CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING - Tuesday, January 6, 2009 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER: Chairman Bill Dickson

➢ Pledge of Allegiance: Commissioner Barsh
➢ Roll Call: Matthew Bassi, Interim Community Development Director

Chairman Bill Dickson; Vice-Chair Bill Escandel; Commissioner Harold Barsh; 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 the December 2, 2008 Planning Commission Minutes
IV. PUBLIC HEARING ITEMS:

1. **Zone Text Amendment No.08-97502**: The Planning Division is proposing an amendment to the Zoning Ordinance pertaining to 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).

2. **Zone Text Amendment No.08-97508**: A City-Initiated Amendment to the Banning Zoning Ordinance relating to lot coverage requirements for the Very Low Density (VLDR) Zone and an Amendment to permit existing non-conforming uses to expand by up to 50% in Commercial and Industrial Zones subject to a conditional use permit.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. City Council Actions from previous meetings on Planning-Related Items

2. Letter from Smith Correctional Facility

VII. TENTATIVE PROJECTS SCHEDULED FOR FEBRUARY 3, 2009

1. **Conditional Use Permit No. 08-804** – CR&R Truck Repair Facility located on Juarez Street between Westward and Barbour.

2. **Zone Text Amendment No. 08-97511** – Code amendment to Mural Sign Section.

VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of February 3, 2009 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

December 2, 2008

A regular meeting of the City of Banning Planning Commission was held on Tuesday, December 2, 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
Commissioner Siva

Staff Present: Interim Community Development Director Bassi
Senior Planner Clinton
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Dickson. Mr. Dickson stated that before the meeting proceeded, he wanted to congratulate our new Councilman, Mr. Don Robinson, on his election to the council.

II. PUBLIC COMMENTS

Charlene Sakurai, 43600 Dillon Road, Banning CA, came forward to announce the upcoming Phinneus Festival, which is this Friday, from 3:30 to 5:00 p.m., downtown. After the festival at 5:30, there is the tree lighting at the Ring of Honor, followed at 6:00 by the swearing in ceremony at the Special City Council meeting and then the Holiday Show by PAPAS (Pass Area Performing Artists) at 7:30 p.m. at the Banning Woman’s Club / Alliance. There will be seven performances, which will be on Thursday, Friday, Saturday evening of this week at 7:30 and Thursday, Friday, Saturday of next week and the tickets are $8.00. There will also be late afternoon performance on Sunday, the 7th at 4:00 p.m. Tickets may be purchased through the Alliance by calling 922-4911. Mrs. Sakurai mentioned that also on Friday, all day, is the Holiday Boutique at the Banning Center for the Arts Gallery at 175 N. San Gorgonio Avenue. The Boutique will be going on Friday, Saturday all day of this week and next week.
Don Robinson, 1474 N. San Gorgonio Avenue, Banning CA, came forward to speak. Mr. Robinson stated that he wanted to remind everyone about the State of the City address this Thursday at the Morongo Casino at noon.

Before the Consent Calendar items were discussed, Interim Director Bassi requested that Public Hearing items 1 and 2 be pulled from the agenda and tabled.

1. **Design Review No. 07-7014 (Continued from November 5, 2008)**
   Planning Commission review of a request to remodel and expand Green Thumb Produce located at 2648 W. Ramsey Street (APN 538-190-011 & 040).

2. **Zone Text Amendment No. 08-97511**
   Planning commission review of a City-initiated Zone Text Amendment revising Section 17.36.170 (Murals) of the Banning Municipal Code.

Commissioner Barsh moved that those items be pulled and tabled. Commissioner Escandel seconded the motion. Chairman Dickson inquired if a vote was necessary and Mr. Bassi responded that it was not. Chairman Dickson then stated that the items were pulled from the agenda and tabled.

**III. CONSENT CALENDAR**

1. **Review of Minutes (November 5, 2008)**

2. **General Plan Conformity Finding for Mt. San Jacinto Community College**

   **ACTION (BARSH / SIVA):** A motion was moved, seconded and carried that items 1 and 2 be approved as presented.

   **(Motion carried 5-0)**

3. **General Plan Conformity Finding for Smith Correctional Facility**

Commissioner Escandel requested that this item be pulled for discussion. Mr. Escandel had three questions about the property in question. He felt an address should have been provided and wondered why it was not. His second question was that in the past the County has purchased land around the Correctional Facility and nothing was brought forward for public review. He wondered why this property was being brought before the Commission. His third item was regarding the “buffer zone”. He wanted to know what the
County's definition of a buffer zone is and wants the County to tell us what we can expect for a buffer zone.

Interim Director Bassi responded that he will get clarification from the County on Commissioner Escandel's questions and that the address of the property in question is 530 Wesley Street.

Commissioner Siva had questions about access. Mr. Bassi stated that has not been determined, yet. This action is purely to make a determination that the purchase of this property by the County is consistent with the General Plan.

**ACTION (BARSH / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2008-25 making a finding of General Plan Conformity for the Smith Correctional Facility on property located on the south side of Wesley Street approximately 745 feet west of Hargrave Avenue.

(Motion carried 5-0)

IV. **PUBLIC MEETING:**


   Senior Planner Clinton presented the staff report and stated that last month the Commission was provided a copy of the Draft Housing Element for their review and that this was the time to receive any comments and answer questions. Subsequent to this meeting, with the Commissioner's comments, we will forward this document to the City Council and they will finalize the draft to then send to the State for certification. That is approximately a 60 day process. After that time, we will receive their comments and then take the document back to the City Council with changes / comments that the State has suggested. During that time, we will do the environmental review as well.

   Commissioner Dickson had a question regarding III, 136 – Table 3, item 44 – he noticed that the document states that the City refers senior housing inquiries to the City of Beaumont and he wondered if the City could acquire some of the foreclosed homes in our City (such as the large number of homes in the Wilson Homes Development) and put seniors in those homes instead of sending them to Beaumont. He wanted to know if this request could be put into the document that will go to the City Council. Senior Planner Clinton responded that we could put an item in saying that he would like to put some emphasis on creating a senior housing program. Commissioner Siva stated that he had the same thoughts regarding senior housing and acquiring foreclosed homes for that purpose.
ACTION (ESCANDEL / HAWKINS): A motion was moved, seconded and carried that the Planning Commission receive and file and direct staff to present the Draft 2008 – 2014 Housing Element to the City Council.

(Motion carried 5 – 0)

V. PLANNING COMMISSIONER’S COMMENTS

VI. DIRECTOR’S REPORT

1. The owners of the Holiday Inn Express Hotel had requested a deferral agreement to defer development impact fees beyond the issuance of certificates of occupancy. That decision in November was to continue to the December 10th meeting, next week.

2. Our Building Official will be briefing the City Council next Wednesday on the Neighborhood Stabilization Program. That is the Federal, State and County program that offers quite a bit of money, up to about $600,000, to the City for neighborhood stabilization as part of the foreclosure and abandonment issues that the City is facing.

3. The façade grant program will be going to Council this month to have the revised program guidelines adopted.

VII. FUTURE PROJECTS

There was no discussion; items were just for information purposes.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 6:55 p.m. to the January 6, 2009 meeting.

Respectfully submitted,

Gini Sorenson
Recording Secretary

Planning Commission Meeting
December 2, 2008
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: January 6, 2009

TO: Chairman and Members of the Planning Commission

FROM: City of Banning Code Enforcement Division

SUBJECT: Zone Text Amendment No. 08-97502:
Planning Commission adoption of PC Resolution No. 2009-03, recommending
City Council adoption of Zone Text Amendment No. 08-97502, establishing
provisions relating to the parking and storage of recreational vehicles, trailers, boats,
campers, and like vehicles.

BACKGROUND:
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 amendment is to
provide modification to the Zoning Ordinance for clarification/cleanup purposes.

ANALYSIS:

Prior to July 2004, the parking of recreational and similar vehicles on residentially zoned properties
in the City was prohibited by the City's Municipal Code. At the City Council meeting of April 27,
2004, the Council received testimony from the public regarding this prohibition and took action to
direct staff to review the City's existing codes and work with the public and Planning Commission
to examine the appropriateness of the existing codes and recommend changes if warranted.

After several public meetings to solicit public comment, the City's Planning Commission held a
public hearing on June 1, 2004, to receive and discuss proposed amendments to the City's current
provisions regulating parking and storage of recreational vehicles, trailers, boats, campers, and like
vehicles. As a result of these meetings staff drafted Ordinance No. 1316, establishing provisions
relating to the parking and storage of recreational vehicles, trailers, boats, campers, and like
vehicles. Ordinance No. 1316, establishing provisions relating to the parking and storage of
recreational vehicles, trailers, boats, campers, and like vehicles, was introduced at the City
Council's regular meeting of June 22, 2004, and was duly adopted at the City Council's regular
meeting of July 13, 2004. However, when the Zoning Ordinance was adopted in January 2006, the
provisions of Ordinance No. 1316 were left out.
PUBLIC COMMUNICATION:

Pursuant to the Planning Commission's direction, a copy of the legal notice regarding the January 6, 2009 Planning Commission meeting was mailed to the four individuals who came forward at the May 6, 2008 meeting and requested to be informed the next time this issue was discussed.

CONCLUSION:

Zone Text Amendment No. 08-97502, places the provisions from Ordinance No. 1316 to address the parking and storage of recreational vehicles, trailers, boats, campers, and like vehicles, including an exemption for agriculturally related vehicles that were eliminated by the adoption of the 2006 Zoning Ordinance.

RECOMMENDATION:

Staff recommends the Planning Commission adopt PC Resolution No. 2009-03, recommending City Council approval of Zone Text Amendment No. 08-97502, establishing provisions relating to the parking and storage of recreational vehicle, trailers, boats, campers, and like vehicles.

Prepared by,  

[Signature]  
Timothy Steehson  
Development Services Manager/CBO

Respectfully submitted,  

[Signature]  
Matthew C. Bassi  
Interim Community Development Director

PC Attachments:

1. PC Resolution No. 2009-03 for ZTA No. 08-97502  
2. Ordinance No. 1316

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ZTA NO. 08-97502
RV PARKING

RESOLUTION
NO. 2009-03

ATTACHMENT “1”
RESOLUTION NO. 2009-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT NO. 08-97502, TO AMEND SECTION 17.28.030 OF THE ZONING ORDINANCE RELATING TO THE PARKING OF RECREATIONAL VEHICLES, TRAILERS, BOATS, CAMPERS AND LIKE VEHICLES.

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2006; and

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

WHEREAS, on the 26th day of December 2008, the City gave public notice as required under Zoning Ordinance 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 January 2009, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Zone Text Amendment No. 08-97502 and at which time the Planning Commission considered the Zone Text Amendment; 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:

SECTION 1: ENVIRONMENTAL FINDINGS.

1. CEQA: The Planning Commission 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. It is the Planning Commission’s independent judgment that in approving the proposed zone text amendment that there is no possibility that the activity in question will have a significant effect on the environment; thus, the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the
environment. Therefore, the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2: ZONE TEXT AMENDMENT FINDINGS

Finding No. 1:
The proposed amendments are consistent with the goals and policies of the General Plan.

Fact:
The proposed Amendment will result in furthering Goal 2 of the Land Use Element that states: "The Zoning Ordinance shall include principles, standards and guidelines which maintain and preserve the housing element. This amendment will establish minimum requirements for the parking and storage of motor home, boats, trailers, campers and similar recreational vehicles on residentially zoned properties throughout the City. These minimum requirements are designed to reduce the likelihood of blight from abandoned or improperly maintained vehicles in residential neighborhoods while allowing for the storage of one's properly maintained recreational vehicles at one's home. This Amendment will also allow for the storage of vehicles whose primary use is agriculturally related on appropriately zoned residential properties.

Policy 2:
Continue to utilize the City's Code Enforcement program to bring substandard units into compliance with City codes and to improve overall housing conditions in Banning.

Fact:
Quite often abandoned or improperly maintained vehicle issues accompany substandard housing issues. The City's Zoning Ordinance provides principles, standards and guidelines for dealing with substandard units but does not provide the same for abandoned or neglected recreational vehicles.

Policy 4:
Promote increased awareness among property owners and residents of the importance of property maintenance to long term housing quality.

Fact:
This Amendment will provide for interaction between the City's Code Enforcement staff and citizens which will provide the opportunity to explain the importance of property maintenance and the negative affect derelict vehicles have on long term housing quality.
Finding No. 2:
The proposed Amendment is internally consistent with the Zoning Ordinance.

Fact:
The Zone Text Amendment is internally consistent with the provisions of the Zoning Ordinance in that the proposed amendment will only modify and update development standards for specific provisions in the Zoning Ordinance that relate to the parking and storage of recreational and similar type vehicles on residen tally zoned properties and will not affect, or require changes to, any other provisions of the Zoning Ordinance.

Finding No. 3:
That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Fact:
The Planning Commission has analyzed the proposed amendments and has determined that the project 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. It is the Planning Commission's independent judgment that in approving the proposed zone text amendment that there is no possibility that the activity in question will have a significant effect on the environment; thus, the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTIONS

The Planning Commission hereby adopts Resolution No. 2009-03 recommending City Council approval of Zone Text Amendment No.08-97502 amending the Zoning Ordinance as follows:

1. Existing subparagraphs G., H., and I. be deleted; and

2. 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, trailers, boats, campers and like vehicles, except vehicles utilized for agricultural purposes, 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 for a period not to exceed 24 hours in a three day period. Such recreational vehicles shall not be used for residential purposes.

6. No recreational vehicles shall be parked on residentially zoned property if parked 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 so as to substantially eliminate 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 utilities may be connected to such temporarily parked recreational vehicle.

PASSED, APPROVED AND ADOPTED this 6th day of January 2009.

William Dickson, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Aleshire & Wynder, LLP
City of Banning, California

ATTEST:

Virginia Sorenson
Recording Secretary

Reso No. 2009-03
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-03, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of January 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
ZTA NO. 08-97502
RV PARKING

ORDINANCE
NO. 1316

ATTACHMENT “2”
ORDINANCE NO. 1316

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BANNING AMENDING THE CITY'S ORDINANCE
PROVISIONS RELATING TO THE PARKING AND
STORAGE OF RECREATIONAL VEHICLES, TRAILERS,
BOATS, CAMPERS AND LIKE VEHICLES.

WHEREAS, the Community Development Department has experienced an unexpected and excessive increase in complaints from residents to investigate recreational vehicles that may be in violation of the City's current provisions regulating parking and storage of automotive vehicles, trailers, boats, campers and like vehicles; and

WHEREAS, the City Council received testimony at its April 27, 2004 meeting from the public and took action to direct staff to review the City’s existing codes and work with the public and Planning Commission to examine the appropriateness of the existing codes and recommend changes if warranted; and

WHEREAS, on June 1, 2004, the City’s Planning Commission held a public hearing to receive and discuss proposed amendments to the City’s current provisions regulating parking and storage of automotive vehicles, trailers, boats, campers and like vehicles; and

WHEREAS, the proposed Zoning Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15305 (Class 5, Minor Alterations in Land Use Limitations); and

WHEREAS, the City’s Planning Commission, having considered a Zoning Code Amendment regulating the parking and storage of automotive vehicles, trailers, boats, campers and like vehicles at a public hearing held on June 1, 2004, including review of the Planning Department’s staff report and having received public testimony on the matter, has determined that the proposed amendment is justified and recommends approval of the Zoning Code Amendment as proposed;

NOW, THEREFORE, the City Council of the City of Banning, does hereby ordain as follows:

Section 1.

Article 13 (General Provisions, Conditions and Exceptions), Section 9113.8 (Required off-street parking), subletter “K.” (Parking and storage of certain vehicles) is hereby amended as follows:
K. Parking and Storage of Certain Vehicles;

1. RVs, boats, trailers, campers and like vehicles ("Vehicles") except vehicles utilized for agricultural purposes that are required to be licensed but are not currently registered with the DMV shall not be parked or stored on any property other than in a completely enclosed building. As defined herein, a vehicle utilized for agricultural purposes is one that is utilized in the maintenance and operation of a lawful use as listed in the City’s R-A Residential Agricultural Zone District. Such equipment includes, but is not limited to horse trailers, tractors, and backhoes.

2. The prohibition set forth in subnumeral (1) above shall not apply to such Vehicles when displayed pursuant to a use authorized under this Article, such as on a lawfully established sales lot.

3. Currently licensed or tagged RVs, boats, trailers, campers and like 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 must meet the following requirements:

   A. Be demonstrably operational,

   B. Be visually 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 from 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.

   C. Parked on all-weather surface. For purposes of this section an “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 at all times be maintained in such condition that it does not lose its strength or imperviousness to water.

4. There shall be no more than two Vehicles parked on a parcel of $\frac{1}{4}$ acre or less in area. There shall be no more than four Vehicles parked on any parcel greater than $\frac{3}{4}$ acre in area.

5. When an RV, boat, trailer, camper and like Vehicle is parked in 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 except as otherwise required for such maintenance. Such Vehicles shall not be used for residential purposes, either for on-site occupants or their guests.

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6. The parking of RVs, boats, trailers, campers and like 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 vehicle shall not be parked in a side yard in such manner that the Vehicle as so parked substantially eliminates the access way to the rear yard.

7. No RV, boat, trailer, camper or like vehicle shall be parked upon any residential property for compensation except as otherwise provided by this Ordinance Code.

Section 2. Severability.

This Ordinance and the various parts, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall be affected thereby. If any part, sentence, paragraph, section, or clause of this Ordinance, or its application to any person entity is adjudged unconstitutional or invalid, such unconstitutionality or invalidity shall affect only such part, sentence, paragraph, section, or clause of this Ordinance, or person or entity; and shall not affect or impair any of the remaining provision, parts, sentences, paragraphs, sections, or clauses of this Ordinance, or its application to other persons or entities. The City Council hereby declares that this Ordinance would have been adopted had such unconstitutional or invalid part, sentence, paragraph, section, or clause of this Ordinance not been included herein; or had such person or entity been expressly exempted from the application of this Ordinance.

Section 3. Effective Date.

The Mayor shall sign this ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause it, or a summary of it, to be published in the Record Gazette, a newspaper published and circulated in the City. Thereupon this ordinance shall take effect 30 days after adoption and be in force and effect according to law.

PASSED, APPROVED, AND ADOPTED, this 13th day of July, 2004.

Arthur L. Welch, Mayor
City of Banning, California
APPROVED AS TO FORM AND CONTENT:

Julie Hayward Biggs
Interim City Attorney

ATTEST:

Marie A. Calderon
City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1316 was duly introduced at a regular meeting of the City Council of the City of Banning held on the 22nd day of June, 2004, and was duly adopted at a regular meeting of said City Council on the 13th day of July, 2004, by the following vote, to wit:

AYES: Councilmembers Hanna, Palmer, Salas, Mayor Welch
NOES: None
ABSENT: Councilmember Machisic
ABSTAIN: None

Marie A. Calderon
City Clerk, City of Banning
DATE: January 6, 2009

TO: Chairman and Members of the Planning Commission

FROM: City of Banning Planning Division

SUBJECT: Zone Text Amendment No.08-97508:
A City-Initiated Amendment to the Banning Zoning Ordinance Relating to Building Coverage and Floor Area Ratio Requirements for the Very Low Density (VLDR) Zone and to Permit Existing Non-Conforming Uses to Expand up to 50% in Commercial and Industrial Zones.

BACKGROUND/ANALYSIS:

The Planning Commission and City Council reviewed and approved the General Plan and a large majority of the Zoning Ordinance on January 31, 2006. Since that time, the Zoning Ordinance has been amended several times. In the course of implementing the zoning provisions, staff continues to identify areas of concern that need to be addressed through zone text amendments. In this case, staff is proposing two (2) amendments. The first is to increase building / lot coverage in the Very Low Density Residential (VDLR) Zone from 15% to 25%. The second is to allow existing non-conforming uses to expand by up to 50% subject to approval of a Conditional Use Permit.

A. Amendment to Building / Lot Coverage Requirements in the VLDR District Section 17.08.030 (Table 17.08.030):

Table 17.08.030 of the Zoning Ordinance outlines property development standards for residential zoning districts. Staff has identified an impediment with the current maximum building coverage / floor area ratio requirements for the VLDR zone. The Zoning Ordinance currently allows a maximum 15% building coverage for a property located in this zone. Therefore, the total square footage that could be constructed on a typical 20,000 square-foot lot (minimum required by Code) would be 3,000 square feet. This would exclude the main dwelling, garage and any accessory structures on the property.

Staff has come across several situations through the plan check process where a resident who owns property in the VLDR zone proposed to add a third car garage or enlarge their house, but could not due to the current lot coverage limitations. Since many uses in this district include animal keeping, barns, workshops and other accessory structures, a home owner has difficulty improving their property beyond what was originally built. This has resulted in many verbal requests and inquiries from citizens to possibly amend the Zoning Ordinance to fix this problem. Therefore, in an effort to come up
with a reasonable solution to this issue, staff is proposing that the maximum building coverage requirement be slightly increased from 15% to 25%. The amendment concurrently proposes to increase the Floor Area Ratio (FAR) slightly for a one-story home from .15% to .25% to provide internal consistency between the two standards.

While both standards appear to be similar, it is important to provide clarification in the definitions of each. Building coverage requirements are intended to regulate the total building square-footages on a given property, including the main dwelling, garage, and any accessory structures on the property. The floor area ratio is intended to regulate the overall size and bulk of only the main dwelling, including a multi-story homes (it does not regulate size and bulk of detached garages and accessory structures). Both the building coverage and floor area ratio work in combination to limit overall massing on a property. While building coverage limits the size of structures on the ground, the floor area ratio limits the size of a building as more floors are added.

To provide a point of comparison, staff surveyed a few adjacent cities to see what building coverage requirements they had for a similar type VLDZ zone districts. The cities of Hemet, Yucaipa and San Jacinto indicated that the maximum building coverage on lots with a 20,000 square-foot minimum lot size is 40%. The City of Beaumont indicated that only accessory structures have a building coverage requirement which is limited to 25%. Even with the proposed increase to a 25% building coverage, the city would remain less than three (3) other adjacent cities under similar circumstances in terms of zoning and land use.

For comparison purposes, the chart below illustrates the maximum building that can be constructed at varying building coverage maximums in a typical VLDZ zone.

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<thead>
<tr>
<th>Square Footage of Lot</th>
<th>16,000</th>
<th>18,000</th>
<th>20,000</th>
<th>23,000</th>
<th>25,000</th>
<th>28,000</th>
<th>30,000</th>
<th>35,000</th>
<th>40,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>@15%</td>
<td>2,400</td>
<td>2,700</td>
<td>3,000</td>
<td>3,450</td>
<td>3,750</td>
<td>4,200</td>
<td>4,500</td>
<td>5,250</td>
<td>6,000</td>
</tr>
<tr>
<td>@20%</td>
<td>3,200</td>
<td>3,600</td>
<td>4,000</td>
<td>4,600</td>
<td>5,000</td>
<td>5,600</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
</tr>
<tr>
<td>@25%</td>
<td>4,000</td>
<td>4,500</td>
<td>5,000</td>
<td>5,750</td>
<td>6,250</td>
<td>7,000</td>
<td>7,500</td>
<td>8,750</td>
<td>10,000</td>
</tr>
<tr>
<td>@30%</td>
<td>4,800</td>
<td>5,400</td>
<td>6,000</td>
<td>6,900</td>
<td>7,500</td>
<td>8,400</td>
<td>9,000</td>
<td>10,500</td>
<td>12,000</td>
</tr>
<tr>
<td>@35%</td>
<td>5,600</td>
<td>6,300</td>
<td>7,000</td>
<td>8,050</td>
<td>8,750</td>
<td>9,800</td>
<td>10,500</td>
<td>12,250</td>
<td>14,000</td>
</tr>
</tbody>
</table>

As the chart illustrates at the current building coverage requirement of 15%, the total combined square footage of all structures on a typical 20,000 square-foot lot would be 3,000 square feet which would include a typical 2,600 square-foot house and a 400 square-foot garage. Under this current requirement, nothing else could be added to the property, unless a second story is built. On the other hand, at the proposed 25% building coverage requirement, the total square-footage of all structures on a typical 20,000 square-foot lot would be 5,000 square feet. This would allow for a larger home, a three car garage and accessory structures (such as barns, workshops, etc.). Staff believes this approach is reasonable and allows a homeowner to improve their property without being excessive. The proposed changes (bold highlighted & shaded) are outlined in the following table (see next page):
### Table 17.08.030
Residential Development Standards

<table>
<thead>
<tr>
<th>Max. Density (Units/Ac.)</th>
<th>R/A</th>
<th>R/AH</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/10 Ac.</td>
<td>1/10 Ac.&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0-1</td>
<td>0-1&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0-2</td>
<td>0-5</td>
<td>0-10</td>
<td>11-18</td>
<td>9-18</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Size (Ac. or s.f.)</td>
<td>10 Ac.</td>
<td>10 Ac.</td>
<td>40,000 s.f.</td>
<td>40,000 s.f.</td>
<td>20,000 s.f.</td>
<td>7,000 or suffix&lt;sup&gt;3&lt;/sup&gt;</td>
<td>5,000</td>
<td>7,000</td>
<td>N/A</td>
</tr>
<tr>
<td>Single Family Lot&lt;sup&gt;2,4&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Size (Ac.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2 Ac.</td>
<td>2 Ac.</td>
<td>2 Ac.</td>
</tr>
<tr>
<td>Multi-Family Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>600</td>
<td>600</td>
<td>150</td>
<td>150</td>
<td>100</td>
<td>70</td>
<td>50</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>600</td>
<td>600</td>
<td>150</td>
<td>150</td>
<td>100</td>
<td>90</td>
<td>75</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>35</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
<td>50</td>
<td>50</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>15</td>
<td>15</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Min. Street Side (Feet)</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Min. Lot Coverage (%)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>25</td>
<td>40&lt;sup&gt;8&lt;/sup&gt;</td>
<td>40</td>
<td>40</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Min. Private Outdoor Space (s.f.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Min. Common Outdoor Space (s.f.)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Maximum Height (stories/feet)</td>
<td>2/35</td>
<td>2/35</td>
<td>2/35</td>
<td>2/35</td>
<td>2/35</td>
<td>2/35</td>
<td>3/45&lt;sup&gt;7&lt;/sup&gt;</td>
<td>4/60</td>
<td>1/25</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height (ft)</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

Floor Area Ratio (FAR)

- a. One-story home: .10<br>  - .10<br>  - .15<br>  - .15<br>  - 25<br>  - .35<br>  - .40<br>  - .40<br>  - .50
- b. Multi-story home: .20<br>  - .20<br>  - .30<br>  - .30<br>  - .30<br>  - .60<br>  - .70<br>  - .70<br>  - N/A

---

1 These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 17.08.160.
2 The provisions for hills i sde development and density transfers shall apply.
3 A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.
4 Minimum lot size net of public right of way dedication.
5 In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.
6 A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 17.08.140.
7 Maximum height only permitted if Fire Department provides written verification that they can serve.
8 Up to 240 square feet of third car garage space is exempted from lot coverage and FAR requirements for lots over 9,500 square feet.
9 Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.
B. Amendment to Permit Non-Conforming Uses to Expand by up to 50% in Commercial/Industrial Zones (Chapter 17.88.030 Non-Conforming Uses)

This proposed amendment adds a provision that would permit existing non-conforming uses to expand by up to 50% in commercial and industrial zones subject to a Conditional Use Permit. This change is intended to help provide an increased opportunity for economic development within the City in these difficult economic times by encouraging the retention of successful local businesses by allowing them to expand on their current site rather than incurring the cost of re-locating to a different site. This is consistent with the General Plan Economic Policy #2 which states that the City should take a proactive role in the retention of existing businesses. Staff is recommending the following text change by adding a new subparagraph “(F)” to Section 17.88.030 to read as follows:

Section 17.88.030. F of the Zoning Ordinance:

“(F) An existing non-conforming use located in a commercial or industrial zone may be expanded up to, but not exceeding, 50% subject to approval of a Conditional Use Permit by the Planning Commission.”

Allowing the expansion of an existing non-conforming use with the approval of a Conditional Use Permit (CUP) will leave the Planning Commission with the ability to retain its authority to approve or deny a request from a property owner subject to the required CUP findings. The Commission will also retain its ability to apply appropriate conditions of approval on the CUP as it similarly does now with other CUP requests. Staff believes the CUP requirement will protect the City from applications proposing expansion of uses that are detrimental to the surrounding properties. It is important to note that the existing nonconforming use must still conform to the City’s abatement schedule as outlined in Section 17.88.040. For example, the City’s abatement schedule requires that existing non-conforming uses conducted within a building to be abated by 2016.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission adopt Resolution No. 2009-02 recommending to the City Council approval of Zone Text Amendment No. 08-97508.

Respectfully submitted:

[Signature]
Kim Clinton, AICP
Senior Planner

Reviewed By:

[Signature]
Matthew C. Bassi
Interim Community Development Director

PC Attachments:

1. PC Resolution No. 2009-02 for Zone Text Amendment No. 08-97508
ATTACHMENT 1

PC RESOLUTION NO. 2009-02
FOR ZTA NO. 08-97508
RESOLUTION NO. 2009-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDNG CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT NO. 08-97508 TO AMEND TABLE 17.08.030 (RESIDENTIAL DEVELOPMENT STANDARDS) OF THE ZONING ORDINANCE TO INCREASE THE BUILDING COVERAGE AND FLOOR AREA RATIO REQUIREMENTS FOR THE VERY LOW DENSITY RESIDENTIAL (VLDR) ZONE AND TO AMEND SECTION 17.88.030 (NON-CONFORMING USES) OF THE ZONING ORDINANCE TO ALLOW THE EXPANSION OF EXISTING NON-CONFORMING USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

WHEREAS, an application for an amendment to Table 17.08.030 (Residential Development Standards) and Section 17.88.030 (Non-Conforming Uses) of the Zoning Ordinance has been duly filed by the Director of the City of Banning Community Development Department; and

WHEREAS, the review and approval of proposed zone text amendments are allowed as outlined in Section 17.116 of the Zoning Ordinance consistent with the goals and policies of the General Plan; and

WHEREAS, on December 26, 2008, the City published a public hearing notice of Zone Text Amendment No. 08-97508 in the Record Gazette newspaper in compliance with state law and Section 17.68 of the Zoning Ordinance listing the time the project would be considered by the Planning Commission; and

WHEREAS, on January 6, 2009, the Planning Commission held the noticed public hearing, at which time interested persons had an opportunity to testify in support of, or opposition to, Zone Text Amendment No. 08-97508 and at which time the Planning Commission considered the proposed Zone Text Amendment; and

WHEREAS, the Planning Commission has analyzed this proposed amendment, which is considered a project under the California Environmental Quality Act (CEQA) guidelines, has determined that Zone Text Amendment No. 08-97508 is exempt from 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; and

WHEREAS, at said public hearing on January 6, 2009, the Planning Commission considered and heard public testimony and comments on Zone Text Amendment No. 08-97508 and recommended City Council approval of the proposed zone text amendments.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve 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, the recommendation of the Community Development Director as provided in the Staff Report dated January 6, 2009, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA: The Planning Commission has analyzed the proposed zone text amendments and has determined that they are 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. It is the Planning Commission’s independent judgment that in approving the proposed zone text amendment that there is no possibility that the activity in question will have a significant effect on the environment; thus, the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2: ZONE TEXT AMENDMENT NO. 08-97508 FINDINGS

Finding No. 1:

The proposed amendments are consistent with the goals and policies of the General Plan.

Fact:

The proposed zone text amendments are consistent with the goals and policies of the General Plan, in so far as the General Plan designations and zoning designations will not change as a result of the proposed zone text amendments. The first proposed amendment will result in furthering Policy 6 of the Land Use Element that states: “The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects....” This amendment will modify the residential building coverage requirements to provide for a greater range of permitted coverage levels tailored to lot sizes to allow greater flexibility within the Very Low Density Residential Zone (VLDR). Furthermore, the second proposed amendment to permit non-conforming uses in the Commercial and Industrial zones to expand up to 50% subject to a conditional use permit is consistent with General Plan Economic Development Policy #2 Which states: “The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues”. In a tough economic climate, the existing businesses that are successful enough to expand may do so subject to a conditional use permit, rather than having to relocate in order to expand.
Finding No. 2:

The proposed amendments are internally consistent with the Zoning Ordinance.

Fact:

The Zone Text Amendments are internally consistent with the provisions of the Zoning Ordinance in that the proposed amendments will only modify and update development standards for specific provisions in the Zoning Ordinance that relate to maximum residential building coverage and expansion of non-conforming uses in certain zones, and will not affect, or require changes to, any other provisions of the Zoning Ordinance.

Finding 3:

That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Fact:

The Planning Commission has analyzed the proposed amendments and has determined that the project 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. It is the Planning Commission's independent judgment that in approving the proposed zone text amendments that there is no possibility that the activity in question will have a significant effect on the environment; thus, the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. Recommend City Council adoption of an Exemption from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines;

2. Adopt PC Resolution No. 2009-02 recommending City Council approval of Zone Text Amendment No. 08-97508 to amend the Zoning Ordinance as follows:

   A. Table 17.08.030 (Residential Development Standards) is hereby amended to increase the maximum building coverage from 15% to 25% and the maximum floor area ratio from .15% to .25% for the uses in the Very Low Density Residential (VLDR) Zone as illustrated below in **bold type**:
| Table 17.08.030 Residential Development Standards¹ |
|---------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                 | R/A    | R/AH   | RR     | RR/H   | VLDR   | LDR    | MDR    | HDR    | MHP    |
| Max. Density (Units/Ac.)        | 1/10 Ac.| 1/10 Ac.| 0-1    | 0-1²   | 0-2    | 0-5    | 0-10   | 11-18  | 9-18   |
| Min. Lot Size (Ac. or s.f.)     | 10 Ac. | 10 Ac. | 40,000 | 40,000 | 20,000 | 7,000 or suffix² | 5,000  | 7,000  | N/A    |
| Single Family Lot³⁴              |        |        |        |        |        |        |        |        |        |
| Min. Lot Size (Ac.) Multi-Family Units | N/A    | N/A    | N/A    | N/A    | N/A    | 2 Ac.  | 2 Ac.  | 2 Ac.  |        |
| Min. Lot Width (Feet)           | 600    | 600    | 150    | 150    | 100    | 70     | 50     | 150    | 150    |
| Min. Lot Depth (Feet)           | 600    | 600    | 150    | 150    | 100    | 90     | 75     | 100    | 100    |
| Min. Front Setback (Feet)       | 50     | 50     | 50     | 50     | 35     | 15     | 15     | 15     | 10     |
| Min. Rear Setback (Feet)        | 50     | 50     | 35     | 35     | 35     | 15     | 15     | 10     | 10     |
| Min. Side Yard Setback (Ft)     | 25     | 25     | 25     | 25     | 15     | 10     | 5      | 5      | 5      |
| Min. Street Side (Feet)         | 30     | 30     | 30     | 30     | 20     | 15     | 10     | 10     | 5      |
| Max. Building Coverage (Percent) | 10     | 10     | 15     | 15     | 15     | 40⁸    | 40     | 40     | 50     |
| Min. Private Outdoor Space (s.f.) | N/A    | N/A    | N/A    | N/A    | N/A    | N/A    | N/A    | 200    | 200    |
| Min. Common Outdoor Space (s.f.)¹⁰ | N/A    | N/A    | N/A    | N/A    | N/A    | N/A    | N/A    | 200    | 200    |
| Maximum Fence/Wall Height (ft)  | 6      | 6      | 6      | 6      | 6      | 6      | 6      | 6      | 6      |

¹ These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 17.08.160.
² The provisions for hillside development and density transfers shall apply.
³ A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.
⁴ Minimum lot size net of public right of way dedication.
⁵ In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.
⁶ A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 17.08.140.
⁷ Maximum height only permitted if Fire Department provides written verification that they can serve.
⁸ Up to 240 square feet of third car garage space is exempted from lot coverage and FAR requirements for lots over 9,500 square feet.
⁹ Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.

Page 4 of 6

PC RESOLUTION NO. 2009-02

January 6, 2009
B. Section 17.88.030 (Nonconforming Uses) is hereby amended to add a new subsection 17.88.030.F to read as follows:

F. An existing non-conforming use located in a commercial or industrial zone may be expanded up to, but not exceeding, 50% subject to the approval of a Conditional Use Permit by the Planning Commission.

PASSED, APPROVED AND ADOPTED this 6th day of January, 2009.

William Dickson, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP
City of Banning, California

ATTEST:

Virginia Sorenson
Recording Secretary
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-02, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 6th day of January, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CITY OF BANNING
COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

DATE: January 6, 2009
TO: Chairman and Members of the Planning Commission
FROM: Matthew C. Bassi, Interim Community Development Director

SUBJECT: City Council Actions from the December 10, 2008 Meeting

Below is a list of the projects and the actions taken by the City Council on Community Development Department/Planning Division related items from the December 10, 2008 meeting.

Agenda Items/Projects from the December 10, 2008 Council Meeting:

➢ Facade Grant Program – CRA Board approved revisions to the City’s Façade Grant program and allocated $2.5 million to fund additional façade grants.

➢ Holiday Inn Express Hotel Deferral Agreement - City Council raised concerns about financial security and budgetary issues and the item was continued to the January 13, 2009 Council meeting to revise the agreement.

➢ Neighborhood Stabilization Program - City Council was updated on the state/federal program to use grant money to address vacant and distressed homes resulting from the foreclosure crisis. A public hearing is scheduled for January 13, 2009 to receive public input.

Projects Tentatively Scheduled for January 13 & 27 Council Meetings:

➢ Neighborhood Stabilization Program – Public hearing to receive public testimony (1/13/09).

➢ Holiday Inn Express Hotel – City Council review of the revised Deferral Agreement (1/13/09).

➢ Ordinance No. 1400: Smoking in Public Parks - Council review of an Ordinance regulating smoking in public parks (1/13/09).

➢ Holiday Inn Express Freeway Sign - Update to Council for a request to install an 80-foot freeway sign for the Holiday Inn Express hotel (1/13/09).

➢ Draft Housing Element - City Council review of the draft Housing Element and authorization to submit to the state Department of Housing and Community Development (1/27/09).
Fox Theater OPA/Facade Grant - CRA review of an OPA and Façade Grant request for the Fox Theater improvements (1/27/09).

ZTA No. 08-97509 Wireless Ordinance - Council review of the Commission's recommendation to approve the zone text amendment to regulate wireless communication facilities (1/27/09).

"One-Stop Shop" Presentation - Presentation by the CD Director on staff's progress in implementing the "One-Stop Shop" program (1/27/09).

Respectfully submitted,

Matthew C. Bassi
Interim Community Development Director
December 18, 2008

Mr. Matthew C. Bassi
Interim Community Development Director
City of Banning
P.O. Box 998
Banning, California 92220

RE: Larry Smith Correctional Facility

Dear Mr. Bassi:

The County of Riverside is currently expanding the Larry Smith Correctional Facility (Facility) to add an additional 582 beds. Accomplishing this increase in bed capacity necessitated the purchase of additional property to provide for increased parking capacity and to create a 300 foot buffer zone between the Facility and the adjacent neighborhood. The buffer zone will remain open space and will not be developed.

When the neighborhood was notified of the expansion, several of the adjacent neighbors approached the County to purchase their property, some of which provided for the buffer outright and some that will be exchanged for vacant property adjacent to the Facility. The property owners were all willing sellers and none were purchased under threat of eminent domain.

To date the County has purchased four properties and will close one, possibly two, properties during the first half of 2009. Of the properties purchased the only structure that will be razed is the dwelling on 1540 Hargrave. This site will be part of a new parking lot. The remaining dwellings not included in the exchange and surplus to the 300 foot buffer will be considered surplus and sold.

If it would help with your presentation to the Commission on January 6, I would be happy to attend and provide any additional information to the Commission.

Sincerely,

Burt Pressnell
Principal Real Property Agent
Real Estate Division

BP:ra

3133 Mission Inn Avenue * Riverside, California 92507 * (951) 955-4800 * Fax (951) 955-4828