CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING - Tuesday, February 3, 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 Hawkins

➢ 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 January 6, 2009 Planning Commission Minutes

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IV. PUBLIC HEARING ITEM:

1. Conditional Use Permit (CUP) #08-804: A request from CR & R, Inc. to construct a 12,466 square foot industrial building to establish an office and truck repair facility on a 4.3 acre site within the Industrial zoning district generally located on Barbour Street east of Hargrave Street (APN 541-330-005).

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V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

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

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2. O'Donnell Industrial Park (Oral Presentation) – Study Session

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VII. TENTATIVE PROJECTS SCHEDULED FOR MARCH 3, 2009


VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of March 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

January 6, 2009

A regular meeting of the City of Banning Planning Commission was held on Tuesday, January 6, 2009 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  Chairman Dickson
                          Commissioner Escandel
                          Commissioner Hawkins
                          Commissioner Siva

Commissioners Excused:  Commissioner Barsh

Staff Present:  Interim Community Development Director Bassi
               Assistant City Attorney Lopez
               Senior Planner Clinton
               Development Services Manager Steenson
               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 (December 2, 2008)

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

(Motion carried 4-0)
IV. PUBLIC HEARING:

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).

Development Services Manager Steenson presented the staff report and stated that this amendment is a clean up item that puts back into our Code some things that were left out when the new Code was adopted in January 2006. It establishes some criteria for storing vehicles on residentially zoned properties and it mirrors the previous Ordinance No. 1316 that was passed by the City Council in the summer of 2004. Previous to that, RVs were not allowed to be stored on residentially zoned property. There was desire by the community to be able to store their RVs on their residentially zoned property, so after some public hearings that involved the community and the Planning Commission, Ordinance No. 1316 was passed by the City Council in July of 2004. It established some criteria like it had to be parked on a paved surface, a water impervious all weather surface, it had to be in good repair, it could not be lived in, some things like that. All of these things failed to show up in the new Zoning Code in 2006. This zoning text amendment seeks to put some of that criteria for storing those vehicles back in. Currently the only criteria the Zoning Code contains for parking vehicles on any property in the City is that it be on a paved surface. Additionally, there was an exception in the former Code for agriculturally related vehicles on agriculturally zoned properties. That exemption did not show up in the new Code either. That exemption also did not require those vehicles to be on a paved surface. So it would allow tractors and horse trailers to not have to be stored on a paved surface on agriculturally zoned properties, which Council felt was appropriate in the summer of 2004. We are now seeking to put these things back in the new Code so we have some criteria for storing these kinds of vehicles. It also puts a prohibition on the number of vehicles that can be stored on properties given their size, a maximum of four such vehicles on properties larger than a quarter of an acre and a maximum of two such vehicles on properties less than a quarter of an acre. In 2004 this was in response to a number of complaints received in Code Enforcement. We continue to receive complaints, now, but we have no code to address them.

Commissioner Escandell inquired as to which properties were considered agricultural, with the new zoning language. Mr. Steenson responded that the VLDR zoned properties and all the “R” zoned properties would be considered agricultural.
Commissioner Siva asked what constitutes “paving”. Mr. Steenson stated that gravel is not included in this ordinance and is not allowed.

Commissioner Hawkins asked if there were any provisions to allow a visitor to park for 2 or 3 days and hook up to electrical supply. Mr. Steenson responded that there is no provision to allow for this.

Chairman Dickson asked Mr. Steenson if he would cite a visitor. He responded no, if you say the people will be gone in three days, then he’ll come back in four days; that Code Enforcement is understanding of these situations.

Discussion followed on utility trailers and vehicles used by gardeners and carpet cleaning businesses. Mr. Steenson responded that the intention of the ordinance is to address recreational vehicles.

Gary Hironimus, 620 N. 12th Street, Banning CA came forward to discuss the issues of enclosed trailers and the requirements for asphalt or concrete paving. He stated that many older properties in Banning are not paved and mentioned that many commercial and even City properties such as our City Yards and the Fire Station on Wilson Street use gravel for parking surfaces. Mr. Hironimus felt that residents are being held to a higher standard than businesses or the City itself. He also stated that he felt the section on 72 hour parking on the street is redundant and should be deleted.

Carl Douglas, 166 E. Barbour Street, Banning CA, came forward to state that he did not know what would leak out of a flatbed trailer and why it would need to be on a concrete surface. He also had an issue about who could own a tractor being based on zoning. Mr. Douglas also mentioned the KOA having dirt and gravel.

Don Smith, 1681 W. Westward Avenue, Banning CA, came forward to state that he sees three problems with this ordinance. He stated that there is older housing stock and estimated at least 1,000 properties would be out of compliance as they have no paving, but were built to code at the time. Mr. Smith stated that he assumed the requirement for asphalt or concrete was to protect the groundwater basin, but that it makes no sense for vehicles that do not leak.

George Nordquist, 4133 W. Wilson Street, Banning CA, came forward to encourage the Planning Commission and the City Council to allow people to enjoy their RVs and said he felt that controls and guidelines can be overdone.

Mr. Steenson stated that Code Enforcement does not have an opinion, just enforces the Code.

Commissioner Escandel stated that he believed the ordinance was necessary, but would like to include gravel as an acceptable paving material. He also felt that Section 1-3 could be deleted.
Commissioner Siva stated that he concurred with Commissioner Escandel’s remarks. Commissioner Hawkins stated he would support approval of the ordinance with changes to allow gravel. Chairman Dickson stated that he would support the ordinance with changes.

Assistant City Attorney Lopez stated that she could recommend changes that would address the gravel issues. So if the Commission chose to do so, they could approve the resolution with the changes as proposed. Those changes being, “sub paragraph G, would read all parking shall occur on gravel or paved surfaces such as asphalt, concrete or similar materials.” “Sub paragraph I, sub paragraph 3 would be deleted, all the following paragraphs would be renumbered and that would then address the gravel issue”.

Gary Hironimus came forward to reiterate that this whole section in the code is dealing with off street parking and that final paragraph, I-8 has nothing to do with off street parking, it has to do with on street parking which is already covered in Section 10.12.045, so it should be deleted.

Ms. Lopez responded that in regards to that section she could not speak to it as she did not have a copy of it in front of her.

Mr. Steenson responded that this section was included to address specifically RVs and RV related vehicles. He realizes that it is in Section 10, the 72 hour maximum parking is there for all and any vehicles. This was included just to make it clear that it addresses specifically RVs and related vehicles and it allows for the loading and unloading. The 24 hour exemption deals with connection to utilities and that was put in the original ordinance because the Council wanted to make sure that there was some way to allow RVs to be stored on properties, but not inhabited.

**ACTION (ESCANDEL / SIVA):** A motion was moved, seconded and carried that 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 vehicles, trailers, boats, campers, and like vehicles, as amended to include that Sub paragraph G, would read all parking shall occur on gravel or paved surfaces such as asphalt, concrete or similar materials. Sub paragraph I, Sub paragraph 3 would be deleted, all the following paragraphs would be renumbered and that would then address the gravel issue.

(Motion carried 4 – 0) (Commissioner Barsh was excused)
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 Residential (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.

Senior Planner Clinton presented the staff report and stated that this zone text amendment has two parts to it. The first part is an amendment to our non-conforming uses section and it would permit expansion of existing non-conforming uses located in the Commercial and Industrial zones to expand up to 50% subject to a conditional use permit. This provision is something that has been suggested to help stimulate existing successful businesses who need to have some expansion and to enable them to do that without relocating and without having to build a new facility.

Commissioner Escandel inquired if the 50% was of the lot size or the building size. Ms. Clinton responded that they could expand their building up to 50% of the size of the building. Commissioner Escandel stated he wanted to be certain that an expansion would meet all the other qualifications of the code as it relates to landscaping and parking. Ms. Clinton stated that we could add language to cover those issues.

Senior Planner Clinton stated that the second part is an amendment to the residential development standards and this is to increase the building coverage and floor area ratio thresholds in the Very Low Density Residential zone. This came about due to people who had homes that were in the VLDR zone and at this time the code allows only 15% lot coverage and people with large lots were finding that they could not expand their homes, garages or build any out buildings. Staff felt that an increase to 25% would be logical.

Assistant City Attorney Lopez recommended some changes to the resolution to address Commissioner Escandel's concerns. It would be paragraph B, which begins by reading, Section 17.88.030, under that it has the language that would be amended in the Code to read as follows: An existing non-conforming use located in the Commercial or Industrial zone may be expanded in conformance with this Code up to, but not exceeding 50%, subject to the approval of a conditional use permit by the Planning Commission.

**ACTION (ESCANDEL / SIVA):** A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2009-02 recommending to the City Council approval of Zone Text Amendment No. 08-97508, as amended to include new language for paragraph B, Section 17.88.030, that would read, “An existing non-conforming use located in the Commercial or Industrial zone may be expanded in conformance with this Code, up to but not exceeding 50%, subject to the approval of a conditional use permit by the Planning Commission”.

(Motion carried 4 – 0) (Commissioner Barsh was excused)
V. PLANNING COMMISSIONER'S COMMENTS

No comments at this time.

VI. DIRECTOR'S REPORT

Interim Director Bassi stated that he had provided a memo regarding the agenda items that were reviewed at the December 10th meeting and then the tentative scheduled items for January 13th and 27th Council meetings. The memo is for informational purposes and no action is needed. Mr. Bassi also included a letter that was received from the Smith Correctional Facility in reference to the questions that the Commissioners raised at the October meeting.

Commissioner Escandel responded that he appreciated the letter and was pleased that there would be a 300 foot buffer zone.

VII. FUTURE PROJECTS

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

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:40 p.m. to the February 3, 2009 meeting.

Respectfully submitted,

[Signature]

Gini Sorenson
Recording Secretary
DATE: February 3, 2009

TO: Mr. Chairman and Members of the Planning Commission

FROM: City of Banning Planning Division

SUBJECT: Conditional Use Permit (CUP) #08-804:
A request from CR & R, Inc. to construct a 12,466 square foot industrial building to establish an office and truck repair facility on 4.3 acres site within the Industrial zoning district generally located on Barbour Street east of Hargrave Street (APN 541-330-005).

PROJECT DESCRIPTION AND ANALYSIS

Conditional Use Permit (CUP) #08-804 is a request by CR & R, Inc. of Kent, Washington (applicant) to construct a 12,466 square foot industrial building to establish an office and truck repair facility (Trucking Yard BMC 17.12.020) on 4.3 acres site within the Industrial zoning district. The proposed project will provide a base of operations for solid waste handling services provided by the applicant that include an office, five repair bays, and parking for sixteen waste handling trucks. The proposed site is located generally on Barbour Street east of Hargrave Street (see vicinity map attached) and is designated as Assessors Parcel No. 541-330-005. The subject parcel is approximately 4.3 acres and is vacant.

Surrounding Neighborhood

The project site is surrounded by a variety of land uses. To the north is Airport Industrial zoned property which at this time includes a RV storage yard (formerly a wheel manufacturing plant) and a few non-conforming residences. To the west is Industrial zoned property which at this time includes a few non-conforming residences. To the south is Industrial zoned property that is vacant. To the east is Industrial zoned property where an existing trucking company operates. Bordering the southerly property line is public right-of-way for the future extension of Westward Avenue. To the southwest, separated by the future right-of-way for Westward Avenue, is a section of Very Low Density Residential (VLDR) zoned property which is developed.

Project Analysis

The subject parcel of land is zoned Industrial (I). The Industrial zoning district includes industrial parks and freestanding industrial users. Examples of permitted uses include light and
medium intensity manufacturing operations, warehousing and distribution, ministorage, and associated offices. Commercial recreation facilities, auto storage and repair is also allowed. Retail uses ancillary to the industrial use are also appropriate. The applicant is proposing the approval of a Conditional Use Permit to establish an office, five truck repair bays, along with parking for 16 solid waste handling trucks (Trucking Yard BMC 17.12.020).

The existing site is a rectangular-shaped parcel, fairly level, gently sloping to the southeast (average less than 3% slope). The site is vacant and undeveloped. Ground surface cover generally consists of exposed soil, including sparse amounts of exposed cobbles and small boulders, with sparse to moderate native grass and weed growth. There is a moderate amount of debris consisting mostly of brick and concrete fragments that appear to be construction waste in a small area at the southwest corner of the site. The frontage along Barbour Street is improved with curb, gutter, and existing paving stone sidewalk in poor condition. There are no public improvements fronting the future right-of-way for Westward Avenue. An existing chain link fence covered by Oleander shrubs borders the easterly property boundary, while there are portions of chain link and wire fencing along the westerly property boundary.

One of the primary goals of the Industrial zoning district as stated in the Land Use Element of the General Plan is to provide “a balanced mix of non-polluting industrial land uses which provides local jobs for the City’s residents” (2006 GP p.III-19). This project is consistent with this policy because it will provide employment for office personnel, maintenance personnel and truck drivers. The site is being designed to implement “best management practices” in accordance with regulations and guidelines established by the National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board Colorado River Basin Region (Board Order No. R7-2008-0001). Said NPDES permit requirements are for the purpose of controlling the discharge of pollutants into receiving waters (rivers). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan.

Further, the Zoning Code Development Design Guidelines require certain design principles, site planning, parking & circulation, landscaping, and screening elements be incorporated into industrial developments. The proposed project incorporates desirable design elements into the project such as significant texture of the building surfaces by using Mojave colored stone veneer, earth tone colored stucco and glass in a pleasing combination; articulation of the building surface and mass between the office portion of the structure and the repair bays; and variation of the roof line including the application of a cornice. Pedestrian paths of travel in the parking lot are delineated by enhanced paving. The parking lot is designed to provide logical direction of travel including circulation around the building with no dead ends. Landscaping enhances the overall appearance of the project and includes a 10 foot wide landscape buffer between the existing non-conforming residence to the west. Screening of the repair bays is accomplished through landscaping, building orientation, and the placement of block walls along the project boundary.

Traffic generated by this project is considered below the threshold requiring analysis of impacts. ITE (Institute of Transportation Engineers) trip generation rates for light industrial use specify 1.01 trips per thousand square feet of building area. This computes to 12.6 peak hour trips.
which is well below the generally accepted threshold of 50 or more peak hour trips that would require analysis of impacts.

There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety. There is an existing 12-inch water main located in the Barbour Street right-of-way and an existing 8-inch water main located in an easement adjacent to the easterly property line. An existing sewer main is located within the Barbour Street right-of-way. Additionally, the conditions of approval require the installation of fire hydrants and other water and wastewater facilities necessary to serve the proposed project.

Development Standards

The establishment of an office and truck repair facility is allowed in the Industrial zone subject to the approval of a conditional use permit (Trucking Yard BMC 17.12.020). The establishment of an office and truck repair facility is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the Industrial zone as illustrated in the box below. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the Banning Municipal Code are met. These conditions include those described in Attachment “1”. Further, the applicant will be required to comply with these conditions prior to obtaining building or grading permits.

<table>
<thead>
<tr>
<th>Industrial (I) zone development standards</th>
<th>Proposed project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>70 feet</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
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<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
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<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>60 %</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>50 feet</td>
</tr>
<tr>
<td>Maximum Wall Height</td>
<td>8 feet</td>
</tr>
<tr>
<td>Parking (office &amp; vehicle repair)</td>
<td>66 spaces</td>
</tr>
<tr>
<td>Landscape</td>
<td>15% of parking area</td>
</tr>
</tbody>
</table>

Summary Statement

The proposed project meets the development goals and policies of the General Plan. Conditions of approval require that the proposed project comply with development standards of the Industrial zone. The applicant has presented a project that is both architecturally pleasing and will benefit the community by the creation of employment opportunities while minimizing impacts to the environment. If approved, construction shall commence within 2 years from the date of project approval, or the conditional use permit shall become null and void.
ENVIRONMENTAL ANALYSIS/DETERMINATION

Upon submittal of the applications, 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

A copy of the public hearing notice was published in the Record Gazette and was sent to all property owners and occupants of surrounding properties within a 300-foot radius of the subject site on January 23, 2009. As of the date of this staff report, staff has not received any correspondence either for or against the proposed project.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt PC Resolution No. 2009-01 (Attachment 1) approving Conditional Use Permit (CUP) #08-804.

Prepared by:  
Brian Guillot  
Planning Engineer  

Respectfully Submitted:  
Matthew C. Bassi  
Interim Community Development Director

PC ATTACHMENTS:

1) PC Resolution No. 2009-01  
2) Vicinity map  
3) Site photographs  
4) Elevations  
5) Project plans
CUP #08-804
INDUSTRIAL BUILDING

RESOLUTION
NO. 2009-01

ATTACHMENT “1”
RESOLUTION NO. 2009 - 01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP) #08-804 TO ESTABLISH AN OFFICE AND TRUCK REPAIR FACILITY GENERALLY LOCATED ON BARBOUR STREET EAST OF HARGRAVE STREET (APN NO. 541-330-005).

WHEREAS, an application for a Conditional Use Permit to establish an office and truck repair facility (Trucking Yard BMC 17.12.020) has been duly filed by:

Applicant/Owner: CR & R, Inc. of Kent, Washington
Authorized Agent: Roger Van Valkenburgh
Project Location: Barbour Street east of Hargrave Street
APN Number: 541-330-005
Lot Area: 4.3 Acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit #08-804 to construct an office and truck repair facility (Trucking Yard BMC 17.12.020); and,

WHEREAS, on January 23, 2009, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners’ within 300 feet of the site of the holding of a public hearing at which the project would be considered; and,

WHEREAS, on February 3, 2009, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and,

WHEREAS, the Community Development Director has evaluated the project’s potential effects on the environment as required under the California Environmental Quality Act (CEQA) and has recommended that the project is categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby 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 February 3, 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:
A. CEQA  The project is exempt from CEQA under CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that CUP #08-804 is consistent with the Industrial (I) General Plan designation and all applicable General Plan policies as well as with applicable zoning designation; CUP #08-804 is located within the boundaries of the City of Banning; the area within CUP #08-804 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 CUP #08-804 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. Wildlife Resources  Pursuant to Title 14, California Code of Regulations Section 753.5(e), the Planning Commission has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of substantial evidence, the Planning Commission hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code Section 711.4(c)(2)(B) and Title 14, California Code of Regulations, Section 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

C. 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 Chapter 17.52 and in light of the record before it including the staff report dated February 3, 2009, and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

The General Plan land use designation for the site is Industrial (I). One of the primary goals as stated in the Land Use Element of the General Plan is to provide “a balanced mix of non-polluting industrial land uses which provides local jobs for the City's residents” (2006 GP p.III-19). This project is consistent with this policy because it will provide employment for office personnel, maintenance personnel and truck drivers. The site is being designed to implement “best management practices” in accordance with regulations and guidelines established by the National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board Colorado River Basin Region (Board Order No. R7-2008-0001). Said NPDES permit requirements are for the purpose of controlling the discharge of pollutants into receiving waters (rivers). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan.
B. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Ordinance.

The establishment of an office and truck repair facility is allowed in Industrial zone subject to the approval of a conditional use permit (Trucking Yard BMC 17.12.020). The establishment of an office and truck repair facility is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the Industrial zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the Banning Municipal Code are met. These conditions include those described in Exhibit “A” attached to this Resolution and made a part by this reference. Further, the applicant will be required to comply with these conditions prior to obtaining building or grading permits.

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

The proposed site is located in an industrial, for the most part, developed area. The surrounding properties are comprised of a manufacturing plant to the north, a trucking company to the east, a single family residence to the west, and vacant land to the south. With the exception of the existing non-conforming single family residence, these properties are similar in character and integrity as the proposed office and truck repair facility because the facility is for the purpose of maintaining trucks for solid waste handling services. All truck repairs would take place inside the building. Also, the conditions of approval require a 10 foot landscape buffer and 8 foot tall block wall between the existing non-conforming use to the west.

Further this project is located in the Industrial land use district. This project will not impair the character and integrity of this land use district because the proposed use will be developed in accordance with the development standards imposed by the municipal code.

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

The existing site is a rectangular-shaped parcel, fairly level, gently sloping to the southeast (average less than 3% slope). The site is vacant and undeveloped. Ground surface cover generally consists of exposed soil, including sparse amounts of exposed cobbles and small boulders, with sparse to moderate native grass and weed growth.

The site is located within a shallow flood area and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for industrial development. The requirements for Floodplain Management as stated are Section 15.64 of the Municipal Code provides methods for flood hazard reduction for development in shallow flood areas.
The project has been designed to accommodate the development of a 13,000 square foot office and repair garage on an 189,300 square foot lot. A precise grading plan shall be required that implements specific design standards and regulations.

Repair facilities with associated offices are allowed as provide for in the Land Use Element of the City's General Plan for the Industrial land use designation and in the City's Zoning Ordinance for the Industrial zone.

E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

There is an existing 12-inch water main located in the Barbour Street right-of-way and an existing 8-inch water main located in an easement adjacent to the easterly property line. An existing sewer main is located within the Barbour Street right-of-way. Additionally, the conditions of approval require the installation of fire hydrants and other water and wastewater facilities necessary to serve the proposed project.

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

The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on Biological/Regulatory Constraints Analysis conducted by Glenn Lukos Associates dated August 8, 2008.

The analysis recommended that a focused survey be performed for the western burrowing owl (a California Department of Fish and Game and Federal species of special concern) due to the presence of ground squirrel burrows (potential suitable habitat). A biologist from Glenn Lukos Associates visited the site the week of August 21, 2008, and determined that burrowing owls were not present.

In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

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

The proposed office and truck repair facility (Trucking Yard BMC 17.12.020) is allowed within the Industrial zone subject to a conditional use permit. The proposed office and truck repair facility (Trucking Yard BMC 17.12.020) is consistent with the intent of the City's zoning ordinance as described in the staff report. The site has been designed to meet the required development standards related to setbacks, lot coverage, building

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height and parking such that it will not be detrimental to the public interest, health, safety, coverage or welfare as described in more detail in the staff report.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

A. **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 Planning 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.

B. **Approve Conditional Use Permit.** Conditional Use Permit #08-804 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit “A”.

**PASSED, APPROVED AND ADOPTED** this 3rd day of February, 2009, by the following vote:

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
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of February 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
February 3, 2009

PROJECT #:         Conditional Use Permit (CUP) #08-804
SUBJECT:           Conditions of Approval
APPLICANT:         CR & R, Inc.
LOCATION:          Barbour Street, East of Hargrave Street
                   APN 541-330-005

PLANNING

The Applicant may contact the Planning Division at (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. 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.

3. Construction shall commence within 2 years from the date of project approval, or the conditional use permit shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the conditional use permit shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant a 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.

4. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval including any mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

B. Site Development

5. 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; and, municipal code regulations.

6. Operation of the trucking yard is limited to sixteen (16) solid waste handling trucks; otherwise, the Conditional Use Permit shall be amended.

7. A design review of the project shall be required as part of the overall project review.

8. 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.

9. Occupancy of the facilities shall not commence until such time as all California Code of Regulations Title 24 (California Building Standards Code) regulations 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 by the Building Official or his/her representative for compliance prior to occupancy.

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

11. 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 subdivision, or approved use has commenced, whichever comes first.

12. Approval of this entitlement 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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13. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department 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. The lighting fixture design shall complement the architecture of the site.

14. All ground-mounted utility appurtenances such as transformers and AC condensers 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.

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

16. The developer shall submit a construction access plan and schedule for the development of the project 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.

17. At the minimum a six-foot decorative block walls shall be constructed along the project perimeter. An eight-foot tall decorative block wall shall be constructed along the westerly property line bordering the existing non-conforming single family dwelling. If a double wall condition would result, the developer shall make a good faith effort to work with the adjacent property owners to provide a single wall. The 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.

18. 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. Trash bins with counter-weighted lids.

e. Architecturally treated overhead shade trellis, or cover.

f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

19. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

20. All graffiti shall be removed within 72 hours.

21. 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.

C. Building Design

22. The buildings shall be constructed with the design elements approved by the review authority and in accordance with zoning regulations.

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23. 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.

24. 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

25. All parking spaces shall be 9 feet wide by 19 feet long minimum. 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.

26. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).

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

28. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign. The owner shall permanently maintain all signs and markings in a clear and visible manner.

29. 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. At the minimum, the gate shall be set back from the street 16 feet.

30. Handicap parking spaces shall be provided at the rate of one space for the first ten parking spaces, and then one for each additional forty parking spaces. Design of handicap parking spaces and access shall be in accordance with the State of California.

31. At least one loading space is required for uses with less than 10,000 square feet of gross floor area. Loading spaces shall be at least 15 feet wide and 20 feet in length or greater with 15 feet of vertical clearance.

E. Landscaping

32. A landscape documentation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved prior to issuance of any permit and shall include the following elements:

   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Grading design plan.
   g. Soil analysis.

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h. Certificate of substantial completion.

33. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.

34. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall be 30 feet.

35. All parking areas shall provide at least 30% permanent shading for parked vehicles within two years of occupancy.

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

37. A minimum of six feet of landscaping shall be planted along perimeter walls and fences.

38. All slopes shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

39. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope 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. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also 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 shall include a permanent irrigation system.

40. Property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the parkway. 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:

41. 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.

42. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

43. All landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

F. Environmental

44. Within 30 days prior to the initiation of any ground disturbing activity on the project site, a protocol-compliant survey for burrowing owl shall be conducted by a qualified biologist. Should the species be identified on the site, the biologist shall prepare and implement mitigation measures consistent with the requirements of the California Department of Fish and Game’s requirements for the species at that time. The mitigation shall be approved by CDFG and fully implemented prior to initiation of ground disturbing activity at the site.
Reports of the surveys shall be submitted to the Planning Department for review and approval prior to the issuance of permits.

45. No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey.

46. The property shall be assessed by the MSHCP as a potential for containing Burrowing Owl and Narrow Endemic Plan Species.

G. Other Agencies

47. 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 & SAFETY

The Applicant may contact the Building & Safety Division at (951) 922-3120 for compliance with the following conditions:

H. General Requirements/New Structures/Site Development

48. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project number (i.e., CUP #08-804). The applicant shall comply with California Building Code, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

49. 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.

50. Submit five complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Cross sections;
   e. Elevations;
   f. Ceiling and Roof Framing Plan;
   g. 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; and,
   h. Plumbing Plans including isometrics, water supply and waste diagram, sewer location, gas piping, and HVAC layout with duct/louver grill sizes.

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51. 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.

52. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

53. A preconstruction meeting shall be held for all participating field personnel prior to the commencement of construction activities.

54. Commercial pool plans shall be submitted to the County of Riverside's Environmental Health Services Department for review and approval.

I. Grading

55. Grading of the subject property shall be in accordance with the California Building Standards Code, City grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved grading plan.

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

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

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

ENGINEERING

The Applicant may contact the Engineering Division at (951) 922-3130 for compliance with the following conditions:

J. General Requirements

59. A Public Works Permit shall be required 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 that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

60. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)

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The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

61. The following improvement plans shall be prepared by a civil engineer licensed by the State of California; and, submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility surveyors).

a. Street Improvement Plans
   1" = 40' Horizontal

b. On-Site Grading Plan
   1" = 40' Horizontal

   (All conditions of approval shall be reproduced on last sheet of set)

c. Erosion Control & SWPPP
   1" = 40' Horizontal

   (Note: a & b shall be processed concurrently)

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

62. Upon completion of construction, the Developer shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

63. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.

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K. Rights of Way

64. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/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.

65. Offer to dedicate to the City of Banning an additional 3 feet of right-of-way in order to meet the City of Banning master planned half street width of 33 feet fronting Barbour Street.

66. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to grading plan approval.

67. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

L. Public Improvements

68. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

69. Construct full half street improvements in accordance with City standards fronting Westward Avenue including street lighting, curb and gutter, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

In lieu of construction, the property owner shall agree to participate in a future assessment district to construct the public improvements along Westward Avenue.

70. Construct full half street improvements in accordance with City standards fronting Barbour Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights on Barbour Street shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

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

72. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

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M. Grading and Drainage

73. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

74. Site is located in a Flood Area as identified in Flood Insurance Rate Map 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.

75. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the west.

76. The applicant shall comply with Chapter 13.24 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code related to excavation and grading; and, the State Water Resources Control Board’s Order No. R7-2008-0001.

a. 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.

b. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.

c. 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.

d. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):

i. Temporary Soil Stabilization (erosion control).

ii. Temporary Sediment Control.

iii. Wind Erosion Control.

iv. Tracking Control.

v. Non-Storm Water Management.

vi. Waste Management and Materials Pollution Control.
e. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

f. 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.

77. 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.

78. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

79. Prior to the issuance of a building permit, the permit applicant shall include in its development plans water quality management controls by specifically identifying Best Management Practices (BMP's) that will be used onsite to control predictable pollutant runoff. See Attachment to Supplement “A” of the Riverside County Drainage Area Management Plans.

80. Prior to the issuance of a Certificate of Occupancy 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.

81. 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.

N. Landscaping Public Right of Way

82. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. “Xeriscape” shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

83. The applicant shall plant and perpetually maintain trees and shrubs placed in the parkway fronting the project as required by the zoning code. This includes providing irrigation and the clearing of debris and weed removal.

84. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

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O. Traffic

85. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

86. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

87. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

88. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access drives, streets, and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

P. Trash/Recycling

89. 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.

90. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

Q. Fees

91. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

92. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

93. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the fee schedule in effect at that time.

94. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.
95. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot.

96. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes if necessary for the proposed project.

**FIRE**

The Applicant may contact the Fire Department at (951) 922-3210 for compliance with the following conditions:

97. The applicant shall notify the Fire Department of any Hazardous Materials, Flammable liquids, and the way they will be stored in the building or on the property.

98. A permit shall be obtained from the Fire Department for handling Hazardous Materials.

99. Permits shall be obtained from the Fire Department for flammable spray operations.

100. Plans for Underground Private fire service water mains shall be approved by the Fire Department and the Water Department prior to installation.

101. A “Knox” rapid entry system is required for the access gates and the building. If the gates are automatic, then a key switch is needed. If the gates are manual, then a padlock is needed.

102. The driveway on the east side will be considered the fire lane. In this case the curbs along the driveway shall be painted red. If there are no curbs, then approved “No Parking” signs shall be posted.

103. Fire Department mitigation fees for the new building will be required plus a disaster planning fee.

104. The new facility will be required to have an automatic fire sprinkler and alarm system. Systems must be designed to meet the current California Building Code requirements, the current National Fire Protection Association (NFPA) standards for that type of occupancy and must be approved by the fire department prior to any work being done on the system.

105. Fire hydrants will be required along the street frontage or access road around the building spaced at no more than 300 feet apart. The hydrants will be installed to meet city Public Works and Utility Standards. The underground line must be sized to meet the required fire flow for the building. Fire flow is based on the square footage and type of construction of the building.

106. Fire access roads must be at least 20 feet wide. If parking is going to be allowed along the curbs or if loading zones will be designated along the curbs, then the road width will need to be increased based on the proposed use. If no parking will be allowed, then all curb faces along both sides of the roads must be painted red and marked “NO PARKING FIRE LANE” as required by the California Vehicle Code.

107. More specific requirements may be presented when detailed plans are submitted.
PUBLIC UTILITIES

108. Water Connection Fees shall be paid per EDU. (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for this type of commercial use will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, within this project in accordance with the fee schedule in effect at the time the fees are paid. Also, all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

109. The City may change fees, charges, and requirements due to changed conditions. All design and construction work shall meet the City's current Standard Plans and Specifications.

R. Water

The Applicant may contact the Water Division at (951) 922-3144 for compliance with the following conditions:

110. Submit Water Improvement Plans to the Water/Wastewater Division for review and approval of the following items:

   a. A domestic water service connecting to the 12-inch water line in Barbour Street.

   b. A fire protection water line to the facility from the existing 12” water line on Barbour Street. Fire hydrants shall be installed at a 300 foot maximum spacing on project boundaries. Fire hydrants may also be required on-site. On-site fire lines shall be owned, maintained, and operated by the property owner.

   c. A fire service shall require a double detector check, or RPP device.

   d. A backflow device must be installed on all commercial developments and be in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Public Utilities Water/Wastewater Division, prior to the installation.

S. Wastewater

The Applicant may contact the Wastewater Division at (951) 922-3281 for compliance with the following conditions:

111. Submit Sewer Improvement Plans to the Water/Wastewater Division for review and approval of the following items:

   a. Construct a minimum of an 8-inch VCP sewer main line on Westward Ave from the west boundary line of the project to the existing 8-inch sewer line located to the east at the Barbour Industrial Park (±316 linear ft.)

   b. Or, construct a 6-inch minimum VCP sewer lateral connecting to the existing 8” sewer line in Barbour Street with a private onsite sewer lift station, if needed. Additionally, construct an 8-inch dry sewer line from the west property line to the east property line on Westward Avenue.
112. The proposed truck wash shall use a commercial style water recycling system. Discharge to the City sewer system shall be sufficiently treated prior to discharge into the sanitary sewer and shall have an on-site oil/grease interceptor.

113. Developer can request a Reimbursement Agreement for the construction of the sewer line on Westward Ave for those who will benefit from the installation of the sewer line.

T. Electric

The Applicant may contact the Electric Utility at (951) 922-3260 for compliance with the following conditions:

114. Provide electrical plans and load calculations for review. Submit detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2000.

115. Pay required fees - electrical permit, plan check fee, inspection fees, in aid of construction fee, etc. Current fee schedule available from the City Department of Building and Safety.

116. Grant easement(s) for electric facilities installation/maintenance, etc.

117. The developer shall be responsible for:
   a. All trenching, backfill, and compaction.
   b. All conduits, vaults, and other materials associated with their installation (except cables and their terminations).
   c. Installation of Streetlight foundation, poles, and conduit.

118. The City Electric Department shall be responsible for:
   a. Reviewing plans submitted by customer.
   b. Providing a cost estimate for City installed power lines.
   c. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
   d. Installing conductors and terminations for primary and secondary voltages (at customer’s expense).
   e. Installation of street light heads and conductors.
VICINITY MAP

Conditional Use Permit (CUP) #08-804

APN 541-330-005
CUP #08-804
INDUSTRIAL BUILDING

SITE PHOTOGRAPHS

ATTACHMENT “3”
SITE PHOTOGRAPHS

Looking easterly along Barbour Street

Looking westerly along Barbour Street
CUP #08-804
INDUSTRIAL BUILDING

ELEVATIONS

ATTACHMENT "4"
CUP #08-804
INDUSTRIAL BUILDING

PROJECT PLANS

ATTACHMENT “5”
CITY OF BANNING
COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

DATE: February 3, 2009

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Interim Community Development Director

SUBJECT: City Council Actions from the January 13 & 27 Meetings

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 January 13 and 27 meetings.

Projects Reviewed by the City Council on January 13, 2009:

➢ Holiday Inn Express Hotel - City Council approved a Deferral Agreement of $447,000 with a $100,000 deposit and payback period of about 4.5 years with $50,000 payments every six (6) months.

➢ Holiday Inn Express Freeway Sign - City Council affirmed that the proposed 80-foot tall freeway sign for the Holiday Inn Express hotel was not allowed under the current sign ordinance. They also directed staff to bring forth an urgency ordinance possibly allowing freeway signs under limited circumstances consistent with the sign ordinance in existence prior to September 2007 (scheduled for the February 10 CC meeting).

Projects Reviewed by the City Council on January 27, 2009:

➢ Ordinance No. 1400: Smoking in Public Parks - City Council review and approved Ordinance No. 1400 regulating smoking in public parks.

➢ Draft Housing Element - City Council adopted a resolution authorizing staff to formally submit the draft 2008 – 2014 Housing Element to HCD to begin the state mandated 60-day review period.

➢ "One-Stop Shop" Presentation - Staff made a power point presentation on the progress in implementing the "One-Stop Shop" program (receive and file).

Respectfully submitted,

Matthew C. Bassi
Interim Community Development Director
CITY OF BANNING

MEMORANDUM

DATE: February 3, 2009
TO: Chairman Dickson and Members of the Planning Commission
FROM: Kim Clinton, Senior Planner
RE: O’Donnell Group Industrial Park Presentation

A design review application is being processed to develop a 1.2 million square-foot industrial park, located on a 64 acre site.

The project area is bounded by Hathaway on the west; Wilson Street on the north; the Fields property on the east; and a Caltrans yard, the terminus of Ramsey Street and the I-10 freeway corridor on the south.

The applicant is presenting the project tonight in an informational session to get feedback and answer questions the commission may have regarding the proposal. The project has some outstanding issues regarding engineering and site planning that must be resolved prior to conducting a public hearing on the matter.

Resolution of those issues may result in changes to the design of the project. No decisions can be made regarding the project prior to the environmental comment period and the subsequent public hearing. A hearing date will be set when the plan is finalized and the environmental processing is complete.

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.