I. CALL TO ORDER: Chairman Shaw

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

► New Commissioner: Commissioner Aldredge

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 June 6, 2018 Regular Planning Commission meeting……………………..Page 1
Minutes of July 11, 2018 Special Planning Commission meeting…………………….Page 12

Receive and file correspondence related to TTM 37298……………………………..Page 13
Receive and file correspondence to City Council from Ed Quental and Mark Quental ………………………………………………………………………………………..Page 16
IV. PUBLIC HEARINGS:

I. DESIGN REVIEW 18-7009 PROPOSED EXTERIOR IMPROVEMENTS FOR AN OFFICE BUILDING 1374 W. RAMSEY STREET (APN 540-180-003)

Staff Report – Sonia Pierce

Recommendation:

That the Planning Commission adopt Resolution 2018-12

1. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to section 15301 (Existing Facilities)

2. Approve Design Review 18-7009 subject to conditions of approval

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)

II. DESIGN REVIEW 18-7005 DESIGN REVIEW, AND PHASING OF THE LA QUINTA HOTEL PROJECT, A PROPOSED HOTEL, FAST FOOD RESTAURANT WITH DRIVE-THRU AND DELI CAFÉ ON A 2.66 ACRE PARCEL LOCATED AT 775 E. RAMSEY STREET WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT (APN 541-150-020)

Staff Report – Sonia Pierce

Recommendation:

That the Planning Commission adopt Resolution 2018-10:

1. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

2. Approving Design Review 18-7005 and phasing plan for proposed hotel, fast food restaurant with drive-thru, and deli café, subject to conditions of approval.
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)

III. ZONING TEXT AMENDMENT 18-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE)

Staff Report – Patty Nevins

Recommendation:
That the Planning Commission adopt Resolution 2018-11:

1. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment 18-97502, and

2. Recommending to the City Council the adoption of Ordinance 1530 approving Zone Text Amendment 18-97502.

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

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

City Council appointment of new Planning Commissioner Henry Aldredge.

VII. ADJOURNMENT:
The City of Banning Planning Commission is hereby adjourned to the Regular Planning Commission meeting of September 5, 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, June 6, 2018 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

**Commissioners Present:** Chairman Shaw  
Vice-Chairman Krick  
Commissioner Price  
Commissioner Schuler

**Staff Present:** Community Development Director Patty Nevins  
Assistant City Attorney Serita R. Young  
Senior Attorney Maricela E. Marroquin  
Public Works Director/City Engineer Art Vela  
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. Chairman Shaw noted the recent resignation of Commissioner Ellis.

II. **PUBLIC COMMENTS:**

Frank Burgess, resident of Banning said a recommendation to reconsider putting back the Highland Home Road overpass into the General Plan was not taken to the City Council.

Director Nevins said the item was taken to City Council and staff was directed to review it further and come back with more information.

Jack Anderson resident of Banning said he didn’t find a copy of the agenda at City Hall and would like to see that it’s done in the future.

David Ellis, resident of Banning noted that he has been following the State of California Natural Resource Agency Department of Water Resource Sustainable Management Program. He said we have issues with our basins being overdraft and said that Banning is part of a group of concern; the concern is listed as a critical overdraw in the basins, future development and adverse impact on local habitat and local stream flows.

III. **CONSENT CALENDAR ITEMS:**

ACTION: Motion/Second (KRICK/PRICE)

(Motion Carried 4-0)

IV. PUBLIC HEARINGS:

1. ZONING TEXT AMENDMENT 18-97501 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE TO ALLOW, REGULATE AND ZONE FOR CERTAIN COMMERCIAL CANNABIS USES: INDOOR COMMERCIAL CULTIVATION, MANUFACTURING LEVEL 1, AND TESTING LABORATORIES IN THE INDUSTRIAL ZONING DISTRICT

Director Nevins presented the staff report. She said this item is being brought to Planning Commission for consideration to allow certain commercial cannabis uses within the City. Currently, the City permits personal cultivation for personal use at one’s residence with a maximum of six plants without commercial activity. The City Council created an Ad-Hoc committee in mid-year 2017 to re-explore and re-research the topic. Subsequently, Council directed staff to prepare regulations to entertain a limited number of commercial cannabis uses to include indoor cultivation, commercial manufacturing and commercial laboratory testing. A Zone Text Amendment was drafted to require a Cannabis Conditional Use Permit that would be presented to Planning Commission for recommendation and City Council for final approval. It will also require a regulatory permit. Nevins discussed some of the items that were modified since the last City Council review.

Director Nevins said a letter was received (Attachment 1) from a local property owner expressing opposition to the proposed ordinance.

Commissioner Schuler asked about taxation.

Director Nevins said the proposed ordinance would only go into effect if a ballot measure is approved by the voters for the taxation portion.

Commissioner Schuler said since the plants will require extensive water use; she asked if special water rates will be offered to applicants since the residential rates continue to increase.

Director Nevins said there are no special provisions right now.

Maricela Marroquin, Senior Attorney explained Section 17.53.110 Track and Trace. She said under the State regulatory system, the Bureau of Cannabis Control requires that licensees participate in this statewide system. It tracks cannabis plants from the cultivation to the sale. The plants are issued a unique identifier that can be traced from laboratory testing or manufacturing site until it’s ready for consumption by the general public. All manufactured plants would have to be sold outside the City to a retail location.

Director Nevins said regarding enforcement, there has been discussions about new Code Enforcement positions authorized, but she’s not sure if they are still on the board. The fee for the application needs to be determined based on the actual cost. Under the regulatory permit fee, an annual fee has been proposed.
Commissioner Price asked about additional requirements besides seed to sale tracking.

Director Nevins said the ordinance is quite long with the regulations required and are specific to each type of use and other State regulations that will be imposed.

Commissioner Price said that he thinks this will require a massive security plan.

Director Nevins said one the requirements of the ordinance is that a security plan is provided which would address a number of security issues; this information would be sent to the Police Department and others for comments.

Commissioner Krick asked if staff could ask for a business plan from the applicant that would show who will be providing the services and maybe copies of contracts to ensure they maintain compliance.

Senior Attorney Marroquin said those requirements will be covered by the regulatory permit that the City will issue, but it’s not being considered at this meeting.

Assistant City Attorney Serita Young reminded the Commission that what will be considered at this meeting is the Zoning Text Amendment that concerns the Conditional Use Permit for the proposed uses.

Director Nevins went through the requirements for the Cannabis Conditional Use Permit. The CUP will come to the Planning Commission for recommendation and final approval will be at the City Council.

Commissioner Krick said regarding Section 17.53.100 Security item #5 under cameras and security provided, he would like to see that waste containers be added also. #7 – he would like to see Fire added to that provision and battery back-up supply.

Commissioner Shaw opened public comments.

Frank Burgess, Citizen of Banning asked the Planning Commission to consider recreational manufacturing and the fees collected could go towards a youth recreational program.

He asked what is being done about the business that are currently illegally operating. He said there’s currently a grower and about four cannabis dispensaries operating. What are the actions that are being taken against them since we’re not receiving any tax benefit?

John Heggins, resident of Banning said it’s obvious that the City is insisting to bring this industry here. He said it will bring crime to the area, but necessarily to the marijuana grower facility. He said the City of Carpinteria stinks from all the marijuana growing, and City of Oceanside had 46 robberies related to the sale and purchase of marijuana. He would like to see a 600’ requirement from a residential area that was mentioned previously at the marijuana workshop.

Don Smith, resident of Banning said putting this item on the ballot doesn’t mean it will pass. He understands the facilities will have ventilation system but some fail. Some of the proposed areas in
the industrial zones are near residential homes and he thinks the best location areas for this use are located east of Hathaway Street.

Valerie Westholder, resident of Banning asked to consider keeping a distance from daycare homes. She asked if this item was not on the November ballot who would be responsible for the special election?

Jack Anderson, resident of Banning, stated that the City will smell of marijuana if the proposed facilities are established and will it will also drop property values.

Rick Pippenger, resident of Banning said he would like to see clearer power point presentation graphics.

David Ellis, resident of Banning would like to see that home schools are protected, and feels the black market will thrive because they won’t deal with any regulations.

A Citizen of Banning said medical marijuana would be acceptable in the City, but he’s concerned about recreational use, and abuse of the product that causes lives to be ruined. He feels it would be detrimental to the City if this project is approved.

Commissioner Shaw closed public comments

Commissioner Schuler stated that she would like to restrict the number of industrial areas and maybe establish a special district area and add the 600’ set-back from residential areas.

Commissioner Price said he’s worried about the water the plants will consume.

Commissioner Krick stated that he wouldn’t be in favor of non-conforming uses in the industrial zone, but only allowing 600’ set-back from a residentially zoned property. He would like to see a condition placed as part of the Conditional Use Permit that their permit could come in jeopardy if the equipment to control the odor fails in the facility.

Assistant City Attorney Young said the odor control regulation is part of the ordinance and if any violations to the CUP will be enforced first by Code Enforcement to request compliance and other avenues if necessary.

Director Nevins answered Commissioner’s Price, stating that our Building Official is Jim Barrett and all equipment to keep odors within the facility will be inspected and to follow the requirements of the current building code.

**ACTION: Motion/Second (KRICK/PRICE)**

**That the Planning Commission adopt Resolution 2018-09:**

I. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA and further that under CEQA Guidelines Section 15061(b)(1) the project is exempt from CEQA as it is exempt by statute (Business and Professions Code section 26055(h)).
II. Recommending that the City Council approve Zoning Text Amendment 18-97501 to amend various sections of the Zoning Ordinance to allow, regulate and zone for certain commercial cannabis uses: indoor commercial cultivation, manufacturing level 1, and testing laboratories.

With the following amendments:

17.53.080 Premises.

No cannabis business shall be located within a 600-foot radius of any residential zoning district.

17.53.100 Security.

5. Areas that shall be recorded on the audio/video surveillance system include the following:

f) Waste containers

7. The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering, fire, or theft.

I. Energy Backup. The video surveillance system shall be equipped with a battery backup system capable of sustaining system operations in the case of an energy failure.

(Motion Carried 4-0)

2. TENTATIVE TRACT MAP NO. 37298. PROPOSAL TO SUBDIVIDE APPROXIMATELY 199 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 264 SINGLE FAMILY LOTS, 2 LOTS FOR FUTURE MEDIUM DENSITY RESIDENTIAL DEVELOPMENT, 2 COMMERCIAL LOTS, 2 LOTS FOR PARKS, 15 OPEN SPACE LOTS, 1 SCHOOL LOT, AND PUBLIC STREETS, ALL WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 0.13 ACRES OF LAND.

Commissioner Krick recused himself from this issue, stating that he has property in the area and cannot discuss the items.

Director Nevins presented the staff report. She said the Butterfield Specific Plan was originally approved by the City in 2012. Last year the City Council approved a General Plan Circulation amendment to modify Highland Home Road within the project area to reduce its connection to Highland Springs and also other minor modifications. The project is governed by several plan approvals and agreements as well as conditions of approval to the Specific Plan and as it was modified with the minor modifications last year. There is an approved Development Agreement that
provides regulations for the site, a settlement agreement that has additional conditions on the property and an environmental document approved that results in a mitigation monitoring reporting program.

The project will take multiple tract maps over the course of the development. Tract Map 37298 is creating 264 single family detached homes, two lots for future medium residential development, parks, open space, two commercial lots, a school and public streets.

The next step will be grading plans, and future improvements will be brought forward to Planning Commission for approval.

Chris Courtney Senior Project Manager, Pardee Homes said this is the first of several tentative maps that will be that will be coming before the Planning Commission for approval. He’s working with City staff in finalizing the first set of Engineering plans that include offsite improvements. Future submittals will include design review.

Commissioner Schuler asked about the recreation lake and hiking trails component that was once brought to the Commission in the month of November. She asked if they were planning on bringing more modifications to the plans in the future and asked about the Development Impact Fees that are part of the development agreement.

Courtney said this development phase includes trails and open space. The reservoir and a lake was eliminated due to water concerns with the City. The landscape will include drought tolerant plants in compliance with City ordinances.

Commissioner Schuler said currently the DIF fees are doubled since that agreement. The agreement said DIF fees were going to be waived for the first five hundred homes. She said it might be a good idea to discuss if Pardee is going to pick up the difference. She said water availability is a concern including the rate increase. She said the settlement agreement states that Pardee non-potable project related water infrastructure and availability of non-potable water is not happening this fall. She stated that amendment to the agreements has not been done through the courts and she expressed concern of exposing the City to litigation.

Courtney said building permits will be pulled around the Fall of 2020. They are aware of the requirements of the agreement and are working towards that time line to provide non-potable water. The first section of the project that will be pulled will not require the use of non-potable water. He said the purpose of the DIF fee credit is meant for studies and improvements that Pardee funded, and will be installing in the future for the project.

Pardee is doing improvements and studies for the City and does not agree that the City is losing money with this project.

Commissioner Price asked if the school facility will be part of the City of Banning.

Courtney said the school that will be part of the first development phase and will be part of Beaumont District. The fact that this school will be outside of the Banning School District is not in their control.
Courtney stated that in the medium density residential Area there will be Condo lot areas, two-story and with an average square footage of 1,900 to 2,200 square feet in compliance with the Specific Plan design guidelines; it will take about five years for a total build-out for this phase.

Commissioner Shaw asked the City Engineer to address the water issues and give an update on the Joshua Palmer realignment.

Public Works Director Vela said a requirement in the Conditions of Approval and the Development Agreement is that the applicant provide a request to the City for water verification. The City has completed the verification and it will be presented at the next City Council meeting. Water verification will be done periodically throughout the Pardee development to account for any future changes. The City has enough water for this first phase. Regarding the Joshua Palmer project, it is fully funded and the City is waiting on obtaining the right-of-way.

Commissioner Shaw opened public comments.

Michael Sanders, resident of Banning, said the residents currently have low water pressure and the new homes will take away the water supply.

Patsy Reely, President of Cherry Valley Acres and Neighbors and Vice-President of Cherry Environmental Group said the proposed houses are small. She asked the Commission to consider the issue of water before approval.

Don Smith, resident of Banning, said the project lot sizes for this project was approved with the Specific Plan. He also has concerns regarding the water supply for future phases and feels the extra traffic should not be allowed onto Wilson and Highland Springs Avenue until the Joshua Palmer project is completed because his main concern is traffic.

Tyler Denson, resident of Beaumont, said he’s concerned about dust control and traffic.

David Ellis, resident of Banning, stated that the old part of Banning has many dead trees and homes with dead laws due to the current water problem. He feels we should take care of what we have now before expanding.

Commissioner Shaw closed public comments.

Commissioner Schuler thinks it’s unacceptable to use potable water for this project. Increases in water bills continue and residents struggle to pay for it.

Courtney said he understands the concern with the water. Sun Lakes will be tied in to the pipes that will be installed on the south side of the City and the non-potable water will be use at the golf course. As the project proceeds the Developer will be installing infrastructure and addressing impacts such as water pressure. Reservoirs will be constructed for water storage.

Commissioner Schuler said the recycled water should be done first.

Courtney said there is non-potable water in the City located in the south side, east of Sun Lakes that is not being utilized and he agrees that a treatment plant is necessary in the future.
Director Vela stated that the water available is classified as non-potable water source and it will be used to offset their non-potable demands for this project. A second non-potable water well is located at the corner of Highland Home Rd. and Sun Lakes.

Discussion took place regarding the cost of a tertiary plant and looking at different alternatives before it goes out for an RFP.

Commissioner Price said he doesn’t understand why the water rates keep increasing, we either have enough water or we don’t.

Director Vela said the water rate increase is due to operational costs.

**ACTION: Motion/Second (PRICE/SHAW)**

That the Planning Commission adopt Resolution 2018-08:

I. Finding that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

II. Approving Tentative Tract Map No. 37298 to subdivide approximately 199 gross acres of land for single family, multi-family, commercial, school, parks, and open space uses along with public streets, subject to the conditions of approval.

**(Motion Carried 2-1)**

3. **GENERAL PLAN AMENDMENT 17-2503; ZONE CHANGE 17-3503; DESIGN REVIEW 17-7004; AND ENVIRONMENTAL ASSESSMENT 17-1504 FOR THE PROPOSED DEVELOPMENT OF A 36,171 SQUARE FOOT MEDICAL SUPPORT OFFICE BUILDING WITHIN THE CONGREGATE CARE DISTRICT OF THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN ON SUN LAKES BOULEVARD (APN: 419-140-059) NOTIFICATION OF BANNING UNIFIED SCHOOL DISTRICT OF PROPOSED PURCHASE OF REAL PROPERTY IDENTIFIED BY ASSESSOR’S PARCEL NUMBERS 543-030-003, 543-030-004, 543-030-019**

Senior Planner Pierce presented the staff report. She said the Carage Medical Office Building is proposing a General Plan Amendment to change the General Plan land use designation of 3.31 acre parcel from High Density Residential (HDR) to Professional Office (PO); a Zone Change from High Density Residential/Affordable Housing Opportunity to Professional Office and also Design Review approval for the consideration of new 36,174 square foot medial support office building.

In the year of 1993 The City of Banning approved the Sun Lakes Specific Plan that established the development standards and design guidelines for approximately 964 acres.

The project, as proposed, provides a total of 193 parking spaces, which exceeds the parking requirement. The building design is consistent with the newer development in the Sun Lakes Village Plan. A component for a pharmacy and an optical department will be part of the proposed facility.
Based on an analysis contained in the Initial Study, staff determined any potentially significant effects on the environmental would be reduced to less than significant levels and will be monitored by mitigation measures contained in the Mitigation Monitoring Report. Two comments were received (Attachment 3).

Director Vela asked to revise condition of approval number 18:

18. Prior to issuance of Building Permits, the project shall provide vehicular access to the parcel by providing an opening in the existing median at the proposed project driveway on Sun Lakes Boulevard, allowing for adequate visibility and a left-turn pocket. The design and configuration of such access shall be approved by the Director of Public Works.

Commissioner Price asked if there’s a plan for continuing Sun Lakes Blvd through to Sunset Street.

Director Vela said there is a plan to acquire the right of way and staff continues to have communication with the property owner regarding this.

Gary Miller with Miller Architecture Corporation said the north property wall is shared with the existing memory care facility. There is a wall at the north side of the memory care facility between the and the adjacent undeveloped land.

Mr. Miller said they believe this project will bring benefits to the community by enhancing the services that Beaver Medical Group already provides to the community. He was pleased that staff allowed for a left-turn pocket, he feels is safer than providing a U-turn lane and feels that what is proposed is compatible with the other nearby uses. It will be a quiet use facility that will not operate at night.

Commissioner Shaw opened public comments.

Dr. Sherif Khalil, MD from Beaver Medical Center said he has been practicing at this local community for 21 years. He stated that the medical group has grown to be more than 200 physicians. Beaver has grown to be the largest medical group in the Inland Empire and as they grow in this local region they hope to plan for the future. He asked the Commissioners for approval consideration.

Peter Bonilla, Executive Director for The Lakes, addressed the Planning Commission. He said he supports the addition of the left turn lane. He said many people are excited for this is project. As concerns that were shared is the extra traffic that will going on to the property, he also wanted to point out that many residents in at the Lakes will be able to use this facility for medical appointments which will likely reduce the traffic flow at Sun Lakes Boulevard. He believes this would be a great addition to the community.

Milly Hunter, Banning resident, said she lives adjacent on Sun Lakes north. She opposes this project because she thinks Sun Lakes Boulevard simply can’t handle the projected traffic for the area. She said the residents are planning to prepare a petition against this project.

Jacob resides in Sun Lakes, he moved to this community to have a peaceful atmosphere. He feels
they have problems during construction, noise, dust and high traffic in the area.

Commissioner Schuler said she agrees on having the left-turn packet to have access to the facility rather than impacting the other traffic.

Commissioner Krick said the current land is zoned to accommodate 66 lower income housing. He feels the proposed project is far better use of this property.

Mr. Bonilla said he doesn’t know what the proposed gate coming into the facility will be an open entrance or closed at night but this is not a concern because the residents at the community are very excited to have this facility next door.

Mr. Miller stated that a gate has not been proposed at the entrance and he did not think that it was necessary given the quality of the neighborhood that is already there, but they are not opposed to it.

Commissioner Krick said currently the volume of traffic is low at Sun Lakes Boulevard, but we need to look ahead. This road will be a well-used boulevard when it’s connected through to Sunset in the future.

**ACTION: Motion/Second (KRICK/SCHULER)**

That the Planning Commission adopt Resolution 2018-08:

I. Finding that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

II. Approving Tentative Tract Map No. 37298 to subdivide approximately 199 gross acres of land for single family, multi-family, commercial, school, parks, and open space uses along with public streets, subject to the conditions of approval

With the following amendments:

18. Prior to issuance of Building Permits, the project shall provide vehicular access to the parcel by providing an opening in the existing median at the proposed project driveway on Sun Lakes Boulevard, allowing for adequate visibility and a left-turn pocket. The design and configuration of such access shall be approved by the Director of Public Works.

   Added Conditions

90. At least five days prior to any excavation, the developer shall coordinate with the Southern California Gas Company to identify the location of the buried high pressure natural gas transmission line, and to determine if any relocation or modification is necessary. No excavation
shall occur until a mutually agreeable arrangement has been executed between the parties

91. Security gates shall be incorporated at the common access drives between the property to the west to prevent vehicular access.

(Motion Carried 4-0)

V. PLANNING COMMISSIONER COMMENTS:

None

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

Director Nevins noted that Commissioner Ellis had left but that she wanted to thank him publicly for his service to the Planning Commission.

Director Nevins asked the Commission to consider changing the meeting date in July due to the holiday. It was determined that the next Planning Commission meeting will be a special meeting to be held on July 11th.

VII. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:51 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 MEETING MINUTES

July 11, 2018

A special meeting of the City of Banning Planning Commission was held on Wednesday, July 11, 2018 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Commissioner Schuler

Staff Present: Community Development Director Patty Nevins

Recording Secretary Sandra Calderon

I. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Director Nevins.

II. ADJOURNMENT:

Due to the lack of a quorum, the meeting was adjourned to the Regular Planning Commission meeting of August 1, 2018 in the Council Chambers, Banning City Hall at 6:30 p.m.

There being no further business, the meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Sandra Calderon
Recording Secretary
CITY OF BANNING
Planning Commission Report

MEETING DATE:  August 1, 2018

TO:  Planning Commission

FROM:  Patty Nevins, Community Development Director

SUBJECT:  CORRESPONDENCE RELATED TO TENTATIVE TRACT MAP
NO. 37298

RECOMMENDED ACTION:

Staff recommends that the Planning Commission receive and file correspondence related
to Tentative Tract Map No. 37298.

ANALYSIS:

Subsequent to the June 6, 2018 Planning Commission meeting, correspondence was
received regarding Tentative Tract Map No. 37298.

Attachments:

1. Correspondence Received

Prepared by

[Signature]
Patty Nevins
Community Development Director
ATTACHMENT 1

Correspondence
June 11, 2018

VIA E-MAIL AND U.S. MAIL
rce1025@aol.com

Mr. Joe Shaw
Chairman
Planning Commission
City of Banning
99 E. Ramsey Street
Banning, CA 92220-4837

Re: Highland Springs Resort v. City of Banning, et al.
Riverside Superior Court Case No. 1206246
(Consolidated with Cherry Valley Pass Acres and Neighbors v. City of
Banning, et al.; Riverside Superior Court Case No. 1206271)

Dear Mr. Chairman:

I represent Cherry Valley Pass Acres & Neighbors (CVAN). I understand
from counsel for Pardee that it believes that the president of CVAN, Patsy Reeley, objected
to a proposed Tentative Tract Map within the Butterfield Specific Plan Area (“Butterfield
Project”) at the Planning Commission’s June 6, 2018 meeting. Ms. Reeley had no intention
of objecting to the Butterfield Project and, to the extent that the Planning Commission took
her comments as being an objection, CVAN and Ms. Reeley respectfully request that those
comments be withdrawn, and that you share this letter with other members of the Planning
Commission.

Thank you for your attention to this matter. Feel free to contact me if you
have any questions.

Very truly yours,

Robert C. Goodman

ROBERT C. GOODMAN

RCG:eas
cc: Diane D. DeFelice, Counsel for Pardee (by email)
ddefelice@bhfs.com
CITY OF BANNING
Planning Commission Report

MEETING DATE:  August 1, 2018

TO: Planning Commission

FROM: Patty Nevins, Community Development Director

SUBJECT: CORRESPONDENCE RELATED TO BANNING WORK LOFTS PROJECT LOCATED AT 1450 E. LINCOLN STREET.

RECOMMENDED ACTION:
Staff recommends that the Planning Commission receive and file correspondence related to Banning Work Lofts Project located at 1450 E. Lincoln Street

ANALYSIS:
Correspondence from Ed Quental and Mark Quental was addressed to the City Council; it was requested that copies of these letters be provided to the Planning Commission.

Attachments:
1. Correspondence Received

Prepared by

Patty Nevins
Community Development Director
June 12, 2018
City of Banning City Council
99 E Ramsey Street
Banning, CA 92220

Banning Work Lofts Project -
Project Address: 1450 E. Lincoln Street - Banning, CA 92220

Honorable City Council Members and City staff

We are writing this letter to bring it to your attention that we are very disappointed that the Airport Industrial (AI) Zone is being excluded from the current cannabis indoor cultivation zone per last weeks Planning Commission meeting. We would have attended but we received no notification of the meeting.

Back in April of 2018 a map graphic was released that we interpreted included our zoning. See attached Map 1. Our approximate location is shown by the ‘Red X’ within the designated oval shaped area.

After review of the map from last weeks Planning Commission meeting the new map graphic clearly shows the exclusion of the AI zone. See attached Map 2.

As you may recall, our project, the Banning Work Lofts (BWL) is shovel ready with all permits pulled. I have explained in previous Council Meetings that the benefit to our BWL project to be in the cultivation zone would be that the increased land value would then allow more favorable construction loan financing to occur and the project to break ground.

If a future cannabis related business were to request occupancy in our building all State and City processes would be faithfully executed to the satisfaction of the City of Banning staff, Planning Commission and City Council as well as applicable codes and ordinances.

We purchased the land with the intent to develop about 14 years ago. We have invested many hundreds of thousands of dollars into plans and approvals. We would really like the opportunity to get started with the project and bring which would bring jobs, housing, new development, business to local merchants and retail, not to mention City business licensing, tenant improvement permits, utility service requests and the like.
This past April 2018, our project was granted an 2 year Entitlement Extension via unanimous approval from the Planning Commission. The project is currently in an approved state.
The AI zone intent was created to support the Banning Airport quite a long time ago. But, no airport related businesses exist in the zone. Currently the AI zone is comprised of 11 parcels of land. And we have spoken to most of the owners (and are in the process of obtaining signatures) and they are in favor of supporting the extending or a zone overlay to include the AI zoning.

The designated cultivation zone is to the West and to the South of the AI zone. With the airport being to the North and East. It is our opinion that if this is not done then we will be left with a zoning hole type situation whereby adjacent and neighboring properties will appreciate within the cultivation zone. But the AI zone would be left without the enhanced real estate values and further loss of development opportunities of the 11 lots within the zone.

We are committed to developing our project as approved. We are waiting for leases and land values to increase so that we can obtain construction financing at a reasonable rate. The inclusion of the AI Zone into indoor cultivation zone would allow that to happen.

If included our project, being already approved, could be one of the first to get off the ground and begin the revitalization of this under utilized area of the City.

We also realize that the voters have the final approval of this in November. And we realize that is may get voted down. But we need the chance, the opportunity for this to happen for the benefit of our project, the AI zone and this area of the City of Banning.

We are willing to be involved with whatever may be necessary to make this a reality. And are hopeful that the City Council will assist us to make it happen.

Thank you for the opportunity to present this request to your honorable panel for your continued support of our project.

Respectfully Submitted
Ed Quental (310) 261-1242 cell
Mark Quental (310) 261-1243 cell
Industrial Zoning

The Ad Hoc Committee recommended that Cannabis Cultivation and potential Manufacturing Level 1 uses be limited to Industrial zoning districts.

MAP 1

Size Limits for Businesses

Ad Hoc Committee recommendations:
- Allow businesses with an indoor cultivation site of a minimum of 10,000 square feet of total canopy area to operate in the City.

Other options for indoor cultivation:
- 501 – 6,000 square feet of canopy area
- 6,001 – 10,000 square feet of canopy area
- 10,001 – 22,000 square feet of canopy area
June 25, 2018
City of Banning City Council
99 E Ramsey Street
Banning, CA 92220

Banning Work Lofts Project -
Project Address: 1450 E. Lincoln Street - Banning, CA 92220
Subject: Including the Airport Industrial Zone Into the Indoor Cultivation Zone Text Amendment along with the Industrial Zone in the City of Banning, CA

Honorable City Council Members and City staff

We are attaching a letter we addressed to the 46 property owners in the Airport Industrial (AI) Zoning.

We prepared and distributed this letter in an effort to gain the support of other fellow owner neighbors' with respect to including the AI zoning along with the Industrial zoning for the indoor cannabis cultivation ordinance.

Contained and attached below are:
A copy of the circulated support request letter to the AI neighbors
A label list of the 46 owners' in the AI zone that we contacted. Mailings sent out on June 15th 2018.
Copies of the 8 signed support letters (signature page) we have received so far.

We have received no negative (against the inclusion in the cultivation zone) responses, emails or phone calls to our inquiries.

Please contact us if you have any questions or would like any additional information.
Thank you for the opportunity to present this request to your honorable panel for your continued support of our project.

Respectfully Submitted
Ed Quental (310) 261-1242 cell
Mark Quental (310) 261-1243 cell
June 14, 2018

Dear fellow landowners of the Airport Industrial Zone.

There are many lots which comprise the Airport Industrial (AI) Zone. The lots within the AI zone are all contained by and within the following streets: Hargrave to the West, the 10 Freeway to the North, Hathaway to the East and Barbour to the South.

My wife Lisa, my brother Ed and I, Mark Quental own (purchased in 2003) the 3.62 acre lot located at 1450 E. Lincoln Street. Our Banning Work Lofts project for this parcel has been approved and permitted and we are shovel ready. However, low land values in this area have prompted the banks to charge high interest rates on the construction loan making it too risky for us to get started. Increased land value will solve this problem for all of us and will allow more favorable development opportunities into the future.

We are contacting you to help is get support by including your signature on this form to present it to the Banning City Council at the upcoming meeting on June 26, 2018. We are requesting your signature to gain all the AI Zone landowners’ support to request to the City Council to include the AI Zone in the proposed Indoor Cannabis Cultivation Zone in their upcoming vote. As of right now the map approved by the Planning Commission does not include the AI Zone. See the attached Map 2 showing the proposed new Indoor Cultivation Zone all around (but not including) our AI Zone. See the Map below.

We feel this would be a major detriment to us, and hurt our land values as owners in the AI Zone. The lots surrounding us, that are in the cultivation zone will appreciate in value. While our lots in the same area will not get the land appreciation factor.

For example, in other cities such as Desert Hot Springs, Coachella, Palm Springs lots within the Indoor Cultivation Zones have doubled and tripled in value.
We feel it would be very beneficial for all of us fellow landowners, in the Al Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the Al Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

____________________________________________________________________________________
Name                                      Date

____________________________________________________________________________________
Address or Parcel Number
Keith Turner  
2247 El Capitan Dr  
Riverside, CA 92506-4615

John C & Carol L Tamulonis  
461 S Hathaway St  
Banning, CA 92220

John C & Carol L Tamulonis  
461 S Hathaway St  
Banning, CA 92220-5914

Weeks Inv Group  
700 S Hathaway St  
Banning, CA 92220-5904

Keith W Volk  
175 W Hermosa Pl  
Palm Springs, CA 92262-4350

Leonard Harold & Alyce Frances Peterson  
P.O. Box 1040  
Lockeford, CA 95237-1040

Belete & Amsale Berhanu Demissie  
467 N San Gorgonio Ave  
Banning, CA 92220-5523

Spssm Inv Vi11  
4900 Santa Anita Ave 2C  
El Monte, CA 91731-1490

Edward & Mark Quental  
1838 Valencia Ave  
Placentia, CA 92870-2732

Paul J Heilig  
32017 Via Ararat Dr  
Bonsall, CA 92003-4343
John J & Martha Rocha
1047 E Barbour St
Banning, CA 92220

Joseph E Olvera
1073 E Barbour St
Banning, CA 92220

Jamie Medvedeff
1103 E Barbour St
Banning, CA 92220

Mario F Ceja Mendoza & Elizabeth Manzo Suarez
837 E Barbour St
Banning, CA 92223

Terry & Patricia Owsley
933 E Barbour St
Banning, CA 92220

Dennis C Pierce
48 N Doc Holiday Ln
Central, UT 84722-3016

Richard A & Alissa L Haderer
3449 Enterprise Ave
Hayward, CA 94545-3220

Gerardo & Almerida Rodriguez
520 S Hargrave St
Banning, CA 92220

Ramiro G Alvarez & Guadalupe N Gonzalez
540 S Hargrave St
Banning, CA 92220

Tony H & Mary L Ortega
562 S Hargrave St
Banning, CA 92220

Angela Flores & Albert Alan Hughes
545 S Juarez St
Banning, CA 92220

Ignacio Alvarez
946 E Lincoln St
Banning, CA 92220

Pro Motor Collision Repair Inc
946 E Lincoln St
Banning, CA 92220-6245

Arthur D Medore
26100 Marlo Ct
Hemet, CA 92544-6701

Jim B & Carole J Macias
1984 E Park Dr
Palm Springs, CA 92262-6540

Amparo Elizondo & Flavia Bock
Po Box 105
Banning, CA 92220-0014

Edwin E & Janice Lee Manske
Po Box 1209
Wildomar, CA 92595-1209

Edwin E & Janice Lee Manske
Po Box 1209
Wildomar, CA 92595-1209

Jeffrey A & Nancy L Fisher
Po Box 141
Banning, CA 92220-0014

Wausau Tile Co
Po Box 1520
Wausau, WI 54402-1520

Robert A & Doreen J Reynolds
Po Box 326
Banning, CA 92220-0003

Pacific Latin Am Dist Council Assem Of God
Po Box 566
Banning, CA 92220-0017

Andrew A Gillspie
10503 San Vincente Ave
South Gate, CA 90280-6653

Spasm Investments Vi
4900 Santa Anita Ave 2C
El Monte, CA 91731-1490

Pippenger Holdings Inc
2553 W Westward Ave
Banning, CA 92220-3761

Pippenger Holdings Inc
2553 W Westward Ave
Banning, CA 92220-3761

Todd Hilde
2530 Xenium Ln N
Minneapolis, MN 55441-3627
We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included.

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above:

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone.

Name/Property Owner: Alyce Peterson, trustee, Peterson Family Trust
481 S. Hathaway St. Banning, CA 92220
Address or Parcel Number

Date: 6/15/18
We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included.

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

Name

6-18-18

Date

32017 VIA ARARAT DR. BANSAU, CA 92203

Address or Parcel Number

"521 E. Barbours street, units 1-4
Banning, CA 92220
We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

BELETE DEMISSIE 6-14-18
Name Date

1522 and 1554 Lincoln St
Address or Parcel Number Banning, CA 92220
We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included.

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above.

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

John Vamulis 6-18-18

Name Date

461/425 S. HATHAWAY ST.

Address or Parcel Number
We feel it would be very beneficial for all of us fellow landowners, in the A1 Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the A1 Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

Keith Turner 6/20/18
Name Date

541290019-9
Address or Parcel Number
We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included.

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above.

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone.

[Signature]
Name

[Signature]
Date

Sun-24-09
Address or Parcel Number
We feel it would be very beneficial for all of us future business owners to come together and support this opportunity that will benefit all of our parcels for many years to come. This will be voted on by the residents of Gun ein in November. It may not pass but if it does, we need to be included.

Increased land value of this ordinance will help all of us in the future. Please sign and return to us as soon as possible.

Our email address and mailing address are above.

If you would like to call us here are our cell numbers:
Mark Quental 502-261-1764
Ed Quental 310-261-9479

By my signature as a landowner within the Airport Industrial Zone I am supporting the Gun ein City Council to include the Airport Industrial Zone into the proposed industrial complex configuration zone.

Mary Quental

Address or Parcel Number

City: Gun ein

State: Indiana

ZIP: 46185
We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But if it does, we need to be included.

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above.

If you would like to call us here are our cell numbers:
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone.

[Signature]
[Date: 6-25-18]

Name: John S. Hufferf

Address or Parcel Number: 700 S. Hufferf
July 10, 2018
City of Banning City Council  
99 E Ramsey Street  
Banning, CA 92220

Banning Work Lofts Project -
Project Address: 1450 E. Lincoln Street - Banning, CA 92220
Subject: Including the Airport Industrial Zone Into the Indoor Cultivation Zone Text Amendment along with the Industrial Zone in the City of Banning, CA

Honorable City Council Members and City staff

On June 25th we submitted a letter containing 8 signatures from fellow neighbor property owners in the Airport Industrial (AI) Zone in favor of including the AI zone in the Indoor Cannabis Cultivation Zone. 4 of which are owner occupied.

Our main goal here is to be included in the Indoor Cultivation Zone as a method to increase the land values in the AI Zone. We have owned our parcel over 14 years and see this as the best opportunity, since we have been owners, to come our way. It is our opinion that, in the foreseeable future, no better opportunity will arise such as this. All of the other supporting signing neighbors have been owners’ for many years also would agree. We are the neighbors’ and property owners that have been long invested with the City of Banning.

It seems to me that increased land value for these AI neighbor / owners is in the forefront of their minds over and above any ideas of cannabis cultivation.

As I have previously stated, our project is shovel ready. As currently permitted our 65,000 square foot concrete tilt-up building meets all ADA, Green Code, Seismic, Water Quality, CEQA, NPDES, WQMP, SWPP, Occupancy, Parking Lot lighting, Landscape, and is gated and concrete block wall enclosed. Increased land value as a result of being included in the Indoor Cultivation Zone will allow more favorable construction loan funding and better terms to occur.
Our project will bring many new businesses to the City of Banning. Numerous permits, City Licensing, and taxes for many years into the future.

To date, on our project, we have paid to the City of Banning and School District over $212,000.00. Another $186,583.00 in connection fees will be paid to the City of Banning prior to the start of construction. Along with an additional $115,366.00 in County Fees to the County of Riverside.

Our project alone will bring into the City and County a combined amount of over $513,949.00. Not to mention all the future tenant-improvement plans and permits for the occupants, along with those fees, business licensing, utility payments and the like. Not to mention the boost in taxes paid, and local merchants receiving additional revenues as workmen and tenants buy goods and services within the City for many years to come.

Why not open up the indoor cultivation zoning into the A1 zone to allow increased land values to occur? Does it not make sense to increase the potential for business and commerce to the City of Banning, and it’s citizens, land owners and businesses? You have our support and the support of these signing neighbors.

We also realize that, if in the future, a cannabis related business were to express interest in our building that all City and State requirements will have to be met. Our intent for the building is keeping it as work lofts, but, having other land use options is beneficial to it’s value since the future is uncertain.

All this becomes especially compelling when we read in the local papers that the City of Banning is facing a $3,000,000.00 shortfall. And the fact that the City is facing challenges with respect to funding and staffing Police, Fire, Utilities, City Department with respect to maintenance, engineering and probably most crucial of all emergency services.

In closing we would like to state that in recent visits to the City of Banning is saddens us to see businesses closing. Most recently we noticed that the Fisherman’s Wharf restaurant closed. And the Ashley furniture store closed. This is certainly not the direction the citizens’, businesses, and landowners want to witness.

To date we have received no return correspondence, response or contact from anyone at the City of Banning with respect to our on-going inquiries into this matter.

Please let us know how we can help, what we can do to assist the process for this to happen.

Thank you for allowing us to present this to our City Council and staff. Your ongoing support is greatly appreciated.

Respectfully Submitted Mark Quental (310) 261-1243 and Ed Quental (310) 261-1242
CITY OF BANNING
Planning Commission Report

DATE: August 1, 2018
TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner

SUBJECT: DESIGN REVIEW 18-7009
PROPOSED EXTERIOR IMPROVEMENTS FOR AN OFFICE BUILDING
1374 W. RAMSEY STREET (APN 540-180-003)

RECOMMENDATION:

1. That the Planning Commission adopt Resolution 2018-12
   I. Find the project exempt from the California Environmental Quality Act (CEQA)
      pursuant to Section 15301 (Existing Facilities)
   II. Approve Design Review 18-7009 subject to conditions of approval.

APPLICANT INFORMATION:

Project Location: 1374 W. Ramsey Street
APN Information: 540-180-003
Project Applicant: Jesse Roxas
11111 Santa Monica Blvd. Ste. 600
Santa Monica, CA 90025
Property Owner: B.H. Properties, LLC
P.O. Box 49993
Los Angeles, CA 90049
APPLICANT’S REQUEST:

The applicant, Jesse Roxas, is requesting Design Review approval for the exterior improvements and alterations of a 9,140 square foot office building and fully developed parcel at 1347 W. Ramsey Street, also identified as APN 540-180-003, located on the south side of West Ramsey Street, west of 12th Street in the Highway Serving Commercial (HSC) Zoning District.

BACKGROUND AND DESCRIPTION:

The project site consists of one parcel totaling 1-acre located at 1374 West Ramsey Street. The site is located in the HSC Zoning District, which allows for office buildings and a variety of uses related to the service industry. The site is mostly surrounded by other commercial business and offices along Ramsey Street, to the north, east and west. 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>North</td>
<td>Commercial</td>
<td>Highway Servicing Commercial (HSC)</td>
<td>HSC</td>
</tr>
<tr>
<td>South</td>
<td>San Bernardino FWY</td>
<td>Public Facilities Railroad/Interstate (PF-RI)</td>
<td>PF-RI</td>
</tr>
<tr>
<td>East</td>
<td>Office</td>
<td>Highway Servicing Commercial (HSC)</td>
<td>HSC</td>
</tr>
<tr>
<td>West</td>
<td>Commercial</td>
<td>Highway Servicing Commercial (HSC)</td>
<td>HSC</td>
</tr>
</tbody>
</table>

Proposal

The applicant proposes to alter the exterior elevations of a former bank office building and upgrade the landscaping. The proposal includes changing the paint on the existing cream colored building to a blend of greys with a tan accent wall and the installation of new rust colored, hollow aluminum plank siding as a focal point. The exterior improvements will be visible mainly on the north and east elevation facing Ramsey Street.
There are no building additions proposed for the site.

**Existing Site**

The project site is a 1-acre commercial lot developed with an existing office building and related parking with landscaping. The site is surrounded by developed commercial and office uses and utilizes mutual access with the adjoining parcels.

**Design Review**

**Building Design**

The applicant has proposed to repaint and incorporate an aluminum plank siding to an existing 9,140 square foot structure that was formerly used as a bank office building. The new color scheme is contemporary in nature and it breaks up the front elevation and provides a rust brick colored focal point. A more modern glass and aluminum storefront with floor to ceiling glass doors and windows will be incorporated across the front of the building. There are no plans to expand the building envelope.

**Parking and Access**

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

<table>
<thead>
<tr>
<th>General Offices</th>
</tr>
</thead>
<tbody>
<tr>
<td>one space for each 200 square feet of the first 2000 gross floor area (10);</td>
</tr>
<tr>
<td>plus, one space for each 250 square feet for the next 2001-7500 (29);</td>
</tr>
<tr>
<td>A total of 39 parking spaces would be required, and the site has a total of 44 parking spaces. A total of 2 handicapped parking spaces have been identified.</td>
</tr>
</tbody>
</table>

Site access will be provided by two, one-way driveways that allow ingress and egress via West Ramsey Street and mutual access driveway with the adjacent parcels to the east and west.

**Landscaping**

Currently, the site is landscaped with shrubs and trees. The applicant proposes to upgrade the landscaping with additional trees and shrubs throughout the parking lot. The proposed crape myrtle and lemon daylilies will provide a colorful bloom for the property and along Ramsey Street. There are no plans to remove any landscaped areas.

**Refuse Storage**

The site plan identifies an existing trash storage and it is sufficient to meet the needs of the existing building.
Conclusion

The proposed exterior building improvements, 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 18-7009 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 18-7009 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 18-7009 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 18-7009 was advertised in the Record Gazette newspaper on July 20, 2018 (Attachment No. 3). Additionally, notices were mailed to all property owners within 300 feet of the project. As of the writing of this report, no public communications have been received for the project.

ATTACHMENTS:

1. Planning Resolution No. 2018-12
   Exhibit A - Project Plans
   Exhibit B - Conditions of Approval
2. Project Plans
3. Public Hearing Notice

Prepared By:

Sonia Pierce
Senior Planner

Reviewed and Recommended By:

Patty Nevins
Community Development Director
RESOLUTION 2018-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW 18-7009 AND ADOPTING A NOTICE OF EXEMPTION FOR A PROPOSAL FOR FAÇADE IMPROVEMENTS OF AN EXISTING 9,140 SQUARE FOOT BUILDING LOCATED AT 1374 W. RAMSEY STREET, ASSESSOR’S PARCEL NUMBER 540-180-003 WITHIN THE HIGHWAY SERVICING COMMERCIAL (HSC) ZONE.

WHEREAS, an application for a Design Review of a façade change of the existing building has been duly filed by:

Project Applicant: Jesse Roxas
11111 Santa Monica Boulevard, Ste. 600
Los Angeles, CA 90025

APN: 540-180-003

Lot Area: 1 acre

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review 18-7009 for the exterior alteration of an existing building in the Highway Serving Commercial Zoning District; and

WHEREAS, on July 20, 2018 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 August 1, 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 18-7009; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review 18-7009 and determined that, pursuant to CEQA Section 15301 (Existing Facilities), the project is Categorically Exempt;

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

SECTION 1. ENVIRONMENTAL DETERMINATION:
California Environmental Quality Act (CEQA)

In accordance with §15301 (Existing Facilities) Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is considered exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to: (e) Additions to existing structures provided that the addition will not result in an increase of more than: (2) 10,000 square feet if (A) 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; (B) The area in which the project is located is not environmentally sensitive. The Planning Commission has analyzed proposed Design Review 18-7009 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as “Existing Facilities” as defined by §15301 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW 18-7009:

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 18-7009:

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

Finding of Fact: Design Review 18-7009 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential
lands.” The land-use designation of Highway Serving Commercial allows land uses that are commercial such as; vehicle sales. The proposed project under Design Review 18-7009 is adjacent to commercial uses to the north across Ramsey Street, east and west. The freeway is adjacent to the south property line. The building was formerly occupied by a bank and existed for many years. The building is currently vacant and a reuse of the building is a viable option. The proposed alterations and use of Design Review 18-7009 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 exterior alterations of the existing building will assist in the recruitment of new businesses 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 an exterior alteration of an existing professional building which is consistent with the Zoning Ordinance and development standards as a highway servicing commercial facility and is a permitted use in the zone. The project has adequate parking and landscaping. Additionally, all setbacks, height requirements and other standards and design guidelines have been considered.

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

Finding of Fact: The design and layout of the proposed project is almost identical to the existing layout and the design is an upgrade to the building’s exterior. The existing design and layout has not created interference with neighboring properties. Additionally, all access will remain the same as previously provided by two driveways to Ramsey Street and two internal mutual driveways between properties to the east and west.
Finding D: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The project is an exterior alteration and upgrade to an existing building that has been in the neighborhood for many years and is compatible with the adjacent highway servicing commercial zoned property to the, north, east and west. The Public Facilities zoned property to the south is the freeway. Landscaping will be upgraded to enhance the character of the development.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2018-12:

   a. In accordance with CEQA Guidelines Section 15301 the Planning Commission hereby adopts 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 18-7009 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 1st day of August 2018.
Eric Shaw, Chairman  
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

__________________________  __________________________  
Serita R. Young, Assistant City Attorney  
Richards Watson & Gershon

ATTEST:

__________________________  __________________________  
Sandra Calderon, Recording Secretary  
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-12 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of August 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Sandra Calderon, Recording Secretary
City of Banning, California
SITE PLAN

Existing

Proposed

Parking Requirements:
1 SPACE PER 1000 SF OF THE GROSS FLOOR AREA

TOTAL SITE AREA = 44,470 SQ FT (1.6 ACRES)
TOTAL FLOOR AREA = 1,200 SQ FT
TOTAL PARKING REQUIRED: 0.35 SQ FT / 250 SQ FT = 42 PARKING SPACES

TOTAL NO. OF (9) STANDARD PARKING (9' X 19') = 42 SPACES
TOTAL NO. OF (2) PARKING (9' X 19') = 2 SPACES
TOTAL NO. OF PARKING = 44 PARKING SPACES

W. RAMSEY STREET

THE SITE
EXHIBIT B

* All fair share agreements, covenant agreements and agreements subject to recodation 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 exterior improvements and landscaping of an existing office building site.

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. Existing trash enclosure shall remain. 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 new 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.

Public Works Department

General Requirements

18. 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.

19. 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

20. In the event that new electric panels are required, 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.

21. In the event that new electrical panels are required, 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.

22. In the event that new electrical panels are required, the applicant shall grant easement for electric facilities installation/maintenance, etc.

23. In the event that new electrical panels are required, the applicant shall install utility hand hole, conduits, protective barriers and a commercial meter pedestal per electric utility design.

24. 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:
25. 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.

26. 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.

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

28. 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.

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

30. 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**

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

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

***END***
ATTACHMENT 2

Plans
ATTACHMENT 3

Public Hearing Notice
I am a citizen of the United States and a resident of the State of California. I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Riverside, under the date October 14, 1968, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 20, 2018

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

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

[Signature]

Executed on: 07/20/2018
At Banning, CA

NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR DESIGN REVIEW 18-7009 TO CONSIDER FACADE IMPROVEMENTS FOR AN EXISTING 9,140 SQUARE FOOT BUILDING LOCATED AT 1274 W. RAMSEY STREET, ASSESSORS PARCEL NUMBER 540-180-003 WITHIN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONE.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, August 1, 2018, at 6:30 p.m. in the Council Chambers, City Hall, 59 East Ramsey Street, Banning, California, to consider the notice of exemption and a proposal by Jesse Rosas to improve the facade of an existing 9,140 square foot building. 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 59 East Ramsey Street, Banning. You may also visit the City of Banning website at http://www.ci.banning.ca.us. Any parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 598, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited 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, if 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 Administrative Code, Section 65.09).

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

Patty Nevin
Community Development Director
Dated: July 17, 2018
Published: July 30, 2018
Published in:
The Record Gazette
No. 156859
7/20/2018
CITY OF BANNING
Planning Commission Report

MEETING DATE: August 1, 2018
TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner
SUBJECT: DESIGN REVIEW 18-7005 DESIGN REVIEW AND PHASING OF THE LA QUINTA HOTEL PROJECT, A PROPOSED HOTEL, FAST FOOD RESTAURANT WITH DRIVE-THRU, AND DELI CAFÉ ON A 2.66 ACRE PARCEL LOCATED AT 775 E. RAMSEY STREET WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT (APN 541-150-020)

RECOMMENDATION:

1. Adopt Resolution No. 2018-10, taking the following actions:

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

   II. Approve Design Review 18-7005 and phasing plan for a proposed hotel, fast food restaurant with drive-thru, and deli café, subject to conditions of approval.

APPLICANT INFORMATION:

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

Property Owner: Danny Wei
Pacific Banning Inc.
2438 San Gabriel Blvd., Suite C
Rosemead, CA 91770
REQUEST:

The applicant, Joseph Karaki, is requesting a new design review approval, including phasing, for the La Quinta Hotel Project, consisting of the development of a hotel and freestanding commercial building to be constructed in 2 phases; Phase 1 to include construction of the freestanding commercial building with drive-through component; and Phase 2, development of a 3 story 83 room hotel. The property is identified as APN 541-150-020, located on the northwest corner of East Ramsey and Hargrave Streets in the General Commercial (GC) zoning district.

BACKGROUND:

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

An amendment to the Design Review approval, to change the architectural design of the buildings from a “Mediterranean” to “Contemporary” architectural design, was applied for and approved by the Planning Commission on April 1, 2015. Unless an extension is applied for and granted, both Conditional Use Permits and Design Review approvals must be exercised by commencement of construction within two years or they become null and void.

Both the Conditional Use Permit to allow the height of 48 feet and three stories and the amendment to Design Review 13-7002 adopted with Resolution 2015-07 were approved on April 1, 2015; a one-year administrative extension to Design Review 13-7002 was applied for and granted by the Community Development Director and has since expired. A new Conditional Use Permit 17-8001 for the building height was approved by the Planning Commission on May 3, 2017 and remains active until May 3, 2019.

ANALYSIS:

Per the zoning ordinance 17.56.060 – Expiration, A Design Review shall be exercised by the commencement of construction within 2 years from the date of approval or the Design Review shall become null and void. In addition, 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 submitted plans do not propose to alter the previously approved height or design of the buildings, nor the site and circulation layout design, from the plans approved by the
Planning Commission in 2014. The summary table below lists the uses surrounding the site:

**Land Use Summary Table**

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>High Density Residential</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Fueling Station</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Parking lot for office building / vacant parcels</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>West</td>
<td>Residential (fronting Ramsey Street)</td>
<td>Mobile Home Park</td>
<td>Mobile Home Park</td>
</tr>
<tr>
<td>West</td>
<td>Residential (fronting Williams Street)</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
</tbody>
</table>

Per the zoning ordinance Section 17.12.150 (Architectural Design Guidelines), the design and architecture of new development in the General Commercial zoning district shall be consistent with the Design Guidelines of the zoning ordinance. Desirable elements of the design include significant texture for building surfaces, wall articulation, insets, canopies, wing walls, trellises, multi-planed, pitched roofs, roof overhangs, arcades and covered walkways, regular window distribution, articulated mass and bulk, significant landscape and hardscape elements, clearly identifiable access driveways, convenient and accessible parking, landscaped and screened parking, unified and complementary signage.

The complete project was previously approved with a “Contemporary” architectural design on April 1, 2015. However, the approval has expired and the phasing of the project requires a new approval. The “Contemporary” architectural design previously approved remains the same.

The “Contemporary” architectural design is highlighted European “neolith” material of fiberglass reinforced panels with an “iron corten” (reddish brown) finish. This “neolith” material will be utilized to accent the architectural elements of the fast food restaurant and deli café which will be consistent with the future hotel building. The remaining portions of the buildings will be colored stucco with a variety of gray and white toned finishes. Wall articulation will be accomplished with corner tower elements and arches along the building elevations that provide a significant desirable shadow effect. The varying building heights provide an articulation for the building mass. Architectural elevations are included.
The proposed Design Review and Phasing (DR No. 18-7005) does not propose to alter the previously approved height or design of the buildings, nor the site and circulation layout design.

The site plan submitted denotes a retaining wall with wrought iron fence. Staff believes, a complete barrier between the drive thru queue and pool area is needed at the time of pool construction. The wrought iron fence would be acceptable making the pool area visible to cars and susceptible to fumes.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

On October 1, 2014, the Planning Commission adopted Resolution 2014-14 adopting an Initial Study/Negative Declaration for the project in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Conditional Use Permit 13-8004. A Design Review Amendment was approved by the Planning Commission on April 1, 2015. Design Review No. 18-7005 remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002.

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

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

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

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
   a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or
b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or

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

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

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

REQUIRED FINDINGS:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review 18-7005:

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

Findings of Fact: The Design Review and Phasing the La Quinta Hotel Project remains consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of General Commercial (GC) allows hotel and restaurant uses. The proposed project will remain to be developed, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, with an 83-unit hotel, fast food restaurant with a drive thru containing approximately 2,800 square feet; and, a deli café containing approximately 1,200 square feet, in order to provide food services for the City and region. Further, the Design Review for the hotel and commercial buildings remains 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 project will generate the need for food and hotel service management and worker positions.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding No. 3: 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.

Findings of Fact: The Design Review and Phasing of the La Quinta Hotel Project, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, and Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001 and continues to provide site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. Additionally, the Design Review and Phasing remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review continues to provide two (2) separate vehicle access driveways, one fronting Hargrave Street and one (1) fronting Ramsey Street and Williams Street respectively, with a driveway that circulates around the buildings. The Design Review and Phasing continues to provide pedestrian walks around the building. Additionally, the plans have been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency access, and they have not identified any deficiencies that will result in vehicular and/or pedestrian hazards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The Design Review and Phasing of the La Quinta Hotel Project, as previously approved by Resolution No. 2014-12 for Conditional Use Permit 13-8004 and Design Review 13-7002 and Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001, will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the City. Additionally, the Design Review and Phasing remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The
Design Review and Phasing will continue to connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping continues to be designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines as demonstrated in the staff report dated October 1, 2014. Additionally, a six (6) foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

PUBLIC COMMUNICATION

The proposed Design Review and Phasing was advertised in the Record Gazette newspaper on July 20, 2018. Additionally, the notice was mailed to all property owners within 300 feet of the project. As of the writing of this report, no communications have been received regarding the project.

PREPARED BY:

Sonia Pierce
Senior Planner

REVIEWED AND RECOMMENDED BY:

Patty Nevins
Community Development Director

Attachments:

1. Planning Resolution No. 2018-10
   Exhibit A - Project Plans
   Exhibit B - Conditions of Approval
2. Project Plans
3. Previous Staff Report (DR 13-7002)
4. Initial Study – MND
5. Public Hearing Notice
RESOLUTION 2018-10


WHEREAS, on October 1, 2014, the Planning Commission adopted Resolution 2014-12 adopting an Initial Study/Negative Declaration and approving Conditional Use Permit 13-8004 and Design Review 13-7002 to allow the development of a 2.66-acre parcel with an 81-unit hotel containing approximately 57,209 square feet; a fast food restaurant with a drive-thru containing approximately 2,800 square feet; and, a deli café containing approximately 1,200 square feet; and

WHEREAS, the applicant has submitted an application for a new Design Review approval, including phasing for the La Quinta Hotel Project, to allow the building of the project in 2 phases; Phase 1, Retail Commercial; Phase 2, a 3 story 83 room La Quinta Hotel, which has been duly filed by:

Project Applicant: Joseph Karaki – Western States Engineering, Inc.
4887 E La Palma Street, Suite 707
Anaheim, CA 92807
Parcel Address: 775 E. Ramsey Street
APN: 541-150-020
Lot Area: 2.66 Acres

WHEREAS, the Planning Commission has the authority to take action on Design Review 18-7005, pursuant to Chapter 17.56 Design Review of the Banning Municipal Code; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review 18-7005, and determined that, pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred; and, therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and

WHEREAS, on July 20, 2018, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning Design Review 18-7005. The City also mailed public hearing notices to the owners of properties that are directly
affected by the Design Review Amendment and to the property owners that are located within a 300' radius of the project boundaries; and

WHEREAS, on August 1, 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, the project and at which the Planning Commission considered the project phasing and Design Review 18-7005.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
The California Environmental Quality Act (CEQA) Guidelines Sections 15162(a) and 15164(b) set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

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

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

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

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

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

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

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

On October 1, 2014, the Planning Commission adopted Resolution 2014-14 adopted an Initial Study/Negative Declaration, in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Design Review 13-7002.

In accordance with the requirements of CEQA, the Planning Commission considered Design Review 18-7005 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact Design Review 18-7005 only involves a change in the phasing of the proposed development which does not result in any potential environmental impacts or substantial changes in the project. Therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary.

SECTION 2. REQUIRED FINDINGS:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review meets certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review 18-7005:

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

Findings of Fact: The Design Review and Phasing of the La Quinta Hotel Project remains consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of General Commercial (GC) allows hotel and restaurant uses. The proposed project will remain to be developed, as previously approved by Resolution 2014-12 for Conditional Use Permit 13-8004 and Design Review 13-7002, with a fast food restaurant with a drive thru containing approximately 2,800 square feet; and, a deli café containing

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approximately 1,200 square feet, in order to provide food services for the City and region. Further, the Design Review remains 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 project will generate the need for food service management and worker positions.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.


Finding No. 3: 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.

Findings of Fact: The Design Review and Phasing of the La Quinta Hotel Project, as previously approved by Resolution 2014-12 for Conditional Use Permit 13-8004 and Design Review 13-7002, and Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001 and continues to provide site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. Additionally, the Design Review and Phasing remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review and Phasing continues to provide two (2) separate vehicle access driveways, one fronting Hargrave Street and one (1) fronting Ramsey Street and Williams Street respectively, with a driveway that circulates around the buildings. The Design Review and Phasing continues to provide pedestrian walks around the building. Additionally, the Design Review and Phasing has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency
access, and they have not identified any deficiencies that will result in vehicular and/or pedestrian hazards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The Design Review and Phasing of the La Quinta Hotel Project, as previously approved by Resolution 2014-12 for Conditional Use Permit 13-8004 and Design Review 13-7002 and Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001, will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the City. Additionally, the Design Review and Phasing remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review and Phasing will continue to connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping continues to be designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines as demonstrated in the staff report dated October 1, 2014. Additionally, a six (6) foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2018-10:

   a. In accordance with the requirements of CEQA, the Planning Commission considered Design Review 18-7005 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact Design Review 18-7005 only involves a change in the phasing of the proposed development which does not result in any potential environmental impacts or substantial changes in the project. Therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and
b. Adopt Planning Commission Resolution 2018-10 approving Design Review 18-7005, in accordance with plans attached as Exhibit A and Conditions of Approval attached as Exhibit B.

PASSED, APPROVED AND ADOPTED this 1st day of August 2018.

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Serita R. Young, Assistant City Attorney
Richards, Watson & Gershon

CERTIFICATION:

Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-10, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 1st day of August 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT B

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

I. On-going.

Community Development Department

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

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

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

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

5. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) project review held on June 12, 2014, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

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. The hotel shall maintain an onsite building manager to manage the 83 units to directly address any on-site related issues such as noise, traffic, lighting, etc.

8. The respective hotel units shall not be utilized or occupied for anything other than transient occupancies with the exception of one unit intended for the building manager in accordance with the plans stamped and approved by the City.
9. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.

10. 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.

11. If the site is subdivided, a property owners' association or other approved property owners' agreement shall be established providing for maintenance of the parkway, slopes adjacent to public right-of-ways, any debris basins and median island landscaping. The agreement shall also provide for onsite landscaping maintenance, vehicle and pedestrian access, and safety lighting maintenance. The conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the property owners' association or maintenance agreement. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions or agreement to conflict with these Conditions of Approval.

12. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

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

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

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

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

17. Exterior wall mounted lighting shall be decorative fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.
18. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.

19. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure’s architecture. The gate shall be maintained in working order and shall remain closed except when in use.

20. 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.

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

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

**Public Works Department**

23. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

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

25. Parking areas shall be designed and improved with grades not to exceed five percent slope.
26. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on plans approved by Planning Commission on March 5, 2014.

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

   a. Rough and Precise Grading Plans
   b. Haul Route Plans
   c. Clearing Plans
   d. Street Improvement Plans

   e. Signing & Striping Plans (on/off site)
   f. Landscaping Plans-Streets
   g. Water & Sewer Improvement Plans

     1" = 40' Horizontal
     1" = 50' Horizontal
     1" = 40' Horizontal
     1" = 4' Vertical
     1" = 40' Horizontal
     1" = 20' Horizontal
     1" = 40' Horizontal
     1" = 4' Vertical

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

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.
All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

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

29. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

30. Provide right-of-way dedications to meet the ultimate half-width designations for Ramsey Street, 55 feet; Hargrave Street, 44 feet; and William Street, 33 feet including corner cut-offs.

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

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

33. Direct vehicular access to Hargrave Street from the site frontage shall be restricted, except for the two access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval.

34. Direct vehicular access to Williams Street from the site frontage shall be restricted, except for the single access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval.

35. The project shall satisfy all conditions set forth by the Riverside County Airport Land Use Commission (RCALUC) and the Airport Land Use Compatibility Plan.
36. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

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

38. All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

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

40. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCD. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

41. The project shall provide and maintain two separate and approved access points to the public right-of-way (secondary access).

42. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.

43. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.
44. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.

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

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

**Electric Utility Department**

47. The Electric Utility shall be notified of any changes to the site plans, & load calculations.

**II. Prior to Issuance of Grading Permits.**

**Community Development Department**

48. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.

49. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

50. The applicant will obtain a permit from the Building & Safety Division to demolish the existing abandoned fueling station and cause the building to be demolished in accordance with all local, state and federal regulations.
51. The following notation shall be placed on the grading plan: “No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey.”

**Public Works Department**

52. Grading of the subject property shall be in accordance with the City of Banning grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved conceptual grading plan.

53. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be subject to prior review and approval by the City Attorney. The applicant of developer shall bear the cost of the review. Said approved agreement shall be recorded with the Riverside County Recorder and run with the land.

54. A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.

55. A soils report and geological report shall be prepared by a qualified engineer and geologist, respectively, licensed by the State of California to perform such work. Said report shall be reviewed and approved by the City Engineer. The applicant or developer shall be required to comply with all recommendations of said report.

56. The applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
California Regional Water Quality Control Board Colorado River Basin (RWQCB)
South Coast Air Quality Management District (SCAQMD)
Riverside County Flood Control District (RCFCD)

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

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

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

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

61. 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. At a minimum, all development will make provisions to store runoff from rainfall events up and including the one-hundred year, three hour duration. All material storage areas including trash enclosures must be covered to protect from runoff.
62. If the site is located in a Flood Area as identified in the current Flood Insurance Rate Map the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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

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

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

Temporary Soil Stabilization (erosion control).

Temporary Sediment Control.

Wind Erosion Control.

Tracking Control.

Non-Storm Water Management.

Waste Management and Materials Pollution Control.

65. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
66. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California. A grading permit shall be obtained prior to commencement of any grading activity.

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

**Electric Utility Department**

68. Protect in place any existing electric utility infrastructure vaults, power poles etc.

**III. Prior to the Issuance of Building Permit.**

**Community Development Department**

69. The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.

70. A noise study will be performed and noise insulation features be incorporated into the design of the building to reduce the noise impacts from the work areas to acceptable levels for the residential occupancies. This is in addition to the requirements for reducing noise impacts related to the ALUC project review (projects located adjacent to airports).

71. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
72. Obtain clearance and/or permits from the Banning Unified School District.

73. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. The lighting fixture design shall compliment the architecture of the site. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.

74. Plans for any security gates to secure the building premises shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval. Security gates will not be allowed to block any public street.

75. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Grading design plan.
   g. Soil analysis.
   h. Certificate of substantial completion.

76. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan, which may be required by the Engineering Division.

77. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #13-7002). The applicant shall comply with 2013 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.
78. The applicant shall pay development impact fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division.

79. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

Public Works Department

80. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.

81. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

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

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

84. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance,
utilities, storm drain facilities, or temporary construction purposes including the
reconstruction of essential improvements.

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

86. Pay all applicable water and sewer connection and frontage fees per Chapter 13.08

87. Fire hydrants shall be installed within and on the project boundaries as per the approval
plans, and/or as approved by the Fire Department.

88. Provide fire flow calculations for the project and construct the necessary facilities to meet
those flows for the project.

Electric Utility Department

89. Pay required fees- Engineering, Planning, Inspection and the cost of electric apparatus for
completing the primary electric service lateral and Street lighting. The City of Banning
Electric Utility commercial service costs are not fixed, but are based on actual cost to
install the new service. The cost of each service varies based on project location, service
size, and electrical distribution equipment and material needed to service the project.

IV. Prior to the Issuance of Certificate of Occupancy.

Community Development Department
90. 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.

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

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

93. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins (see Public Works Dept for details).
   d. Trash bins with counter-weighted lids.
   e. Architecturally treated overhead shade trellis, or cover.
   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

94. The buildings shall be constructed in substantial compliance with the design elements as depicted in the staff report approved by the Planning Commission at their regularly scheduled meeting held on October 1, 2014; and, in accordance with Zoning Code regulations.

95. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building construction plans.
96. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

97. Landscaping, berming, and/or decorative walls shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of readerboard signs and directional signs. Screening shall be combined to total 6 feet in height.

98. A six-foot tall solid decorative masonry wall shall be constructed along the westerly property boundary with landscaping to serve as a buffer between the different uses. The portion of the wall fronting Ramsey Street may be wrought iron with pilasters to allow safety sight distance. Also a solid wall shall be provided between the swimming pool and the fast food drive thru restaurant at the time of the pool construction.

99. Menu boards shall be a maximum of 30 square feet, with a maximum height of 7 feet, and shall face away from the public right-of-way.

100. A 25 foot parking setback from the curb face shall be maintained at the driveway fronting all public streets.

101. For parking located along the street, a combination of walls, and/or berms, and/or landscape material must be provided to screen parking areas from the adjacent street. The screening should be between thirty-six inches and forty-eight inches, except when a drive-through aisle is being screened, in which case a higher screen is necessary to hide the vehicles. Lowered grades in parking lots may also be used to accomplish this.

102. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).

103. Decorative paving shall be required at all driveway entrances in accordance with the requirements of the Zoning Code and City Engineer and Community Development Director.
104. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a “Stop” sign.

105. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.

106. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall compliment the architecture of the existing buildings.

107. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.

108. Trees shall be planted in areas of public view adjacent to and along structures at a rate of at least one tree per 30 linear feet of building.

109. The slopes within any detention basin shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

**Public Works Department**

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

111. Remove and reconstruct all existing handicap ramps fronting the project site.

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

113. The minimum sidewalk width in commercial areas is 8 feet.
114. Those existing driveways that are no longer in use must be removed and replaced with full width sidewalk and full height curb and gutter.

115. The curb return on the corner of Ramsey Street and Hargrave Street shall be reconstructed to meet the City’s minimum radius of 35 feet.

116. Relocate the existing curb along Hargrave Street and construct a dedicated right-turn pocket (southbound) onto Ramsey Street. The minimum length of the turn pocket shall be 110 feet.

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

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

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

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

121. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

122. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport.

123. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Lincoln Street and Barbour Street, and any interior public spaces. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the
Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

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

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

126. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

127. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

Electric Utility Department

128. Grant easements for electric facilities installation / maintenance, etc. Building & Safety will need to sign a release before any new service is energized. Power cannot be released until the service conductor is pulled in and terminated at the new service panel. The customer must apply for a new electric service account with the C.O.B. Utility Billing Department located at City Hall (99 E. Ramsey St.) Utility Billing will fax a Meter Release Form to the Electric Utility. The Electric Utility will coordinate the meter set with the customer.

129. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).

130. The developer shall install streetlight poles, fixtures, pullbox, and conduits along the project frontage, and as directed by the City Engineer.
131. Secondary service entrance conductors to be provided and installed by the developer.

Police Department

132. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

Building Department

The following comments are required at time of plan check submittal

133. 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.

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

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

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

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

136. 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.
137. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

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

Fire Department

139. The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided:

   in regard to the fire protection conditions concerning the above referenced case. The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete buildings plans are reviewed.

A. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 21/2" x 21/2") spaced not more than 350 apart and shall be capable of delivering a fire flow 1750 GPM per minute for two hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.

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

C. Install a complete commercial fire sprinkler system. Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a “wet signature”, that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage.
D. The PIV and FDC shall be located to the front of building within 50 feet of approved roadway and within 200 feet of an approved hydrant. Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation.

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

F. Fire Apparatus access road and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.

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

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

I. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department.
ATTACHMENT 3
Staff Report (DR 13-7002 Previous Approval)
CITY OF BANNING
Planning Commission Report

DATE: April 1, 2015
TO: Planning Commission
FROM: Brian Guillot, Acting Community Development Director
SUBJECT: DESIGN REVIEW NO. 13-7002, AMENDMENT NO. 1 FOR A PROPOSED
81 UNIT HOTEL, FAST FOOD RESTAURANT WITH DRIVE-THRU, AND
DELI CAFÉ WITHIN THE GENERAL COMMERCIAL (GC) ZONING
DISTRICT (APN 541-150-020)

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2015-07 (Attachment 1):

I. Adopting a Previous Environmental Determination (Initial Study/Negative Declaration) for
Design Review No. 13-7002, Amendment No. 1; and

II. Approving Design Review No. 13-7002, Amendment No. 1.

APPLICANT INFORMATION:

Project Location: 775 E. Ramsey Street
APN Information: 541-150-020

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

Property Owner: Pacific Banning Inc., a California corporation
Yin Feng Wei, Agent
2438 San Gabriel Blvd., Suite C
Rosemead, CA 91770
BACKGROUND:

On October 1, 2014, the Planning Commission adopted Resolution No. 2014-12 (Attachment 3) adopting an Initial Study/Negative Declaration and approving Conditional Use Permit No. 13-8004 and Design Review No. 13-7002 to allow the development of a 2.66 acre parcel with an 81-unit hotel containing approximately 57,209 square feet; a fast food restaurant with a drive thru containing approximately 2,800 square feet; and, a deli café containing approximately 1,200 square feet.

As previously approved by the Planning Commission, the basic building architectural types consisted of simple mission themes (Attachment 4). The textures used for the building finishes included stucco enhanced with stone veneers. The finish/paint colors were described as brown and tan earth tones. Additional architectural detail was provided with decorative corbels, a cornice with a metal cap along the roof line, and mosaic tiles around the pool area walls and planters. Wall articulation was accomplished at the tower elements along the building elevations, which provided a significant desirable shadow effect. Second and third floor false patio decks were decorated with wrought iron handrails. The roof plane changed at intervals and provided articulation for the building mass. The roofing material was clay tile.

DISCUSSION:

Pursuant to Section 17.12.150 (Architectural Design Guidelines) of the City’s Zoning Ordinance, the design and architecture of new development in the General Commercial zoning district shall be consistent with the Design Guidelines of the zoning ordinance. Desirable elements of the design include significant texture for building surfaces, wall articulation, insets, canopies, wing walls, trellises, multi-planed, pitched roofs, roof overhangs, arcades and covered walkways, regular window distribution, articulated mass and bulk, significant landscape and hardscape elements, clearly identifiable access driveways, convenient and accessible parking, landscaped and screened parking, unified and complementary signage.

The project was previously designed with a “Mediterranean” architectural design. However, the La Quinta Hotel chain recently completed a comprehensive analysis of the local area, and concluded that a “contemporary” architectural design will appeal to a broader clientele versus the older traditional design that they have been utilizing over the course of the past several years. Therefore, the applicant has submitted an application for an amendment to the Design Review approval so that the Planning Commission may consider the new architectural design for the proposed project.

The “contemporary” architectural design is highlighted by the prominent tower at the entrance of the hotel building which utilizes a European “neolith” material of fiberglass reinforced panels with an “iron corten” (reddish brown) finish. This “neolith” material will also be utilized to accent the architectural elements of the hotel building, fast food restaurant and deli café. The remaining portions of the buildings will be colored stucco with a variety of gray and white toned finishes. Wall articulation will be accomplished with the corner tower elements and arches along the building elevations that provide a significant desirable shadow effect. The varying building heights provide an articulation for the building mass.
ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
The California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

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

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

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

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

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

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

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

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary. If the factors listed in CEQA Guidelines Sections 15162 or 15164 have not occurred or are not met, no changes to the previously adopted Negative Declaration are necessary.
On October 1, 2014, the Planning Commission adopted Resolution No. 2014-14 adopted an Initial Study/Negative Declaration, in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Design Review No. 13-7002.

In accordance with the requirements of CEQA, staff has analyzed proposed Design Review No. 13-7002, Amendment No. 1 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact Design Review No. 13-7002, Amendment No. 1 only involves a change in the architectural design theme of the proposed development from a “Mediterranean” architectural design to a “contemporary” architectural design which does not result in any potential environmental impacts. Thus, no changes to the previously adopted Initial Study/Negative Declaration are necessary. Therefore, the adoption of the Previous Environmental Determination (Initial Study/Negative Declaration) for Design Review No. 13-7002, Amendment No. 1 is recommended.

REQUIRED FINDINGS:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review Amendments meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review No. 13-7002, Amendment No. 1:

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

Findings of Fact: The Design Review Amendment remains consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of General Commercial (GC) allows hotel and restaurant uses. The proposed project will remain to be developed, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, with an 81-unit hotel containing approximately 57,209 square feet; a fast food restaurant with a drive thru containing approximately 2,800 square feet; and, a deli café containing approximately 1,200 square feet, in order to provide temporary (transient) lodging and food services for the City and region. Further, the Design Review Amendment remains 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 project will generate the need for hotel management and service worker positions, and food service management and worker positions. Transient occupancy tax revenues will also be created by the hotel operation.
Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.


Finding No. 3: 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.

Findings of Fact: The Design Review Amendment, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, continues to provide site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. Additionally, the Design Review Amendment remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review Amendment continues to provide two (2) separate vehicle access driveways, one fronting Hargrave Street and one (1) fronting Ramsey Street and Williams Street respectively, with a driveway that circulates around the buildings. The Design Review Amendment continues to provide pedestrian walks around the building. Additionally, the Design Review Amendment has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency access, and they have not identified any deficiencies that will result in vehicular and/or pedestrian hazards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The Design Review Amendment, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the City. Additionally, the Design Review Amendment remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review Amendment will continue connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping continues to be
designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines as demonstrated in the staff report dated October 1, 2014. Additionally, a six (6) foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

PUBLIC COMMUNICATION

The proposed Design Review Amendment was advertised in the Record Gazette newspaper on March 20, 2015 (Attachment 5). As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution No. 2015-07:

1. Adopting a Previous Environmental Determination (Initial Study/Negative Declaration) for Design Review No. 13-7002, Amendment No. 1; and


Prepared By: 

[Signature]

Oliver Mujica
Contract Planner

Reviewed By:

[Signature]

Brian Guillot
Acting Community Development Director

Attachments:

1. Resolution No. 2015-07
2. Proposed Architectural Design
3. Resolution No. 2014-12 (Previous Approval)
4. Previously Approved Architectural Design
5. Public Hearing Notice
ATTACHMENT 1
PC Resolution No. 2015-07
RESOLUTION NO. 2015-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING PREVIOUS ENVIRONMENTAL DETERMINATION (INITIAL STUDY/NEGATIVE DECLARATION) AND DESIGN REVIEW NO. 13-7002, AMENDMENT NO. 1 FOR AN 81 UNIT HOTEL, FAST FOOD RESTAURANT WITH DRIVE-THRU AND DELI CAFÉ ON A 2.66 ACRE PARCEL LOCATED AT 775 E. RAMSEY STREET WITHIN THE GENERAL COMMERCIAL (GC) ZONE

WHEREAS, on October 1, 2014, the Planning Commission adopted Resolution No. 2014-12 adopting an Initial Study/Negative Declaration and approving Conditional Use Permit No. 13-8004 and Design Review No. 13-7002 to allow the development of a 2.66 acre parcel with an 81-unit hotel containing approximately 57,209 square feet; a fast food restaurant with a drive-thru containing approximately 2,800 square feet; and, a deli café containing approximately 1,200 square feet; and

WHEREAS, the project was previously designed with a “Mediterranean” architectural design. However, the La Quinta Hotel chain recently completed a comprehensive analysis of the local area, and concluded that a “contemporary” architectural design will appeal to a broader clientele versus the older traditional design that they have been utilizing over the course of the past several years; and

WHEREAS, the applicant has submitted an application for an amendment to the Design Review approval so that the Planning Commission may consider the new architectural design for the proposed project, which has been duly filed by:

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

Parcel Address: 775 E. Ramsey Street
APN: 541-150-020
Lot Area: 2.66 Acres

WHEREAS, the Planning Commission has the authority to take action on Design Review No. 13-7002, Amendment No. 1, pursuant to Chapter 17.56.070 (Modifications) of the Banning Municipal Code; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review No. 13-7002, Amendment No. 1 and determined that, pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred; and, therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and
WHEREAS, on March 20, 2015, the City gave public notice by advertisement in the
Record Gazette newspaper of a public hearing concerning Design Review No. 13-7002,
Amendment No. 1. The City also mailed public hearing notices to the owners of properties
that are directly affected by the Design Review Amendment and to the property owners that are
located within a 300’ radius of the project boundaries; and

WHEREAS, on April 1, 2015, the Planning Commission held the noticed public hearing
at which time interested persons had an opportunity to testify in support of, or opposition to, the
project and at which the Planning Commission considered Design Review No. 13-7002,
Amendment No. 1.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
The California Environmental Quality Act (CEQA) Guidelines Sections 15162(a) and 15164(b)
set forth the criteria for determining the appropriate additional environmental documentation, if
any, to be completed when there is a previously adopted Negative Declaration for the project.
CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has
been adopted for a project, no subsequent Negative Declaration shall be prepared for that project
unless the lead agency determines, on the basis of substantial evidence in light of the whole
public record, one or more of the following:

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

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

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

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

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

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

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

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary. If the factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have not occurred or are not met, no changes to the previously adopted Negative Declaration are necessary.

On October 1, 2014, the Planning Commission adopted Resolution No. 2014-14 adopted an Initial Study/Negative Declaration, in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Design Review No. 13-7002.

In accordance with the requirements of CEQA, the Planning Commission considered Design Review No. 13-7002, Amendment No. 1 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact Design Review No. 13-7002, Amendment No. 1 only involves a change in the architectural design theme of the proposed development from a “Mediterranean” architectural design to a “contemporary” architectural design which does not result in any potential environmental impacts. Therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary.

SECTION 2. REQUIRED FINDINGS:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review Amendments meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review No. 13-7002, Amendment No. 1:

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

Findings of Fact: The Design Review Amendment remains consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of General Commercial (GC) allows hotel and restaurant uses. The proposed project will remain to be developed, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, with an 81-unit hotel containing approximately 57,209 square feet; a fast food restaurant with a drive thru containing approximately
2,800 square feet; and, a deli café containing approximately 1,200 square feet, in order to provide temporary (transient) lodging and food services for the City and region. Further, the Design Review Amendment remains 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 project will generate the need for hotel management and service worker positions, and food service management and worker positions. Transient occupancy tax revenues will also be created by the hotel operation.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.


Finding No. 3: 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.

Findings of Fact: The Design Review Amendment, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, continues to provide site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. Additionally, the Design Review Amendment remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review Amendment continues to provide two (2) separate vehicle access driveways, one fronting Hargrave Street and one (1) fronting Ramsey Street and Williams Street respectively, with a driveway that circulates around the buildings. The Design Review Amendment continues to provide pedestrian walks around the building. Additionally, the Design Review Amendment has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency access, and they have not identified any deficiencies that will result in vehicular and/or pedestrian hazards.
Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The Design Review Amendment, as previously approved by Resolution No. 2014-12 for Conditional Use Permit No. 13-8004 and Design Review No. 13-7002, will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the City. Additionally, the Design Review Amendment remains consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The Design Review Amendment will continue connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping continues to be designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines as demonstrated in the staff report dated October 1, 2014. Additionally, a six (6) foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2015-02:

   a. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Sections 15162(a) and 15164(b) the Planning Commission hereby adopts the Previous Environmental Determination (Initial Study/Negative Declaration) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of determination as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15094; and

   b. Adopt Planning Commission Resolution No. 2015-07 approving Design Review No. 13-7002, Amendment No. 1, subject to the following Conditions of Approval:

      i. Compliance with the Conditions of Approval contained in Planning Commission Resolution No. 2014-12.

      ii. The site shall be developed and maintained in accordance with the plans stamped dated, April 1, 2015, approved by the City, which include site plan, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division.
PASSED, APPROVED AND ADOPTED this 1st day of April 2015.

Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of April 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Proposed Architectural Design
ATTACHMENT 3
Resolution No. 2014-12 (Previous Approval)
RESOLUTION NO. 2014-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING AN INITIAL STUDY/NEGATIVE DECLARATION, AND APPROVING CONDITIONAL USE PERMIT (CUP) #13-8004/DESIGN REVIEW (DR) #13-7002 FOR AN 81 UNIT HOTEL AND RESTAURANTS DEVELOPMENT PROJECT ON A 2.66 ACRE PARCEL IN THE GENERAL COMMERCIAL (GC) ZONE

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

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

APN Number: 541-150-020 (775 E. Ramsey Street)
Lot Area: 2.66 Acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 and 17.56 of the Banning Municipal Code to take action on Conditional Use Permit #13-8004 and Design Review #13-7002 to construct the development on a 2.66 acre parcel in the General Commercial (GC) zone located north of Ramsey Street west of Hargrave Street; and

WHEREAS, an Initial Study/Negative Declaration was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines. The Initial Study/Negative Declaration was made available for a 20-day public review from August 14, 2014, through September 2, 2014; and

WHEREAS, on August 8, 2014, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners within 300 feet of the site of the holding of a public hearing at which the project would be considered; and

WHEREAS, on September 3, 2014, the Planning Commission held the noticed public hearing and then continued the item at the applicants request to the October 1, 2014, Planning Commission meeting, at which time interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit #13-8004 and Design Review #13-7002; and

WHEREAS, at this public hearing on October 1, 2014, the Planning Commission considered and heard public comments on the project and the proposed approval of Conditional Use Permit #13-8004 and Design Review #13-7002;

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:
SECTION 1 ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

   e) **Review Period:** That the City has provided the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105. The public review period was from August 14, 2014 to September 2, 2014.

   f) **Compliance with Law:** That the Negative Declaration was prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

   g) **Independent Judgment:** That the Negative Declaration reflects the independent judgment and analysis of the City.

   h) **No Significant Effect:** That revision made to the project plans agreed to by the applicant avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

2. **Wildlife Resources.**

   Pursuant to Title 14, California Code of Regulations § 753.5(c), the Planning Commission has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The project site is vacant and void of vegetation and wildlife habitat. Furthermore, on the basis of substantial evidence, the Planning Commission hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code § 711.4(c)(2)(B) and Title 14, California Code of Regulations, § 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

3. **Multiple Species Habitat Conservation Plan (MSHCP).**
The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2 REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT #13-8004.

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The following findings are provided for Conditional Use Permits:

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of General Commercial (GC) allows hotel and restaurant uses with the provision for additional building height subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café all provided temporary (transient) lodging and food services for the City and region.

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

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

Findings of Fact: The additional building height for the hotel building is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment because the developer has agreed to set the building back at least 30 feet from the property lines. The proposed project meets the development standards as required in Table 17.12.030 of the zoning ordinance and other design guidelines as shown in this staff report dated October 1, 2014.
Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Findings of Fact: The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and the Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the southeast of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

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

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

Furthermore, the review of the project by the Riverside County Airport Land Use Commission found the proposed project consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan subject to certain conditions as related in the attachment to the staff report dated October 1, 2014.

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

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

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

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

Findings of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

Based on the review of the General Plan for the City of Banning, there are several sensitive plant and animal species as having a potential to occur in the vicinity of the project. However, the potential to find such species on the project site or in the area immediately surrounding the project site is very low due to a lack of natural vegetation, the heavy disturbance of the natural environment (active weed control) and the lack of undisturbed habitat. There are no streams, drainage courses, or lakes on the site. There are no depressions on the site that may allow water to collect and provide suitable habitat to support natural communities and wetlands. The site contains no trees or vegetation; and, therefore there is nothing to consider preserving.

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

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

Findings of Fact: A hotel and restaurant use is a permitted use in the General Commercial (GC) zone. The proposed project will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval as listed within this staff report dated October 1, 2014. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience or welfare of the City as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

SECTION 3 REQUIRED FINDINGS FOR DESIGN REVIEW #13-7002.
The Zoning Code requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning Commission. The following findings are provided for Design Review:

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of General Commercial (GC) allows hotel and restaurant uses. The proposed project will provide a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

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

**Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.**

Findings of Fact: The proposed project is consistent with the Zoning Ordinance and the development standards of the GC zone, including setbacks, building height as provided for in the CUP application, and building coverage on the lot. The Zoning Ordinance requires a peak demand for 104 parking spaces which occurs during the week at 6 p.m.; and, the project provides 107 parking spaces. The project is proposing 7,723 square feet of landscaping in the parking area (approximately 46,955 square feet) which is greater than the 15% minimum landscaping requirement of the Zoning Ordinance.

**Finding No. 3: 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.**

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The proposed project provides two separate vehicle access driveways, one fronting Hargrave Street, and one fronting Ramsey Street and Williams Street respectively, with a driveway that circulates around the buildings. The proposed project provides pedestrian walks around the building. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and
motor vehicles, and emergency access, and they have not identified any deficiencies that will result in vehicular and/or pedestrian hazards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines as demonstrated in the staff report dated October 1, 2014. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

SECTION 4 PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b) (2) the Planning Commission hereby adopts the Initial Study/Negative Declaration and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of determination as provided under Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094; and

PASSED, APPROVED AND ADOPTED this 1ST day of October, 2014.

Kevin Siva, Chairman
Banning Planning Commission

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

APPROVED AS TO FORM AND
LEGAL CONTENT:

Lora N. Laymon, Assistant City Attorney

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2014-12, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1ST day of October, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
ATTACHMENT 4
Previously Approved Architectural Design
ATTACHMENT 5
Public Hearing Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 20, 2015

Executed on: 03/20/2015
At Banning, CA

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

Signature
ATTACHMENT 4

Adopted Initial Study/Mitigated Negative Declaration
81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Cafe

City of Banning
Community Development Department
99 E. Ramsey Street
Banning, California 92220

August 13, 2014

Zai Abu Bakar
Community Development Director
(951) 922-3131
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EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of the proposed project. The purpose of the project is to develop approximately 2.66 acres along Ramsey Street west of Hargrave Street in the City of Banning as an 81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Cafe (see Project Location - Figure 1). The proposed project consists of approximately 61,209 square feet of proposed building area along with parking for 107 vehicles, landscaping, signage, and utilities.

The results of the Initial Study show that there is no substantial evidence that the project would have a significant effect on the environment. A Negative Declaration is being recommended for adoption.
The project area is bounded by Hargrave Street to the east, Williams Street to the north, and Ramsey Street to the south.

**Figure 1 – Project Location**
Figure 2 – Site Plan
1. INTRODUCTION

Purpose and Scope

This Initial Study serves as the environmental review of the proposed Project, as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Banning Local Guidelines for Implementing CEQA.

In accordance with Section 15063 of the State CEQA Guidelines, the City is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the implementation of the Project.

Incorporation by Reference

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents. These documents are hereby incorporated by reference in their entirety into this Initial Study, as authorized by Section 15150 of the State CEQA Guidelines. All of the documents incorporated by reference are listed in Section 7 of this Initial Study.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (Form) has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Banning, in complying with the requirements of the Statutes and Guidelines for implementing the California Environmental Quality Act.

This Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Potentially Significant Impact”. Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hydrology/Water Quality
- Hazards & Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance
In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form.

There are four possible responses to each question:

A. Potentially Significant Impact.

This response is used when the Project has the potential to have an effect on the environment that is considered to be significant and adverse.

B. Potentially Significant Unless Mitigation Incorporated.

This response is used when the Project has the potential to have a significant impact, which is not expected to occur because:

- Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,

- Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

C. Less Than Significant Impact.

This response is used when the potential environmental impact of the Project is determined to be below known or measurable thresholds of significance and thus would not require mitigation.

D. No Impact.

This response is used when the proposed Project does not have any measurable impact.
3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, I find that:

■ The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

□ Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit B (attached), have been added to the Project. A Negative Declaration will be prepared.

□ The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.

□ The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.

□ Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved for distribution by:

[Signature]
Zai Abu Bakar, Community Development Director

Prepared by: Brian Guillot, Associate Planner

Date: August 13, 2014

4. PROJECT DESCRIPTION

Project Title: 81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Café

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

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

Owner: Pacific Banning, Inc., a California corporation
Yin Feng Wei, Agent for Service of Process
2438 San Gabriel Blvd., Suite C
Rosemead, CA 91770

General plan designation: General Commercial

Zoning: General Commercial (GC)

Project Description: The project consists of a Design Review application along with a Conditional Use Permit application to entitle the construction and operation of 81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Café on a 2.66 acre site in the General Commercial zoning district. The site consists of vacant land along with an existing gas station that is to be demolished. The property fronts three improved roadways: Williams Street along the northerly boundary, Ramsey Street along the southerly boundary, and Hargrave Street along the easterly boundary. The land surface slopes to the south-east.

Specifically, the project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café (see Site Plan – Figure 2). Improvements to the site include a shared parking lot for approximately 107 vehicles, landscaping, and utilities.

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

**Approvals Required:**

In order to complete and approve the Project, the City of Banning would need to take the following actions:

- Approval of an Initial Study and Negative Declaration;
- Approval of Design Review by Planning Commission;
- Approval of a Conditional Use Permit by Planning Commission;
- Issuance of Grading permit;
- Issuance of Building and Safety, Fire, and other ministerial permits.

**5. ENVIRONMENTAL ANALYSIS CHECKLIST**

<table>
<thead>
<tr>
<th>I. AESTHETICS. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>□</td>
<td>○</td>
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<tr>
<td>b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>□</td>
<td>○</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>□</td>
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<tr>
<td>d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
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<tr>
<th>II. AGRICULTURAL RESOURCES. Would the Project:</th>
<th>Potentially Significant Impact</th>
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<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the</td>
<td>□</td>
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<tr>
<td>California Resources Agency, to non-agricultural use?</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<td>e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
<td>☐</td>
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**III. AIR QUALITY. Would the Project:**

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<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
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<tr>
<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
<td>☐</td>
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<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e) Create objectionable odors affecting a substantial number of people?</td>
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<td>IV. BIOLOGICAL RESOURCES. Would the Project:</td>
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<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
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<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
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<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
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<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan,</td>
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<td>Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
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<td>V. CULTURAL RESOURCES. Would the Project:</td>
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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
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<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
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<tr>
<td>VI. GEOLOGY AND SOILS. Would the Project:</td>
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<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>☐</td>
<td>☐</td>
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<td>ii) Strong seismic ground shaking?</td>
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<td>iii) Seismic-related ground failure, including</td>
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<td>Question</td>
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<td>iv) Landslides?</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
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### VII. GREENHOUSE GAS EMISSIONS. Would the Project:

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<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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### VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:

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<tr>
<th>Question</th>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
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<tr>
<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d)</td>
<td>Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e)</td>
<td>For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
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<tr>
<td>f)</td>
<td>For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?</td>
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<td>g)</td>
<td>Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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<td>h)</td>
<td>Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
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IX. HYDROLOGY AND WATER QUALITY. Would the Project:

<p>| a) | Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ |
| b) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in | ☐ | ☐ | ☐ | ☒ |</p>
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<tr>
<td>aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?</td>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td>☑</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td>☐</td>
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<td>e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
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<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
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<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>☐</td>
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<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of</td>
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<td>Would the Project:</td>
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<tr>
<td>a) Physically divide an established community?</td>
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<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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<td>XI. MINERAL RESOURCES. Would the Project:</td>
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<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
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<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
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<td>XII. NOISE. Would the Project:</td>
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<tr>
<td>a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
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<td>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
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<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
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<td>d) Create a substantial temporary or</td>
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<tr>
<td>periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
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<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
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<td><strong>XIII. POPULATION AND HOUSING. Would the Project:</strong></td>
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<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
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<td><strong>XIV. PUBLIC FACILITIES. Would the Project:</strong></td>
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<tr>
<td>Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental</td>
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</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------</td>
<td>-------------------------------------------------------</td>
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<td>-----------</td>
</tr>
<tr>
<td>impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Fire protection?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>b) Police protection?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>c) Schools?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>d) Parks?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>e) Other public facilities?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
</tbody>
</table>

**XV. RECREATION:**

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
</tbody>
</table>

**XVI. TRANSPORTATION/TRAFFIC. Would the Project:**

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>Potentialy Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td></td>
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<tr>
<td>-------------------------------</td>
<td>------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:**

<p>| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☐ |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☐ |</p>
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>c)</td>
<td>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e)</td>
<td>Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f)</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g)</td>
<td>Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I Aesthetics.

a)-d) No Impact (Scenic Vista, Scenic Resources-State Scenic Highway, Visual Character, Light/Glare). The Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located to the south-east and across Interstate 10. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and
across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

Project implementation would replace the view of a vacant parcel of land and abandoned gas station with a new hotel and restaurant buildings that have desirable architectural features including landscaping. Project implementation would not have a substantial adverse effect on a scenic vista as identified by the General Plan. Additionally, views of streetscapes along Ramsey Street would not be obstructed because the building is set back from the property lines 128 feet.

Exterior lighting is proposed, where needed, for safety and security reasons. All proposed outdoor lighting would conform to the City’s outdoor lighting guidelines which prohibit spill lighting on adjacent properties. The building finish/coating is paint over stucco or wood along with stone veneers and does not propose any major sources of glare that would result in any lighting/glare impacts.

Checklist Item II Agricultural and Forestry Resources.

a)-e) No Impact (Farmland Conversion, Zoning, Land Use). The project site is located within an urbanized area of the City of Banning and is presently zoned General Commercial (GC). The site is mostly vacant land and contains no planted trees or vegetation. According to the Department of Conservation Farmland Mapping and Monitoring Program, the site has not been mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and falls within the classification of Urban Built-up Land.

The small size of the site (2.66 acres) and location (surrounded by developed properties) make the site not suitable for agricultural production.

The project site is located within the GC zoning district and agricultural uses are not permitted by the Zoning Ordinance is this district. There is no Williamson Act contract that affects the project site according to the title report prepared by Pacific Coast Title Company dated June 5, 2014.

The project site is located within the GC zoning district and proposes a commercial development; and, therefore is not in conflict with forest or timberland zoning. The project does not propose a zone change that converts existing forest or timberland zoning.

Checklist Item III Air Quality.

a), b), d), e) No impact (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant Concentrations, Odors). The project is located within a portion of the South Coast Air Quality Management District (SCAQMD) which has been identified by the
California Air Resources Board as being in non-attainment for Ozone, Large Particulate Matter PM10 and Small Particulate Matter PM2.5. The 2007 Air Quality Management Plan for the South Coast Air Basin (2007 AQMP) relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. The plan contains a number of land use and transportation control measures that are intended to reduce air pollution emissions. The project will comply with the control measures identified in the plan in addition to all of the District’s applicable rules and regulations.

**Sensitive Receptors**

The main component of the project is an 81 unit hotel. The following table summarizes the land uses in the vicinity of the project that could potentially generate air pollution emissions that could adversely impact sensitive receptors.

<table>
<thead>
<tr>
<th>Source Category</th>
<th>Distance from Project Site</th>
<th>Recommended Separation Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway and High Traffic Roads</td>
<td>640 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Gasoline Dispensing Facility</td>
<td>395 feet</td>
<td>300 feet</td>
</tr>
</tbody>
</table>

As shown on the table above, the project is not located within the recommended separation distances for siting new sensitive land uses based on the California Air Resources Board publication titled *Air Quality and Land Uses Handbook: A Community Health Perspective, 2005*. Therefore, the project is not anticipated to be exposed to air pollution emissions that would adversely impact sensitive receptors.

**Odors**

The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. Improvements to the site include a shared parking lot for approximately 107 vehicles, landscaping, and utilities. During construction there is the potential for the generation of objectionable odors in the form of diesel exhaust and volatile organic compounds (from architectural coatings and paint) in the immediate vicinity of the site. However, these emissions will rapidly dissipate and be diluted by the atmosphere downwind of the site.

The project is not located within one mile of a wastewater treatment plant, sanitary landfill, composting station, feedlot, asphalt batching plant, painting or coating operations, or rendering plant where odor impacts may be significant. Therefore, the project will not subject a substantial number of people to objectionable odors.

**Checklist Item III Air Quality.**

c) **Less Than Significant Impact** (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant
Concentrations, Odors). The project is located within a portion of the South Coast Air Quality Management District (SCAQMD) which has been identified by the California Air Resources Board as being in non-attainment for Ozone, Large Particulate Matter PM10 and Small Particulate Matter PM2.5. The 2007 Air Quality Management Plan for the South Coast Air Basin (2007 AQMP) relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. The plan contains a number of land use and transportation control measures that are intended to reduce air pollution emissions. The project will comply with the control measures identified in the plan in addition to all of the District’s applicable rules and regulations.

SCAQMD Thresholds
CEQA guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” To determine if a proposed project would have a significant impact on air quality, the type, level, and impact of emissions generated by the proposed project must be evaluated.

To assist in the establishment of a quantitative determination of what is considered “significant,” the SCAQMD has published a number of significance thresholds that apply to new projects constructed or operated within the SCAQMD. The SCAQMD recommends that these quantitative air pollution thresholds be used by lead agencies in determining whether a proposed project could result in a significant impact. If the lead agency finds that the proposed project has the potential to exceed these air pollution thresholds, the project should be considered significant.

Regional Significance Thresholds
The SCAQMD has established the following regional significance thresholds expressed as daily emission totals released by a project during construction and operation. The URBEMIS 2007 software version 9.2.4 was utilized to demonstrate compliance with regional significant thresholds as shown in the table below:

<table>
<thead>
<tr>
<th>Pollutant*</th>
<th>Construction (pounds per day)</th>
<th>Operational (pounds per day)</th>
<th>Project Construction</th>
<th>Project Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxides of Nitrogen (NOx)</td>
<td>100</td>
<td>55</td>
<td>6.09</td>
<td>0.45</td>
</tr>
<tr>
<td>Volatile Organic Compounds (VOC)</td>
<td>75</td>
<td>55</td>
<td>14.22</td>
<td>0.35</td>
</tr>
<tr>
<td>Particulate Matter (PM10)</td>
<td>150</td>
<td>150</td>
<td>0.35</td>
<td>0.92</td>
</tr>
<tr>
<td>Particulate Matter (PM2.5)</td>
<td>55</td>
<td>55</td>
<td>0.32</td>
<td>0.18</td>
</tr>
<tr>
<td>Oxides of Sulfur (SOx)</td>
<td>150</td>
<td>150</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>550</td>
<td>550</td>
<td>4.55</td>
<td>3.70</td>
</tr>
</tbody>
</table>

*Source: South Coast Air Quality Management District Air Quality Significance Thresholds, March 2011.
Evaluation of the above table indicates that all criteria pollutant emissions from construction and operation of this project will not exceed the SCAQMD regional daily thresholds and therefore the impacts are considered less than significant.

Checklist Item IV Biological Resources.

a)-f) No Impact (Listed Species, Riparian Habitat, Natural Communities, Wetlands, Wildlife Movement, Local Policies – Tree Preservation, Conservation Plans). Based on the review of the General Plan for the City of Banning, there are several sensitive plant and animal species as having a potential to occur in the vicinity of the project. However, the potential to find such species on the project site or in the area immediately surrounding the project site is very low due to a lack of natural vegetation, the heavy disturbance of the natural environment (active weed control) and the lack of undisturbed habitat.

Additionally, a detailed review of Exhibit IV-2 of the General Plan demonstrates that the site is not located in a Special Linkage Area or Criteria Area of the MSHCP; a detailed review of Exhibit IV-3 of the General Plan demonstrates that the site is not located in an area that supports the Yucaipa Onion; a detailed review of Exhibit IV-4 of the General Plan demonstrates that the site is not located in a Burrowing Owl Survey Area; and, a detailed review of Exhibit IV-5 of the General Plan demonstrates that the site is not located in a L.A. Pocket Mouse survey area. Therefore, there will not be a substantial adverse effect on candidate, sensitive, or special status species.

The project will be required to pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

There are no streams, drainage courses, or lakes on the site. There are no depressions on the site that may allow water to collect and provide suitable habitat to support natural communities and wetlands. The project site is surrounded by existing development to the east and west, and fronts Williams Street and Ramsey Street on the north and south consequently the site does not serve as a wildlife movement corridor. The site contains no trees or vegetation; and, therefore there is nothing to consider preserving.

Checklist Item V Cultural Resources.

a)-d) No Impact (Historic Resource, Archeological Resources, Paleontological Resources, Disturbance of Human Remains). When the General Plan for the City of Banning was prepared in 2006, Historical maps, previous cultural resource surveys, aerial photographs, topographic maps and other cultural records were consulted to determine the presence of known archaeological resources in the
planning area. A total of 20 archaeological sites have been identified and recorded in the planning area, 12 of which are prehistoric (Native American) sites. The planning area for the General Plan has not been extensively surveyed for cultural resources due to the fact that large scale development projects have not been as widespread in the planning area as other communities in the San Gorgonio Pass/Coachella Valley region.

A detailed review of Table IV-11 of the General Plan found that the site is not listed as a Historic-Era Building, in fact there are no historical structures located on the site. A detailed review of Exhibit IV-7 found that there are no designated heritage properties located in the vicinity of the project site. Therefore, the potential to find such cultural resources on the project site is very low due to the lack of history or structures being located on the site and the heavy disturbance of the ground (active weed control). There are no known archaeological resources, paleontological resources, or cemeteries on the site. In the event of accidental discovery of human remains, the County Coroner will be contacted and the remains will be dealt with in accordance with State regulations.

The existing abandoned fueling station located on the site will be razed; however, the building is not listed as an historic resource or considered to be of historic value being constructed in 1965 as near as can be determined from building permit records.

Checklist Item VI  Geology and Soils.

a)-e) No Impact (Alquist-Priolo Zone, Seismic Ground Shaking, Seismic Ground Failure, Liquefaction, Landslide, Soil Erosion, Loss of Topsoil, Unstable Geologic Unit, Expansive Soil, Septic Tank Suitability). As illustrated in Exhibit V-3 of the General Plan, the project is not located in Alquist-Priolo Zone, therefore the possibility of significant fault rupture is considered to be low. Additionally, the proposed development must be designed in accordance with the requirements of the California Building Code (CBC) Seismic Design parameters. The CBC provides procedures for earthquake resistant structural design that include considerations for on-site soils conditions, occupancy, and the configuration of the structure including structural system and height.

The City of Banning General Plan Exhibit V-4 indicates that the site is located within a zone of moderate liquefaction susceptibility. However, the California Building Code requires the submittal of a soils and geotechnical investigation specific for the site at time of building permit submittal; and, that report will address any specific risks associated with liquefaction. Specific design provisions will be part of the recommendations of the soils and geotechnical investigation at the time of building permit application. Any provisions will be made a part of the building plans and specifications. Additionally, the recommendations of the report will be made part of the grading plans through the project conditions of approval and in accordance with the “Grading Ordinance” for the City of Banning.

a)-b) No impact (Global Climate Change). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café in the South Coast Air Quality Management District (SCAQMD). The SCAQMD has established the following regional significance thresholds expressed as yearly emission totals released by a project during construction and operation. The URBEMIS 2007 software version 9.2.4 was utilized to demonstrate compliance with regional significant thresholds as shown in the table below:

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>SCAQMD Emissions Threshold (Metric Tons CO2/Year for Industrial facilities)</th>
<th>URBEMIS Estimate (Metric Tons CO2/Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Construction</td>
<td>10,000 eq</td>
<td>156</td>
</tr>
<tr>
<td>Project Operations</td>
<td>10,000 eq</td>
<td>101</td>
</tr>
</tbody>
</table>

Evaluation of the above table indicates that CO2 emissions from construction and operation of this project will not exceed the SCAQMD regional yearly thresholds. Therefore, the project is not expected to significantly impact Global Climate Change.

Checklist Item VIII Hazards and Hazardous Materials.

a)-d), f)-h) No impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The proposed uses do not include the transportation or use of hazardous materials. The site is not located within ¼ mile of any school, or identified hazardous site as identified by the Cortese List provided by the Department of Toxic Substances Control.

A review of area surrounding the project site shows that there are no personal use airports operating in the vicinity. Therefore, there will be no impact from a nearby private airstrip.

A review of the City of Banning Emergency Operations Plan as well as a consultation with the Fire Services Division revealed that the project will not impair an emergency evacuation plan at this time. Exhibit V-9 of the City’s General Plan reveals that the site is not located in a Very High Fire Severity Zone; and, therefore will not impact wildland fire hazards.
Checklist Item VIII  Hazards and Hazardous Materials.


The project is located within Airport Compatibility Zones D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On June 12, 2014, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan. The project conditions are listed as follows:

1. Prior to issuance of building permits for the restaurant/deli building, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) and shall have received a determination of “Not a Hazard to Air Navigation” from the FAA. Copies of the FAA determination shall be provided to the City of Banning Community Development Department and the Riverside County Airport Land Use Commission.

2. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

3. The following uses shall be prohibited:

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

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

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

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

(e) Noise-sensitive outdoor nonresidential uses and hazards to flight.

4. The attached notice shall be given to all prospective purchasers and/or tenants of the property.

5. Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. In the event that a retention or detention basin is established on this site, on-site landscaping shall not include trees that produce seeds, fruits, or berries.

6. The restaurant use included within the hotel building shall be owned and operated by the hotel owner and operator and shall function to primarily serve guests of the hotel.

7. The Federal Aviation Administration has conducted an aeronautical study of the proposed hotel building (Aeronautical Study No. 2013-AWP-6570-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

8. The maximum elevation of the proposed hotel building, including all roof-mounted appurtenances (if any), shall not exceed 2,364 feet above mean sea level.

9. The specific coordinates, height, and top point elevation of the proposed hotel building shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.

10. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is
provided to the Federal Aviation Administration through the Form 7460-1 process.

11. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to https://oeaaa.faa.gov for instructions.) This requirement is also applicable in the event the project is abandoned.

The project requires approval of a Conditional Use Permit, and conditions imposed through the ALUC review will be incorporated into the project conditions. The proposed project design meets the requirements of the ALUC; therefore, any potentially significant hazards are considered less than significant.

Checklist Item IX Hydrology and Water Quality.

a)-g), i)-j) No impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns, Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site. Also, Section 18.06.140 of the “Grading Ordinance” will require an Erosion and Sediment Control Plan to be implemented during construction of the project.

For post construction activities, a Preliminary Water Quality Management Plan recommends that the project’s runoff flow rate, volume, velocity and duration for the post development condition mimic the pre-development conditions and incorporate site design considerations to improve water quality. A Final Water Quality Management Plan (WQMP) is required to be approved before construction of the project. The recommendations of the WQMP will be incorporated into the project design and practices.

Checklist Item IX Hydrology and Water Quality.

h) Less Than Significant Impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns, Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). Exhibit V-5 of the General Plan (GP) identifies that the site is located adjacent to or within an area of shallow flooding. Specifically, the GP explains as follows:

"Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from base flood".
A grading plan is required in connection with the site development and will include a hydrology and hydraulics analysis in accordance with the City of Banning Grading Ordinance. The buildings as proposed in the project will be designed in accordance with the Grading Ordinance that includes design of building floor elevations to protect the structures from potential flood damage. Therefore, the impacts related to flood are considered to be less than significant.

Checklist Item X  Land Use and Planning.

a)-e) No Impact (Physical Division, Land Use Plans, Conservation Plans). The Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood.

Exhibit III-2 General Plan Land Use Map along with the Zoning Overlay designates the site as General Commercial (GC). The proposed uses (hotel and restaurant) are permitted in accordance with the adopted Zoning Ordinance and consistent with GP Land Use descriptions stated as follows:

"This district is the broadest of the City's commercial districts, and allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions."

The project as proposed consists of hotel services that may support entertainment uses, and specifically restaurant uses as proposed. Therefore, the use is in compliance with the land use policies of the City.

The project will not conflict with any conservation plan. The project will be required to comply with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the plan. The purpose of the plan is to protect the existing character of the city and the region through the
implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

The land use plans, policies, and regulations that affect the project are described in detail in this initial studies checklist and the explanations listed herein. The information included in this initial study demonstrates that the project is not in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

Checklist Item XI Mineral Resources.

a)-b) No Impact (Loss of Mineral Resources, Site Delineated as Mineral Resource Site). Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board designated on a map Sector G, two parcels covering parts of the San Gorgonio River alluvial fan, east of the City of Banning as a Significant Construction Aggregate Resource. Sector G extends from the mouth of Banning Canyon, southeastward to the community of Cabazon. No other area in the vicinity of the City of Banning is designated a Significant Construction Aggregate Resource. The site is not located in this area; and, therefore no significant mineral resource is affected by the project.

Checklist Item XII. Noise.

a)-d), f). No impact (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. In addition to those regulations the Federal Aviation Administration noise standards apply as the project is located adjacent to an airport. The project is not a U.S. Department of Housing and Urban Development Project therefore HUD regulations do not apply. A review of area surrounding the project site shows that there are no personal use airports operating in the vicinity. Therefore, there will be noise impact from a nearby private airstrip.

The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (db). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Table V-3 of the GP identifies that the existing noise contour for Hargrave Street at Interstate 10 (the closest listed location) for 55 dBA extends to approximately 153 feet, not within the project area. Table V-4 of the GP identifies that transient lodging uses, are compatible with noise environments up to 65 dBA. Since the site is farther away than the 55 dBA noise contour, existing noise from motor vehicle traffic is not a factor. Additionally, the determination from ALUC
did not include requirements for noise reduction as any noise impacts associated with the airport traffic pattern are not considered significant because most of the project uses take place within the proposed structures.

Noise impacts associated with construction activity may exceed what is generally acceptable by the City’s General Plan guidelines. However, in accordance with the City’s noise ordinance, those impacts are restricted to the hours of 7:00 a.m to 6:00 p.m. and are enforced by the building official through the permitting process. Furthermore, the noise ordinance places this additional restriction on construction activities:

"However, nothing contained herein shall permit any person to cause sound levels to at any time exceed 55 dBA for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school."

Therefore, any noise impacts related to construction activities are temporary and not considered significant.

Checklist Item XII. Noise.

e) Less than Significant (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. In addition to those regulations the Federal Aviation Administration noise standards apply as the project is located adjacent to an airport. The project is not a U.S. Department of Housing and Urban Development Project therefore those regulations do not apply.

The project is located within Airport Compatibility D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On June 12, 2014, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan with no conditions of approval related to requirements for noise reduction.

Checklist Item XIII Population and Housing.

a)-c) No Impact (Population Growth, Displace Housing). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The occupancy of the hotel is transient and therefore there is no impact on population growth.
The project would not displace any existing housing or people, necessitating the construction of replacement housing because it is to be constructed on a vacant site.

**Checklist Item XIV Public Facilities.**

a)-e) *Less Than Significant Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities).* The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café.

**Fire**

Fire Services are provided through a contract with CalFire. They maintain Fire Station number 89 located at 172 N. Murray Street that houses an engine and 3 personnel. The Fire department’s review of the project has determined that adequate facilities exist in the vicinity of the project site (and if needed, in conjunction with other fire facilities in the service area) to maintain the required service ratios and response times mandated by the General Plan. No new or altered fire facilities are required to meet the required service ratios and response times. Additionally, a Fire Facilities Development Fee will be collected for the provision of capital facilities for fire services which provides for future facilities as the City develops. Based on the above analysis, the impacts to fire services are considered less than significant.

**Police**

The General Plan requires a level of service goal of 2.0 sworn officers per 1000 residents. A review of the project by the Police Department determined that no new or altered facilities would be required to maintain the level of service goal. Additionally, a Police Facilities Development Fee will be collected for the provision of capital facilities for police services which provides for future facilities as the City develops. Based on the above analysis, the impacts to police services are considered less than significant.

**Schools**

The hotel is a transient type lodging facility and it will not add any additional students to the school district. Impacts on schools will be mitigated by the payment of mandatory school impact fees. Based on the above analysis, the impacts to schools are considered less than significant.

**Parks**

The project is located approximately half way between Lions Park to the south and Roosevelt Williams Park to the north with Roosevelt Williams park being a little less than one-half mile away. No new or altered parks are required to provide park services to the project. Additionally, a Park Land Development Fee will be collected for the provision of new parks which provides for future facilities as the
City develops. Based on the above analysis, the impacts to parks are considered less than significant.

Other Public Facilities
The City’s library system includes the library located at 21 W. Nicolet Street and is funded through as a special Riverside County tax district. Based on library usage, the existing library is considered adequate to provide services for the City and any visitors. No new or altered library facilities are needed at this time. Based on the above analysis, the impacts to libraries are considered less than significant.

Checklist Item XV Recreation.

a)-b) No Impact (Existing Facilities, New or Altered Facilities). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The project of and by itself does not result in the need for new recreation facilities because the overall ratio of 5 acres of parkland per 5,000 residents is maintained even with addition of the project. There is no requirement to alter or provide additional facilities for recreation as the project provides transient services in support of local recreation.

Checklist Item XVI Transportation/Traffic.

a)-g) No Impact (Roadway Capacity and Level of Service, Congestion Management Program (CMP), Air Traffic Patterns, Roadway Design Hazards, Emergency Access, Parking, Alternative Transportation). A focused traffic impact analysis was prepared by K2 Traffic Engineers, Inc. dated May 16, 2014. The proposed development is projected to generate approximately 1,741 daily vehicle trips, 71 of which will occur during the morning peak hour and 65 of which will occur during the evening peak hour. The report analyzed roadway capacity, and level of service and determined that the traffic generated from the proposed project will not significantly impact any of the study intersections and roadway segments. Ramsey Street is a fully improved arterial roadway. However, the Public Works Department is requesting in the conditions of approval for the project the replacement of the curb return and the addition of a southbound right turn pocket.

Additionally, the project will participate in the cost of off-site improvements through payment of the following “fair share” mitigation fees:

- Transportation Uniform Mitigation Fee (TUMF) prior to construction (regional).
- Traffic Signal Mitigation Fee prior to construction (local).

Based upon the uses proposed for the project (hotel and restaurant) the Zoning Ordinance for the City of Banning requires 123 total parking spaces for the specific uses. Provision is made in Section 17.28.060(J) for shared parking if multiple uses
cooperatively establish and operate facilities with parking demands at alternating times. The applicant is proposing shared parking. A Shared Parking Study was prepared by K2 Traffic Engineers, Inc. dated June 12, 2014, demonstrating that with the different uses and time of day factors considered, a peak demand for 104 parking spaces occurs during the week at 6 p.m. The project provides 107 parking spaces, is sufficient to accommodate the parking demand.

Access will not be impacted as the site fronts three improved roadways and the project will not alter or limit access in any way. During construction portions of Hargrave Street and/or Ramsey Street may be affected; however these impacts are considered temporary and will be mitigated through traffic control as required by the City Engineer. Access drives proposed for the project are designed in accordance with Fire department minimum design standards. Additionally, the project is proposed with a 24 foot wide driveway circulating around the entire project.

The project is located within Airport Compatibility D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 12, 2013, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan. The review did not identify any items that would affect air traffic patterns and therefore the impact to air traffic patterns is not considered significant.

Checklist Item XVII Utilities and Service Systems.

a)-g) No Impact (RWQCB Wastewater Treatment, New Water and Wastewater Facilities, New Storm-water Drainage Facilities, Water Supplies, Wastewater, Landfill, Solid Waste). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel waterline in Ramsey Street. There are no restrictions on water use or connections for new development from the City Water Department at this time. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site. The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system.

The only storm drain improvements required in connection with the project are onsite catch basins, gutters, and storm drain pipes which will connect to the existing system. The City Engineer has reviewed the project and no additional upgrades will be required for the public storm drain system. Therefore, the project will not result in the construction or expansion of new public storm drain facilities.
The City contracts with a solid waste handling company. The project will require the construction of a trash enclosure that includes provisions for recycling in order to comply with the City’s recycling program. The nearest landfill is the County of Riverside’s Lamb Canyon landfill that has excess capacity.

Checklist Item XVIII  Mandatory Findings of Significance.

a) **No Impact (Environment and Habitat).** Based on the analysis contained in this Initial Study Checklist, the proposed project will not impact Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems. Thus the project would have no impact on the environment. It will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted.

b) **No Impact (Cumulatively Considerable).** Based on the analysis contain in this Initial Study Checklist, no cumulative impacts associated with the project will significantly affect the environment. The analysis in the Initial Study Checklist demonstrated that the project is in compliance with all applicable mitigations plans. Additionally, the project would not produce impacts, that considered with the effects of other past, present, or probable future projects, would be cumulatively considerable because potential adverse environmental impacts were determined to be less than significant as identified in this Initial Study Checklist.

This response bases its conclusions on the fact that the project is consistent with the General Plan. Additionally, mitigation measures have been recommended to reduce certain impacts to less than significant.

c) **No Impact (Human Beings).** As discussed within this Initial Study Checklist, the project would not expose persons to adverse impacts related to air quality, seismic or geologic hazards, greenhouse gas emissions, hazards or hazardous materials, hydrology or water quality, land use and planning, noise, population or housing, or transportation or traffic hazards, and the provision of utility services to people. These impacts were identified as less than significant or no impact; and, therefore the project does not have and environmental effects which will substantial adverse effects on human being, either directly or indirectly.

7. **INCORPORATION BY REFERENCE**

This Initial Study is based in part on the information and analysis contained in the documents listed below. These documents are hereby incorporated by reference in their entirety into this Initial Study. Copies of all documents incorporated herein are available for review in the Community Development Department at the Banning Civic Center, 99 E. Ramsey Street, Banning, and California, 92220.
A. City of Banning General Plan

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted March 2006 and includes any amendments.

B. Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance

This document was prepared to review the environmental constraints and opportunities associated with the adoption of the Banning Comprehensive General Plan and Zoning Ordinance that was adopted March 2006. The EIR is designed to be used as an information database to facilitate the streamlining of, or tiering of the environmental review process for subsequent projects for the City.

C. City of Banning Municipal Code

The Municipal Code contains various regulations and development standards that govern use and development of properties within the City. The Zoning Ordinance was adopted in March 2006.

D. City of Banning Local Procedures for Complying with CEQA

These procedures identify how the City implements CEQA and the State CEQA Guidelines. These local procedures were put into effect in order to comply with Section 15022 of the State CEQA Guidelines.

E. Multi-Species Habitat Conservation Plan (MSHCP)

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on Conservation of species and their associated Habitats in Western Riverside County.

F. Focused Traffic Analysis

This study was prepared by K2 Traffic Engineers, Inc. of Tustin, California dated May 16, 2014. The report analyzed roadway capacity, and level of service to determine traffic impacts generated from the proposed project.
G. Shared Parking Study

This study was prepared by K2 Traffic Engineers, Inc. of Tustin, California dated June 12, 2014. The study analyzed the different uses for the project to determine peak parking demand.

H. Preliminary Title Report

This study was prepared by Pacific Coast Title Company of Glendale, California dated June 5, 2014. The report provides ownership, legal description, and encumbrance information for the site.

8. LIST OF PREPARERS

Listed below are the persons who prepared or participated in the preparation of the Initial Study:

Project Manager: Brian Guillot, Associate Planner

Reviewed by: Zai Abu Bakar, Community Development Director
EXHIBIT A

(Site photographs)
Hargrave Street looking to the north-west

Williams Street looking south
ATTACHMENT 5

Public Hearing Notice
Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)

158658 PHN_DR 18-7005

State of California 
County of Riverside 

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:

July 20, 2018

Executed on: 07/20/2018
At Banning , CA

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

[Signature]

NOTICE OF PUBLIC HEARING FOR DESIGN REVIEW 18-7005 DESIGN REVIEW AND PHASING OF THE LA QUINTA HOTEL PROJECT, A PROPOSED 80-ROOM HOTEL, A FAST FOOD RESTAURANT WITH DRIVE-THRU, AND DELI CAF ON A 2.66 ACRE PARCEL LOCATED AT 775 E. RAMSEY STREET WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT (APN 041-190-002)
NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, August 1, 2018, at 6:30 p.m. in the Council Chambers, City Hall, 59 East Ramsey Street, Banning, California, to consider the proposal by Joseph Karaki for the design review and phasing of the La Quinta Hotel project, a proposed hotel and fast food restaurant with drive-thru, and deli caf. Potential environmental issues associated with the project were analyzed in the previously adopted environmental determination (initial study/negative declaration). Information on the Design Review, Phasing, and environmental documents can be obtained by contacting the City's Community Development Department at (951) 923-3125, or by visiting the City Hall located at 59 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 698, 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. If 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: July 17, 2018
Published: July 30, 2018
Published in The Record Gazette
No. 158658
7/20/2018
CITY OF BANNING  
Planning Commission Report

MEETING DATE:  August 1, 2018

TO:  Planning Commission

FROM:  Patty Nevins, Community Development Director

SUBJECT:  ZONING TEXT AMENDMENT 18-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE)

RECOMMENDED ACTION:

That the Planning Commission adopt Resolution 2018-11:

1. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment 18-97502.

2. Recommending to the City Council the adoption of Ordinance 1530 approving Zone Text Amendment 18-97502.

APPLICANT INFORMATION:

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

BACKGROUND:

Staff regularly reviews the City’s Zoning Ordinance to identify potential improvements and to present recommendations with respect to regulated land uses. This report contains recommendations for amendment of certain sections to address the needs of residents and businesses as well as to address inconsistencies and needed clarifications within the text.
PROPOSAL / ANALYSIS:

Strikeout (formatted as strikeout) denotes existing language to be removed; underline (formatted as underline) denotes new language to be added.

1. **Alcoholic Beverage Control (ABC) Licenses, Separation From Churches**

**Proposed Amendment:**
Amend Section 17.12.050 *Use specific standards* as follows:
B.2. In addition to any conditions of approval imposed by the Planning Commission, the following standards shall apply:
   a. Establishments shall not be located within 500 feet of any religious institution, school, or public park within the City.

**Rationale:**
Religious institutions may be located in commercial zones and commercial storefronts, which precludes commercial businesses requiring an ABC license for alcohol sales (other than sit-down restaurants) from being established within 500 feet. The requirement for Planning Commission approval of a Conditional Use Permit for ABC licenses (other than sit-down restaurants) provides adequate opportunity for review and notice of ABC licenses while not unnecessarily restricting bona-fide commercial businesses from considering commercial locations.

2. **Alcoholic Beverage Control (ABC) Licenses, DC Zoning Conflict**

**Proposed Amendment:** Amend Table 12.12.020, Permitted, Conditional and Prohibited Commercial and Industrial Uses, as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
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<td>Alcoholic beverage sales, on- or off-site</td>
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**Rationale:**
A conflict occurs in the zoning code wherein according to Table 17.12.020 - Permitted, Conditional and Prohibited Commercial and Industrial Uses, alcoholic beverage sales on- or off-site, are not permitted in the Downtown Commercial zone although they are a
conditionally permitted use in all other zones. This is in conflict with the zoning ordinance provisions that allow consideration of bars and drinking establishments (which by definition have on-site alcoholic beverage sales) as a conditionally permitted use in the Downtown Commercial zoning district. Staff has interpreted the alcoholic beverage sales exclusion to apply to liquor stores, which are not permitted in the Downtown Commercial zoning district. This amendment codifies that interpretation.

3. **Retail Auto Parts Sales in the Downtown Commercial Zone**

**Proposed Amendment:** Amend Table 12.12.020, Permitted, Conditional and Prohibited Commercial and Industrial Uses, as follows:

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<th>Zone</th>
<th>DC</th>
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<td>Auto, mobile home, and motor vehicle sales, and with or without part sales, new and/or used(^3)</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<td>Auto, mobile home, and motor vehicle sales, and part sales, new and used(^3)</td>
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\(^3\) Reserved.

**Rationale:**
Staff has been approached regarding the inability of an existing auto-parts related business to expand operations within the Downtown Commercial (DC) zone, where such a use is nonconforming and expansion is thus limited by the City’s zoning code. Currently, automobile-related uses are prohibited in the DC zone, which the Zoning Ordinance describes, in part, as follows:

b. New auto related uses proposed after adoption of the 2005 General Plan will be prohibited. All existing auto uses in existence as of the adoption of the 2005 General Plan will be permitted until such time as the use in a particular location ceases operation for a period of six months.”

An intent to disallow auto related uses is thus evidenced in the existing code language; this language may be seen as consistent with a vision of creating a traditional, historic downtown in the DC zone where one might expect small, pedestrian-oriented specialty
retail and service businesses. If the City's vision is to create a retail district not limited in this manner, retail automobile-related uses may be considered consistent with what the City hopes to achieve in the DC zone. However, staff has noted that similarly, the City's General Plan states that "Auto related uses proposed after adoption of this General Plan will be prohibited". Thus, unless both the statements in the General Plan and the Zoning Ordinance are interpreted as pertaining only to auto sales and auto repair, and not to auto parts sales, a General Plan Amendment would be required in addition to a Zoning Ordinance Amendment. One distinction between the two sets of uses could be made in that parts sales are interior, retail storefront type uses that may be seen as consistent with other sales uses allowed in the DC zone such as furniture and general merchandise sales. Auto sales and repairs however are visually different in terms of their display and work areas being outside and automobile-oriented rather than internal walk-in sales facilities.

Staff has prepared a potential amendment that makes retail auto parts a conditionally permitted use, which would give the Planning Commission the ability to make decisions regarding this type of use on a site-specific basis. Findings specific to the auto-related uses have been included, should the Planning Commission (and ultimately the City Council) agree with the findings.

4. **Tattoo Establishments**

**Proposed Amendment:**

Amend 17.040.070 – Definitions – as follows:

**Body Piercing Studio Parlor** means any business or premises dedicated to the piercing, puncture or perforation of human skin or tissue, or the insertion of jewelry or other objects into or under the skin or tissue, for decorative, nonmedical purposes; the term "body piercing studio parlor" does not include businesses that offer ear-only piercing as a service that is secondary to other business services, or acupuncture clinics.

**Tattoo Parlor Studio** means any business or premises dedicated to the act or process of marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars. The term "tattoo parlor studio" does not include businesses that offer permanent make-up as a service that is secondary to other business services.

Amend Table 17.12.020 as follows:

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<tr>
<th>Zone</th>
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188
Amend Table 17.12.020 as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Tattoo and Body Piercing Parlor Studios</strong></td>
<td>+</td>
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<td>*</td>
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<td>*</td>
<td>*</td>
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</tr>
</tbody>
</table>

**Tattoo Establishments.** Subsection R. (Tattoo and Body Piercing Parlor) of Section 17.12.050 (Use Specific Standards) of Article II (Land Use District Development Standards) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:

R. Tattoo and Body Piercing Parlor Studios. As indicated in table 17.12.020, a conditional use permit is required for tattoo and/or body piercing businesses. The following standards shall apply:

1. The business shall not be located within one thousand feet of any other tattoo and/or body piercing parlor as measured from any point from the outer boundaries of the property containing the business.

2. The business shall not be located within five hundred feet of any adult-oriented business as measured from any point from the outer boundaries of the property containing the business.

3. The business shall not be located within five hundred feet of any business selling alcoholic beverages, as measured from any point from the outer boundaries of the property containing the business.

4. The business shall not be located within one hundred feet of any residential use as measured from any point between the outer boundaries of the property containing the business and the nearest property line of a residentially occupied property.

5. The business shall not be located within six hundred feet of a school, park or day care center/family day care home as measured from any point between the outer...
boundaries of the property containing the business to the nearest property line of the
school, park or day care center/family day care home.

1.6. The business shall maintain in a sanitary condition at all times both the facilities and
employees of the business. All walls, ceilings, floors, furnishings, and instruments used
for tattoo and piercing shall be kept in good repair, and maintained in a clean and
sanitary condition. Employees shall be required to wash their hands prior to any contact
with customers.

27. Officers of the police department, code enforcement division, and the fire
department shall have the right to enter any tattoo and body piercing businesses during
regular business hours to make reasonable inspection to ascertain whether the
provisions of this chapter are being complied with, provided reasonable and normal
business operations shall not be interfered with by said inspection.

38. The hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00
p.m.

49. All activities shall be located indoors.

Rationale:
The City has received inquiries during the last year for tattoo and body art businesses
interested in occupying storefront space within the Downtown Commercial zoning areas
of the City. There were concerns regarding the proximity of a significant portion the
City’s commercial zones generally to residential areas effectively prohibiting such uses
in the downtown area and along most of Ramsey Street, as the main commercial
corridor. Similarly, required separation from numerous other uses is prohibitive for this
type of business. By implementing the proposed changes, tattoo and body art facilities
would be allowed in most of the commercially zoned areas of the City, subject to a
Conditional Use Permit.

5. Chain Link Fencing

Proposed Amendment:
Amend Section 17.12.130 - Walls and fences – as follows:

A. Walls should be kept to the lowest height possible to accomplish their screening or
buffering function.

B. Walls should always be decorative, and should be designed to blend with the
structure’s architectural style.

C. Security fencing should combine solid walls with wrought iron grill work. Additional
height for security fencing may be approved by the director through technical staff
review.
D. Long walls should include pillars or other treatment every fifty feet to provide visual relief.

E. Chain link and barbed wire fencing is prohibited except as provided for below.

F. Chain link fencing shall be allowed subject to Design Review approval by the Planning Commission, within the Industrial and Airport Industrial zoning districts for projects that are at least five acres (or two hundred seventeen thousand eight hundred square feet) in size with a single business entity managing all operations within the site.

G. Precision block walls must be stuccoed.

Rationale:
The City has seen increased interest in the last 16 months with respect to industrial end users considering locating within the City. For many of the larger projects (5+ acres), the prohibition for chain-link by Municipal Code is cost prohibitive, thus, these end users look to other communities for building their facilities. Staff finds that limited provisions for chain link fencing, to be approved through the Design Review process, would allow consideration of this type of fencing where appropriate.

6. **Parking Studies:**

Proposal:

Amend Table 17.28.040B Commercial and Industrial Parking Requirements as follows:

<table>
<thead>
<tr>
<th>All other commercial uses not listed</th>
<th>One space for each 200 sq. ft. of gross floor area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Studies</td>
<td>Required parking for commercial uses may be adjusted with approval of a parking study by the Planning Commission, subject to a finding by the Planning Commission that the parking requirements of the specific use are unique and that the adjustment is therefore warranted.</td>
</tr>
</tbody>
</table>

Rationale:

There are certain uses that are unique with respect to parking needs, and there is no provision in the Zoning Ordinance for consideration of alternate parking requirements for such uses.
7. **Public Utility Facilities**

**Proposal:**

Amend Tables 17.16.020 and 17.20.020 as follows:

**Table 17.16.020**

Permitted, Conditional And Prohibited Public Facilities Uses

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>PF-A</th>
<th>PF-G</th>
<th>PF-F</th>
<th>PF-S</th>
<th>PF-H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utility Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Table 17.20.020**

Permitted, Conditional and Prohibited Open Space Uses

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>OS-R</th>
<th>OS-PA</th>
<th>OS-PU</th>
<th>OS-H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utility Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Rationale:**
Public utility facilities are currently permitted in all commercial zones excepting the Downtown Commercial zone. The City's water utility department currently has a need to site one facility (a well site) adjacent to a park, and the City's utility departments could have future needs to locate facilities in other areas, thus allowing them to be located in other zoning districts consistent with current allowances in most commercial districts is proposed.

8. **Freeway-Oriented City Identification Sign**

**Proposed Amendments to Chapter 17.36 - Sign Regulations:**
Freeway-Oriented City Identification Sign. Section 17.36.030 (Definitions) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to add the following defined term in alphabetical order:

"City Identification Sign. A freeway-oriented pylon sign that prominently displays the name of the City of Banning, including billboards, outdoor advertising structures, electronic message centers."

Freeway-Oriented City Identification Sign. The defined term “relocated billboard” in Section 17.36.030 (Definitions) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to read as follows:

"Relocated Billboard. An existing billboard that is located in the city that is relocated through a city council approved relocation agreement, including the replacement of a static billboard face with an electronic message center. The relocated billboard is not considered a new outdoor advertising sign."

Freeway-Oriented City Identification Sign. Subsection D. of Section 17.36.060 (Prohibited Signs) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to read as follows:

"D. Billboards or outdoor advertising structures. However, notwithstanding any other provision of this chapter, and consistent with the California Business and Professions Code Outdoor Advertising Act provisions, relocated billboards or outdoor advertising sign structures, including electronic message centers, electronic message boards, and changeable message boards, may be considered and constructed as part of a relocation agreement requested by the city and entered into between the city and a billboard sign, and/or property owner, and new city identification signs may be considered and constructed as part of a lease agreement, development agreement, or other agreement between the city, a sign owner, and property owner and subject to the requirements of section 17.36.110(B)(9) of the Banning Municipal Code. The replacement of a static billboard face with an electronic message center, electronic message board, or changeable message board shall be considered a relocation for purposes of this section. Such agreements may be approved by resolution of the city council upon terms that are agreeable to the city, pursuant to administrative guidelines, as adopted by the city council resolution. The execution of a relocation, lease agreement, development agreement or other agreement shall not operate to change the status of any billboard as a nonconforming use for the purpose of this code."
**Freeway-Oriented City Identification Sign.** A new Subsection (B)(9) is hereby added to Section 17.36.110 (Sign Regulations) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) to read as follows:

9. City identification sign. City identification signs shall be allowed subject to approval by City Council resolution and the following requirements:

   a. City Identification signs shall not be permitted south of Interstate 10 from Sunset to Hargrave.

   b. The City shall have the right to place public service announcements and emergency service announcements on any such electronic messaging center so long as they are not excessive or burdensome. The limits on public service announcements will be stipulated in a City Council agreement.

   c. The use of onsite electric generators to power digital billboards for normal operations shall be prohibited.

   d. The sign face for any City Identification sign shall not overhang onto Interstate 10 or any other state highway.

   e. Signs shall be shielded to prevent light or glare intrusion onto adjoining properties that are located within five-hundred (500) feet.

   f. Message changes on any electronic message center shall be limited to one message every six (6) seconds, or that allowed by the California Department of Transportation, whichever is greater.

   g. No electronic message center shall simulate motion or exhibit any images or series of images that could be considered “animated” in any way, including but not limited to sequential still images that update faster than once every 6 seconds. No electronic message center shall contain any flashing, sparkling, intermittent or moving lights. There shall be no flashing or scrolling messages. Changes in color or light intensity on a still image or message at a rate faster than once every 6 seconds are also not permitted.

   h. Electronic message centers shall contain automatic dimmers that maintain a maximum luminance of 7,500 nits during the daylight hours, and 500 nits from dusk (official sunset) to sunrise and during times of fog (One nit is equivalent to one candela per square meter). Each electronic message center shall be equipped with a mechanism to monitor brightness.

   j. City Identification signs shall not be illuminated between the hours of 11 p.m. to 5 a.m. when located within five-hundred (500) feet of an existing residential property, or residentially zoned property.
k. The following advertising shall not be permitted: adult entertainment, mud wrestling, alcohol (except beer and wine), tobacco products of any type, or other content that could be reasonably considered sexually explicit or pornographic be community standards. Objectionable advertising shall be set forth in the City Council agreement.

l. City Identification signs shall not be allowed in the Downtown Commercial (DC) zoning district.

m. City Identification signs shall require permit approval through the Building and Safety Division, CalTrans, the Riverside County Airport Land Use Commission if located within a compatibility zone, and any other responsible agency.

n. City Identification signs shall include architectural enhancements that add aesthetic appeal.

o. City Identification signs shall not exceed 55 feet in height.

p. City Identification signs shall not exceed a face are area of 14 by 48 feet, inclusive of City identification.

q. City Identification signs and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code (BMC Section 17.36.100(A)).

r. City Identification signs shall be maintained and kept in good repair. The display surface shall be kept clean, neatly maintained, and free from rust or corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance and penalties may be assessed.

s. Any sign agreement shall include a provision requiring the billboard owner to demonstrate that they have made reasonable efforts to solicit advertising from local businesses and nonprofits, including discounts and incentives during periods where other advertising cannot be obtained. Local businesses are defined as any business located within the City limits.

t. Enforcement provisions shall provide for written notice of violations and the opportunity to cure breaches, the potential to recover liquidated damages, the posting of securities where repeated
violations occur, and the right to recover attorney fees and costs in
the event that administrative or legal action is required.

u. Any other provisions contained in the lease agreement,
development agreement, or other agreement that the City deems to
be appropriate to protect the public health, safety, and welfare of
the City.

9. **Mobile Home Park Conditional Use Permit Requirement for Home Occupation
Permits:**

**Proposal:**
Amend Chapter 17.08 RESIDENTIAL DISTRICTS, Section 17.08.010(B)(9) Purpose as
follows:
9. Mobile Home Park (MHP). The district applies to existing mobile home parks or
subdivisions within the City. Only mobile parks and subdivisions are permitted. Home
occupations may be appropriate with the approval of a conditional use permit.

**Rationale:**

Home Occupation Permits are normally allowed within any residential structure. As the
Zoning Code’s existing regulation of home occupations ensures that neighbors are not
impacted by home based businesses, there is no apparent reason that mobile home
residents should be required to obtain a Conditional Use Permit.

10. **Design Review Approval Authority**

**Proposal:**
Amend Table 17.44.010, Review Authority, as follows:

<table>
<thead>
<tr>
<th>Table 17.44.010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Authority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Review</th>
<th>Community Development Director</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupancy Permit</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Tenant Improvements</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Exterior Additions or Modifications less than 20% of existing structure</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>All other Improvements</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Rationale:**
There have been recent incidents where business owners have desired to do small additions and/or exterior renovations which would not seem to warrant the process required by the City’s current design review requirements; however there is no streamlined process available for minor building modifications. This proposal would provide a path for minor projects to be reviewed at staff level.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 18-97502 and has determined that it is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 18-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

PUBLIC COMMUNICATION

The proposed Categorical Exemption and Zone Text Amendment was advertised in the Record Gazette newspaper on July 20, 2018. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Attachments:

1. Resolution No. 2018-11
2. Draft Ordinance No. 1530
3. Public Hearing Notice

Prepared by
Patty Nevins
Community Development Director
ATTACHMENT 1

PC Resolution No. 2018-11
RESOLUTION 2018-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ENVIRONMENTAL EXEMPTION AND ZONING TEXT AMENDMENT 18-97502 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE)

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, a need for clarifications, and a need for updates to address resident and business community needs; and

WHEREAS, staff has identified the need to address restrictions affecting and an inconsistency in the treatment of, alcoholic beverage control licenses and tattoo and body piercing studios as found in Section 17.12.050 Use Specific Standards and Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to provide a path for consideration of retail auto parts sales in the Downtown Commercial zoning district as well as unclassified uses as regulated within Table 12.12.020, Permitted, Conditional and Prohibited Commercial and Industrial and chain link fencing for certain industrial uses as regulated under 17.12.130 Walls and Fences; and

WHEREAS, staff has identified the need to consider certain updated regulations pertaining to parking as regulated under Table 17.28.040(B) Commercial and Industrial Parking Requirements and public utility facilities as regulated under Tables 17.16.020 Permitted, Conditional And Prohibited Public Facilities Uses and Table 17.20.020 Permitted, Conditional and Prohibited Open Space Uses; and

WHEREAS, staff has identified the need to amend Sign Regulations Section 17.36.030 – Definitions, 17.36.060- Prohibited Signs, and 17.36.110 Signs in Commercial and Industrial Zones to provide opportunity for City identification signage; and

WHEREAS, staff has identified the need to amend Section 17.08.010(B)(9) to correct an inconsistency related to home occupation permits; and

WHEREAS, staff has identified the need to amend Table 17.44.101 – Review Authority to provide for a streamlined process for minor commercial design modifications; and
WHEREAS, the Planning Commission has authority pursuant to Section 17.116.030 (Planning Commission Action on Amendments) of the City of Banning Municipal Code to make a written recommendation to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, the City has reviewed the proposed Zoning Text Amendment for compliance with the California Environmental Quality Act (CEQA) and it is determined that Zone Text Amendment 18-97502 is not a "project" under CEQA Guidelines 15061(b)(3); and

WHEREAS, on July 20, 2018, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning Zone Text Amendment 18-97502; and

WHEREAS, on August 1, 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, the project and at which the Planning Commission considered the environmental exemption and Zone Text Amendment 18-97502.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

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

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 18-97502 and has determined that it is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 18-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

SECTION 2. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT 18-97502.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment 18-97502:

Finding No. 1: Proposed Zone Text Amendment 187-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment 18-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying and promoting the implementation of the goals, policies and programs of the General Plan. The primary General Plan Land Use Goals state “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance and opportunities for area businesses. Further, with respect to proposed amendments concerning auto parts sales in the Downtown Commercial (DC) zoning district, the Planning Commission finds that the auto parts sales amendment is consistent with the General Plan in that the prohibition on auto related uses in the DC land use designation as stated in the Land Use Element is determined to pertain to auto sales uses and repair uses, but not to indoor auto parts sales uses. The proposed amendment to conditionally permit auto parts sales uses in the DC Zoning District, is consistent with the intent of the DC land use designation in that such uses are small scale commercial retail uses that will help to encourage an overall sense of pedestrian access and community in the DC land use designation.

Finding No. 2: Proposed Zone Text Amendment 18-97502 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 18-97502 is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will resolve inconsistencies and provide opportunities
consistent with other regulations found within the Zoning Ordinance. Therefore, the proposed zone text amendments will are internally consistent with the Zoning Ordinance.

Finding No. 3: The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 18-97502 and has determined that it is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 18-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adoption of Planning Commission Resolution 2018-11:

1. Recommending to the City Council the adoption of the environmental exemption under Section 15061(b)(3) of the CEQA Guidelines for Zone Text Amendment 18-97502; and

2. Recommending to the City Council the adoption of Ordinance 1530 approving Zone Text Amendment 18-97502.

PASSED, APPROVED AND ADOPTED this 1st day of August, 2018.
APPROVED AS TO FORM
AND LEGAL CONTENT:

Serita Young, Assistant City Attorney
Richards Watson & Gershon

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, 2018-11, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of August, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft City Council Ordinance
ORDINANCE 1530

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, MAKING FINDINGS PURSUANT TO CEQA AND ADOPTING ZONING TEXT AMENDMENT 18-97502, AMENDING VARIOUS SECTIONS OF THE CITY’S ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE)

WHEREAS, in 2006, the City Council of the City of Banning adopted Ordinance No. 1339, approving Zone Change No. 03-3501 repealing the then existing zoning ordinance and adopting the new Zoning Ordinance that included sign regulations; and

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, a need for clarifications, and an opportunity for updates to address resident and business community needs (Zoning Text Amendment 18-97502); and

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

WHEREAS, on August 1, 2018, the Planning Commission conducted a duly noticed public hearing to consider proposed Zoning Text Amendment 18-97502, and following receipt of public comments and the close of the public hearing, adopted Planning Commission Resolution No. 2018-11, recommending that the City Council adopt Zoning Text Amendment 18-97502; and

WHEREAS, in accordance with Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code and Government Code Sections 65856 and 65090, on July 20, 2018, the City gave public notice, by advertisement in the Record Gazette newspaper, of a public hearing concerning the City Council’s consideration of proposed Zoning Text Amendment 18-97502; and

WHEREAS, on [month] [day], 2018, the City Council conducted a duly noticed public hearing to consider proposed Zoning Text Amendment 18-97502, at which interested persons had an opportunity to testify in support of, or opposition to, proposed Zoning Text Amendment 18-97502; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES ORDAIN AS FOLLOWS:

SECTION 1. ENVIRONMENTAL.

A. California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 18-
97502 and has determined that it is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 18-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

B. Multiple Species Habitat Conservation Plan (MSHCP)

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

SECTION 2. REQUIRED FINDINGS.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Ordinance text amendments meet certain findings prior to approval by the City Council. The City Council hereby makes the following findings, as supported by substantial evidence on the record, including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the approval of the Zoning Text Amendment 18-97502:

Finding No. 1: Proposed Zoning Text Amendment 18-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zoning Text Amendment 18-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and zoning classifications within the City will not change, and the text amendments will result in clarifying and promoting the implementation of the goals, policies, and programs of the General Plan. The primary General Plan Land Use Goals state “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance and opportunities for area businesses. Further, with respect to proposed amendments concerning auto parts sales in the Downtown Commercial (DC) zoning district, the City Council finds that the auto parts sales amendment is consistent with the General Plan in that the prohibition on auto related uses in the DC land use designation as stated in the Land Use Element is determined to pertain to auto sales uses and repair
uses, but not to indoor auto parts sales uses. The proposed amendment to conditionally permit auto parts sales uses in the DC Zoning District, is consistent with the intent of the DC land use designation in that such uses are small scale commercial retail uses that will help to encourage an overall sense of pedestrian access and community in the DC land use designation.

Finding No. 2: Proposed Zoning Text Amendment 18-97502 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zoning Text Amendment 18-97502 is consistent with the existing provisions of the Zoning Ordinance. The proposed text amendments will resolve inconsistencies and provide opportunities consistent with other regulations found within the Zoning Ordinance. Therefore, the proposed text amendments are internally consistent with the Zoning Ordinance.

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

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed the proposed Zoning Text Amendment 18-97502 and has determined that it is exempt from review under CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The proposed text amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that proposed Zoning Text Amendment 18-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. ENVIRONMENTAL.

Determination of Exemption from CEQA. In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061, the City Council has reviewed the Planning Division’s determination of exemption of the proposed Zoning Text Amendment 18-97502 from review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3), and based on its own independent judgment, concurs in staff’s
determination of exemption. The City Council hereby directs the Community Development Director to file a Notice of Exemption in accordance with CEQA.

SECTION 4. APPROVAL OF ZONING TEXT AMENDMENT 18-97502.

The City Council of the City of Banning hereby amends Title 17 (Zoning) of the Banning Municipal Code as follows, with strikeouts (formatted as strikeout) denoting existing language to be removed and underlining (formatted as underline) denoting new language to be added:

A. Alcoholic Beverage Control (ABC) Licenses. Separation From Religious Institutions. Subsection (B)(2)(a) of Section 17.12.050 (Use Specific Standards) of Article II (Land Use District Development Standards) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:

"B. Alcohol Beverage Control "ABC" License.

...

2. In addition to any conditions of approval imposed by the Planning Commission, the following standards shall apply:

...

a. Establishments shall not be located within 500 feet of any-religious institution; school; or public park within the City."

B. Alcoholic Beverage Sales. On- or Off-Site in the Downtown Commercial Zone. The following retail use listed in Table 17.20.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) of Section 17.12.020 (Permitted, Conditional and Prohibited Uses) of Article I (General Provisions) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:

Table 17.12.020

<table>
<thead>
<tr>
<th>Permitted, Conditional and Prohibited Commercial and Industrial Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone</strong></td>
</tr>
<tr>
<td>Retail Uses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. **Auto, Mobile Home, and Motor Vehicle Parts Sales in the Downtown Commercial Zone.** The following retail uses listed in Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) of Section 17.12.020 (Permitted, Conditional and Prohibited Uses) of Article I (General Provisions) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code are hereby amended to read as follows:

Table 17.12.020

**Permitted, Conditional and Prohibited Commercial and Industrial Uses**

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>Al</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto, mobile home, and motor vehicle sales, and/or used(^3)</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Auto, mobile home, and motor vehicle sales, and part sales, new and/or used(^3)</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

\(^3\) Reserved.

D. **Tattoo Establishments.** The definitions of “body piercing parlor” and “tattoo parlor” in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) of Division I (General Provisions) of Title 17 (Zoning) of the Banning Municipal Code are hereby amended to read as follows:

*Body Piercing Studio Parlor* means any business or premises dedicated to the piercing, puncture or perforation of human skin or tissue, or the insertion of jewelry or other objects into or under the skin or tissue, for decorative,
nonmedical purposes; the term "body piercing studio" does not include businesses that offer ear-only piercing as a service that is secondary to other business services, or acupuncture clinics."

"Tattoo Parlor Studio" means any business or premises dedicated to the act or process of marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars. The term "tattoo parlor studio" does not include businesses that offer permanent make-up as a service that is secondary to other business services."

E. **Tattoo Establishments.** The following services use listed in Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) of Section 17.12.020 (Permitted, Conditional and Prohibited Uses) of Article I (General Provisions) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>Al</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tattoo and Body Piercing Parlor Studios</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

F. **Tattoo Establishments.** The following use listed in Table 17.12.050 (Use Specific Development Standards) of Section 17.12.050 (Use Specific Standards) of Article II (Land Use District Development Standards) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:
Table 17.12.050
Use Specific Development Standards

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Q. Tattoo and Body Piercing Parlors/Studios&quot;</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

G. Tattoo Establishments. Subsection R. (Tattoo and Body Piercing Parlors) of Section 17.12.050 (Use Specific Standards) of Article II (Land Use District Development Standards) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:

"R. Tattoo and Body Piercing Parlors/Studios. As indicated in table 17.12.020, a conditional use permit is required for tattoo and/or body piercing businesses. The following standards shall apply:

1. The business shall not be located within one thousand feet of any other tattoo and/or body piercing parlor as measured from any point from the outer boundaries of the property containing the business.

2. The business shall not be located within five hundred feet of any adult-oriented business as measured from any point from the outer boundaries of the property containing the business.

3. The business shall not be located within five hundred feet of any business selling alcoholic beverages, as measured from any point from the outer boundaries of the property containing the business.

4. The business shall not be located within one hundred feet of any residential use as measured from any point between the outer boundaries of the property containing the business and the nearest property line of a residentially-occupied property.

5. The business shall not be located within six hundred feet of a school, park or day care center/family day care home as measured from any point between the outer boundaries of the property containing the business to the nearest property line of the school, park or day care center/family day care home."
16. The business shall maintain in a sanitary condition at all times both the facilities and employees of the business. All walls, ceilings, floors, furnishings, and instruments used for tattoo and piercing shall be kept in good repair, and maintained in a clean and sanitary condition. Employees shall be required to wash their hands prior to any contact with customers.

27. Officers of the police department, code enforcement division, and the fire department shall have the right to enter any tattoo and body piercing businesses during regular business hours to make reasonable inspection to ascertain whether the provisions of this chapter are being complied with, provided reasonable and normal business operations shall not be interfered with by said inspection.

38. The hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.

49. All activities shall be located indoors."

H. **Chain Link Fencing.** Section 17.12.130 (Walls and Fences) of Article III (Commercial and Industrial Development Design Guidelines) of Chapter 17.12 (Commercial and Industrial Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:

A. Walls should be kept to the lowest height possible to accomplish their screening or buffering function.

B. Walls should always be decorative, and should be designed to blend with the structure's architectural style.

C. Security fencing should combine solid walls with wrought iron grill work. Additional height for security fencing may be approved by the director through technical staff review.

D. Long walls should include pillars or other treatment every fifty feet to provide visual relief.

E. Chain link and barbed wire fencing is prohibited, except as provided for below.

F. Chain link fencing shall be allowed subject to Design Review approval by the Planning Commission within the Industrial (I) district and Airport Industrial (AI) district for projects that are at least five acres (or two hundred seventeen thousand eight hundred square feet) in size with a single business entity managing all operations within the site.
FG. Precision block walls must be stuccoed.

I. **Parking Studies.** Table 17.28.040B (Commercial and Industrial Parking Requirements) of Section 17.28.040 (Number of Required Parking Spaces) of Chapter 17.28 (Parking and Loading Standards) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to add the following row after the row listing the use “All other commercial uses not listed”:

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other commercial uses not listed</td>
<td>One space for each 200 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Parking Studies</td>
<td>Required parking for commercial uses may be adjusted with approval of a parking study by the Planning Commission, subject to a finding by the Planning Commission that the parking requirements of the specific use are unique and that the adjustment is therefore warranted.</td>
</tr>
</tbody>
</table>

J. **Public Utility Facilities.** “Other uses” listed in Table 17.16.020 (Permitted, Conditional and Prohibited Public Facilities Uses) of Section 17.16.020 (Permitted, Conditional and Prohibited Uses) of Chapter 17.16 (Public Facilities Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to include “public utility facilities” in alphabetical order to read as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>PF-A</th>
<th>PF-G</th>
<th>PF-F</th>
<th>PF-S</th>
<th>PF-H</th>
</tr>
</thead>
</table>

Table 17.16.020

Permitted, Conditional And Prohibited Public Facilities Uses
**K. Public Utility Facilities.** "Other uses" listed in Table 17.20.020 (Permitted, Conditional and Prohibited Open Space Uses) of Section 17.20.020 (Permitted, Conditional and Prohibited Uses) of Chapter 17.20 (Open Space Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to include "public utility facilities" in alphabetical order to read as follows:

**Table 17.20.020**

**Permitted, Conditional and Prohibited Open Space Uses**

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>OS-R</th>
<th>OS-PA</th>
<th>OS-PU</th>
<th>OS-H</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Public Utility Facilities&quot;</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P&quot;</td>
</tr>
</tbody>
</table>

**L. Freeway-Oriented City Identification Sign.** Section 17.36.030 (Definitions) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to add the following defined term in alphabetical order:

"City Identification Sign. A freeway-oriented pylon sign that prominently displays the name of the City of Banning, including billboards, outdoor advertising structures, electronic message centers."

**M. Freeway-Oriented City Identification Sign.** The defined term "relocated billboard" in Section 17.36.030 (Definitions) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to read as follows:

"Relocated Billboard. An existing billboard that is located in the city that is relocated through a city council approved relocation agreement, including the replacement of a static billboard face with an electronic message center. The relocated billboard is not considered a new outdoor advertising sign."
N. **Freeway-Oriented City Identification Sign.** Subsection D. of Section 17.36.060 (Prohibited Signs) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) is hereby amended to read as follows:

"D. Billboards or outdoor advertising structures. However, notwithstanding any other provision of this chapter, and consistent with the California Business and Professions Code Outdoor Advertising Act provisions, relocated billboards or outdoor advertising sign/structures, including electronic message centers, electronic message boards, and changeable message boards, may be considered and constructed as part of a relocation agreement requested by the city and entered into between the city and a billboard and/or property owner, and new city identification signs may be considered and constructed as part of a lease agreement, development agreement, or other agreement between the city, a sign, and property owner and subject to the requirements of section 17.36.110(B)(9) of the Banning Municipal Code. The replacement of a static billboard face with an electronic message center, electronic message board, or changeable message board shall be considered a relocation for purposes of this section. Such agreements may be approved by resolution of the city council upon terms that are agreeable to the city, pursuant to administrative guidelines, as adopted by the city council resolution. The execution of a relocation, lease agreement, development agreement, or other agreement shall not operate to change the status of any billboard as a nonconforming use for the purpose of this code."

O. **Freeway-Oriented City Identification Sign.** A new Subsection (B)(9) is hereby added to Section 17.36.110 (Sign Regulations) of Chapter 17.36 (Sign Regulations) of Division III (Development Standards) of Title 17 (Zoning) to read as follows:

9. City identification sign. City identification signs shall be allowed subject to approval by City Council resolution and the following requirements:

   a. City Identification signs shall not be permitted south of Interstate 10 from Sunset to Hargrave.

   b. The City shall have the right to place public service announcements and emergency service announcements on any such electronic messaging center so long as they are not excessive or burdensome. The limits on public service announcements will be stipulated in a City Council agreement.

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c. The use of onsite electric generators to power digital billboards for normal operations shall be prohibited.

d. The sign face for any City Identification sign shall not overhang onto Interstate 10 or any other state highway.

e. Signs shall be shielded to prevent light or glare intrusion onto adjoining properties that are located within five-hundred (500) feet.

f. Message changes on any electronic message center shall be limited to one message every six (6) seconds, or that allowed by the California Department of Transportation, whichever is greater.

g. No electronic message center shall simulate motion or exhibit any images or series of images that could be considered “animated” in any way, including but not limited to sequential still images that update faster than once every 6 seconds. No electronic message center shall contain any flashing, sparkling, intermittent or moving lights. There shall be no flashing or scrolling messages. Changes in color or light intensity on a still image or message at a rate faster than once every 6 seconds are also not permitted.

h. Electronic message centers shall contain automatic dimmers that maintain a maximum luminance of 7,500 nits during the daylight hours, and 500 nits from dusk (official sunset) to sunrise and during times of fog (One nit is equivalent to one candela per square meter). Each electronic message center shall be equipped with a mechanism to monitor brightness.

i. City Identification signs shall not be illuminated between the hours of 11 p.m. to 5 a.m. when located within five-hundred (500) feet of an existing residential property, or residentially zoned property.

k. The following advertising shall not be permitted: adult entertainment, mud wrestling, alcohol (except beer and wine), tobacco products of any type, or other content that could be reasonably considered sexually explicit or pornographic be community standards. Objectionable advertising shall be set forth in the City Council agreement.

l. City Identification signs shall not be allowed in the Downtown Commercial (DC) zoning district.

m. City Identification signs shall require permit approval through the Building and Safety Division, CalTrans, the Riverside County Airport Land Use Commission if located within a compatibility zone, and any other responsible agency.
n. City Identification signs shall include architectural enhancements that add aesthetic appeal.

o. City Identification signs shall not exceed 55 feet in height.

p. City Identification signs shall not exceed a face area of 14 by 48 feet, inclusive of City identification.

g. City Identification signs and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code (BMC Section 17.36.100(A)).

r. City Identification signs shall be maintained and kept in good repair. The display surface shall be kept clean, neatly maintained, and free from rust or corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance and penalties may be assessed.

s. Any sign agreement shall include a provision requiring the billboard owner to demonstrate that they have made reasonable efforts to solicit advertising from local businesses and nonprofits, including discounts and incentives during periods where other advertising cannot be obtained. Local businesses are defined as any business located within the City limits.

t. Enforcement provisions shall provide for written notice of violations and the opportunity to cure breaches, the potential to recover liquidated damages, the posting of securities where repeated violations occur, and the right to recover attorney fees and costs in the event that administrative or legal action is required.

u. Any other provisions contained in the lease agreement, development agreement, or other agreement that the City deems to be appropriate to protect the public health, safety, and welfare of the City.

P. Mobile Home Park Conditional Use Permit Requirement for Home Occupation Permits. Subsection (B)(9) (Mobile Home Park (MHP)) of Section 17.08.010 (Purpose) of Article I (General Provisions) of Chapter 17.08 (Residential Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to read as follows:
“9. Mobile Home Park (MHP). The district applies to existing mobile home parks or subdivisions within the City. Only mobile parks and subdivisions are permitted. Homes occupations may be appropriate with the approval of a conditional use permit.”

Q. **Design Review Approval Authority.** Table 17.44.010 (Review Authority) of Section 17.44.010 (Purpose) of Chapter 17.44 (Administration—General Provisions) of Division IV (Administration) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following row after “Design Review; Commercial; Tenant Improvements” and before “Design Review; Commercial; All other improvements” to read as follows:

<table>
<thead>
<tr>
<th>Design Review</th>
<th>Community Development Director</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenant Improvements</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Exterior Additions or Modifications less than 20% of existing structure</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>All other Improvements</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**SECTION 5. Severability.**

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

**SECTION 6. PUBLICATION; EFFECTIVE DATE.**

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

PASSED, APPROVED, AND ADOPTED this _day of ____________, 2018.

__________________________
George Moyer, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

__________________________
Kevin G. Ennis, City Attorney
Richards, Watson & Gershon, APC

ATTEST:

__________________________
Sonja De La Fuente, Deputy City Clerk
City of Banning, California

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance _____ was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ________ day of ________________, 2018, and was duly adopted at a regular meeting of said City Council on the ________ day of _____ ____________, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Sonja De La Fuente, Deputy City Clerk
City of Banning, California
ATTACHMENT 3

Public Hearing Notice
Notice of a public hearing and notice of intent to adopt a categorical exception for zone text amendment (ZTA No. 18-97502 amending various sections of the zoning ordinance (Title 17 of the Banning Municipal Code)).

Notice is hereby given of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, August 1, 2018, at 5:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed zone text amendment (ZTA) No. 18-97502 pursuant to Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code.

The proposal consists of amendments to Table 17.12.020, Permitted, Conditional and Prohibited Commercial and Industrial Uses and Section 17.12.050, Commercial and Industrial Use Specific Development Standards, pertaining to Alcohol Beverage Control licenses, tattoo and body piercing parlors, retail auto parts, and unclassified uses; Section 17.04.030, Definitions, pertaining to tattoo and body piercing parlors; Section 17.12.130, Walls and fences, pertaining to chain link fencing; Table 17.20.0400 Commercial and Industrial Parking Requirements pertaining to parking; Tables 17.16.020 Permitted, Conditional And Prohibited Public Facilities Uses and 17.20.020 Permitted, Conditional And Prohibited Open Space Uses pertaining to public utility facilities; Chapter 17.36, Sign Regulations, pertaining to city identification, outdoor advertising, and pylon signs; Section 17.08.010(B)(3)(d) RESIDENTIAL, DISTRICTS, Purpose pertains to Home Occupation Permits; and Table 17.44.010, Review Authority, related to design review authority.

Information regarding the Categorical Exemption and Zone Text Amendment (ZTA) No. 18-97502 can be obtained by contacting the City’s Community Development Department at (626) 531-3205, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.cityofbanning.ca.us. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited in raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the City Council makes its decision on the proposal, or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 54950).

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

Patty Nevins
Community Development Director
Dated: July 17, 2018
Published: July 20, 2018
Published in: The Record Gazette
No. 18905
7/20/2018

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

Signature

Ana Rivera