City of Banning

PLANNING COMMISSION
Meeting – Wednesday, November 7, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson De Santis, Commissioner Barsh, Commissioner Dickson, Commissioner Escandel, Commissioner Hawkins

II. REVIEW / APPROVAL OF MINUTES (September 12, 2007)

Page 1

III. PUBLIC COMMENT

IV. DIRECTOR'S REPORT FOR THE MONTH OF OCTOBER–CITY COUNCIL ACTIONS ON PLANNING-RELATED ITEMS (No Action Required)

V. PUBLIC HEARING:

A. Continued Item:

1. Conditional Use Permit #07-805 and Design Review #07-707: A Request to install modular units for the Pentecostal Church of God, in the Low Density Residential Zone on an approximately 2.094 acre site located at 2562 W. Wilson Street.
   APN 538-040-036.

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B. **New Item:**

1. **Request to Table: Conditional Use Permit #07-804:** A Request to operate an outcall truck repair business with associated tire and parts sales by Ruben Perez on behalf of Cruz Tire and Truck Repair located at 1300 E. Ramsey Street. APN 541-210-003.

VI. **STAFF REPORT / INFORMATION ITEMS**

VII. **PLANNING COMMISSIONER COMMENTS**

VIII. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (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].

PLANNING COMMISSION
Meeting –11/07/07
City of Banning

PLANNING COMMISSION MINUTES

September 12, 2007

A special meeting of the City of Banning Planning Commission was held on Wednesday, September 12, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairperson DeSantis
Commissioner Dickson
Commissioner Escandel
Commissioner Hawkins

Commissioners Excused: Commissioner Barsh

Staff Present: Community Development Director Orci
Deputy City Attorney Jex
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairperson DeSantis.

II. PUBLIC COMMENT

No one came forward.

III. PUBLIC HEARING:

A. New Items:

1. Zone Text Amendment #07-97504 and Sign Review #07-9012: A Request to install a sign at 649 W. Lincoln Street. APN 540-220-008, 009 & 017.
Community Development Director Orci presented the staff report and stated the request is to modify Section 9109.11 (2)(f), the sign code provision that pertains to freeway oriented freestanding signs and part of this request is to locate a freeway oriented sign at the Banning Business Center at 679 W. Lincoln Street. This modification will also apply to the entire city, meaning that these signs are generally and should be located along the freeway, they are proposed to allow all businesses sign potential along the freeway. These signs are intended to replace the freestanding lollipop signs, should have a maximum height of 90 feet and sign face maximum would be 175 square feet.

Director Orci presented several sign design examples and asked the Planning Commission to select a design. Staff recommended approval of Resolution No. 2007-34.

Commissioner Escandel inquired about the removal of existing signs and discussion followed on a program and amortization. There was discussion as to who would own the signs and Director Orci responded that the property owner would own the signs. There was discussion regarding directions on the signs and Director Orci responded that the idea is not to have any directional indications on the signs.

Mike Bracken, 73845 Highway 111, #202, Palm Desert CA 92260, representing Development Management Group, came forward to make his presentation for the sign for the Banning Business Center. Mr. Bracken stated that the Banning Business Center is under construction and they have acquired the property to the west of their project and are in negotiations to build a secondary brand business hotel and working on a retail project surrounding the development. Mr. Bracken brought up the idea of having split heights, like 55 feet on the north side of the freeway and 90 feet on the south side.

Michael Oman, 679 W. Lincoln Street, Banning CA 92220, came forward to discuss his project (the Banning Business Center) and the sign presentation.

Inge Schuler, 1030 W. Westward Avenue, Banning CA 92220, came forward to discuss the Sign Ad Hoc Committee and inquired why it has not been formed yet. Mrs. Schuler stated she felt the concept of seven large signs to accommodate businesses was a very good idea, she liked sign #2 and would like to see the process accelerated.

The Commissioners discussed the presentation and had questions of staff. Director Orci suggested modifying Section 4, that the height of the signs would be determined on a case by case basis, not to exceed 90 feet.

Commissioner Escandel suggested modifying the section to read, not to exceed 55 feet from the surface of the I-10 freeway.

ACTION (ESCANDEL / HAWKINS): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-34 recommending to the City Council the approval of Zone Text Amendment #07-97504 amending Section 9109.11(2)(f) pertaining to freeway oriented signs; as amended to include the
modification that the signs not exceed 55 feet in height from the surface of the I-10 freeway.

(Motion carried 3-1) (DeSantis voted "no" and Barsh was absent)


Director Orci presented the staff report and stated that he is seeking direction. He mentioned the Sunset Storage facility and the consideration to bring back the Commercial Manufacturing (C-M) Zone for certain areas. He also mentioned that the new General Plan designates Lincoln Street as a major highway with 4 – 6 lanes.

Director Orci presented various options for the Commissioners to consider: Option #1-No changes and the aggrieved parties would be processed separately / individually; Option #2-Select one or two uses that would be the most appropriate along Lincoln Street; or Option #3-Direct staff to consider re-zoning, such as possibly reinstating the C-M Zone. Staff recommended Option #1 as the most preferable.

Commissioner Escandel inquired about Sunset Storage and what re-zoning or adding of uses would allow that facility to be in compliance. He felt that would be an option and to just adjust the north side of Lincoln Street. The Commissioners and Director Orci had discussion about this.

Jeannette Marler, 515 S. 16th Street, Banning CA, came forward to inquire how many homes are left on Lincoln Street and in pretty good condition, she wanted to know about being able to sell her home (as a residence) and if she should put her house on the market now.

Director Orci pointed out the commercial and residential areas on Lincoln Street.

Helen Barnes, 2102 W. Lincoln Street, Banning CA, came forward to point out that there are still many homes on the north side of Lincoln Street and would like them to be considered if any changes are made to the zoning.

Jerry Maple, 1333 Michigan Avenue, Beaumont CA 92223 came forward to state that he owns property at the corner of 16th and Lincoln. He discussed the Business Park Zone description and said there is a conflict between the description on page 10 of the staff report (written page 33) and the table on page 9 (written page 32). Mr. Maple also asked that the Commission allow people to improve their non-conforming properties.

Director Orci responded by reading Section 9122.02(2) from the non-conforming section of the Zoning Code and stated that it does allow for repairs and desired alterations to legal non-conforming structures in a residential zone and Mr. Maple’s property is in a residential zone.
After looking at the Zoning Map, it was decided that Mr. Maple's property is indeed in the Business Park Zone. Director Oci said then his property would fall under the "mixed use, residential / commercial" category and would need a conditional use permit.

The Commissioners discussed the matter and all agreed that they favored Option #1 - No changes and the aggrieved parties would be processed separately / individually.

IV. STAFF REPORT / INFORMATION ITEMS

Nothing to report at this time.

V. COMMISSIONER'S COMMENTS

Nothing to report at this time.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
CASE NO'S: DESIGN REVIEW #07-707 & CONDITIONAL USE PERMIT #07-805

REQUESTS: DESIGN REVIEW AND CONDITIONAL USE PERMIT TO PLACE TWO MODULAR UNITS TOTALING 5,760 SQUARE FEET FOR ADMINISTRATIVE AND CLASSROOM USES

LOCATION: 2562 W. WILSON STREET, APN: 538-040-036

APPLICANT: DAN WORKMAN ON BEHALF OF THE PENTECOSTAL CHURCH OF GOD OF AMERICA

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT HAS COMPLETED AN ENVIRONMENTAL ASSESSMENT OF THE ABOVE REFERENCED CASE AND HAS DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS STIPULATED UNDER §15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) OF THE GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

BACKGROUND:

Project Location/Background

The Pentecostal Church of God of America purchased the site in 1968. The subject property is 2.03 acres in size and has been improved with a 3,170 square foot (130 seats) sanctuary, a 36 space parking lot, and basketball court. The modular unit is not permitted. The property slopes downward away from Wilson Street towards the Montgomery Creek Storm Channel. Two driveways access the property from Wilson Street.

The site is zoned Low Density Residential and is surrounded by similarly zoned properties. The property located immediately to the east of the site is developed with a single-family residential structure. The Montgomery Creek Channel is located along the south end of the subject property. Single family homes are located further south, east, and west of the site; south and west of the Montgomery Creek Storm Channel. Recent entitlement activity for this property includes:
• a request to establish a modular classroom on the property (2002, withdrawn);
• a request convert a school bus into classroom facilities (2003);
• a request maintain a metal storage container (2004, denied); and
• a conditional use permit application to expand the facilities to include a single-family lot and to convert the existing home and garage into administrative and classroom facilities (2005, approved but never built).

The applicant has submitted Design Review and Conditional Use Permit applications to maintain the sanctuary and related activities as well as allow the placement of two modular units on a permanent basis for classroom and administrative uses. The units total 5,760 square feet in size; Unit 1 is 60’ X 72’ (4,320 square feet) and Unit 2 is 24’ X 60’ (1,440 square feet). The units are rectangular in shape with a flat roof and wood siding. The larger unit will be used for classrooms (up to 3 rooms) and will be located on the newly created building pad located along the western property line. The smaller unit will be used for administrative offices and is proposed to replace the existing non-permitted modular unit, adjacent to the sanctuary.

At the August meeting, the Planning Commission reviewed this matter and received public testimony. The Commission continued this matter and directed the applicant to provide the following:

1. Sanctuary activities;
2. Total number of staff/workers at the site, including the largest shift;
3. Verification of age of the students (driving age students);
4. Circulation plan (if children will be dropped-off and picked-up);
5. Total number of classrooms;
6. Classroom schedule (if multiple classes are conducted throughout the day);
7. Parking plan (if the sanctuary attendance coupled with other activities exceeds the parking requirements); and
8. Facade improvements.

**Environmental Review**

As indicated previously, the project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303, which consists of new construction or conversions of small structures, including structures not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. Accessory (appurtenant) structures that are subordinate to the main structure/use are also included in this exemption.

In accordance with CEQA Section 15303, the units will be used for administrative and youth education- appurtenant church uses- and thus will not involve hazardous substances. The units will be served by the public and private utilities that are already servicing the site. The surrounding properties have been developed; therefore, there are no environmentally sensitive areas.
Findings:

Findings can be made to approve these applications and are included in the attached resolutions for your approval.

Public Notice

This proposal was advertised in the Record Gazette newspaper on October 26, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

Analysis

Density: 8,930 square feet of buildings on an 88,427 square foot lot yields 10% building coverage. Maximum building coverage permissible in the Low Density Residential Zone is 40%. The project complies with the Zoning Code.

Access: The project will be served by the existing driveways located on Wilson Street.

Conditional Use Permit: As indicated above, the applicant proposes to place two modular units for administrative and youth education purposes. As of this writing, the applicant has indicated the following operational characteristics:

- **Unit 1** will contain up to three classrooms and will be used on Sundays (8:00 a.m. to 2:00 p.m.) and Thursday nights (7:00 p.m. to 8:30 p.m.). Up to five (5) staff members and 70 youth will be utilizing this unit.

- **Unit 2** will be used during the weekday (8:00 a.m. to 5:00 p.m.) for administrative functions. Up to five (5) staff members will be located in this unit.

- **Sanctuary** activities occur throughout the week, the most intensive activities occurring on Sunday and involve the attendance of up to 96 members, including 6 staff members. Other less intensive activities occur in the early weekday evenings, the most intensive event occurs Thursday evenings with up to 60 members.

Parking requirements: For the Sanctuary, the Code requires one space for each four fixed seats. The Code has various parking requirements for school-related facilities; the most challenging requirement involves Community College/University parking requirements, which requires twelve spaces for each classroom. Because the classrooms will be used primarily for youth education - non-driving age students -- a less challenging requirement should be used. Thus, staff used the parking requirement for elementary/junior high schools (three spaces per classroom).

Based upon these parking requirements, the 130 seat sanctuary requires 33 spaces. The three classrooms would require 9 spaces for a total parking need of 42 spaces. The site provides 36 marked spaces as well as 10 unmarked spaces on the concrete basketball pad.
Additional overflow parking will be provided on the balance of the undeveloped property.

**Setbacks:** The project meets or exceeds all setback requirements. The project is in compliance with the development standards for this zone. Please refer to the table below:

<table>
<thead>
<tr>
<th>Development Standards Compliance Table</th>
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<tbody>
<tr>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>Building Coverage</td>
</tr>
<tr>
<td>Parking Spaces</td>
</tr>
<tr>
<td>Front Setback</td>
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<tr>
<td>Rear Setback</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
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<tr>
<td>Building Height</td>
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</table>

**Grading Plan:** Grading plans have been submitted and approved by the Department of Public Works for grading the pads. The property slopes away from the street to Montgomery Creek. The pad for the modular units will need to be graded flat. In addition, the burn is proposed north of the units, south of Wilson Street to redirect water away from the units.

**Architecture:** As indicated previously, the applicant proposes two modular units; Unit 1 will be 4,320 square feet in size, Unit 2 will be 1,440 square feet in size. Each unit is about 10 feet in height, rectangular in shape, with a flat roof and wood siding. The units will be required to comply with ADA access as well as Fire Department requirements.

Initially the applicant proposed to paint the building to match the sanctuary. Now the applicant proposes to modify the modular units as well as the sanctuary to integrate similar architectural features. The revised facades for the modular units include articulation to the parapets to minimize "boxlike" appearance. Decorative cornices, matching color, and exterior materials are proposed to be used on all structures to unify the design. Also, the applicant proposes the use of decorative panels on the sanctuary as well as Unit 1 to establish a more uniform design theme.

**Landscape Plan:** A conceptual landscape plan has been submitted. The applicant illustrated some landscape along the proposed structures as well as the street. If approved, the project will be conditioned to require compliance with the City's requirements, including drought-tolerant landscape.

**Utilities:** The project will be served by the City's Water and Electric Departments. These utilities are located on the adjacent street. Sewer service is not available at this time; therefore, the applicant will be required to install a septic system.
RECOMMENDATION:

That the Planning Commission:

1. Adopt Resolution No. 2007-37, approving the Conditional Use Permit #07-805 to continue to operate a sanctuary with ancillary activities;

2. Adopt Resolution No. 2007-38, approving Design Review #07-707 to allow façade improvements to the existing structure as well as allow the placement of two modular units on the subject site.

Respectfully submitted,

Oscar W. Orci
Community Development Director

Exhibits:

1. Resolution No. 2007-37
2. Resolution No. 2007-38
3. Site Plan and Elevations
4. Site Plan and Elevations, Large Version (Under Separate Cover)
CUP # 07-805 AND
DESIGN REVIEW #07-707

RESOLUTION
NO. 2007-37
(Conditions of Approval to be Provided at a later date)

EXHIBIT “1”
RESOLUTION NO. 2007-37

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA APPROVING
CONDITIONAL USE PERMIT #07-805 TO CONTINUE TO
OPERATE SANCTUARY IN THE LOW DENSITY
RESIDENTIAL ZONE. APN: 538-040-036.

WHEREAS, an application for Pentecostal Church of God of America Church has been
duly filed by:

Applicant/Owner: Pentecostal Church of God of America
Authorized Agent: Dan Workman
Project Location: 2562 W. Wilson Street
APN Number: 538-040-036

WHEREAS, the Planning Commission has the authority per Section 9113.00 of the
Banning Municipal Code to take action on Conditional Use Permit #07-805 to continue to
operate a sanctuary and ancillary activities in the Low Density Residential Zone; and

WHEREAS, on October 26, 2007, the City gave public notice by mailing notices to
property owners within 300 feet of the project site and advertising in the Record Gazette, a
newspaper of general circulation within the City of Banning, of the holding of a public hearing at
which the project would be considered; and

WHEREAS, on September 4, 2007 and November 7, 2007, the Planning Commission
held the noticed public hearing at which interested persons had an opportunity to testify in
support of, or opposition to, the Conditional Use Permit; and

WHEREAS, the Community Development Director has reviewed the project’s potential
effects on the environment and has determined that the project is categorically exempt from the
California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15303 “New
Construction or Conversion of Small Structure” and the exceptions to the categorical exemptions
contained in CEQA Guidelines Section 15300.2 are not applicable to the project

NOW THEREFORE, the Planning Commission of the City of Banning does 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 recommendation of the
Community Development Director as provided in the Staff Reports dated September 4, 2007,
and November 7, 2007 and documents incorporated therein by reference, and any other evidence
(within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or
provided at the public hearing of this matter, hereby finds and determines as follows:
1. **CEQA:** The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on September 4, 2007, and November 7, 2007, at a duly noticed public hearing, the Planning Commission determined that the is exempt from CEQA under CEQA Guidelines Section 15303; this project is a permitted use allowed in the General Plan's Low Density Residential Land Use designation and complies with the related policies; the units will be used for administrative and youth education- appurtenant church uses- and thus will not involve hazardous substances. The units will be served by the public and private utilities that are already servicing the site. The surrounding properties have been developed; therefore, there are no environmentally sensitive areas.

None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15303 from exempting the project for the following reasons:

(i) The project is in the Class 3 designation, but the project is not located in particularly sensitive environments. The subject property has been already developed and devoid of native vegetation and landforms.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The subject site has been developed with an existing sanctuary, the primary activity. The proposed improvements will place two modular units for activities that are ancillary to the primary use. The primary use will not be intensified as a result of the approval.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. This is an infill project in an urbanized area that has already been developed. This use will not generate hazardous waste, nor is there any possibility of it affecting a watercourse, habitat or wildlife corridor in this location.

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. There are no historical resources; the immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resources would be materially impaired.

2. **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.

Pursuant to Banning Municipal Code Section 9113.00 and in light of the record before it including the staff reports dated September 4, 2007 and November 7, 2007 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

1. The proposed use is consistent with the General Plan.

Findings of Fact: The property is designated Low Density Residential (LDR) in the General Plan Land Use Element; which allows for the development of Churches.

Further, the Goal under the General Plan Land Use Element indicates that projects should be balanced and well planned which provide a functional pattern of land uses to enhance the quality of life for all Banning residents. This project, as designed, will improve and enhance the existing sanctuary which provides a service to the existing neighborhood.

2. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Zoning Ordinance.

Findings of Fact: The Low Density Residential (LDR) Zoning District designation allows for sanctuaries subject to a Conditional Use Permit. The project complies with all the development provisions of the zoning ordinance as illustrated in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Coverage</td>
<td>10%</td>
<td>40% max.</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>46 spaces</td>
<td>42 spaces</td>
</tr>
<tr>
<td>Front Setback</td>
<td>60’</td>
<td>20’ min.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>+/-65’</td>
<td>15’ min.</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
<td>40’</td>
<td>10’ min.</td>
</tr>
<tr>
<td>Building Height</td>
<td>+/-10’</td>
<td>35’ min.</td>
</tr>
</tbody>
</table>

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 subject site as well as the surrounding properties is comprised of residential properties zoned LDR. The property meets or exceeds the development standards; will operate in a substantially similar manner as the existing facility; and the exterior finishes will be the same as the existing sanctuary.

4. The subject site is physically suitable for the type and intensity of the land use being proposed.

Findings of Fact: The site is generally square and flat (as graded). The site is not located within a flood plain and no major geologic hazards have been reported on the site or other
limited conditions that would render it unsuitable for this development. The project has been designed to accommodate the placement of the modular buildings, the proposal is appropriate for a site of this size and configuration. The site currently has a sanctuary building parking lot, basketball court, and a graded building pad. The proposed improvements will allow the applicant the opportunity to expand the facility to accommodate ancillary activities.

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.

As conditioned herein, the project proponent shall construct all necessary on and off-site infrastructure to provide utilities to the proposed project prior to the issuance of Building Permits. Water and public utilities and services are available from Wilson Street, a public street. Sewer connection is not available at this time, thus a septic system will be required.

6. There will not be significant harmful effects upon environmental quality, natural resources, or neighborhood characteristics.

Findings of Fact: The site has been graded and developed, a structure and other improvements exists on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. There is no native vegetation or other natural resources.

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

Findings of Fact: the applicant proposes to place two modular units for administrative and youth education purposes. The applicant has indicated the following operational characteristics:

- **Unit 1** will contain up to three classrooms and will be used on Sundays (8:00 a.m. to 2:00 p.m.) and Thursday nights (7:00 p.m. to 8:30 p.m.). Up to five (5) staff members and 70 youth will be utilizing this unit.

- **Unit 2** will be used during the weekday (8:00 a.m. to 5:00 p.m.) for administrative functions. Up to five (5) staff members will be located in this unit.

- **Sanctuary** activities occur throughout the week, the most intensive activities occurring on Sunday and involve the attendance of up to 96 members, including 6 staff members. Other less intensive activities occur in the early weekday evenings, the most intensive event occurs Thursday evenings with up to 60 members.
The above-listed uses will not interfere with the surrounding uses because parking is available on the property and the uses will be conducted on weekends or early evenings. As conditioned herein, the modification to the activities will require further City review.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Approve Conditional Use Permit. Conditional Use Permit #07-805 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “I.”

PASSED, APPROVED AND ADOPTED this 7th day of November, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorensen, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-37, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November, 2007 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Virginia Sorensen, Recording Secretary
City of Banning, California
CUP # 07-805 AND
DESIGN REVIEW #07-707

RESOLUTION
NO. 2007-38
(Conditions of Approval to be Provided at a later date)

EXHIBIT “2”
RESOLUTION NO. 2007-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #07-707 TO PLACE TWO MODULAR UNITS TOTALING 5,760 SQUARE FEET AND CERTAIN FAÇADE IMPROVEMENTS TO THE STRUCTURES IN THE LOW DENSITY RESIDENTIAL ZONE. APN: 538-040-036.

WHEREAS, an application to place two modular units as well as establish certain façade improvements to the modular units and existing sanctuary has been duly filed by:

Applicant/Owner: Pentecostal Church of God of America
Authorized Agent: Dan Workman
Project Location: 2562 W. Wilson Street
APN Number: 538-040-036

WHEREAS, the Planning Commission has the authority per section and 9114.00 of the Banning Municipal Code to take action on Design Review #07-707 to place two modular units as well as establish certain façade improvements to the modular units and existing sanctuary; and

WHEREAS, on October 26, 2007, 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 in 300 feet of the project, of the holding of a public hearing at which the project would be considered; and

WHEREAS, on September 4, 2007 and November 7, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Design Review; and

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has determined that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15303 “New Construction or Conversion of Small Structure” and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does 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 recommendation of the Community Development Director as provided in the Staff Reports dated September 4, 2007, and November 7, 2007 and documents incorporated therein by reference, and any other evidence
(within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:**
   (a) The project is exempt from CEQA under CEQA Guidelines Section 15303 in the staff report submitted by the Community Development Department and other findings made in this Resolution demonstrate that this project is a permitted use allowed in the General Plan's Low Density Residential Land Use designation and complies with the related policies; the units will be used for administrative and youth education- appurtenant church uses- and thus will not involve hazardous substances. The units will be served by the public and private utilities that are already servicing the site. The surrounding properties have been developed; therefore, there are no environmentally sensitive areas.

   (b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15303 from exempting the project for the following reasons:

   (i) The project is in the Class 3 designation, but the project is not located in particularly sensitive environments. The subject property has been already developed and devoid of native vegetation and landforms.

   (ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The subject site has been developed with an existing sanctuary, the primary activity. The proposed improvements will place two modular units for activities that are ancillary to the primary use. The primary use will not be intensified as a result of the approval.

   (iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. This is an infill project in an urbanized area that has already been developed. This use will not generate hazardous waste, nor is there any possibility of it affecting a watercourse, habitat or wildlife corridor in this location.

   (iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

   (v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

   (vi) The project will not cause a substantial adverse change to the significance of a historical resource. There are no historical resources; the immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resources would be materially impaired.
2. **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.

Pursuant to Banning Municipal Code Section 9114.00 and in light of the record before it including the staff reports dated September 4, 2007 and November 7, 2007, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

1. The proposed use is consistent with the General Plan.

Findings of Fact: The property is designated Low Density Residential (LDR) in the General Plan Land Use Element, which allows for the development of Churches.

Further, the Goal under the General Plan Land Use Element indicates that projects should be balanced and well planned which provide a functional pattern of land uses to enhance the quality of life for all Banning residents. This project, as designed, will improve and enhance the existing sanctuary which provides a service to the existing neighborhood.

2. The proposed use is permitted within the subject land use district and complies with all of the applicable provisions of the Ordinance.

Findings of Fact: The LDR Zoning District designation allows for the development of this project. The project meets or exceeds the development standards for this district, including:

<table>
<thead>
<tr>
<th></th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Coverage</strong></td>
<td>10%</td>
<td>40% max.</td>
</tr>
<tr>
<td><strong>Parking Spaces</strong></td>
<td>46 spaces</td>
<td>42 spaces</td>
</tr>
<tr>
<td><strong>Front Setback</strong></td>
<td>60’</td>
<td>20’ min.</td>
</tr>
<tr>
<td><strong>Rear Setback</strong></td>
<td>+/-65’</td>
<td>15’ min.</td>
</tr>
<tr>
<td><strong>Side Yard Setbacks</strong></td>
<td>40’</td>
<td>10’ min.</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>+/-10’</td>
<td>35’ min.</td>
</tr>
</tbody>
</table>

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 and layout of the proposed project will not change; the modular units will be placed on vacant areas of the property. The vehicular or pedestrian access points will not be changed.
4. The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The architecture of the existing sanctuary and proposed modular units will be enhanced by the articulation to the parapets to minimize “boxlike” appearance, and the use of matching decorative cornices, matching color, and exterior materials. Also, the applicant proposes the use of decorative panels to establish a more uniform design theme.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 15303 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.

2. Approve Design Review. Design Review #07-707 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1” for the review of the site development and architecture. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 7th day of November, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-38, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________________
Virginia Sorenson, Recording Secretary
City of Banning, California
CUP # 07-805 AND
DESIGN REVIEW #07-707

SITE PLAN
AND ELEVATIONS

EXHIBIT “3”
STAFF REPORT
PLANNING COMMISSION

DATE: NOVEMBER 7, 2007

CASE NO'S: CONDITIONAL USE PERMIT # 07-804

REQUESTS: OPERATE AN OUTCALL TRUCK REPAIR BUSINESS WITH ASSOCIATED TIRE AND PARTS SALES.

LOCATION: THE SITE IS LOCATED AT 1300 E. RAMSEY STREET APN: 541- 210- 003

APPLICANT: RUBEN PEREZ ON BEHALF OF CRUZ TIRE AND TRUCK REPAIR.

RECOMMENDATION:

IT IS RECOMMENDED BY THE CITY ATTORNEY THAT THIS ITEM BE TABLED FOR FURTHER RESEARCH.

PREPARED BY:

Kim Clinton
Senior Planner

REVIEWED BY:

Oscar W. Orci
Community Development Director