I. CALL TO ORDER: Chairman Shaw

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

II. PUBLIC COMMENTS - On Items Not on the Agenda

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

III. CONSENT CALENDAR ITEMS:

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

Minutes of January 16, 2019 Special Planning Commission meeting.............Page 1

IV. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN:

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

Staff Report – Maryann Marks.................................................................Page 7
V. REVIEW AND DISCUSSION ITEMS:

I. STUDIO LOVECRAFT PROJECT – CONDITIONAL USE PERMIT 18-8004, A PROPOSAL TO ALLOW TATTOO BODY PIERCING SERVICES IN CONJUNCTION WITH AN ART STUDIO ON REAL PROPERTY LOCATED ON THE NORTH SIDE OF RAMSEY STREET, WEST OF 8TH STREET, AT 977 WEST RAMSEY STREET (ASSESSOR’S PARCEL NUMBER 540-125-037) IN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONE

Staff Report – Sonia Pierce

Recommendation:

That the Planning Commission adopt Resolution 2019-03:

1. Find the project categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities)

2. Approve Conditional Use Permit 18-8004 to permit a Tattoo, Body Piercing, and Art Studio in the Highway Serving Commercial (HSC) zoning district 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)

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of March 6, 2019 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].
City of Banning

SPECIAL PLANNING COMMISSION MEETING MINUTES

January 16, 2019

A special meeting of the City of Banning Planning Commission was held on Wednesday, January 16, 2019 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 Brosious
Commissioner Price
Commissioner Schuler

Staff Present: Interim Community Development Director Maryann Marks
Assistant City Attorney Serita R. Young
Senior Planner Sonia Pierce
Recording Secretary Sandra Calderon

I. CALL TO ORDER:

Chairman Shaw called the meeting to order at 6:30 p.m.

II. PUBLIC COMMENTS:

No Comments

III. CONSENT CALENDAR ITEMS:


ACTION: Motion/Second (SCHULER/PRICE)
(Motion Carried 5-0)

IV. PUBLIC HEARING:

1. FINESSE LOUNGE - DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY AND CONDITIONAL USE PERMIT 18-8003 TO PERMIT A LOUNGE AND DRINKING ESTABLISHMENT IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON REAL PROPERTY LOCATED AT 144 WEST RAMSEY STREET (APNS: 540-203-009, 540-203-007)
Senior Planner Pierce presented the staff report. She said the proposed project is located in the Downtown Commercial (DC) zone on Ramsey Street. The applicant is proposing tenant improvements for a 1,250 square foot a bar with dining and catering services including adjacent patio area to the south of the building. Entertainment includes dancing, one pool table and a corn-hole game.

The Department of Alcohol Beverage Control (ABC) has made the determination of over concentration. They are requesting confirmation that the City has determined that issuing a license to the applicant will serve the public convenience or necessity.

The Banning Police Department was notified of the project and they provided a printout of the Police calls they had in the area in the past couple of years which indicated very little criminal activity.

Arthur Cabral, Project Applicant said he is looking to bring the lounge to Banning. He previously managed an establishment in the City Beaumont. That establishment closed and he is looking to open his business in Downtown Banning. One of the things he would like to do is to activate the alley he said, by making it more presentable by adding the patio and courtyard area. He wishes to assist with the development of downtown Banning by making the City of Banning a destination location.

Commissioner Price asked what type of wall is going to be used to replace the existing chain link fence.

Mr. Cabral said it will be replaced with wrought iron fencing. He also plans to add an emergency exit into the alley.

He said Waste Management was contacted regarding the number of trashcans needed and the ability to co-locate with the church down the alley.

Commissioner Krick asked if he would have a trash enclosure.

Mr. Cabral said Waste Management would contact him to confirm that they would be allowed to co-locate their trash bin next to the neighboring church, but he’s willing to install one if necessary.

Commissioner Krick asked staff if an agreement was needed from the adjoining property owner.

Ms. Pierce said some of the older buildings do share trash enclosures, and the Public Works Department will be looking at that closely during the plan check process.

Commissioner Krick thinks that most parking on Ramsey is going to be red curbed soon. Most people are going to use the back area and come up the back on the dark alley. He feels the lighting needs to be improved in the alley for public safety.

Mr. Cabral said they plan to add additional lighting to be compliant with Building & Safety. They also anticipate having panic hardware on the gate that is dividing the patio and the property on First Street. The gate on the alley is supposed to be “exit only”.
Commissioner Brosious asked staff to see a map showing businesses that have this type of license depicting the overconcentration, and asked to receive an approval or denial letter to the proposed project from Banning PD in the future.

Commissioner Shaw opened public comments.

No Comments

Commissioner Shaw closed public comments

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

That the Planning Commission adopt Resolution 2019-02

1. Recommending that the City Council adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

2. Recommending the City Council approve Conditional Use Permit 18-8003 for a Bar/Lounge in the Downtown Commercial zoning district; and

3. Recommending the City Council approve a determination that public convenience or necessity would be served by the issuance an ABC type 48 license for ‘On-Sale General for Public Premises’ and type 58 license ‘Caterer’s Permit’: and


With the following amendment:

The applicant shall work with City staff (Planning, Public Works and Electric) to provide adequate lighting for the adjacent alley.

(Motion Carried 5-0)

Senior Planner Pierce presented the staff report. She said the project is to consider a General Plan Amendment (GPA), Zone Change (ZC) to change the General Plan land use designation from General Commercial (GC) to Business Park (BP) and Design Review (DR) of the building.

The property is located on Lincoln Street. The land is approximately 19.69 Acres. Part of the property is developed with approximately 170,000 square-feet of manufacturing and warehouse use. The gross Acreage is 6.7 acres. The proposed building pad is 146,890 square-feet with 174 parking spaces. With this new expansion, it is anticipated that the project will bring approximately 50 new jobs to the City.

The proposed building will be split into both manufacturing and warehousing uses. The building design in the new development includes a concrete tilt-up wall which will screen the truck base, the business and minimize noise to surrounding residences.

Ms. Pierce said the applicant would like to make a change to condition #87 and add the following:

“With fully fire sprinklered building, the 50% reduction credit applies, therefore 4,000 gallons at a 2 hr. flow rate is the fire flow required utilizing the credit”.

Jose Jacquez, Controller at Lawrence Equipment said he is representing the owner for this project. He said Lawrence Equipment is an American owned and operated machine manufacturer providing food-automated systems for the food processing industry. The headquarters is located in South El Monte and they are currently operating three facilities. The existing warehouse facility in Banning includes material warehousing, production, assembly of equipment and research and development operations.

The Banning facility currently employs approximately 50 employees, many of whom are residents of the City of Banning. The company warehousing needs are growing. Increasing their capacity and capabilities will allow for the hiring of more people.

Lawrence Equipment currently has an internship program that allows approximately 30 people to engage in hands on training, and it is currently exploring the possibility of offering the program in the City of Banning as well.

Commissioner Schuler said they have an abandoned residence on the property. She asked if they are planning to obtain the proper permit for that.

Mr. Jacquez said they had pulled a demo permit for that property, but they did not get around to doing it.

Commissioner Brosious asked if the gates are open during business hours.

Mr. Clay Lawrence said he likes the gates open, but they are trying to get a handle on security issues.

Commissioner Krick asked if security cameras would be installed.

Mr. Lawrence said they currently have an extensive system installed at the site.

Mr. David Hidalgo, Architect said they are going to have a 25-foot street dedication, and it will be in line with the existing adjoining property.
Commissioner Krick complemented Mr. Hidalgo on his plans. He said it would be an asset to the City of Banning.

Commissioner Shaw opened public comments

Nick Parra, resident of Banning asked if the applicant would incorporate something that would reflect the spirit of the City.

Commissioner Brosious asked if there are any plans to continue landscaping on the far left of the property.

Ms. Pierce said there are no plans at this time.

Mr. Lawrence said they plans to have a solarized system carport in the existing parking area that is adjacent to the new development. Additional landscaping will be incorporated at that time.

Commissioner Shaw closed public comments.

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

**That the Planning Commission adopt Resolution 2019-01**

1. Recommending that the City Council approve General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001; and

2. Recommending that the City Council adopt the Mitigated Negative Declaration (MND) for the project (Environmental Assessment 18-1501).

With the following amendment to condition #87:

87. 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 8000 GPM per minute for 4 hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site. With fully fire sprinklered building, the 50% reduction credit applies, therefore 4,000 gallons at a 2 hr. flow rate is the fire flow required utilizing the credit.

(Motion Carried 5-0)

V. **PLANNING COMMISSIONER COMMENTS:**

No Comments

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

No Comments
VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:10 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.
MEETING DATE: February 6, 2019

TO: Planning Commission

FROM: Maryann Marks, AICP Interim Community Development Director

SUBJECT: Election of Officers

STAFF RECOMMENDATION:

In accordance with Banning Municipal Code Section 2.28.050(B), at the regular February meeting the Planning Commission shall choose a chairperson and a vice-chairperson from among the Planning Commission members. The chairman and vice-chairman shall serve for one term and both positions shall rotate every year.

All members must be present to conduct this business.

Please see Attachment 1 for the procedure for election of officers.

Prepared By:

Maryann Marks, AICP
Interim Community Development Director
ATTACHMENT 1
PROCEDURE FOR THE ELECTION OF OFFICERS

Chairperson: Nominations for the office of Chairperson are now open. A second to the nominations is required.

(Commissioners shall nominate the person of their choice)

Chairperson: Are there any further nominations? If not, I will entertain a motion that the nominations be closed.

(Motion is made)

Is there a second?

All those in favor say aye, those opposed no.

Chairperson: I will take a roll call vote. Please signify your choice for Chairperson when your name is called. The roll call will be in alphabetical order.

<table>
<thead>
<tr>
<th>ROLL CALL VOTE</th>
<th>Commissioner Brosious</th>
<th>Commissioner Krick</th>
<th>Commissioner Price</th>
<th>Commissioner Schuler</th>
<th>Commissioner Shaw</th>
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</table>

Chairperson: The vote is in favor of Commissioner ______________ who is our newly elected Chairperson. Chairperson ______________ shall now preside over the election of Vice-chairperson.

(Repeat this procedure for Vice-chairperson).
DATE: February 6, 2019

TO: Planning Commission

FROM: Maryann Marks, AICP,
      Interim Community Development Director

PREPARED BY: Sonia Pierce, Senior Planner

SUBJECT: STUDIO LOVECRAFT PROJECT – CONDITIONAL USE
         PERMIT 18-8004, A PROPOSAL TO ALLOW TATTOO
         BODY PIERCING SERVICES IN CONJUNCTION WITH AN
         ART STUDIO ON REAL PROPERTY LOCATED ON THE
         NORTH SIDE OF RAMSEY STREET, WEST OF 8TH
         STREET, AT 977 WEST RAMSEY STREET (ASSESSOR’S
         PARCEL NUMBER 540-125-037) IN THE HIGHWAY
         SERVING COMMERCIAL (HSC) ZONE

RECOMMENDATION:

   I. That the Planning Commission adopt Resolution No. 2019-03, adopting findings and
      approving Conditional Use Permit 18-8004 to permit a Tattoo, Body Piercing, and Art
      Studio in the Highway Serving Commercial (HSC) zoning district; and finding the
      project categorically exempt from the requirements of the California Environmental
      Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities).

APPLICANT INFORMATION:

Project Location: 977 West Ramsey Street

APN Information: 540-125-037

Project Applicant: Sarah and David Castellanos
                  991 West Ramsey Street
                  Banning, CA 92220

Property Owner: Joseph A. Barbera and Rosalba L. Barbera
                1125 West Ramsey Street
                Banning, CA 92220
APPLICANT’S REQUEST:
The applicants, Sarah and David Castellanos, are requesting approval of a Conditional Use Permit to provide tattoo and body piercing services within an existing 1,019 square foot art studio. The existing art studio is located in the Highway Serving Commercial (HSC) Zone on real property located at 977 West Ramsey Street (APN: 540-125-037).

PROJECT BACKGROUND AND DESCRIPTION:
The project site consists of an 8,712 square foot lot developed with residential and commercial buildings, and utilizes shared parking with adjacent businesses. The commercial building was previously updated as shown on 2015 plans to comply with the American with Disability Act (ADA) by incorporating a ramp and remodeling the restroom. The proposed Conditional Use Permit application seeks to allow tattoo and body piercing services in one of the office rooms of the existing 1,019 square foot art studio building located at the front of the subject lot. The proposed tattoo and body piercing room would be separate from the art studio and would be available to clients 18 years of age or older. The residential dwelling unit is located to the rear of the parcel and is occupied by the applicants as their primary residence.

The site is located within the Highway Serving Commercial (HSC) zoning district, wherein Tattoo and Body Piercing Studios are permitted with approval of a Conditional Use Permit by the Planning Commission. The Highway Serving Commercial (HSC) zoning district is the City’s centralized commercial district that allows land uses geared toward the Interstate 10 traveler, including restaurants (fast food and sit down), hotels and motels, auto related retail and repair services, including gas stations, convenience stores and similar uses.

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>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>East</td>
<td>Offices</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
<tr>
<td>West</td>
<td>Parking Lot and Retail Shops / Offices</td>
<td>Highway Serving Commercial (HSC)</td>
<td>Highway Serving Commercial (HSC)</td>
</tr>
</tbody>
</table>
PROPOSAL AND ANALYSIS

Table 17.12.020 ("Permitted, Conditional and Prohibited Commercial and Industrial Uses") of Title 17 of the Zoning Code permits Tattoo and Body Piercing Studios in the Highway Serving Commercial (HSC) zoning district subject to approval of a Conditional Use Permit.

The business Studio Lovecraft proposes to occupy one of the office rooms in the 1,019 square foot building space and is proposing operational hours of 7:00 am to 10:00 pm seven days a week. The applicants have stated that the atmosphere of the art studio is family friendly and that they reside onsite. The added use of tattoo and body piercing services are incidental and complimentary to the existing art studio. With the attached Conditions of Approval requiring sanitary conditions and specifying employee conduct and inspections, the added services are not anticipated to have a negative impact on the area businesses or the community.

The Police Department, the Code Enforcement Division, and the Fire Department may enter any tattoo and body piercing business during regular business hours to make reasonable inspections to ascertain whether the provisions of Chapter 17.12.050 of the Banning Municipal Code are being complied with, provided reasonable and normal business operations shall not be interfered with by said inspection.

Parking Requirements

The art studio has been in existence for over a year and has shared parking with the adjacent businesses. There are a total of 10 parking spaces between the properties and the businesses have been functioning well without any parking issues. Per Banning Municipal Code Section 17.24.020 ("Applicability") all new projects, redevelopment projects, and project modifications which add twenty-five percent or more to a structure’s building area are required to conform to the development standards set forth in Division III of Title 17 of the Banning Municipal Code, including regulations related to off-street parking, setbacks, public street improvements, storage, and fences, walls, and hedges. The applicants’ proposal seeks approval of a use, not an expansion of the existing building area. Therefore, the proposed use is not subject to the development standards set forth in Division III of Title 17 of the Banning Municipal Code. Further, staff finds that the existing parking is adequate to serve patrons of the proposed tattoo and body piercing business and the existing art studio, and no additional parking is required.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with the California Environmental Quality Act (CEQA), Planning Division staff has determined that the project is exempt from further environmental review as a Class 1 Categorical Exemption under CEQA Guidelines § 15301(a) and (e)(2), 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 use 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.

Multiple Species Habitat Conservation Plan (MSHCP).

Planning Division staff has determined that the project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

PUBLIC COMMUNICATION

Notice of the Planning Commission's public hearing to consider proposed Conditional Use Permit No. 18-8004 was advertised in the Record Gazette newspaper on January 25, 2019 (Attachment 3). As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

ATTACHMENTS:

1. Planning Resolution No. 2019-03
   Exhibit A - Project Site Plan
   Exhibit B – Conditions of Approval
2. Project Plans and Exhibits
3. Public Hearing Notice

Prepared By: Sonia Pierce
Senior Planner

Reviewed and Recommended By: Maryann Marks, AICP
Interim Community Development Director
Attachment 1

Resolution No. 2019-03
Exhibit A – Site Plan
Exhibit B – Conditions of Approval
RESOLUTION NO. 2019-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BANNING, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT NO. 18-8004 TO ALLOW A
TATTOO AND BODY PIERCING SERVICES IN
CONJUNCTION WITH AN ART STUDIO ON REAL
PROPERTY LOCATED AT 977 WEST RAMSEY STREET
(APN: 540-125-037) IN THE HIGHWAY SERVING
COMMERCIAL (HSC) ZONE

WHEREAS, an application for a Conditional Use Permit to permit a tattoo and body piercing studio in conjunction with an existing art studio has been duly filed by:

- Project Location: 977 West Ramsey
- APN Information: 540-125-037
- Project Applicant: Sarah and David Castellanos
  991 West Ramsey Street
  Banning, CA 92220
- Property Owner: Joseph A. Barbera and Rosalba L. Barbera
  1125 West Ramsey Street
  Banning, CA 92220;

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on proposed Conditional Use Permit No. 18-8004 to permit a tattoo and body piercing studio in conjunction with an existing art studio on real property located at 977 West Ramsey Street (APN: 540-125-037) in the Highway Serving Commercial (HSC) zoning district;

WHEREAS, on January 25, 2019, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing public hearing notices to property owners within 300 feet of the project site, of the holding of a public hearing at which proposed Conditional Use Permit No. 18-8004 would be considered;

WHEREAS, on February 6, 2019, the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Conditional Use Permit No. 18-8004; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed proposed Conditional Use Permit No. 18-8004 and determined that, pursuant to CEQA Section 15301 (Existing Facilities), the project is categorically exempt from the requirements of the CEQA Guidelines.

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 Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA and the State CEQA Guidelines. The project qualifies under CEQA Guidelines Section 15301 (Existing Facilities) Class 1 categorical exemption because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Planning Commission has analyzed proposed Conditional Use Permit No. 18-8004 and reviewed the Planning Division's determination of exemption, and based on its own independent judgement, concurs in staff's determination of exemption under CEQA pursuant to CEQA Guidelines Section 15301.

Multiple Species Habitat Conservation Plan (MSHCP).

The Planning Commission has determined that the project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

SECTION 2: REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 18-8004:

Section 17.52.050 of the Banning Municipal Code provides that the Planning Commission may approve Conditional Use Permit No. 18-8004 application in whole or in part, with or without conditions, only if the following findings are made:

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

Finding of Fact: The proposed tattoo and body piercing studio is consistent with the following 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 (HSC), allows restaurants (fast food and sit down) hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses serving the Interstate 10 traveler wherein tattoo and body piercing studios are permitted with approval of a Conditional Use Permit by the Planning Commission. The proposed tattoo and body piercing studio is consistent with the following 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." Approval of Conditional Use Permit No. 18-8004 would allow the City to retain the existing business as it expands and allow the applicant to promote business diversity while providing an economic benefit to the City.

B. Finding: The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of the Zoning Ordinance;
Finding of Fact: Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) of Chapter 17.12 of Title 17 of the Municipal Code, classifies tattoo and body piercing studios, as conditionally permitted uses. The proposed tattoo and body piercing studio, as conditioned, complies with the applicable development standards set forth in Section 17.12.050(R) of the Banning Municipal Code.

C. Finding: The proposed use would not impair the integrity and character of the land use district in which it is to be located;

Finding of Fact: The proposed tattoo and body piercing studio will provide a new and upscale use that will complement an existing art studio and other businesses in the vicinity of the Highway Servicing Commercial (HSC) zoning district. The proposed tattoo and body piercing studio will provide a clean and desirable new use for residents and visitors to the City.

D. Finding: The subject site is physically suitable for the type and intensity of land use being proposed;

Finding of Fact: The subject site currently has an existing art studio that has enjoyed a complimentary existence with adjacent businesses and residents. The applicant is not proposing any significant exterior changes to the building. Furthermore, the use is incidental to the physical art exhibition and activities typically associated with art. Small scale commercial retail, office uses, services, restaurants, bars, and entertainment are the primary uses in Highway Servicing Commercial (HSC) zoning district.

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

Finding of Fact: The subject site is served by the public and private utilities, including the City's water and electrical utilities. The subject site is accessed and served from West Ramsey Street, which is an existing developed roadway with existing utilities.

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

Finding of Fact: Per the findings set forth in Section 1 of this Resolution, the interior modifications or decorations to the building to accommodate the proposed tattoo and body piercing services are categorically exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

G. Finding: The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The addition of incidental tattoo and body piercing services is at an appropriate location inside of an existing art studio. The business has been in existence for over a year at the location and there have been no conflicts with operation. The size,
design and operating characteristics of the proposed tattoo and body piercing studio will not have a negative impact to the public interest, health, safety, convenience or welfare of the City due to the use being an extension of an existing use within the building.

SECTION 3. PLANNING COMMISSION ACTION:

Based on the findings specified above, and all other evidence in the record, the Planning Commission hereby approves Conditional Use Permit 18-8004 to permit tattoo and body piercing services in conjunction with an existing art studio on real property located at 977 West Ramsey Street (APN: 540-125-037) in the Highway Serving Commercial (HSC) Zoning District, subject to Conditions of Approval attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED this 6th day of February, 2019.

______________________________
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, No. 2019-03, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of February, 2019, 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.

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 Laws, 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
Exhibit B
Conditions of Approval
CUP No. 18-8004

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 Zoning Code, other applicable City Ordinances, in effect at the time of building permit issuance.

3. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit 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 shall become null and void. 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 extended Conditional Use Permit complies with all current Ordinance provisions.

4. If the City receives more than 3 calls for service in any 6-month period, or if any future issues arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses), the Community Development Director or other appropriate City designee may require that the approved Conditional Use Permit be brought back before the Planning Commission for immediate remedy, which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

5. Pursuant to Banning Municipal Code Section 17.12.050.R.1., the applicant shall maintain the subject business facilities and employees of the subject business a sanitary condition at all times. All walls, ceilings, floors, furnishings, and instruments used for tattooing and body piercing shall be kept in good repair, and maintained in a clean and sanitary condition. Employees of the subject business shall wash their hands prior to any contact with customers for tattoo and/or body piercing services.

6. Pursuant to Banning Municipal Code Section 17.12.050.R.2., the City of Banning Police Department, Code Enforcement Division, and Fire Department may enter the subject tattoo and body piercing business during regular business hours to make reasonable inspection to ascertain whether the applicant and/or business are complying with the provisions of Chapter 17.12 of the Banning Municipal Code, provided reasonable and normal business operations shall not be interfered with by said inspection.
7. Pursuant to Banning Municipal Code Section 17.12.050.R.3., the hours of operation of the subject business shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.


**Police Department**

9. The applicant shall install and maintain an alarm system, as the term is defined in Business and Professions Code Section 7590.1(b), at the subject property.

10. The applicant shall ensure a licensed alarm company operator, or one or more of its registered alarm agents, installs, maintains, monitors, and responds to the alarm system.

11. The applicant shall install and maintain a digital video surveillance system with a minimum camera resolution of 1280 x 720 pixels.

12. The digital video surveillance-system storage device or the cameras shall be transmission control protocol (TCP) capable of being accessed through the internet.

13. The digital video surveillance-system shall at all times be able to effectively and clearly record images of the area under surveillance.

14. The applicant shall permanently mount each digital video surveillance-system camera in a fixed location in the subject building and on the subject property to record the areas listed in Condition of Approval No. 15. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the subject property, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under Conditional of Approval No. 15.

15. The digital video surveillance-system shall record the following areas:

   a. Areas where merchandise is being served and all exits.
   b. Limited-access areas;
   c. Security rooms;
d. Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and

e. Entrances and exits to the premises, which shall be recorded from both indoor and outdoor vantage points.

16. The digital video surveillance-system cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

17. The applicant shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

18. The applicant shall keep the surveillance recordings for a minimum of 90 calendar days.

19. The applicant agrees that surveillance recordings shall be subject to inspection by the Banning Police Department. The applicant shall keep the surveillance recordings in a manner that allows the Banning Police Department to view and obtain copies of the recordings immediately upon request. The applicant agree to and shall send, or otherwise provide copies of, the recordings to the Banning Police Department upon request within the time specified by the Banning Police Department.

20. The recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the United States National Institute Standards and Technology standards.

21. The applicant shall equip the digital video surveillance system with a failure notification system that provides notification to the applicant of any interruption or failure of the digital video surveillance-system and/or storage device.

**Building Department**

The following requirements will be required at the time of plan check submittal and/or prior to building occupancy, whichever occurs first:

22. If there are any proposed modifications to the existing building, the applicant shall develop the subject site in compliance with all current Building Standards Codes. The applicant shall design all plans in compliance with the latest editions of the California Building Standards Codes, as adopted and modified by the City.
23. If the applicant proposes any modifications to the subject building, the applicant shall make the subject building accessible per Chapter 11B of the California Building Code (CBC), as adopted and modified by the City.

24. The applicant shall make the facilities on the subject site, such as parking (open and covered) and trash dumpsters, accessible per Chapter 11B of the California Building Code (CBC), as adopted and modified by the City.

25. If the applicant proposes any modifications to the subject building, pursuant to California Business and Professions Code Section 6737, the modifications shall be designed by a California licensed architect or engineer. Based on change of use and potential exiting and fire life safety improvements.

***END***
Application for Conditional Use Permit

Studio Lovecraft Tattoo Emporium

Floor Plan

HALL LEGEND
- NEW 24 WALLS WITH 5/8" TYPE "X" Gypsum Board Sides
- EXISTING WALLS

DOOR SCHEDULE
① 3'-0" x 7'-0" SOLID CORE DOOR
② 3'-0" x 6'-0" PREHUNG INTERIOR DOOR

ALL HARDWARE TO BE ACCESSIBLE, SEE SHEETS A4 AND A5.

WINDOW SCHEDULE
A 3'-0" x 4'-0" SINGLE HUNG
B 5'-0" x 3'-0" SLIDE OR CASEMENT
GLASS TO BE TEMPERED
C 3'-4" x 3'-0" SLIDE OR CASEMENT
D 2'-6" x 3'-0" SLIDE OR CASEMENT
E 2'-0" x 1'-0" SLIDE

HEAD HEIGHT TO BE SAME AS DOOR HEIGHT

FLOOR PLAN SCALE 1/4" = 1'-0"

Drawing prepared by: [Name] Date: [Date]

Certified by: [Name] Date: [Date]
Studio Lovecraft  
Tattoo Emporium

Application for Conditional Use Permit

Entrance

Reception

Lobby

Tattoo Room

Restroom

Utility Room

Outside

Photos
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:

January 25, 2019

Executed on: 01/25/2019
At Banning , CA

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