I. CALL TO ORDER: Chairman Bill Dickson

➢ Pledge of Allegiance: Commissioner Buddy Hawkins

➢ Roll Call: George Hansen, Community Development Director

Chairman Bill Dickson, Commissioner Harold Barsh, Commissioner Bill Escandel, Commissioner Buddy Hawkins, Commissioner Kevin Siva.

II. 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.

III. CONSENT CALENDAR ITEMS:

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

1. APPROVAL OF PC MINUTES:

➢ August 5, 2008

➢ August 19, 2008

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Page 4
IV. PUBLIC HEARING ITEMS:

1. **Design Review #07-7014:** A request to remodel and expand Green Thumb Produce; a retail/wholesale market located at 2648 W. Ramsey Street (APN 538-190-011 & 040).

**Recommendation**

Staff recommends that the Planning Commission adopt PC Resolution No. 2008-22, approving Design Review Application #07-7014, with conditions.

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V. PLANNING COMMISSIONER COMMENTS

VI. DIRECTORS REPORT

1. Status update for ZTA #08-97502 (Storage & RV Parking) and ZTA #08-97508 (Churches in HSC Zone & Lot Coverage)

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2. November 4th Planning Commission meeting reschedule discussion

3. City Council Actions on Planning-Related Items (Oral Report)

4. Presentation by City Attorney: “The Importance of Findings in Land Use Decisions” (Oral Report)

VII. FUTURE PROJECTS – NOVEMBER MEETING

- Design Review Application #08-708 - O’Donnell Industrial Park
- ZTA #08-97509 - Wireless Code Amendment
- ZTA #08-97511 - Mural Ordinance Amendment
- GPA #08-2503 - Draft Housing Element Review

VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of November 4, 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]
City of Banning

PLANNING COMMISSION MINUTES

August 5, 2008

A regular meeting of the City of Banning Planning Commission was held on Tuesday, August 5, 2008, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  Chairman Dickson
                          Commissioner Barsh
                          Commissioner Escandel
                          Commissioner Hawkins

Commissioners Excused:  Commissioner Siva

Staff Present:  Interim Community Development Director Bassi
               Deputy City Attorney Erica Ball
               Senior Planner Clinton
               Fire Marshal Yarbrough
               Recording Secretary Sorenson

I. CALL TO ORDER

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

II. PUBLIC COMMENTS

No one came forward.

III. CONSENT CALENDAR

1. Review of Minutes

   ACTION (ESCANDEL / BARSH): A motion was moved, seconded and carried that the minutes of the May 30, 2008 Joint Planning Commission and City Council workshop and the July 1, 2008 Planning Commission meeting be approved as presented.

   (Motion carried 4-0) (Commissioner Siva was absent)
IV. PUBLIC HEARING:

1. General Plan Amendment No. 08-2501 & Zone Change No. 08-3501:
   A request by Mr. Darwin Manuel (applicant) to amend the General Plan Land Use Element and Zoning Map from Industrial (I) to General Commercial (GC) for the properties generally located at the southwest corner of San Gorgonio Avenue and Lincoln Street (APN No. 540-250-008 & 061).

Senior Planner Clinton presented the staff report and stated that this request is being made to allow a John's Restaurant to be constructed. The site is currently vacant and a portion is slated for a residential housing development and there is an approved tentative map on that portion. The parcel is surrounded to the south by residential zoning, the rest of the surrounding area to the north, east and west is zoned Industrial, as is this parcel. Staff believes that this requested zoning is a good transitional use between Industrial and Residential uses. Ms. Clinton emphasized to the commissioners that there are no guarantees if the zoning is changed, that the restaurant will be built. The Zone Change runs with the land. The developer of the restaurant would have to come in for Design Review. Staff recommended approval of the General Plan Amendment and Zone Change.

Darwin Manuel, 539 S. Brea Blvd, Brea CA, the applicant, came forward to discuss his project. Mr. Manuel stated that he is in agreement with the staff report and the conditions of approval.

ACTION (BARSH / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2008-16 (Attachment 1) recommending City Council approval of General Plan Amendment No. 08-2501 & Zone Change No. 08-3501.

(Motion carried 4 – 0) (Commissioner Siva Absent)

2. General Plan Amendment #08-2502 & Zone Change #08-3503:
   A request by Gene Taylor (applicant) to amend the General Plan Land Use Element and Zoning Map from General Commercial (GC) to Business Park (BP) for the property located at 2909 W. Lincoln Street (APN No. 538-190-015).

Senior Planner Clinton presented the staff report and stated that the name of the business is Sunset Storage. This project has 97,800 square feet of self storage and 53,880 square feet of buildings that are a mix of commercial and high industrial shops. This project was approved in the 1980's and was in M zoning (Manufacturing) at that time. In the 1990's the zoning was changed to C-2 (General Commercial) and from that time the industrial uses and the self storage uses have been non-conforming. The applicant wishes to change the zoning to Business Park because he has had difficulty finding tenants and securing loans to improve this property, because of the non-conforming buildings. Staff recommended approval of the General Plan Amendment and the Zone Change.
Gene Taylor, managing partner of Sunset Storage, came forward to speak. Mr. Taylor stated that the two industrial buildings are the biggest problem with the property. He also stated that he has no desire to have heavy industrial uses on the site. He would prefer office/warehouse uses which are not permitted under the current zoning. Mr. Taylor said the proposed change in zoning would help him refinance to upgrade the property.

ACTION (BARSCH / HAWKINS): A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2008-17 (Attachment 1) recommending to the City Council approval of General Plan Amendment No. 08-2502 and Zone Change No. 08-3503.

(Motion carried 4 – 0) (Commissioner Siva Absent)

V. PLANNING COMMISSIONER’S COMMENTS

No comments at this time.

VI. DIRECTOR’S REPORT

Interim Director Bassi stated that both of the projects that the Commission just approved will be going to the City Council in September. He also mentioned our new Community Development Director, George Hansen, will start on August 18, 2008.

Chairman Dickson, on behalf of the Commission, expressed appreciation to Mr. Bassi for the time he has been with the City.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:02 p.m.

Respectfully submitted,

[Signature]
Gini Sorensen
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

August 19, 2008

A special meeting of the City of Banning Planning Commission was held on Tuesday, August 19, 2008, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Dickson
Commissioner Barsh
Commissioner Escandel
Commissioner Hawkins

Commissioners Excused: Commissioner Siva

Staff Present: Community Development Director Hansen
Interim Community Development Director Bassi
Deputy City Attorney Tom Jex
Senior Planner Clinton
Fire Marshal Yarbrough
Recording Secretary Sorenson

I. CALL TO ORDER

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

II. PUBLIC COMMENTS

No one came forward.

III. CONSENT CALENDAR

No items at this time.

IV. PUBLIC HEARING:

1. Design Review #08-701: A Request to Build an 11,937 square foot Retail Center and Gas Station, located at the northwest corner of Ramsey and Hargrave Streets. (APN No. 541-150-015).
Senior Planner Clinton presented the staff report and stated that this application is a request to build an 11,937 square foot retail center and gas station. The site will include 16 gas pumps, a picnic area, propane filling area, car wash, office space, fast food restaurant and three retail shops on 2.35 net acres. The site is in the General Commercial zone and is surrounded by commercial properties. The project parcel actually goes all the way to Williams Street and a portion of the parcel will remain vacant. The applicant hopes to develop it in the future. Ms. Clinton pointed out that there is a condition that is not included in the staff report to hydro-seed the remaining portion, just to keep the dust down and to maintain that until they do develop the parcel. The project is adequately parked for the uses proposed and the design elevations meet all of the City’s standards.

Commissioner Escandel had some questions about fueling trucks and had concerns about drive-ways. Ms. Clinton responded that the applicant tried to cut down on the number of drive-ways on Ramsey Street for safety reasons.

Chairman Dickson stated he wanted the project to adhere to dark sky lighting and asked if the car wash was automatic. Ms. Clinton responded that the car wash was automatic and that we have a condition that states the project must have zero lumens at the property line.

Dan Haskins, principal of Land Engineering Consultants, 650 Avenue K, Calimesa CA 92320, the engineer on the project, came forward to discuss where the fuel tanks will be and how the trucks will circulate. Rumi Solainon, owner of the property, came forward to mention that his standard fueling time is between 3:00 – 4:00 a.m.

**ACTION (ESCANDEL / HAWKINS): A motion was moved, seconded and carried that the Planning Commission adopt PC Resolution No. 2008-18 (Attachment 1) approving Design Review No. 08-701.**

*(Motion carried 4 – 0) (Commissioner Siva Absent)*

2. Conditional Use Permit #08-802: A Request to Establish a Child Day Care Center in an Existing Building located at 4029 W. George Street. (APN 537-031-002).

Senior Planner Clinton presented the staff report and stated that this is a request to establish a child day care center in an existing building that was previously a church dormitory. This project is in the Low Density Zoning district and a conditional use permit is required for the use. There is sufficient parking provided. The site plan does not show the design of the play yards and there is a condition that before occupancy, the applicant must demonstrate that they have complied with state standards as far as these play areas are concerned. The applicant has requested the CUP for up to 79 children and to phase the improvements of the play yards. Staff has recommended that they do not phase those improvements, as staff does not have a way to assure that they have only a certain age group of children there at any one time. Staff has asked the applicant to use either block
wall or wrought iron fencing around the project. If they use wrought iron fencing, we are conditioning them to plant it with some kind of hedge or vine for an additional buffering of the children from the street and surrounding area. Staff recommends approval of this project as conditioned.

Commissioner Escandel indicated he had concerns about spacing between pickets in the wrought iron fencing. Ms. Clinton stated she would check with the state to be certain that there is a standard for enclosing play yards. Mr. Escandel stated he just wants to be sure it complies with state regulations.

Rosie Perez, 4029 W. George Street, Banning CA 92220, part owner of the property, came forward to discuss her project. She stated they would comply with the state standards. She said they would naturally hope to have 79 children enrolled, however, when they apply to the state, they will be applying for 30 children at first. They are aware that if they get to capacity, they need to be ready. Chairman Dickson stated that he shared Ms. Clinton’s view that they should be ready for the maximum number of children from the beginning.

**ACTION (HAWKINS / BARSH):** A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2008-15, approving CUP #08-802 based on the findings and conditions of approval; (attached hereto as Attachment “1” and incorporated by reference).

**(Motion carried 4 – 0) (Commissioner Siva Absent)**

3. **Conditional Use Permit Amendment #08-803:** A Request to Construct a 3,578 square foot Multipurpose Building for Calvary Church located at 1387 E. Ramsey. (APN 541-170-024,029).

Senior Planner Clinton presented the staff report and stated that this request is to expand the church facility into the west parcel and there is an existing single family house there. They would like to remodel the house to include 3,578 square feet to be used as a multipurpose room, eight offices and restrooms. The parcels will then be combined into one lot and this will be one full campus. The parking provided will be 14 spaces on the new site and there are 33 spaces on the existing site. Staff is recommending a condition that they pave and restripe all the parking lots of both the church and the multipurpose building at one time. Also to re-landscape the planters around the existing church as well as landscaping the new portion. There will be block walls built around this portion of the project and they have already built some walls on the church parcel. This project will also have a remainder parcel involved. This parcel will need to be kept clean and maintained. Staff has included a condition that if there becomes a problem with parking in the future, then they should pave and park on this remainder parcel. This project is in the Business Park zone. Staff recommended approval of the project.
Commissioner Escandel stated that he assumed the new building would meet and/or exceed any fire conditions, including sprinkler systems. Captain Yarbrough came forward to state that the new Fire Code provides that any building that requires a fire flow of more than 1500 gallons per minute would need a fire sprinkler system. They have not evaluated the size of the project yet to determine if that will be the case, but they think it will need sprinklers. He also stated they have Fire conditions attached to the project. Commissioner Escandel also had questions about the new offices possibly being used as Sunday School classrooms. He felt if they were ever used for classrooms there should be a second exit for the rooms. Interim Director Bassi responded that the CUP is for offices and there could be a condition added that if they decide later on to use the offices as classrooms, they could come back for an amendment and then meet all the fire safety requirements for classrooms. Commissioner Escandel still would like to see doors on all the eight offices. Captain Yarbrough responded that he would have to check the code to be certain, but he believed that classrooms with an occupant load of more than twenty requires a second exit door and if less, then it does not.

Chairman Dickson mentioned that he felt the extra doors would be a tremendous burden on the applicant at this time. Mr. Bassi stated that City Attorney Jex commented that we could add a condition that states something to the effect that prior to issuance of building permits, as part of the Fire Department review of plans, that if there are going to be classrooms, they need to provide a secondary access. They have to meet Fire Code requirements. So if they come in with plans that say they are going to have classrooms, you can be certain that the Fire Department will make them provide the proper safety features. Captain Yarbrough reminded the Commissioners that during the course of inspections over the years, if they transitioned the offices into classrooms, and the classrooms use exceeded what was required for a single opening, then the Fire Department would require a second door be installed.

Robert Helm, general contractor for the project, and Lucius Jones, pastor of the church, 1387 E. Ramsey Street, Banning CA 92220, came forward to answer questions about their project.

**ACTION (BARSH / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2008-19, approving the CUP Amendment #08-803, based on the findings and conditions of approval; (attached hereto as Attachment “1” and incorporated by reference).

(Motion carried 4 – 0) (Commissioner Siva Absent)

**V. PLANNING COMMISSIONER'S COMMENTS**

Commissioner Hawkins stated he wanted to thank staff for the General Plan Annual Progress Report. He thought it was interesting reading.
VI. DIRECTOR'S REPORT

Interim Director Bassi presented an overview of the General Plan Annual Progress Report. There were approximately 265 implementation programs and the City has done quite well in taking proactive steps to implement these programs. About 45 programs have not been implemented yet and that is primarily due to budget constraints and staffing issues. Staff recommended that the Planning Commission forward this report to the City Council for review and support. Commissioner Escandel mentioned that he would like the words livestock, horses and cattle added to the trail system section of the General Plan.

ACTION (BARSH / HAWKINS): A motion was moved, seconded and carried that the Planning Commission recommend that the General Plan Annual Progress Report be forwarded to the City Council for review and adoption.

(Motion carried 4 – 0) (Commissioner Siva Absent)

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:28 p.m. to the October 7, 2008 meeting.

Respectfully submitted,

Gini Sorensen
Recording Secretary
DATE: October 7, 2008

TO: Mr. Chairman and Members of the Planning Commission

FROM: City of Banning Planning Division

SUBJECT: Design Review No. 07-7014:
A request by Mr. Lonnie Saverino (applicant) to remodel and expand Green Thumb Produce; a retail/wholesale market located at 2648 W. Ramsey Street (APN No. 538-190-011 & 040).

PROJECT DESCRIPTION AND ANALYSIS

Project Location:
The project site is located on the south side of Ramsey Street, west of 22nd Street. North across Ramsey Street is Pepe's Mexican Restaurant and J.S. Collision auto body shop. To the west is a music store. To the east is an RV sales lot. To the south is the Interstate 10 Freeway. The project is located in the Highway Serving Commercial (HSC) Zone. Please refer to the attached aerial photo (attachment 1).

Project Description: The applicant is proposing to upgrade the façade of the existing market and add a sit-down restaurant and bakery in the front portion of the project facing Ramsey Street. The new construction will extend west on to the adjacent lot 40, which will be merged with the developed parcel yielding 4.73 acres. Additional parking will be created on the adjacent lot and the entire parking lot will be upgraded with new paving, striping and landscaping. The cold storage/packing area will also be expanded and an employee lounge, restrooms and conference room will also be built behind the retail shops. A 1600 square foot office area for Green Thumb will be added within the mezzanine area. The main addition is approximately 21,000 square feet in size. Please refer to the attached plans booklet (attachment 2).

Below is a chart showing the minimum development standards for the Highway Serving Commercial (HSC) zone and how the proposed project meets these standards.
<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>10'</td>
<td>130'</td>
</tr>
<tr>
<td>Side setback</td>
<td>0'</td>
<td>37'/30'</td>
</tr>
<tr>
<td>Rear setback</td>
<td>0'</td>
<td>25'</td>
</tr>
<tr>
<td>Building sf</td>
<td>25,447 existing</td>
<td>21,000 proposed</td>
</tr>
<tr>
<td>Lot coverage %</td>
<td>35%</td>
<td>23%</td>
</tr>
<tr>
<td>Parking spaces</td>
<td>42 Production/cold-storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>96 retail/ office=138 required.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>With a 10% parking adjustment -14 spaces and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>-11 flex space allowance for staggered A.M. /P.M. uses =113 spaces required.</td>
<td></td>
</tr>
<tr>
<td>Building height</td>
<td>35 feet 2 story</td>
<td>24 feet 2 story</td>
</tr>
<tr>
<td>Acreage</td>
<td>6,000 sf</td>
<td>4.73 acres</td>
</tr>
</tbody>
</table>

**ANALYSIS:**

**Zoning:**

The site is located in the Highway Serving Commercial (HSC) zone. This zone permits warehouse stores, grocery stores, bakeries and restaurants. The Green Thumb complex now consists of a produce warehouse operation and grocery store outlet for the produce and other groceries and the expansion will add a sit-down restaurant and bakery to the array of uses provided at the site.
Site Plan:

The site will be accessed by three driveways. The middle driveway is to be relocated further west to line up with the left turn lane that currently exists on Ramsey Street. The truck traffic will utilize the east and west driveways that access the loading areas on either side of the building. Staff would like to see more landscaping in front of the eastern loading area and is proposing a condition that a row of trees and hedges be placed along the length of the northerly parking stalls to screen the loading area from Ramsey Street.

Parking:

The Community Development Director is recommending approval of a 10% parking adjustment as permitted by Ordinance 1364. Since the parking requirements are based on peak hour use and the retail and packing areas will be operating at staggered peak hours, the recommendation is to also be flexible about the number of spaces required based on actual need. For example, the packing house workers come in to work at 4:00 a.m. and will be finished by midmorning, freeing up the parking spaces used by those employees for the peak hour use of the retail businesses such as the market and bakery which will have peak hour usage in the midmorning to late afternoon. When the bakery and market close in the evening, the entire parking lot of 113 spaces will be available for peak-hour use at dinnertime for the sit-down restaurant.

Architecture:

A Mediterranean theme is being used to dress up the existing building through the use of heavy timber arbor, “Canterra” stone columns and tower elements with clay tile roofing added to the façade. Along the freeway, large murals depicting produce are proposed. The applicant is working with the mural committee to obtain design approval of the murals. The new building will use the same detailing and the effect will tie the old and new together. The arbor will run along the building façades to connect with the newer tower elements providing covered walkways for pedestrians moving between the grocery and the bakery/restaurant area. The rooftop equipment will need an additional parapet wall to be adequately screened and the project is conditioned to provide this. The small building located closest to Ramsey Street on the east end of the project site is not shown on the elevations but is conditioned to be upgraded in the same style.

Landscaping/Grading:

The applicant is conditioned to provide enhanced paving along the proposed access drive and the project is conditioned to provide a wall around the entire site. Additional trees are conditioned to be added to help to buffer the loading dock. The plant palette is conditioned to be drought tolerant. The applicant will be required to comply with best practices for storm water quality. The retention basin design will need to be reviewed by Community Development and the consulting landscape architect to assure that it meets both engineering and aesthetic standards.
Economic Development:

Green Thumb Produce is a long-standing and valued asset to the community and this proposal to upgrade the existing facility and add more retail components to the business will provide new retail uses in an area along Ramsey Street that has not had new retail development for many years. The project will be an asset to the neighborhood and will significantly improve the look of the I-10 corridor by providing colorful murals and a new architectural façade along the freeway.

The proposed project design, as conditioned, is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Ordinance.

DESIGN REVIEW FINDINGS:

The Zoning Ordinance requires that each Design Review application meet certain findings in Section 17.56.050 to be approved. The following findings are provided for Commission consideration:

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

   Findings of Fact: The General Plan Land Use Element as well as a Zoning District designation of Highway Serving Commercial (HSC) allows for the development of warehouse stores, groceries, restaurants and bakeries.

2. The proposed project is consistent with the Zoning Ordinance, including development standards and guidelines for the district in which it is located.

   Findings of Fact: The Zoning District designation Highway Serving Commercial (HSC) allows for the development of warehouse stores, groceries, restaurants and bakeries. The project meets the development standards, including:

   - Minimum front yard setback (130’ provided versus 10’ required);
   - Minimum rear yard setback (25’ provided versus 0’ required);
   - Minimum side yard setback (30’ provided versus 0’ required);
   - Maximum lot coverage (23% proposed versus 35% maximum allowed).

3. The design and layout of the proposed project will not unreasonably interfere with the use or 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 unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards. The building is adjacent to the I-10 freeway and, direct access will be taken from Ramsey Street, a major 110-foot-wide arterial roadway. Three driveways will serve the...
project, and an existing left turn pocket will connect with one of the driveways to further
enhance access from Ramsey Street. The project is conditioned to be surrounded by a
six-foot-high decorative block wall that will provide a buffer from neighboring uses.

4. The design of the project is compatible with the character of the surrounding
neighborhood.

Findings of Fact: The architectural elevations for the project reflect a contemporary
Mediterranean style, including smooth stucco, tile roofing, vine covered trellises and
murals reflecting Italian themes. The site will be fully landscaped and will include
decorative paving at the driveway entrances. Although this style is not found
immediately adjacent to this site, the project will greatly enhance the immediate area
surrounding the site which currently consists of an RV sales lot, auto body shop, retail
store and restaurant located in older buildings that have not been upgraded or landscaped.

CEQA REVIEW:

Upon submittal of the application, staff reviewed the proposed project in accordance with the
California Environmental Quality Act (CEQA) guidelines. After examining the proposed
project, staff determined that the project is Categorically Exempt under Section 15332 (Class 32,
(In-fill Development) of CEQA. The proposed project as approved will be consistent with the
General Plan and Zoning Ordinance, the parcel is smaller than five acres, the project site has no
value as habitat for endangered, rare or threatened species, the project will not have a significant
effect upon the environment and the site can adequately be served by utilities and public
services.

PUBLIC COMMUNICATION:

This proposal was advertised in the Record Gazette newspaper on September 26, 2008. All
property owners within 300 feet of the site were mailed a public hearing notice. To date, no
written comments have been received for or against the project.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

seq. and CEQA Guidelines § 15332, and direct the Community Development Director to
prepare a Notice of Exemption,

2. Approve Resolution No. 2008-22, approving Design Review Application #07-7014, subject
to the conditions.
Respectfully submitted,

Kim Clinton, AICP
Senior Planner

Reviewed by:

George Hansen, AICP, ASLA
Community Development Director

Exhibits:
1. Vicinity Map
2. Plans Booklet (Under Separate Cover)
3. Resolution No. 2008-22 for DR#07-7014 (with Conditions of Approval)
RESOLUTION NO. 2008-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #07-7014 TO EXPAND GREEN THUMB PRODUCE, BY ADDING A RESTAURANT, A RETAIL BAKERY AND PACKING/COLD STORAGE AREA PROJECT SITE IS COMPRISED OF 4.73 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE. (APN 538-190-011 and 040).

WHEREAS, an application for an expansion of Green Thumb Produce, has been duly filed by:

Applicant/Owner: Lonnie Saverino
Project Location: 2648 Ramsey Street
APN Number: 538-190-011 and 040
Lot Area: 4.73 acres

WHEREAS, the Planning Commission has the authority per section 17.44.010 of the Banning Municipal Code to take action on Design Review #07-7014 to add a restaurant, a retail bakery and packing/code storage room, with additional parking;

WHEREAS, the applicant is requesting approval of Design Review #07-7014 for the site development plans for a 2100 square foot building expansion on 4.73 acres in the Highway Serving Commercial Zone, in compliance with Banning Municipal Code Section 17.12.010; and,

WHEREAS, on September 26, 2008 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on October 7, 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 Design Review at which the Planning Commission considered the Design Review; and

WHEREAS, the Community Development Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15332 "In-fill Development and that 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 Report dated October 7, 2008 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 15332 in that the staff report submitted by the Community Development Department and other findings made in this Resolution demonstrate that: the Design Review #07-7014 is consistent with the Highway Serving Commercial General Plan designation and all applicable General Plan polices as well as with applicable zoning designations; Design Review #07-7014 is located within the boundaries of the City of Banning; the area within Design Review #07-7014 comprises less than five acres and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Design Review #07-7014 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

   (b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15322 from exempting the project for the following reasons:

      (i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

      (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 Highway Serving Commercial (HSC) zoning standards regulates the land use around the site. There is a retail store to the west; an interstate freeway (I-10) to the south; and an RV sales lot to the east. To the north is an auto body repair shop and a restaurant. This is an older neighborhood and is mostly built-out.

      (iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the retail packing house uses are not in itself a hazardous use, the City's utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.
(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 and the subject and surrounding properties are developed with commercial enterprises.

(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. The site is developed with a grocery store and other buildings and a parking lot, a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource 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 17.56.040 and in light of the record before it including the staff report dated October 7, 2008 all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

A. Section 17.56.050 requires that the Design Review satisfy each of the findings under the Banning Municipal Code Section 17.56.040. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

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

   **Findings of Fact:** The General Plan Land Use Element as well as a Zoning District designation of Highway Serving Commercial (HSC) allows for the development of warehouse stores, groceries, restaurants and bakeries.

2. The proposed project is consistent with the Zoning Ordinance, including development standards and guidelines for the district in which it is located.

   **Findings of Fact:** The Zoning District designation Highway Serving Commercial (HSC) allows for the development of warehouse stores, groceries, restaurants and bakeries. The project meets the development standards, including:

   - Minimum front yard setback (130’ provided versus 10’ required);
   - Minimum rear yard setback (25’ provided versus 0’ required);
   - Minimum side yard setback (30’ provided versus 0’ required);
   - Maximum lot coverage (23% proposed versus 35% maximum allowed).

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PC Reso No. 2008-22
3. The design and layout of the proposed project will not unreasonably interfere with the use or 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 unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards. The building is adjacent to the I-10 freeway and, direct access will be taken from Ramsey Street, a major 110-foot-wide arterial roadway. Three driveways will serve the project, and an existing left turn pocket will connect with one of the driveways to further enhance access from Ramsey Street. The project is conditioned to be surrounded by a six-foot-high decorative block wall that will provide a buffer from neighboring uses.

4. The design of the project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The architectural elevations for the project reflect a contemporary Mediterranean style, including smooth stucco, tile roofing, vine covered trellises and murals reflecting Italian themes. The site will be fully landscaped and will include decorative paving at the driveway entrances. Although this style is not found immediately adjacent to this site, the project will greatly enhance the immediate area surrounding the site which currently consists of an RV sales lot, auto body shop, retail store and restaurant located in older buildings that have not been upgraded or landscaped.

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 for the project under CEQA Guidelines Section 15332 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. Design Review #07-7014 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 of the project. 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 October, 2008.

William Dickson, Chairman
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. 2008-22, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of October, 2008 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: Design Review #07-7014
SUBJECT: Green Thumb Produce Expansion
APPLICANT: Lonnie Saverino
LOCATION: 2642 & 2648 W. Ramsey Street

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125,
FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

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

2. A Design Review shall be exercised by the commencement of construction within 2 years from the date of approval or the Design Review shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. Projects may be built in phases if pre-approved by
the review authority. Extension: The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

3. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.

4. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

5. A parcel merger to combine lots 538-190-040 and 538-190-011 shall be approved prior to building permit issuance.

B. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

6. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.

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7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties with zero lumens at the property lines. The design of the lighting fixtures shall compliment the architectural program.

C. Building Design

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

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

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

4. A six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.

5. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins.
   d. Roll-up doors.
   e. Trash bins with counter-weighted lids.
   f. Architecturally treated overhead shade trellis.
   g. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

6. Trash collection shall occur between the hours of 8:00 and 6:00 only.

7. Graffiti shall be removed within 72 hours.
8. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

9. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits. The plans shall be modified to add a planter row of trees and shrubs north of the eastern truck loading area sufficient to screen the loading area from Ramsey Street. The retention areas shall be designed to be aesthetically pleasing in addition to being functional. Detail plans of the arbors and trellises along the building frontage shall be submitted and the structural members shall be of sufficient size and scale as to be a permanent architectural detail.

10. A detailed on-site lighting plan, including a photometric diagram, that illustrates “0” lumens at the property line, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

11. The entire project, (including the existing separate storage building located closest to Ramsey Street on the east end of the project) shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

12. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

D. Parking and Vehicular Access (indicate details on building plans)

1. All parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

2. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb).

3. Textured and colored pedestrian pathways and textured and colored pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/ recreational uses.

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

6. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 parking stalls (no less than 1) shall be served by an access aisle 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible.

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7. Carpool and vanpool designated off-street parking close to the building shall be provided for commercial, office, and industrial facilities at the rate of 10 percent of the total parking area. If covered, the vertical clearance shall be no less than 9 feet.

E. Landscaping

1. A detailed landscape and irrigation plan, including slope planting, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits. Plans shall include site furnishings, pedestrian lighting and detail plans of all trellises and arbors. Two plans shall be submitted to the Community Development Department along with a plan check fee.

2. A minimum of a minimum of 30% within commercial and office projects, shall be specimen size trees - 36-inch box or larger.

3. Within parking lots, trees shall be planted at a rate of one tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

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

5. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

6. All private slopes in excess of 5 feet, but less than 8 feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover.

7. All private slopes in excess of 8 feet in vertical height shall include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

8. For the project property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.

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

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10. A six foot block perimeter wall is required to be installed around the entire project. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

11. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

12. Landscaping and irrigation shall be designed to conserve water through the principles of xeriscape.

F. Environmental

1. A final acoustical report shall be submitted for Community Development Director review and approval prior to the issuance of building permits. The final report shall discuss the level of interior noise attenuation to below 45 CNEL, the building materials and construction techniques provided, and if appropriate, verify the adequacy of the mitigation measures. The building plans will be checked for conformance with the mitigation measures contained in the final report.

G. Other Agencies

1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

BUILDING AND SAFETY CONDITIONS:

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

H. General Requirements

1. Submit five complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
   e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

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2. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

3. Separate permits are required for fencing and/or walls.

4. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

I. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., DR 07-7014). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

3. Street addresses shall be provided by the Building Official, after tract/parcel map recordation and prior to issuance of building permits.

4. For projects using septic tank facilities, written certification of acceptability, including all supportive information, shall be obtained from the Riverside County Department of Environmental Health and submitted to the Building Official prior to the issuance of Septic Tank Permits, and prior to issuance of building permits.

5. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

6. Construct trash enclosure(s) per City Standard (available at the Planning Division's public counter).

7. Submit pool plans to the County of Riverside's Environmental Health Services Department for approval.

8. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 1/2" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.
J. New Structures

1. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistance.

2. Provide compliance with the Uniform Building Code for required occupancy separation(s).

3. Roofing material shall be installed per the manufacturer’s "high wind" instructions.

4. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

5. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

6. Provide draft stops in attics in line with common walls.

7. Roofing materials shall be Class "A."

8. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A

9. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.

10. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.

11. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistant construction.

12. Provide smoke and heat venting in accordance with UBC Section 906.

13. Provide method of airborne and impact sound transmission control between dwelling units.

14. Upon tenant improvement plan check submittal, additional requirements may be needed.

K. Grading

1. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

2. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

3. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

4. The final grading plans shall be completed and approved prior to issuance of building permits.

5. As a custom-lot subdivision, the following requirements shall be met:
   
   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building

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and Safety Division prior to final map approval and prior to the issuance of grading permits.

b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

d. Final grading plans for each parcel are to be submitted to the Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).

e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.

6. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

ENGINEERING CONDITIONS:

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The Department of Public Works recommends the Conditions of Approval listed herein for Design Review No. 07-7014. Unless stated otherwise, all conditions shall be completed by the applicant at no cost to any government agency.

The following conditions of approval shall be completed prior to issuance of a building permit:

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

2. Submit a grading plan to the City Engineer for review and approval showing drainage patterns (existing and proposed contours, flow lines, etc.), elevations and any required cut or fill. The plan shall provide for positive drainage away from, and around existing and proposed structures in accordance with City of Banning standard plans and specifications dated January 1, 1983. All drainage from the property shall drain to the public right-of-way, or owner shall obtain drainage easement, or encroachment permit from Caltrans.
3. Obtain a grading permit. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

4. The applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP’s) as outlined in Supplement “A” to the Riverside County Drainage Area Management Plans and any attachments (see Riverside County Flood Control and Water Conservation District stormwater quality web site at http://floodcontrol.co.riverside.ca.us/districtsite for more information).

5. Site is located in a Floodway as identified in Flood Insurance Rate Map (FIRM) dated August 28, 2008. Provide certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

6. Submit a copy of the Title Report to the City Engineer prior to grading plan review and approval.


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

2. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.

3. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMP’s”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.

5. All erosion and sediment control BMPs proposed by the applicant shall be

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approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

6. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

8. Direct vehicular access to Ramsey Street from any portion of the site frontage shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded by a separate instrument and run with the land.

9. Submit detailed drawings showing the existing and proposed utility connections (water, sewer, electric, etc.) to the City Engineer for review and approval. Construct all necessary infrastructures to provide utilities to the proposed project. Contact the Public Works Department prior to any utility construction as a Public Works Permit may be required.

10. Pay all applicable water and sewer connection, frontage, and water meter fees, as outlined in the City of Banning, Ordinance Numbers 1320 and 1321. Pay all other applicable plan check fees.

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

The following conditions of approval shall be completed prior to issuance of a certificate of occupancy:

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

13. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

14. Place the property address numbering in a conspicuous place in accordance with Section 21-21 of the Banning Municipal Code.

15. Standards for flood hazard reduction shall be implemented in accordance with Banning Municipal Code Section 8A-16 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

16. Construct the following public improvements:
a. Sidewalk fronting Ramsey Street per City of Banning Standard No. C-215. Sidewalk width in commercial zones shall be 8 feet.

b. Drive approaches fronting Ramsey Street shall be curb return style (commercial) with an apron depth of 16 feet minimum, designed by a civil engineer licensed by the State of California. Dedicate maintenance easements that may be required for each drive approach constructed if existing roadway right-of-way is not adequate. Drive approach design details shall be shown on the grading plan.

c. Street lighting.

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

18. Ensure that the disposal of construction debris is conducted at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler (Waste Management) for disposal of construction debris.

19. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

Note: All required Plans and applicable Fees must be submitted to the Public Works Department prior to the Engineering Division’s approval of the Building Permit.

FIRE CONDITIONS:

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The Fire Department reviewed the design for the proposed new development located at 2648 W. Ramsey St. The following comments are some of the noteworthy requirements to be mentioned; however additional requirements may arise when project specifics are submitted.

Plans will not be approved with inaccurate scales of dimension.

Water Supply and Access
- A minimum of one fire hydrant shall be installed in an approved location.
- Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.

Fire Protection
- The new building shall have monitored automatic fire sprinkler protection. (see attachment “Fire Sprinkler and Fire Alarm submittal process”)
- Commercial cooking equipment shall have a wet chemical automatic fire-extinguishing system for fire protection. (Plans shall be approved by Banning Fire Services)
- The fire department connection shall be located within 200 feet of a fire hydrant. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not
obstruct access to the buildings for other fire apparatus. (C.F.C., sec. 912.2; Banning Fire Code, sec. 912.2.1).

**WATER/WASTEWATER CONDITIONS**

**APPLICANT SHALL CONTACT THE WATER & WASTEWATER UTILITY COMPLIANCE WITHIN THE FOLLOWING CONDITIONS:**

Existing 12" water line located on Ramsey Street.

Fire hydrants and fire services may be required by the Fire Department.

**Payment of Fees and Charges:**

Existing water service maybe located at this site. If larger meter required and additional fixture units installed, additional fees will be required.

Water Connection Fees: $7,232.00 per EDU. EDU is based upon meter size and number of fixture units.

Water Frontage Fee: None required

Install backflow devices on all meters.

Fire services will require a Double Detector Check or RPP Device

Water Service Installation Fees (Meter Box and Service Line)  Developer pays costs

Water Meter Installation Fees: Actual cost at time of installation ($258-$4" Meter, $384-1" Meter, $580-1½" Meter).

Applicant pays all engineering and construction costs, plan check fees, and inspection fees.

**Sewer:**

Existing 8" sewer line located at back of 2642 W. Ramsey Street.
Existing 12" sewer line on North side of Ramsey Street.

Construct 8" VCP sewer line across the back of 2642 Ramsey Street and 2648 Ramsey Street to the west property line of project.

**Payment of Fees and Charges:**

Existing sewer service maybe located at this site. Additional fees required with more office space, restaurant, bakery, employees lounge and production area.

Sewer Connection Fees: $2,786.00 per EDU
   EDU for Retail and Office  1 EDU first unit + 0.6 EDU per additional unit
   EDU for Restaurants  2.7 EDU + 1 EDU per each 7 seats

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**ATTACHMENT “I”**

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EDU for other commercial types of sewerage service connections will be based upon the estimated quality and quantity of discharge into the sewerage system.

Sewer Frontage Fees
None required

Properly sized grease interceptor shall be required of restaurant facilities.

6” min. sewer lateral connection to main line sewer
Developer Pays Costs

Applicant pays all engineering and construction costs, plan check, and inspection fees.

Note: Comments are as per the above date. City may change fees, charges, and requirements due to changed conditions. All design and construction work to meet the City’s present Standard Plans and Specifications.

ELECTRICAL CONDITIONS:

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT IN COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Customer will be required to provide underground utilities that include extending a conduit system from the n/e corner of existing property west to the n/w corner of new development. The design of underground infrastructure will begin upon receiving Auto Cad drawing as described in number one below. New street lighting will be a part of the electrical design provided by this department. Existing overhead power lines and poles located at the rear of existing property will be removed upon completion of the conduit system fronting the project.

The customer shall be responsible for:
1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2006. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.
2. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
3. Granting easement for electric facilities installation / maintenance, etc.
4. All trenching, backfill, and compaction.
5. All conduits, vaults, and other materials associated with your installation.
6. Service entrance cable from the transformer to the pull section and switchgear.

The City Electric Department shall be responsible for:
1. Reviewing plans submitted by customer.
2. Design an electrical utility plan for the installation of structures and conduit by developer.
3. Providing a cost estimate for installing an underground electrical system for this project.
4. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
5. Install electrical apparatus including primary conductors, terminations, metering and transformer to provide electrical service for your project.

ATTACHMENT “I”
DATE: October 7, 2008

TO: Chairman Dickson and Members of the Planning Commission

FROM: George Hansen, Community Development Director
       Matthew C. Bassi, Contract Planner

RE: Status Update for ZTA #08-97502 (Storage & RV Parking) and ZTA #08-97508
    (Churches in HSC zone & Lot Coverage)

City staff has been working on these two zoning text amendments for the past several months. Both projects were planned to be placed on the agenda for the October 7 and November 4, 2008 Commission meetings; however, staff needs to finalize its research, coordinate with the City Attorneys office and prepare the final ordinance amendments.

Once staff has completed these final tasks, both items will be scheduled for Commission review. Staff is hopeful that these two amendments can be brought to the Commission at the first Commission meeting in December (12/4/08). If you have any questions about these two items, please contact me.

Our Mission as a City is to provide citizens a safe, pleasant and prosperous community in which to live, work and play. We will achieve this in a cost effective, citizen friendly and open manner.