CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING - Tuesday, May 6, 2008 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER: Vice-Chair Bill Dickson

➢ Pledge of Allegiance: Commissioner Harold Barsh

➢ Roll Call: Matthew Bassi, Interim Community Development Director

Vice-Chairman Bill Dickson, Commissioner Harold Barsh, Commissioner Bill Escandell, Commissioner Buddy Hawkins, Commissioner Kevin Siva.

II. ELECTION OF OFFICERS:

➢ The Planning Commission will vote to elect a new Chairman and Vice-Chairman, as needed.

III. PUBLIC COMMENTS:

➢ At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to three (3) minutes in accordance with City policy.

IV. CONSENT CALENDAR ITEMS:

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

1. APPROVAL OF PC MINUTES:

  January 28, 2008 and March 4, 2008

2. Street Vacation #08-12501:

   Project Address: N/A
   Project Applicant: Hunsaker & Associates
   Project Planner: Mr. Brian Guillot, Planning Engineer

Project Description:
The applicant is proposing to vacate a portion of Juarez Street between Barbour Street and Westward Avenue. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project meets the requirements for an Exemption in compliance with Article 5, Section 15061(b)(3).

Recommended Action:
The Planning Division recommends that the Planning Commission adopt the attached Resolution recommending City Council approval of Street Vacation #08-12501.

V. PUBLIC HEARING ITEMS:

1. Variance #08-301:

   Project Address: 2679 W. Williams Street
   Project Applicant: Mr. Oscar Amaya
   Project Planner: Ms. Kim Clinton, Senior Planner

Project Description:
The applicant is proposing a Variance from the minimum lot width and minimum lot square footage. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) Section 15061(b)(4), CEQA does not apply to projects which are disapproved.

Recommended Action:
The Planning Division recommends that the Planning Commission adopt the attached Resolution denying Variance #08-301.
2. **Zone Text Amendment #08-97502:**

Project Address: N/A
Project Applicant: City of Banning
Project Planner: Ms. Kim Clinton, Senior Planner

**Project Description:**
The Planning Division is proposing an amendment to the Zoning Ordinance pertaining to Section 17.08.050 (Accessory Structures) and Section 17.28.030 (General Regulations). Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project meets the requirements for an Exemption in compliance with Article 5, Section 15061(b)(3).

**Recommended Action:**
The Planning Division recommends that the Planning Commission adopt the attached Resolution recommending City Council approval of Zone Text Amendment #08-97502.

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VI. **PLANNING COMMISSIONER COMMENTS**

VII. **DIRECTORS REPORT FOR THE MONTH OF APRIL, 2008**

➢ City Council Actions on Planning-Related Items (No Action Required)

VIII. **ADJOURNMENT**

The City of Banning Planning Commission is hereby adjourned to the joint Planning Commission and City Council Housing Element Workshop on May 27, 2008, 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 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]
Chairperson: Nominations for the office of Chairperson are now open. A second to the nominations is not 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.

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<tr>
<th>ROLL CALL VOTE</th>
<th>Commissioner Barsh</th>
<th>Commissioner Dickson</th>
<th>Commissioner Escandel</th>
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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.)
City of Banning

PLANNING COMMISSION MINUTES

January 28, 2008

A special meeting of the City of Banning Planning Commission was held on Monday, January 28, 2008, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Escandel

Commissioners Excused: Commissioner Hawkins

Staff Present: Community Development Director Orci
Assistant City Attorney Vail
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. REVIEW OF MINUTES

ACTION (DICKSON / ESCANDEL): A motion was moved, seconded and carried that the minutes of December 4, 2007 be approved as presented.

(Motion carried 4-0; Commissioner Hawkins was excused)

III. PUBLIC COMMENT

No one came forward.
IV. PUBLIC HEARING:

A. New Item:

1. Unclassified Use Permit #01-47501: Revocation of said permit to establish a professional drag racing facility on property generally located approximately 1300 feet east of the northeast corner of Hathaway Street and Westward Avenue. APN’s 532-130-008 & 018.

Community Development Director Orii introduced Assistant City Attorney Eric Vail to present the staff report. Mr. Vail stated that the Unclassified Use Permit was approved on July 3, 2001 and the permit has expired. He stated that there was an inconsistency in the conditions of approval between “expired, null and void, and revocation”. Mr. Vail said there were two basis for the revocation, 1) Expiration – out of time and 2) Conditions have not been met – no building permits issued and no foundations poured. There was one improvement and that was the extension of Barbour Street to the property. Also, the Community Redevelopment Agency paid for this improvement. Two grading permits were pulled, however, no actual grading was done, only clearing and grubbing. Another basis for revocation is the cessation of use, found in Section 9116.11, the section that was in place at the time the permit was granted. This section states that if the use is suspended or ceased for more than six months, then the permit is subject to revocation.

Mr. Vail asked the Planning Commission to incorporate by reference the files, staff report, evidence, presentation from the applicant, materials presented and testimony into the record.

James Tiagalera, 2068 Orange Tree Lane, Suite 218, Redlands CA, attorney for the applicant came forward to speak. Mr. Tiagalera stated that he was the former planning director for the City of Loma Linda. He asked that the Commission incorporate into the record any documents that Banning Airport Associates (applicant) present this evening. Mr. Tiagalera disagrees with the Assistant City Attorney, his analysis of vesting and property rights, he feels there has been a reasonable, investment backed expectation. He also stated that he objected to Mr. Vail’s suggestion that you could incorporate all the files in City Hall by reference into the administrative record of proceedings, so that when this case goes before a judge, he can refer to anything that was in City Hall, is incorrect and he objects. He felt that the only records that can be considered part of the administrative record are those that are submitted here tonight, those documents that the Commission reviewed in preparation for the meeting tonight. He also stated that the applicant paid for the entire cost ($192,629.80) of the improvement of Barbour Street and the Community Redevelopment Agency contributed $62,500.
Mr. Tiagala suggested that the Planning Commission do not make a determination tonight and instead request that the City Attorney, staff and the applicant work this issue out.

Andy Marocco, President of All American Racing and Banning Airport Associates, came forward to discuss his project. He does not agree with the conclusion that his UUP has expired. He also stated that the Reimbursement Agreement was not in the packet. Tonight Mr. Marocco entered into the record the following items, “check #1015 from AAR to Matich, 1/30/04, $20,000; check #1080 to Matich, 10/07/04, $42,667; check #1372 to Matich, 6/30/05, $50,000; check #101 to Matich, 1/31/06, $70,000; check #1016 from AAR to So. Cal Gas Company, 1/30/04, $4,460.65; another So Cal Gas Company check #1017, 1/30/04, $3,002.15; and we do have an existing So Cal Gas bill that is in an open account of $2500; total we paid $192,629.80 verses a check that was given to us and then we signed over to Matich and the draft number from the City of Banning, #86930 on 8/06/04 for $62,500.” Mr. Marocco said he feels the City Attorney made it sound like they did not contribute any money towards the Barbour Street improvements. Stated there have been too many changes in staff, feels the project is vested, stated the land was not released by the FAA until last December and then they had to get rid of the Burrowing Owls.

Mr. Marocco stated he felt the City Attorney was setting policy, instead of advising. He entered more exhibits into the record (letters, technical drawings, landscaping plans and binders #1 - #8).

Doug Hicks, 710 N. 12th, Banning CA came forward to state that he is in favor of building the drag strip.

Jack Bullock, 4037 W. Ramsey Street, Banning CA came forward to state that he sees no need for this project to go through.

Fred Atkinson, from Arizona, has property in Banning, is in favor of the drag strip.

Robert Bird, 6641 Wynn Avenue, Reseda CA, has two race cars and is in favor of the project.

Wayne Carroll, education supervisor of Universal Technical Institute for Mercedes Benz Elite, came forward to state he felt this drag strip would be a positive venue for the car culture and bring tax revenue to the City.

Don Osborne, from Hesperia CA came forward to state that he is in favor of the project.

Mike Pope, 1784 Los Colinas Rd, Beaumont CA came forward to state that he is in favor of having a drag strip.

Jim Reddin, from Joshua Tree CA came forward to state that he is in favor of the project.
Ty Hernandez, from Menifee CA came forward to state that he is in favor of the project.

Mark Lundquist, from Joshua Tree CA, an automotive journalist, came forward to state that he is in favor of the project.

Brian Ricketts, from Hemet CA came forward to state that he is in favor of the project.

Darin Truckamiller, from Beaumont CA came forward to state that he is in favor of the project.

David Bircher, from Beaumont CA came forward to state that he is in favor of the project.

Assistant City Attorney Eric Vail responded that Mr. Marocco is the consummate showman, but this meeting is not about the show, it is about the facts. He said it is also not about policy and that Mr. Marocco’s comments would be more appropriate if this was a “takings” issue and it is not. The Barbour Street improvement was not construction of the “use”, it was off-site street improvement. The City wanted this project to come to fruition and it is just not coming together. The fact is that the permit has expired.

Mr. Vail asked that the Commission incorporate into the record one document that Mr. Marocco has, reference to this document was made, it is the “Agreement for Assignment and Assumption of Multiple Agreements by and between the City of Banning, Banning Redevelopment Agency, All American Racing LLC and Banning Airport Associates LLC” dated August 9, 2005.

Commissioner Escandel had several questions for Mr. Vail and Mr. Marocco. There was discussion about having meetings and Mr. Vail stated there have been many meetings. Commissioner Escandel inquired about the grading permits and wondered why they would get grading permits if the FAA had not released the property and he noticed the plans had changed by the time they pulled the second grading permit. Mr. Vail responded that the FAA gave its release in November of 2006 and the release was for the 20 acre parcel and the 40 acre parcel was always available for construction.

Mr. Marocco responded that he wanted to keep the UUP in tact. He said he feels the City is fighting him at every instance to kill the project and he thinks the City really does have something planned for the 20 acres. He does not feel that the City is working with him and there is no on-going conversation to make this right. He also stated that his investment group owns the land. The investor who actually owns it is a company called Bristol LLC, in the person of John Saunders and the Maroccos have an agreement with him. He said the City has damaged his project for the last ninety days by stating that it is dead. He feels that financing is not a problem, has a plan to sell some of the land (the bottom 20 acres, listed with Grubb & Ellis) and build an industrial park.....he just needs more time. This is a very committed group and would like the opportunity to finish this project.
ACTION (DICKSON / BARSH): A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2008-05 formally revoking Unclassified Use Permit ("Permit") 01-47501 for a professional drag racing facility and associated improvements on Assessors Parcel Numbers 532-130-008 and 532-130-018.

(Motion carried 4 - 0) (Commissioner Hawkins was excused)

V. STAFF REPORT / INFORMATION ITEMS

Nothing to report this evening.

VI. COMMISSIONER'S COMMENTS

Commissioner Dickson stated that he gave the Maroccos credit for their tenacity in what they are doing, but felt the commission was bound by what was presented this evening.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

March 4, 2008

A regular meeting of the City of Banning Planning Commission was held on Tuesday, March 4, 2008, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  
Vice-Chairman Dickson  
Commissioner Barsh  
Commissioner Escandel  
Commissioner Hawkins

Staff Present:  
Community Development Director Orci  
Deputy City Attorney Jex  
Captain Yarbrough, Fire Marshal  
Recording Secretary Sorenson

I. CALL TO ORDER

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

II. REVIEW OF MINUTES

ACTION (ESCANDEL / HAWKINS):  A motion was moved, seconded and carried that the minutes of January 2, 2008 be approved as presented.

(Motion carried 4 -0)

ACTION (ESCANDEL / HAWKINS):  A motion was moved, seconded and carried that the minutes of January 10, 2008 be approved as presented.

(Motion carried 4 -0)

III. PUBLIC COMMENT

No one came forward.
IV. DIRECTOR'S REPORT FOR THE MONTH OF FEBRUARY-CITY COUNCIL ACTIONS ON PLANNING-RELATED ITEMS

Director Orci stated that at the February City Council meetings, the Council discussed and reviewed the request to change the General Plan / Zoning designation of the VicShe property from Low Density Residential to Profession Office. The Council approved that change in zone and approved findings for those changes.

Commissioner Escandel stated that he was sorry the City Council did that.

V. PUBLIC HEARING:

A. New Item:

1. Conditional Use Permit # 08-801: A Request to allow on-site consumption of alcohol sales at the Fisherman’s Grill and Market in the Highway Serving Commercial Zone located at 2271 W. Ramsey Street / APN 538-162-009.

Community Development Director Orci stated that the request was to approve a CUP for the sale of alcohol. In preparing the report for this item, Staff identified two conflicting provisions for the sale of beer and wine in sit-down restaurants. Table 17.12.020 requires a Conditional Use Permit is required; however, Section 17.12.12.050 (B) contradicts the Table as follows:

“As indicated in Table 17.12.020, a Conditional Use Permit is required by the City in addition to the State license, except for sit-down restaurants where the on-site sale of alcoholic beverages is secondary to the primary function of the service of food. These businesses are exempt from the requirement for a Conditional Use Permit.”

Since the sale of alcoholic beverages is secondary to the primary function of the service of food, this restaurant is exempt from the Conditional Use Permit requirements.

Mr. Orci requested that the Commission receive and file this staff report.

ACTION (HAWKINS / BARSH): A motion was moved, seconded and carried that the Planning Commission receive and file this report.

(Motion carried 4 - 0)
2. Zone Text Amendment # 08-97501
Amendment to Municipal Code Provisions Pertaining to:

a) 1. Add Chapter 2.45 – Design Review Board  
2. Amend Section 17.08.240(L) Walls  
3. Amend Section 17.08.270(L) Walls  
4. Amend Table 17.12.020  
5. Amend Section 17.24.080

b) Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 15061(b)(3) of the Guidelines for the Implementation of the California Environmental Quality Act.

Community Development Director Orci presented the staff report and stated that there are some items in the Code that need clarification. The first resolution contains the provisions that would establish a Design Review Board. Included in the details are the following: the Design Review Board will consist of three professional members, such as having background in architecture or landscape architecture. Also members can come from outside the city limits. The purpose of the Design Review Board will be advisory to the Planning Commission and the Commission will not be bound by the Review Board’s determination. The Board would meet only once on each item and this would facilitate the processing of applications. The items to review would be architecture and landscaping.

Mr. Orci stated that he would like to recommend one correction to the resolution and that would be to Section 2.45.050 (A) & (C) and that we add language indicating that the DRB would be charged with the architecture and landscaping review of projects against the applicable General Plan and Zoning Code provisions. We are asking for that clarification in the resolution.

The second item is modification to Table 17.12.020 – clarifying government office use, administrative verses customer oriented. We would recommend allowing a government facility who is administrative in nature and no walk-ups.

The third item is an amendment regarding the various sections on walls, fences and hedges. This is to clarify and keep the sections consistent. We did keep the section regarding chain link fencing the same, as it is allowed in the larger residential property areas.

There was discussion on wall materials. Mr. Orci explained about the difference between walls / fences around the perimeter of subdivisions verses the fences between houses within the subdivision. Commissioner Escandel requested that the use of wrought iron be included and Mr. Orci thought the place to insert that request would be on page 37, VI and page 38, A.

Planning Commission Meeting  
March 4, 2008
ACTION (BARSHE / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2008-06, recommending to the City Council approval of Zone Text Amendments #08-97501, as amended to include the correction to the resolution made by Director Orci and the inclusion of wrought iron in the two areas suggested by Commissioner Escandel.

(Motion carried 4 - 0)

VI. STAFF REPORT / INFORMATION ITEMS

Nothing to report this evening.

VII. COMMISSIONER'S COMMENTS

Commissioner Dickson announced that Director Orci has resigned and will be leaving this month. He stated that it has been a pleasure working with him and that we will miss him. Director Orci said this has been a great experience and he will miss us.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,

[Signature]
Gini Sorensen
Recording Secretary
STAFF REPORT
PLANNING COMMISSION

PC DATE: MAY 6, 2008

CASE NO: STREET VACATION REQUEST PH #08-12501

DESCRIPTION: THE APPLICANT IS REQUESTING TO VACATE A PORTION OF JUAREZ STREET.

LOCATION: JUAREZ STREET BETWEEN BARBOUR STREET AND WESTWARD AVENUE.

APPLICANT: HUNSAKER AND ASSOCIATES IRVINE, INC.

ENVIRONMENTAL CONSIDERATION: THE CITY HAS ANALYZED THIS PROPOSED PROJECT AND HAS DETERMINED THAT IT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

BACKGROUND/ANALYSIS:

On February 28, 2008, the City received a request from the applicant to vacate a portion of Juarez Street from Barbour Street to future Westward Avenue. The applicant's client (CR & R, Inc. of Stanton, California) desires to use that portion of Juarez Street as a part of a future industrial project.

The property in question is a strip of undeveloped land approximately 30 feet wide by 580 feet in length. It is bounded on the west by a 1.93 acre parcel zoned Industrial that has frontage on Barbour Street. The 1.93 acre parcel presently has a single family dwelling located on it along with several related accessory structures. A site review on April 16, 2008 revealed that the 1.93 acre parcel to the west maintains a small chain link vehicle access gate that fronts on the property in question; however, it appears that this access point is not used regularly (weeds were noted along with the absence of a defined vehicle track in the soil).

The property in question is bounded on the east by a 3.90 acre undeveloped parcel owned by the applicant's client. To the southwest is a residential subdivision (Fair Oaks) constructed in 2005 that is zoned Very Low Density Residential. To the southeast is a 4.54 acre undeveloped parcel zoned Industrial.

Streets and Highways Code §§ 8300 et seq., the Public Streets, Highways, and Service Easements Vacation Law (the "Law"), requires that where, as here, a city's general plan
covers the area in which the street to be vacated exists, then it cannot proceed to vacate the street until the location, purpose, and extent of the vacation has been submitted to the city's planning commission for consideration of consistency with the general plan (Streets and Highways Code § 8313(b) & Gov. Code § 65402).

The portion of Juarez Street proposed for vacation is more particularly described in Exhibit A (legal description), and Exhibit B (plat map). A location/vicinity map is included with the report for reference. If approved, the subject area will be available to use as part of the development of a future industrial project. This action would be consistent with Program 2 of the Land Use Element of the General Plan (GP p. III-19) which encourages consolidation of lands to encourage development. Additionally, the subject portion of Juarez Street is not improved and is not planned as part of the City's Proposed General Plan Street System as shown on Exhibit III-6 of the Circulation Element.

The Circulation Element has been developed to serve as a comprehensive transportation management strategy, incorporating analysis of existing conditions within the City, as well as projected future development based on the build-out of the General Plan Land Use Map. Future traffic conditions have been forecast utilizing the Pass Area Model (PAM), anticipated build out land use patterns and intensities, projected regional growth expected to impact City streets and roadways, and a wide range of socioeconomic data and assumptions. Using this data and accepted engineering practice, a Proposed General Plan Street System map was developed and approved as part of the General Plan adopted by the City Council on January 31, 2006.

Juarez Street is not listed on the Proposed General Plan Street System map, or listed in the text of the General Plan Circulation Element; therefore, the vacation of this portion of Juarez Street, if approved, would not adversely impact the development of the surrounding lands including the construction of additional housing in the vicinity of the future proposed industrial project.

PUBLIC NOTICE:

An advertisement regarding this proposal was placed in the Record Gazette Newspaper on Friday, April 25, 2008. No comments have been received for, or against, the proposal by staff.

ENVIRONMENTAL ASSESSMENT:

The City has analyzed the proposed street vacation and has determined that it is Exempt from the California Environmental Quality Act ("CEQA") under 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.
RECOMMENDATION:

The Planning Division recommends that the Planning Commission:

1. Adopt Resolution No. 2008-07 recommending City Council approval of street vacation.

PREPARED BY:

Brian Guillot
Planning Engineer

REVIEWED BY:

Kim Clinton
Senior Planner

RECOMMENDED BY:

Matthew Bassi
Interim Community Development Director

PC Exhibits:
1) PC Resolution No. 2008-07
   Exhibit A and Exhibit B legal description and plat map.
2) Location map.
3) Copy of Exhibit "III-6" General Plan Circulation Element Street System map.
PH-Street Vacation
#08-12501

RESOLUTION
NO. 2008-07

EXHIBIT “1”
RESOLUTION NO. 2008-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING STREET VACATION #08-12501 FOR THE STREET COMMONLY KNOWN AS "JUAREZ STREET BETWEEN BARBOUR STREET AND WESTWARD AVENUE"

WHEREAS, the applicant desires to vacate that roadway commonly known as Juarez Street between Barbour Street and Westward Avenue located in that portion of that certain parcel of land described in a deed to the City of Banning recorded April 14, 1986, as Instrument No. 84327 of Official Records and those portions of Lots A and B of Parcel Map No. 27635 per map recorded in Book 182, pages 29 and 30 of Parcel Maps, records of Riverside County, more particularly described as follows:

The west 30 feet of Block 183 of Map of Part of Banning Colony Lands, recorded in Book 3, page 149 of Maps, records of San Diego County. Except for the southerly 40 feet thereof.

That portion of Block 183 of Map of Part of Banning Colony Lands, recorded in Book 3, page 149 of Maps, records of San Diego County lying northwesterly of a curve concave to the Southeast having a radius of 20 feet, said curve being tangent to the north line of said block and tangent to a line distant 30 feet east of and parallel with the west line of said block.

Lot A and that portion of Lot B of Parcel Map No. 27635, per map recorded in Book 182, pages 29 and 30 of Parcel Maps, records of Riverside County, lying north of a line distant 40 feet north of and parallel with the south line of said lot; and

WHEREAS, pursuant to California Streets and Highways Code Sections 8300 et seq. and California Government Code Section 65402, the Planning Commission has the authority and responsibility to review and make recommendations to the City Council regarding the closure or vacation of streets and highways within the City; and

WHEREAS, on May 6, 2008, the Planning Commission reviewed the request for the vacation of Juarez Street and at which time the Planning Commission determined that it is consistent with the City's General Plan; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under 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.
NOW, THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1: ENVIRONMENTAL DETERMINATION

The City has analyzed the proposed street vacation and has determined that it is Exempt from the California Environmental Quality Act ("CEQA") under 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.

SECTION 2: FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s General Plan, the recommendation of the Community Development Director and documents incorporated therein by reference, and any other evidence within the record or provided at or prior to the public hearing of this matter, hereby finds and determines as follows:

1. The vacation of Juarez Street between Barbour Street and Westward Avenue is consistent with the City’s General Plan and in particular with the Circulation Element of the General Plan.

2. The vacation of Juarez Street between Barbour Street and Westward Avenue as shown in Exhibit A and Exhibit B made a part by this reference will benefit the City by providing an area to use for future industrial development. The location is described as that portion of that certain parcel of land described in a deed to the City of Banning recorded April 14, 1986, as Instrument No. 84327 of Official Records and those portions of Lots A and B of Parcel Map No. 27635 per map recorded in Book 182, pages 29 and 30 of Parcel Maps, records of Riverside County, more particularly described as follows:

   The west 30 feet of Block 183 of Map of Part of Banning Colony Lands, recorded in Book 3, page 149 of Maps, records of San Diego County. Except for the southerly 40 feet thereof.

   That portion of Block 183 of Map of Part of Banning Colony Lands, recorded in Book 3, page 149 of Maps, records of San Diego County lying northwesterly of a curve concave to the Southeast having a radius of 20 feet, said curve being tangent to the north line of said block and tangent to a line distant 30 feet east of and parallel with the west line of said block.

   Lot A and that portion of Lot B of Parcel Map No. 27635, per map recorded in Book 182, pages 29 and 30 of Parcel Maps, records of Riverside County, lying north of a line distant 40 feet north of and parallel with the south line of said lot;

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PC Resolution No. 2008-07
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 recommends City Council approval of a categorical exemption for the project under CEQA Guidelines Section 15061(B)(3) and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption.

2. Recommend Approval of Street Vacation #08-12501. The Planning Commission hereby recommends City Council approval of Street Vacation #08-12501 incorporated herein by reference as Exhibit A & B.

PASSED, APPROVED AND ADOPTED this 6th day of May 2008.

William Dickson, Vice Chairman
City of Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary for the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of May, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

PC Resolution No. 2008-07
EXHIBIT A

Juarez Street Abandonment

In the City of Banning, County of Riverside, State of California;

All that portion of that certain parcel of land described in a deed to the City of Banning recorded April 14, 1986 as Instrument No. 84327 of Official Records and those portions of Lots A and B of Parcel Map No. 27635 per map recorded in Book 182, pages 29 and 30 of Parcel Maps, records of Riverside County, more particularly described as follows:

The west 30 feet of Block 183 of Map of Part of Banning Colony Lands, recorded in Book 3, page 149 of Maps, records of San Diego County. Except for the southerly 40 feet thereof.

That portion of Block 183 of Map of Part of Banning Colony Lands, recorded in Book 3, page 149 of Maps, records of San Diego County lying northwesterly of a curve concave to the Southeast having a radius of 20 feet, said curve being tangent to the north line of said block and tangent to a line distant 30 feet east of and parallel with the west line of said block.

Lot A and that portion of Lot B of Parcel Map No. 27635, per map recorded in Book 182, pages 29 and 30 of Parcel Maps, records of Riverside County, lying north of a line distant 40 feet north of and parallel with the south line of said block.

Prepared by me or under my supervision

Gordon D Edwards
PLS 6678
Expiration 6-30-2008
PH-Street Vacation
#08-12501

LOCATION MAP

EXHIBIT “2”
PH-Street Vacation
#08-12501

COPY OF EXHIBIT "III-6"
GENERAL PLAN
CIRCULATION ELEMENT
STREET SYSTEM MAP

EXHIBIT "3"
STAFF REPORT
PLANNING COMMISSION

PC DATE: May 6, 2008
CASE NO: Variance # 08-301
REQUEST: TO OBTAIN A VARIANCE FOR LOT WIDTH AND SQUARE FOOTAGE FOR THE PURPOSE OF SUBDIVIDING A PARCEL INTO THREE LOTS. SUBJECT PARCEL IS LOCATED IN A LOW DENSITY RESIDENTIAL ZONING DISTRICT.
LOCATION: THE SITE IS LOCATED AT 2679 W. WILLIAMS STREET APN: 538-121-014
APPLICANT: OSCAR AMAYA.

GENERAL PLAN: LOW DENSITY RESIDENTIAL
ZONING: LOW DENSITY RESIDENTIAL
NORTH: SINGLE FAMILY RESIDENCE
SOUTH: MULTI-FAMILY COMPLEX
EAST: SINGLE FAMILY RESIDENCE
WEST: SINGLE FAMILY RESIDENCE

BACKGROUND AND REQUEST:

The subject site is located at 2679 W. Williams Street. The lot is approximately .49 acres in size and 156 feet wide by 132 feet in length. Property improvements include a 708 square foot single family residence with a one car garage and an accessory structure. The properties immediately to the north, east and west are developed with single family residences. The property to the south of the project site is a multi-family residential complex located in a HDR (High Density Residential Zone). The zoning on the site is LDR (Low Density Residential) as are all the surrounding lots located north of Williams Street. The project proponent is requesting approval of a variance for lot width (70’ minimum width permitted, 52’ requested) and minimum lot size (7,000 square feet minimum size permitted, 6,864 requested).

Public Notice

This proposal was advertised in the Record Gazette newspaper on April 25, 2008. All property owners within 300 feet of the site were mailed a public hearing notice on April 25, 2008. To date, no written comments have been received.
ANALYSIS:

In order to grant a variance, all six findings found in the Municipal Code Section 17.112.050 must be made in the affirmative. As evidenced in the attached resolution, Staff was not able to make affirmative findings on this proposal.

The primary reason that findings can't be made is that the applicant is requesting variances from current regulations for a property that can be fully developed and subdivided without a variance. There are no special circumstances that preclude the applicant from complying with current standards. The lot is large enough to expand upon, large enough to subdivide and is flat and unobstructed.

Currently there is a dwelling unit in the middle of the property, a 708 square foot house with a single car garage in dilapidated condition. The location of the house is the only condition that precludes the applicant from subdividing. The house would need to be moved or demolished in order to subdivide the property into two conforming lots. Alternatively, the property owner could remodel the existing house and expand it. Therefore, the owner is able to enjoy the same property rights as his neighbors do.

The proponent's argument is that there are some non-conforming lots in the neighborhood that are 50 feet wide and he is unable to enjoy the same opportunity to subdivide his property into lots of this width. However, the Municipal Code specifically excludes comparison with nonconforming properties as a case for approving a variance. Section 17.112.050 Finding D (Finding 4 in the Resolution) specifically states that: "a special privilege cannot be granted that is inconsistent with the limitations placed on other properties (not including non-conforming properties)".

The fact that the lots the applicant refers to were approved at 50 feet wide in the past under a former Zoning Ordinance does not constitute an opportunity to approve a variance. Rather it points to a nonconforming condition which, as stipulated in the Zoning Ordinance, the City makes an effort to abate whenever possible. The neighborhood contains older lots of varying sizes. However, four out of the eight lots located along Williams Street in the same block conform to the City's current standards for lot width, including the two lots located immediately west of the subject property which are 83 feet in width.

In addition, granting the variance would result in the maximum density of 5 units per acre being exceeded by placing three homes on slightly less than one half acre. Granting the variance would also create a nonconformity in regard to side-yard setbacks if the current home is not demolished or altered.

The granting of this variance would constitute a special privilege not granted to other properties in the neighborhood. There are no other properties in this area that have variances for a similar request. All the properties surrounding this site have been developed in accordance with the Zoning Ordinance that was effective at the time.
SUMMARY

The General Plan vision statement calls for "respecting and enhancing the character of our existing neighborhoods" and "encouraging high quality development". This variance, if granted, would create non-conformities by creating lots that are narrow and smaller than the minimum requirements of the Low Density Residential Zone. This would adversely affect neighborhood values by creating a streetscape appearance that is constricted and by restricting the type of housing product that will fit on the lot. This is contrary to the standards expected for development in this zoning district.

RECOMMENDATION:

The Planning Division recommends that: The Planning Commission adopt Resolution 2008-09, denying Variance #08-301.

PREPARED BY:

[Signature]
Kim Clinton
Senior Planner

REVIEWED BY:

[Signature]
Matthew Bassi
Interim Community Development Director

PC Exhibits:
1. PC Resolution 2008-09
2. Site Plan
VARIANCE #08-301

RESOLUTION
NO. 2008-09

EXHIBIT “1”
RESOLUTION NO. 2008-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA DENYING VARIANCE NO. 08-301, A REQUEST FOR LOT WIDTH AND LOT AREA TO SUBDIVIDE A SINGLE FAMILY LOT INTO THREE PARCELS LOCATED AT 2679 W. WILLIAMS STREET / APN 538-121-301.

WHEREAS, an application for VARIANCE NO. 08-301, a request for a variance for lot width and lot area to subdivide a single family lot into three parcels has been duly filed by:

Applicant / Owner: Oscar Amaya
Authorized Agent: Constantine Tziatzis
Project Location: 2679 W. Williams St.
APN Number: 538-121-301
Lot Area: .47 acres

WHEREAS, the Planning Commission has authority pursuant to Section 17.44.010 of the Banning Municipal Code to review and approve Variance No. 08-301 a request for a variance for density, lot width and lot area to subdivide a single family lot into three parcels; and

WHEREAS, on April 25, 2008 the City gave public notice by advertising in the Record Gazette newspaper and mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 6, 2008 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Variance and at which the Planning Commission considered the Variance.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS: CEQA does not apply to projects which are denied by the public agency per CEQA Guidelines Section 15270.
SECTION 2. VARIANCE FINDINGS:

In accordance with Section 17.112 of the Banning Municipal Code, the Planning Commission must make six findings in order to approve the proposed variance application. The Planning Commission makes the following findings supporting denial of Variance # 08-301:

1. There are no special circumstances applicable to the property, including size, shape, topography, geological or geographic conditions, in which the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and other identical land use district classifications. The subject parcel is not unique and there aren’t any special conditions that preclude it from enjoying the privileges enjoyed by other properties in the neighborhood. It is approximately .47 acres in size and is developed with a single family home. The size of the lot would permit expansion of the current use and with alterations to the existing development the lot could also be split into two parcels. There are no unique physical characteristics that prevent development, expansion or subdivision of this property under the current standards. No variances have been granted for lot width or area in this neighborhood.

2. Granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the variance is sought. Granting the variance is not necessary as the property is currently developed with a single family home consistent with others in the neighborhood that have been developed without variances. The subject property can be further improved and subdivided in compliance with the zoning standards.

3. Granting of the Variance will be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in such vicinity and land use district in which the property is located. Granting the variance will create non-conforming properties inconsistent with the minimum lot width (less than 70 feet) and size (less than 7,000 square feet) and would also create side-yard setbacks that are non-conforming (less than 10 feet). This would be inconsistent with existing and future development in the City’s Low Density Residential Zone.

4. Granting the Variance constitutes a special privilege inconsistent with the limitations upon other properties (not including non-conforming properties) or the vicinity and land use district in which the property is located. Granting of this variance would constitute a special privilege that is not granted to other properties in the vicinity in that these properties were and will be required to adhere to the City’s zoning regulations when they were developed.

5. Granting the Variance allows a use which is not otherwise expressly authorized by the regulations governing the subject parcel. The variance would create substandard, 52 foot wide lots substantially narrower than the 70 foot wide lot that is the is current minimum width permitted in the Low Density Residential Zone. The lot sizes would be 6,864 square feet, which is less than the 7,000 square foot minimum.
6. The granting of the Variance will be inconsistent with the General Plan. The General Plan land use density of 0-5 dwelling units per acre will be exceeded by allowing 3 units on less than one half acre if this variance is granted. GP Land Use Policy 5 states “All land use proposals shall be consistent with the goals, policies and programs of the General Plan and with the Zoning Ordinance”. To develop substandard lots on a property that has no unusual constraints would not be consistent with the goals, policies and standards of the Zoning Ordinance or the General Plan.

SECTION 3. PLANNING COMMISSION ACTIONS. The Planning Commission hereby takes the following actions:

1. Based upon the findings in Section 2, Variance #08-301 is hereby denied.

PASSED, APPROVED AND ADOPTED this 6th day of May 2008.

William Dickson, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP.
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. 2008-09, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of May, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

PC Resolution No. 2008-09
Variance 08-301

30
VARIANCE #08-301

SITE PLAN

EXHIBIT "2"
STAFF REPORT
PLANNING COMMISSION

PC DATE: MAY 6, 2008
CASE NO'S: ZONE TEXT AMENDMENT #08-97502
REQUESTS: AMENDMENT OF VARIOUS MUNICIPAL CODE PROVISIONS
LOCATION: CITYWIDE
APPLICANT: CITY OF BANNING

ENVIRONMENTAL CONSIDERATION: THE PROPOSED CHANGES TO THE ZONING CODE ARE NOT A PROJECT AS DEFINED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS STIPULATED UNDER SECTION 15061 (b)(3) OF THE GUIDELINES FOR THE IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND IS THEREFORE, EXEMPT.

BACKGROUND/ANALYSIS:

The Planning Commission and City Council reviewed and approved the General Plan and the Zoning Ordinance at the January 31, 2006 meeting. The General Plan and Zoning Ordinance have been in effect since March of that year. Since then, Staff continues to identify code provisions that need to be improved or clarified. Therefore, the purpose of this report is to provide modification to the Code for clarification/cleanup purposes.

Section 17.08.050 Accessory structures

Staff proposes to add the following text to Section 17.08.050

Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the primary dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure. Building Code regulations may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the footprint of the primary structure, and may be the same height as the principal structure. Second units are not considered accessory structures, and have specific development standards enumerated in Sec. 17.08.100. Commercial
cargo/storage containers are not considered accessory structures and their use is prohibited in residential zoning districts.

The above-listed provision will clarify that the use of commercial cargo/storage containers is prohibited in residential zoning districts.

**Section 17.28.030 General Regulations.**

Staff proposes to add the following text to Section 17.28.030

Section 17.28.030 General Regulations.

A. (Unchanged)
B. (Unchanged)
C. (Unchanged)
D. (Unchanged)
E. (Unchanged)
F. (Unchanged)
G. All parking, including recreational vehicle parking in residential zones, shall occur on paved surfaces of asphalt, concrete or similar materials.
H. Recreational vehicles that are required to be licensed but that are not currently registered with the DMV shall not be parked or stored on any property other than in a completely enclosed building.
I. Currently licensed or tagged recreational vehicles that are parked on property that is residentially zoned or is in current use as a residential property and are parked on such property in a location that is visible from the public right-of-way or any adjacent property shall meet the following requirements:
   1. Be demonstrably operational.
   2. Be visibly maintained in good condition. Maintained in good condition includes, but is not limited to, the vehicle shall not be under major or commercial repair, there shall be no parts of the vehicle stored in view of the public right-of-way or any adjacent property, visible surfaces of the vehicle shall not be rusted or have peeling paint, broken windows, tires shall not be flat, any covering shall not be torn and shall be properly attached.
   3. Parked on an all-weather surface. For the purpose of this section "all-weather surface" is defined as a parking surface made of a material that is impervious to water and, as installed, has sufficient strength to support the weight of the vehicle. Such surface shall be of a size at least equivalent to the footprint of the vehicle parked thereon and shall, at all times, be maintained in such a condition that it does not lose its strength or imperviousness to water.
   4. There shall be no more than two recreational vehicles parked on any parcel of \( \frac{1}{4} \) acre or less in area. There shall be no more than four recreational vehicles parked on any parcel greater than \( \frac{1}{4} \) acre in area.
   5. When a recreational vehicle is parked on a property other than a trailer park or authorized storage facility, water and power shall not be provided to the vehicle from any structure except as necessary for the maintenance of the vehicle and not
for a period exceeding 24 consecutive hours. Such recreational vehicles shall not be used for residential purposes, either for on-site occupants or their guests.
6. The parking of recreational vehicles on residentially zoned property is prohibited if closer than ten (10) feet to any curb or edge of pavement that constitutes or parallels the front property line of the parcel upon which it is parked. A recreational vehicle shall not be parked in a side yard in such a manner the vehicle as parked substantially eliminates the access to the rear yard.
7. No recreational vehicle shall be parked upon any residentially zoned property for compensation except as otherwise provided by this Code.
8. No recreational vehicle may be parked or stored on any public street or right-of-way except that a recreational vehicle may be temporarily parked on such street or right-of-way for the purpose of loading or unloading for a period of time not exceeding 72 consecutive hours. No less than 72 hours shall have elapsed since the recreational vehicle was so temporarily parked on such public street or right-of-way. No utilities may be connected to such temporarily parked recreational vehicle.
J. Existing residential lots of record which front on an arterial or secondary street, shall provide circular drives or turnarounds (Renumbered from H.)
K. For any use not listed in the tables below, the Director shall determine the parking required. (Zoning Ord. dated 1/31/06, § 9107.03.) (Renumbered from I.)

The above-listed provisions will clarify that the requirements for the parking of recreational vehicles on residentially zoned properties previously established when the City Council passed Ordinance No. 1316, on July 13, 2004.

RECOMMENDATION:

That the Planning Commission approve Resolution No. 2008-08, recommending to the City Council approval of Zone Text Amendments #08-97502.

PREPARED BY:  
Timothy Steenerson  
Development Services Manager

REVIEWED BY:  
Kim Clinton  
Senior Planner

RECOMMENDED BY:  
Matthew Bassi  
Interim Community Development Director

PC Exhibit:  
1. Resolution No. 2008-08
ZTA #08-97502

RESOLUTION
NO. 2008-08

EXHIBIT “1”
RESOLUTION NO. 2008-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT #08-97502, TO AMEND VARIOUS SECTIONS OF THE MUNICIPAL CODE RELATING TO ACCESSORY STRUCTURES AND PARKING.

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on the 25th day of April 2008, the City gave public notice as required under Zoning Code Chapter 17.68 by advertising in the Record Gazette newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on the 6th day of May 2008, The Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment and at which time the Planning Commission considered the Zone Text Amendment; and

WHEREAS, on the 6th day of May 2008, The Planning Commission voted unanimously to recommend to the City Council Zone Text Amendment #08-97502; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under 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.

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

Environmental Findings

1. CEQA: The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under 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, as here, 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 municipal code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION ONE: The Planning Commission of the City of Banning recommends to the City Council that the following be added to Section 17.08.050, as follows:

“Commercial cargo/storage containers are not considered accessory structures and their use is prohibited in residential zoning districts.”

SECTION TWO: The Planning Commission of the City of Banning recommends to the City Council that the following be added to Section 17.28.030, as follows:

“G. All parking shall occur on paved surfaces of asphalt, concrete or similar materials.

H. Recreational vehicles that are required to be licensed but that are not currently registered with the DMV shall not be parked or stored on any property other than in a completely enclosed building.

I. Currently licensed or tagged recreational vehicles that are parked on property that is residentially zoned or is in current use as a residential property and are parked on such property in a location that is visible from the public right-of-way or any adjacent property shall meet the following requirements:

1. Be demonstrably operational.

2. Be visibly maintained in good condition. Maintained in good condition includes, but is not limited to, the vehicle shall not be under major or commercial repair, there shall be no parts of the vehicle stored in view of the public right-of-way or any adjacent property, visible surfaces of the vehicle shall not be rusted or have peeling paint, broken windows, tires shall not be flat, any covering shall not be torn and shall be properly attached.

3. Parked on an all-weather surface. For the purpose of this section “all-weather surface” is defined as a parking surface made of a material that is impervious to water and, as installed, has sufficient strength to support the weight of the vehicle. Such surface shall be of a size at least equivalent to the footprint of the vehicle parked thereon and shall, at all times, be maintained in such a condition that it does not lose its strength or imperviousness to water.

4. There shall be no more than two recreational vehicles parked on any parcel of ¼ acre or less in area. There shall be no more than four recreational vehicles parked on any parcel greater than ¼ acre in area.

5. When a recreational vehicle is parked on a property other than a trailer park or authorized storage facility, water and power shall not be provided to the vehicle from any structure except as necessary for the maintenance of the vehicle and not for a period exceeding 24 consecutive hours. Such recreational vehicles shall not be used for residential purposes, either for on-site occupants or their guests.
6. The parking of recreational vehicles on residentially zoned property is prohibited if closer than ten (10) feet to any curb or edge of pavement that constitutes or parallels the front property line of the parcel upon which it is parked. A recreational vehicle shall not be parked in a side yard in such a manner the vehicle as parked substantially eliminates the access to the rear yard.

7. No recreational vehicle shall be parked upon any residentially zoned property for compensation except as otherwise provided by this Code.

8. No recreational vehicle may be parked or stored on any public street or right-of-way except that a recreational vehicle may be temporarily parked on such street or right-of-way for the purpose of loading or unloading for a period of time not exceeding 72 consecutive hours. No less that 72 hours shall have elapsed since the recreational vehicle was so temporarily parked on such public street or right-of-way. No utilities may be connected to such temporarily parked recreational vehicle.

J. Existing residential lots of record which front on an arterial or secondary street, shall provide circular drives or turnarounds.

K. For any use not listed in the tables below, the Director shall determine the parking required. (Zoning Ord. dated 1/31/06, § 9107.03.)”

RECOMMENDATION:

That the Planning Commission approve Resolution No. 2008-08, recommending to the City Council approval of Zone Text Amendment #08-97502.

PASSED, APPROVED AND ADOPTED this 6th day of May 2008.

William Dickson, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Burke, Williams & Sorensen
City of Banning, California

Reso No. 2008-08
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of May, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California