90, Development Plan Review.

**Table 18.40.020**

<table>
<thead>
<tr>
<th>A. Public/Quasi-Public Uses</th>
<th>Condition of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditoriums</td>
<td>C</td>
</tr>
<tr>
<td>Churches and other religious institutions</td>
<td>C</td>
</tr>
<tr>
<td>Educational institutions (private vocational schools)</td>
<td>C</td>
</tr>
<tr>
<td>Fire and police stations</td>
<td>P</td>
</tr>
<tr>
<td>Post offices</td>
<td>P</td>
</tr>
<tr>
<td>Public libraries and museums</td>
<td>P</td>
</tr>
<tr>
<td>Public parks and recreation facilities (public or private)</td>
<td>P</td>
</tr>
<tr>
<td>Public utilities and public service substations, reservoirs, pumping plants, and similar installations, not including public utility offices</td>
<td>C</td>
</tr>
<tr>
<td>Public utility service offices</td>
<td>P</td>
</tr>
<tr>
<td>All public buildings and grounds not otherwise mentioned herein</td>
<td>P</td>
</tr>
</tbody>
</table>
3.2 City of Yucaipa
A detailed site plan or development plan shall be submitted with all planned development proposals. All such proposed development plans shall contain sufficient detail to depict the manner in which the proposed development complies with the provisions of this article and that of Division 8 of this Code.

Planned development requests for mixed use projects or projects with more than 100 dwelling units shall be submitted in two stages. The first stage shall be referred to as a Preliminary Development Plan and the second stage shall be referred to as a Final Development Plan. Preliminary Development Plans and Final Development Plans are defined as follows.

(a) Preliminary Development Plan
A Preliminary Development Plan (PDP) functions as a development suitability analysis and a comprehensive plan of the proposed development. The PDP should accomplish the following.

(1) Identify and quantify the constraints and opportunities for development as follows.

   (A) The physical characteristics of the site

   (B) Available public services and facilities

   (C) The capacity of the existing circulation system

   (D) The existing and planned land use of adjacent properties

(2) Establish a list of specific limits, parameters, and planning objectives to guide development based on the identified development constraints and opportunities.

(3) Describe one or more potential development schemes derived from the limits, parameters, and planning objectives controlling the development. Each proposed development scheme shall describe the following.
Propose land uses and approximate distribution of such land uses

Proposed density of residential uses

Estimated population

Estimated service demands

The anticipated impact on the existing circulation system

The anticipated impact on adjacent properties

The relationship of the plan to the various elements of the City’s General Plan

The anticipated types of commercial and industrial uses

Set forth in the form of a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established limits, parameters, and planning objectives controlling development. Said plan shall describe in detail the following.

Proposed land uses and building types, the functional arrangement of such uses and building types and relationship to site, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties

How the established limits, parameters, and planning objectives have been adhered to

The level of public services and facilities required by the proposed development and the program for providing, operating, and maintaining such services and facilities

Access and circulation requirements

Known manmade and natural hazards and methods for mitigation of such hazards

Significant natural features and areas to be retained for common open space and provisions for the preservation, conservation, utilization, and maintenance of such areas

How the plan conforms to the objectives of the City’s General Plan and the planned development provisions of this Code
(b) Final Development Plan

The Final Development Plan is a detailed site plan which sets forth the location and dimensions of all uses and structures in sufficient detail to permit recordation and preparation of construction drawings.

The Final Development Plan shall comply with all approved Preliminary Development Plans. If no such Preliminary Development Plan has been approved, the Final Development Plan shall also meet the requirements for Preliminary Development Plans for the project site.

(c) Application Procedures For Staged Development

(1) An applicant may file the Preliminary with the Final Development Plan, with the consent of the Community Development Director.

(2) An application for a Preliminary Development Plan shall encompass all the land included within the planned development. A Final Development Plan may be for a portion of the land included within the planned development or a phase thereof, provided that the following conditions are met.

(A) Each phase shall function as a complete and separate development from the remaining phase.

(B) Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases.

d) Preapplication Conference

Prior to the formal submission of a planned development application, the applicant shall meet with the Development Review Committee in order to acquaint the applicant with the procedural requirements of the planned development provisions of this Code and to discuss the general acceptability of the plan and its compatibility with applicable policies, issues, and development regulations. The preapplication conference shall be required for mixed use, staged development plans only.

e) Conformance of Plans

Each final development plan shall substantially conform to the preliminary development plan.

View the mobile version.
84.0250 Planned Development.

Planned Development is a land use application which allows the modification of the development standards of a land use district to allow innovative design and layout. A Planned Development review may approve lot sizes smaller than those required by the Land Use District, provided the overall lot density is not exceeded, except as otherwise allowed by this Code and/or the General Plan. A Planned Development Review may approve phased projects. The land uses allowed are limited to those listed in the Land Use District. The Planned Development (PD) Land Use District allows an intermix of various land uses.

View the mobile version.
84.0390 Planned Development (PD) District.

The Planned Development (PD) District shall be located as specified by the Yucaipa General Plan.

(a) Permitted Land Uses

(1) Row, field, tree, and nursery crop cultivation.

(2) Single dwelling unit.

(3) Small residential care facility.

(4) Animal Raising

(A) Animal raising as a primary use of the property must be on a parcel of no less than two acres in size. Lot area used to qualify one animal type, either primary or accessory animal raising, shall not be reused to qualify another animal type. Proper manure management will be carried out in accordance with Title 3 of the San Bernardino County Code.

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>Animal Density Per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle/Buffalo</td>
<td>1 per 10,000</td>
</tr>
<tr>
<td>Horses</td>
<td>1 per 10,000</td>
</tr>
<tr>
<td>Hogs (9 maximum)</td>
<td>1 per 20,000</td>
</tr>
<tr>
<td>Sheep, Female Goats, and Similar Livestock</td>
<td>1 per 4,000</td>
</tr>
<tr>
<td>Male Adult Goats (4 maximum)</td>
<td>for parcels of less than 10 acres, 1</td>
</tr>
<tr>
<td>Male Adult Goats (4 maximum)</td>
<td>for parcels 10 acres +, 1 per 5 acres</td>
</tr>
<tr>
<td>Rabbits and Chinchillas (200 maximum)</td>
<td>50 per 10,000 (min. parcel size 1 acre)</td>
</tr>
<tr>
<td>Female Poultry</td>
<td>for parcels of less than 1 acre, 25</td>
</tr>
<tr>
<td>Female Poultry</td>
<td>for parcels of 1 to less than 10 acres, 99</td>
</tr>
<tr>
<td>Female Poultry</td>
<td>for parcels of 10 acres +, 99 per 10 acres</td>
</tr>
<tr>
<td>Male Poultry (9 maximum)</td>
<td>for parcels of less than 10 acres, 2 per parcel</td>
</tr>
<tr>
<td>Male Poultry (9 maximum)</td>
<td>for parcels of 10 acres +, 2 per 5 acres</td>
</tr>
</tbody>
</table>

(B) Small Animal Ranches/Farms

Aviaries, apiaries, or similar small animal ranches or farms shall be permitted on parcels that are at least one-half acre in size. Fish raising shall be limited to one pond per acre, with a maximum of four ponds per parcel. Each pond shall not exceed one-half surface acre in area.
(5) Accessory uses as specified by Chapter 5 of this division.

(6) Small family day care home.

(b) Land Uses Subject to a Conditional Use Permit

(1) Boarding house (for up to six residents).

(2) Bed and breakfast lodge (for up to six guests).

(3) Parolee homes.

(4) Botanical gardens and arborets.

(5) Historic and monument sites.

(6) Unmanned public utilities and services uses/structures.

(7) Unmanned radio and television stations/towers.

(8) Wildlife and nature preserves.

(c) Land Uses Subject to a Planned Development Review

(1) Residential uses that include more than one primary residential unit.

(2) Commercial and/or industrial uses that include more than 10,000 square feet.

(d) Property Development Standards
The following property development standards shall apply to all land uses within the PD District.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Structure Height</td>
<td>45 feet</td>
</tr>
<tr>
<td>Minimum Lot Size (map suffix will modify)</td>
<td>10 gross acres</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>80%</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>65%</td>
</tr>
<tr>
<td>Maximum Lot Dimensions (width/depth ratio)&lt;</td>
<td>10 acres = 1:3</td>
</tr>
<tr>
<td>Maximum Lot Dimensions (width/depth ratio)&gt;</td>
<td>10 acres = 1:4</td>
</tr>
<tr>
<td>Minimum Lot Dimensions (width/depth in feet)</td>
<td>60/100</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear Yard Setbacks</td>
<td>10 feet</td>
</tr>
<tr>
<td>Street Side Yard Setbacks</td>
<td>15 feet</td>
</tr>
</tbody>
</table>
Maximum Floor Area/Lot Area Ratio 1.2:1.0
Minimum District Size 40 gross acres

(1) A map suffix may allow minimum lot size to be less than 40 acres (e.g., PD-5 = Planned Development, five-acre minimum). A map suffix may also indicate maximum dwelling units per acre (e.g., PD-3/1 = Planned Development, three dwelling units per acre).

(2) Alternate Standards
A Final Development Plan may establish different design standards, including accessory sign standards.

(3) Minimum Lot Size
A Final Development Plan may approve lot sizes smaller than those specified by the land use district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

(4) Uses Allowed
A Planned Development may allow intermixing of residential, commercial, and industrial uses, provided there is a determined need for such special development standards.

(5) Development Plan standards shall apply in lieu of conflicting standards in this Code. All standards established by this Code which do not conflict with the Development Plan standards shall apply to the project.

(e) Planned Development (PD) District Accessory Sign Standards

<table>
<thead>
<tr>
<th>Sign Configuration</th>
<th>Individual</th>
<th>Sign Type</th>
<th>Complex</th>
<th>Complex Occupant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall</td>
<td>P R 1:2</td>
<td>NP -</td>
<td>P R 1:2</td>
<td>A 50</td>
</tr>
<tr>
<td></td>
<td>A 50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roof</td>
<td>P R 1:2</td>
<td>NP -</td>
<td>P R 1:2</td>
<td>A 50</td>
</tr>
<tr>
<td></td>
<td>P A 50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument</td>
<td>P H 4</td>
<td>P H 4</td>
<td>NP -</td>
<td>A 50</td>
</tr>
<tr>
<td></td>
<td>P A 50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freestanding</td>
<td>P H 25</td>
<td>P H 25</td>
<td>NP -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P A 100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projecting</td>
<td>P H 25</td>
<td>P H 25</td>
<td>NP -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P A 100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Area (sq. ft.)</td>
<td>150</td>
<td>100</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Total Number</td>
<td>1 FS</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 AT/FR</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Key**

<table>
<thead>
<tr>
<th>A = Max. Area (sq. ft.)</th>
<th>AT = Attached</th>
<th>FR = Per Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>FS = Freestanding</td>
<td>H = Max. Height</td>
<td></td>
</tr>
<tr>
<td>LR = Land Use Compliance Review</td>
<td>NP = Not Permitted</td>
<td></td>
</tr>
<tr>
<td>P = Permitted</td>
<td>R = Ratio (bldg. frontage to sign area)</td>
<td></td>
</tr>
</tbody>
</table>

These standards may be modified by the Planned Development.

(Amended by Ord. 210 § 21, 2001; Ord. 247 § 11, 2005; Ord. 345 § 23, 2016)

View the mobile version.
88.0515 General Regulations.

(a) Density
The total density of a planned development shall be determined by the following.

(1) General Plan Official Land Use District for the Particular Property Increased densities may be granted by the reviewing authority through the bonus density or transfer of density provisions authorized by the General Plan and implemented by the Development Code or by a Specific Plan. However, density increases shall not be granted for that portion of a Planned Development for which only a Preliminary Development Plan has been approved. Lot sizes smaller than those required by the Land Use District may be approved for a Planned Development provided the overall lot density is not exceeded, except as otherwise allowed by this Code and/or the General Plan.

(2) Density Transfers
One hundred percent (100%) transfer of the density indicated on the City of Yucaipa General Plan Official Land Use District is permitted within the project, provided all other performance criteria are met. This transfer of density may include a transfer of density from adjacent property for which development restrictions in favor of this project have been obtained.

(A) To be eligible for density transfer, adjacent private lands must meet the following criteria.

(I) Private lands from which the density is being transferred must be free of hazards or other physical constraints that prohibit the construction of residential dwellings.

(II) Private lands from which the density is being transferred must be shown on the General Plan as developable for residential dwellings.

(B) All open space within the project which has been created as a result of a density transfer must be common open space, provided, however, in those circumstances when it is infeasible or impracticable for a private organization to adequately maintain and preserve the land as open space, such land may be dedicated to the public for open space purposes.

(3) Density Bonus

(A) An additional bonus in dwelling unit density, up to 10% above that indicated in the General Plan Official Land Use District for the area, may be granted by the reviewing authority, provided one of the following criteria is met.

(I) A publicly valuable resource is provided, preserved, or enhanced which would otherwise require the expenditure of public monies.
(II) A public or quasi-public item is provided above and beyond the normal expectations.

(III) An amenity, convenience, or excellence in design is provided above and beyond normal expectations.

(B) In all cases, the granting of density bonuses must further the purpose and intent of the Planned Development provisions of this Code and the General Plan.

(b) Accessory Uses Permitted in Planned Residential Developments

(1) All accessory uses permitted in the RS District shall be permitted in a Planned Development, provided that such accessory uses are compatible with the approved PD development plan.

(2) When the underlying land use district permits horse raising, and where the density of a Planned Development project does not exceed four dwelling units per acre, horses shall be permitted in a PD project as follows.

(A) On lots 20,000 square feet or greater, subject to the regulations of the RS District

(B) Where lots are less than 20,000 square feet, horses shall be permitted subject to the following conditions:

(I) Horses shall be clustered onto common lots.

(II) The maximum density of horses shall not exceed 3.2 horses per gross acre of common lot area.

(III) All standards and regulations of the Community Development Department shall apply.

(IV) Maintenance and management of the clustered facilities shall be provided by the property-owners' association.

(c) Phasing
In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.

(d) Subdivision
When a tentative subdivision map is filed with a planned development project, prior to recordation of the final subdivision map, the following items shall be filed with the appropriate agency.

(1) Documentation of easements, covenants, deeds, and Property Owner Association by-laws, restrictions, and articles of incorporation

(2) Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the reviewing authority; the amount of the performance bonds shall be reviewed
(e) Revision of Approved Development Plans

No revisions may be made in an approved Planned Development Site Plan or Final Development Plan before, during, or after the construction of a planned development, except upon application by the applicant to the appropriate reviewing authority, under the procedures provided below.

(1) Minor revisions such as in the location and siting of building and structures may be authorized by the City Planner if required by engineering or other circumstances not foreseen at the time the development plan was approved. These revisions shall be made prior to recording the final subdivision map or the issuance of any building permits, whichever occurs first.

(2) Major revisions such as changes in use, any significant rearrangement of lots, blocks and building tracts, any substantial changes in the provision of common open spaces, and all other modifications shall be approved by the reviewing authority authorized to approve the plan being revised. The reviewing authority shall hold a public hearing to consider such major revisions. No amendments may be made in the approved development plan unless they are shown to be required by changes in conditions that have occurred since the development plan was approved or by changes in the General Plan, Specific Plan, or area plan.

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88.0520 Design Standards.

(a) Unless specifically changed within this section, all adopted City ordinances, standards, and policies apply to a Planned Development project, including those set forth in the Yucaipa General Plan. The Planning Commission may alter adopted standards where, in their opinion, the altered standards would more adequately serve the intent and purposes of the Planned Development provisions of the Code.

(b) Circulation

(1) The vehicular circulation pattern shall be designed such that the following are accomplished.

   (A) It provides adequate vehicular access to and within the project, in accordance with adopted City standards.

   (B) It is coordinated with external transportation networks in terms of location and loads.

   (C) It is integrated with the natural landscape and, where possible, parallels the natural drainage system.

   (D) It is designed such that the noise levels from vehicular traffic shall comply with the Noise Quality Standards of the Yucaipa General Plan.

   (E) The planned development project and each phase thereof has two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only. Where the applicant can show that this is a physical impossibility, this requirement may be modified by the local Fire Authority or County Fire Warden.

   (F) Private streets are acceptable if they are built to City standards and are inspected by the City. However, right-of-way shall not be accepted by the City, nor shall private streets be accepted into the City-maintained road system.

(2) The pedestrian circulation pattern shall be designed such that the following are accomplished.

   (A) It is separated from vehicular traffic where possible and designed to discourage pedestrian crossing of the vehicular network, except at controlled points which are designed for pedestrian safety.

   (B) Hard-surfaced, safely-lighted pedestrian access to common open space, recreational areas, community facilities, and other logical terminal points shall be provided.

(3) All common off-street parking areas shall be designed such that the following are accomplished.
(A) They provide adequate, convenient, well-marked, and safely-lighted parking.

(B) With the exception of building-enclosed parking structures, they shall contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete

(4) Two parking spaces per dwelling unit shall be provided. No tandem parking is permitted. Guest parking, either on-street or in common parking areas, shall be provided at a ratio of one space per two dwelling units.

(c) Open Space

(1) For the purposes of this chapter, open space within a planned development shall be the total area of land or water within the boundaries of a planned development, designed and intended for use and enjoyment as open space areas.

(A) Open space within a planned development shall include the following.

(I) Area of the site not covered by buildings, paved areas, or accessory structures, except recreational structures

(II) Land which is accessible and available to all occupants of the development for which the space is intended

(B) Open space within a planned development does not include the following.

(I) Proposed and existing street rights-of-way and private streets

(II) Open parking areas and driveways

(III) School sites

(IV) Commercial, industrial, or office areas, and the buildings, accessory buildings, parking, and loading facilities thereof

(2) A residential planned development project shall have a minimum of 40% private and common open space, not including balcony area.

(3) Each dwelling unit shall have a minimum contiguous private open space area as follows.

(A) Ground Floor

225 square feet

(B) Upper-Story Dwelling with No Ground Floor

660 square feet
(4) Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the reviewing authority. Such approval shall be based on the following criteria.

(A) The applicant shall establish a Property Owners’ Association prior to the selling of any lot or occupancy of any dwelling unit.

(B) The Property-Owners’ Association by-laws, restrictions, and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration. Other standards may be approved by the reviewing Housing Authority.

d) Site Resource Utilization

(1) The planned development shall be designed and developed in such a manner as to minimize the cutting of trees, disturbance of ground cover, cut-and-fill work, drainage alteration, and hillside development. All tree removals shall be in accordance with City permit procedures.

(2) All new dirt work and exposed slopes shall be suitably stabilized in accordance with Sections 68.001 through 68.024 of the City Code. Scarred and erosion-prone areas shall be stabilized with appropriate planting.

(3) A drainage analysis shall be prepared and shall accompany the application for a planned development.

e) Site and Structure Relationship

(1) The spacing of buildings shall be governed by the requirements for adequate light and air, proper access, fire regulations, and by the need for visual and auditory privacy.

(2) Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to “micro” (subsections of the planned development) climate control and pleasing relationships of building mass.

(3) The planned development shall be designed to minimize the likelihood of criminal activity by the following methods.

(A) Minimizing those areas that are neither clearly private or public

(B) Planting landscaping such that maximum observation is obtained while providing the desired degree of aesthetics

(4) Building height, bulk, and “micro” coverage are regulated only inasmuch as they meet the performance criteria set out above.

(5) No structure for human habitation shall be placed in an environmentally hazardous, fragile, or unique area.

(f) Perimeter
(1) Adjacent properties to the planned development shall be protected from adverse influences of traffic, land uses, building scale, and density by the combined use of screening, setbacks, and land use location.

(2) Perimeter planning and coordination are required to assure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure.

(3) Planned development projects which are within Fire Safety (FR) Overlay Districts shall develop perimeter areas in accordance with standards set forth in that element.
3.3 City of Moreno Valley
Title 9 PLANNING AND ZONING
Chapter 9.03 RESIDENTIAL DISTRICTS

9.03.060 Planned unit developments.

A. Purposes. The purposes of this section are to encourage:
   1. Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the site development regulations contained in this title; and
   2. Conservation or provision of more natural resources, more open space, more cultural resources, more on-site recreational facilities, and attractive freeway boundary conditions than would otherwise be possible according to the strict application of the site development regulations contained in this title; and
   3. Installation of storm water pollution control systems pursuant to an applicable municipal storm water permit issued by the Regional Water Quality Control Board; and
   4. Well-designed mixed-use developments, where such developments are allowed by the zoning regulations; and
   5. Development under the density bonus program for affordable housing pursuant to Section 9.03.050.

B. Applicability. This section is applicable to residential developments and mixed-use developments where a mix of residential and nonresidential uses is allowed by the zoning regulations. This section shall apply only where warranted to advance one or more of the purposes listed in subsection A. This section shall not apply where the proposed deviations from the established site development standards would be in general plan or any applicable specific plan.

C. Review Process. Each planned unit development shall be subject to a conditional use permit. The appropriate land division map filed concurrently if the land is to be divided.

D. Official Zoning Atlas. Each planned unit development shall be identified on the official zoning atlas as soon as practical after associated final map, or as soon as practical after building final if there is no associated final map.

E. Minimum Project Area. The minimum area for a planned unit development shall be one acre.

F. Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning regulations.

G. Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards applicable to the residential development site or district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be for a degree necessary to achieve one or more of the purposes listed in subsection A.

H. Conditions of Approval. The project conditions of approval shall establish the design of the planned unit development, including the following:
   1. The minimum lot area and lot dimensions. Flag lots are discouraged;
   2. The maximum floor area covered by buildings;
   3. The minimum front, side and rear setbacks. The setbacks around the exterior of the planned unit development shall be compatible with residential developments;
   4. The height, size, location and design of all proposed buildings, common areas, walls and other improvements; and
   5. The method of maintaining all common areas and improvements. (Ord. 604 § 2.5, 2002)

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