CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING - Tuesday, April 7, 2009 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER: Chairman Buddy Hawkins

➢ Pledge of Allegiance: Commissioner Bill Escandel

➢ Roll Call: Kim Clinton, Senior Planner

Chairman Buddy Hawkins; Commissioner Dennis Arterberry; Commissioner Harold Barsh; Commissioner Bill Escandel; 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 March 3, 2009 Planning Commission Minutes
IV. PUBLIC HEARING ITEMS

1. **Design Review No. 07-7014:**
   A Request by Green Thumb Produce for the Approval of a 21,000+ Square-Foot Remodel/Expansion on a 4.73 Acre Site in the Highway Serving Commercial (HSC) Zone Located at 2648 W. Ramsey Street (APN No. 538-190-011 & 040).

   **Recommendation**
   The Planning Division recommends the Planning Commission take the following actions:
   1. Adopt a Categorical Exemption in compliance with CEQA Guidelines Section 15332 (In-Fill); and
   2. Adopt PC Resolution No. 2009-04 (Attachment 1) approving Design Review No. 07-7014, subject to conditions.

2. **Zoning Text Amendment No. 09-97501:**
   Amendment to Municipal Code Section 17.28.040, Pertaining to Industrial Warehousing and Industrial Manufacturing parking standards.

   **Recommendation**
   The Planning Division recommends the Planning Commission take the following actions:
   1. Adopt a Categorical Exemption in compliance with CEQA Guidelines Section 15061(b)(3); and
   2. Adopt PC Resolution No. 2009-05 (Attachment 1) approving Zone Text Amendment No. 09-97501.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. City Council Actions from previous meetings on Planning-Related Items (Oral Report)

VII. TENTATIVE PROJECTS SCHEDULED FOR MAY 5, 2009

1. Design Review #07-708: O’Donnell Industrial Park
2. 2009 – 2014 CIP: Program Adoption
VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of May 5, 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

March 3, 2009

A regular meeting of the City of Banning Planning Commission was held on Tuesday, March 3, 2009 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

At this time, the City Clerk, Marie Calderon, swore in the two new commissioners, Mr. Arterberry and Mr. Escandel

Commissioners Present: Commissioner Arterberry
Commissioner Barsh
Commissioner Escandel
Commissioner Hawkins
Commissioner Siva

Staff Present: Interim Community Development Director Bassi
Assistant City Attorney Lopez
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Commissioner Hawkins.

II. ELECTION OF OFFICERS

Commissioner Hawkins was elected Chairman and Commissioner Escandel was elected Vice-Chairman.

III. PUBLIC COMMENT

Bill Dickson, 5700 W. Wilson Street, Banning CA, came forward to thank everyone for the opportunity to have served on the Planning Commission. He said it was a very rewarding experience and welcomed Commissioner Arterberry.

Interim Director Bassi mentioned that at the March 10, 2009, City Council meeting there will be a special presentation by the Mayor to Mr. Dickson in honor of his service to the City.
IV. CONSENT CALENDAR

1. Review of Minutes (February 3, 2009)

**ACTION (ESCANDEL / BASH):** A motion was moved, seconded and carried that item 1 be approved as presented.
(Motion carried 4 -1) (Commissioner Arterberry abstained as he was not a member of the Commission at the January meeting)

V. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

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

Interim Director Bassi stated that the Commissioners had before them the list of Planning related items that were presented at the February City Council meetings. That is just a receive and file report unless there were any questions. There were no questions from the Commissioners.

2. Planning Commissioner Orientation / Training - Study Session

At this time Mr. Bassi turned the meeting over to Assistant City Attorney Lopez. Ms. Lopez stated that the binder of materials that she presented to the Commissioners was very large and extensive. The body of law that they were about to discuss is very complicated, large and detailed. The Brown Act was discussed, as well as Conflicts of Interest, Financial Interests, Incompatible Office, Matters Covered by Local Law, Parliamentary Procedures, Public Official Liability and the Rules of Civility.

Commissioner Siva had a question about the Brown Act on Penalties: Failing to Comply. His question was regarding the 30 and 90 day time periods if there was a challenge. Ms. Lopez explained that if someone claimed that there was a Brown Act violation on a decision made concerning a conditional use permit, if tonight on March 3rd a motion was made to approve the CUP, it was voted on and approved and somebody later claims there has been a Brown Act violation with regard to that decision, then that challenger has 90 days to challenge the CUP decision. The 30 day issue is that if there has been an error on the agenda, they have only 30 days to make that challenge.

At this time, Chairman Hawkins opened the meeting to the public for any questions or comments. Councilmember Don Robinson came forward to thank Ms. Lopez for her presentation as he felt it was very informative. He discussed the area of conflict of interest. He stated that there were some groups in town that will try to persuade the Commissioners and he wanted to alert the Commissioners and said they should listen to
the City Attorney. He said he appreciates the work the Commission is doing and looks forward to working with them for his next four years.

Dan Miroballi, 4824 Oakhurst Avenue, Banning CA, came forward to say that he had applied to serve on the Planning Commission, but was not selected. He said he is really impressed with the group and what they have to do. He said he appreciated this training session and found it to be very interesting.

Mr. Bassi mentioned the Planners Institute, the League of California Cities annual conference for Planning Directors and Commissioners. The conference will be March 25th - 27th and the reservations have been made for Commissioner's Arterberry and Siva, Redevelopment Manager John Jansons and Mr. Bassi. We will mail maps and information to the Commissioners.

VI. FUTURE PROJECTS

Mr. Bassi stated that the Mural Ordinance will not be on the April 7th agenda. He hopes to bring it forward at the May meeting.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:35 p.m. to the April 7, 2009 meeting.

Respectfully submitted,

[Signature]
Gini Sorensen
Recording Secretary
DATE: April 7, 2009

TO: Mr. Chairman and Members of the Planning Commission

FROM: City of Banning Planning Division

SUBJECT: Design Review No. 07-7014:
A Request by Green Thumb Produce for the Approval of a 21,000± Square-Foot Remodel/Expansion on a 4.73 Acre Site in the Highway Serving Commercial (HSC) Zone Located at 2648 W. Ramsey Street (APN No. 538-190-011 & 040).

STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Categorical Exemption in compliance with CEQA Guidelines Section 15332 (In-Fill); and

2. Adopt PC Resolution No. 2009-04 (Attachment 1) approving Design Review No. 07-7014, subject to conditions.

PROJECT/APPLICANT INFORMATION

- Project Location: 2648 E. Ramsey Street
- APN Information: 538-190-011 & 538-190-040
- Project Applicant: Green Thumb Produce
- Property Owner: Lonnie Saverino
- Redevelopment Area: Yes
- Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION

Project Description:

The applicant is proposing to upgrade the façade of the existing market and add a sit-down restaurant and bakery in the front portion of the project facing Ramsey Street. The new construction will extend west on to the adjacent lot 40, which will be merged with the developed parcel yielding 4.73 acres (refer to Attachment 2 – Vicinity Map). Additional parking will be created on the adjacent lot and the entire parking lot will be upgraded with new paving, striping and landscaping. The cold storage/packing area will also be expanded and an employee lounge, restrooms and conference room will also be built behind the retail shops. A 1600 square foot office area for Green Thumb will be added within the mezzanine area. The main addition is approximately 21,000 square feet in size. Staff has provided the project plans booklet for Commission consideration (Refer to Attachment 3).

Surrounding Land Use Information

The project is located in the Highway Serving Commercial (HSC) Zone. The project site is located on the south side of Ramsey Street west of 22nd Street. North of the site is Pepe’s Mexican Restaurant and J.S. Collision auto body shop. West of the site is a music store. East of the site is the Banning RV sales lot. South of the site is the I-10 freeway. The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Green Thumb Produce</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Pepe’s Mexican Rest. &amp; Jim Smith Auto Sales/Repair</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Interstate 10 freeway &amp; Vacant/Nonconforming Res.</td>
<td>General Commercial (south of freeway)</td>
<td>General Commercial (south of freeway)</td>
</tr>
<tr>
<td>East</td>
<td>Banning RV Discount Center</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>West</td>
<td>RES recording Studio &amp; Clothing Store</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
</tbody>
</table>

PROJECT ANALYSIS

City of Banning Planning Division
Planning Commission Meeting of April 7, 2009
Zoning Analysis:

The site is located in the Highway Serving Commercial (HSC) zone. This zone permits warehouse stores, grocery stores, bakeries and restaurants. The Green Thumb complex now consists of a produce warehouse operation and grocery store outlet for the produce and other groceries and the expansion will add a sit-down restaurant and bakery to the array of uses provided at the site. Below is a chart showing the minimum development standards for the Highway Serving Commercial (HSC) zone and how the proposed project meets these standards.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>10'</td>
<td>130'</td>
<td>Yes</td>
</tr>
<tr>
<td>Side Setback</td>
<td>0'</td>
<td>37'/30'</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>0'</td>
<td>25'</td>
<td>Yes</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>35% (maximum)</td>
<td>23%</td>
<td>Yes</td>
</tr>
<tr>
<td>Required Parking</td>
<td>42 spaces for production/cold-storage;</td>
<td>113 spaces (with a 10% parking adjustment of 14 spaces, and shared/flex spaces allowance for staggered A.M./P.M. uses of 11 spaces)</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Height</td>
<td>35 feet 2 story</td>
<td>24 feet 2 story</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>4.73 acres</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Site Plan Analysis:

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

Parking Analysis:

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

**Architectural Analysis:**

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

**Landscaping/Grading Analysis:**

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

**Economic Development Discussion:**

Green Thumb Produce is a long-standing and valued asset to the community and this proposal to upgrade the existing facility and add more retail components to the business will provide new retail uses in an area along Ramsey Street that has not had new retail development for many years (other than the recent hotels that have been approved). The project will be an asset to the neighborhood and will significantly improve the look of the I-10 corridor by providing murals and a new architectural façade along the freeway. The proposed project design, as conditioned, is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Ordinance.
ENVIRONMENTAL DETERMINATION

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 city staff as provided in the Staff Report dated April 7, 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. California Environmental Quality Act (CEQA):

   (a) The project is Categorically Exempt from CEQA in accordance with Section 15332 ("In-Fill Development") in that the staff report submitted by the Community Development Department and other findings made in this Resolution demonstrate that 1) Design Review No. 07-7014 is consistent with the Highway Serving Commercial (HSC) General Plan designation and all applicable General Plan polices as well as with applicable zoning designations; 2) Design Review No. 07-7014 is located within the boundaries of the City of Banning; 3) the area within Design Review No. 07-7014 comprises less than five (5) acres and has no value as habitat for endangered, rare or threatened species; 4) there is no substantial evidence in the record that Design Review No. 07-7014 will result in significant effects related to traffic, noise, air quality, or water quality; and 5) the site is and can be adequately served by all required utilities and public services.

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

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

      (ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Highway Serving Commercial (HSC) zoning standards regulates the land use around the site. There is a retail store to the west; an interstate freeway (I-10) to the south; and an RV sales lot to the east. To the north is an auto body repair shop and a restaurant. This is an older commercial area along Ramsey Street and is mostly built-out.

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

      (iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the
project area and the subject and surrounding properties are developed with commercial enterprises.

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

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed with a grocery store and other buildings and a parking lot, a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

REQUIRED FINDINGS FOR DESIGN REVIEW NO. 07-7014:

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

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

Findings of Fact:

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

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

Findings of Fact:

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

- Minimum front yard setback (130' provided versus 10' required);
- Minimum rear yard setback (25' provided versus 0' required);
- Minimum side yard setback (30' provided versus 0' required);
- Maximum lot coverage (23% proposed versus 35% maximum allowed).
3. The design and layout of the proposed project will not unreasonably interfere with the use or enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

Findings of Fact:

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

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

Findings of Fact:

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

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on March 27, 2009. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.
Respectfully Submitted

[Signature]

Kirk Clinton, AICP
Senior Planner

PC Attachments:

1. Resolution No. 2009-04 (With Conditions of Approval)
2. Vicinity Map
3. Project Plans Booklet
ATTACHMENT 1

PC RESOLUTION NO. 2009-04
RESOLUTION NO. 2009-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW NO. 07-7014 FOR A 21,000 SQUARE-FOOT EXPANSION/REMODEL OF THE EXISTING GREEN THUMB PRODUCE LOCATED ON A 4.7 ACRE SITE WITHIN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONE LOCATED AT 2648 WEST RAMSEY STREET (APN 538-190-011 and 538-190-040).

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

Applicant/Owner: Lonnie Saverino for Green Thumb Produce
Project Location: 2648 West Ramsey Street
APN Number: 538-190-011 & 538-190-040
Lot Area: 4.73 acres

WHEREAS, the Planning Commission has the authority per section 17.44.010 of the Banning Municipal Code to take action on Design Review No. 07-7014 to add a restaurant, a retail bakery and packing/storage room, with additional parking;

WHEREAS, the applicant is requesting approval of Design Review No. 07-7014 for the development of a 21,000 square-foot building expansion on 4.73 acres in the Highway Serving Commercial Zone, in compliance with Banning Municipal Code Section 17.12.010; and,

WHEREAS, on March 27, 2009, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing public hearing notices to all property owners within a 300-foot radius of the project site regarding said public hearing; and

WHEREAS, on April 7, 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 Design Review No. 07-7014; and

WHEREAS, the Community Development Department Staff has reviewed the project's potential effects on the environment and has recommended that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines in accordance with Section 15332 ("In-fill Development") of CEQA and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does 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 city staff as provided in the Staff Report dated April 7, 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. **California Environmental Quality Act (CEQA):**

   (a) The project is Categorically Exempt from CEQA in accordance with Section 15332 ("In-Fill Development") in that the staff report submitted by the Community Development Department and other findings made in this Resolution demonstrate that 1) Design Review No. 07-7014 is consistent with the Highway Serving Commercial (HSC) General Plan designation and all applicable General Plan policies as well as with applicable zoning designations; 2) Design Review No. 07-7014 is located within the boundaries of the City of Banning; 3) the area within Design Review No. 07-7014 comprises less than five (5) acres and has no value as habitat for endangered, rare or threatened species; 4) there is no substantial evidence in the record that Design Review No. 07-7014 will result in significant effects related to traffic, noise, air quality, or water quality; and 5) the site is and can be adequately served by all required utilities and public services.

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

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

   (ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Highway Serving Commercial (HSC) zoning standards regulates the land use around the site. There is a retail store to the west; an interstate freeway (I-10) to the south; and an RV sales lot to the east. To the north is an auto body repair shop and a restaurant. This is an older commercial area along Ramsey Street and is mostly built-out.

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

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

Reso No. 2009-04
2
the project area and the subject and surrounding properties are developed with commercial enterprises.

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

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed with a grocery store and other buildings and a parking lot, a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED DESIGN REVIEW FINDINGS.

Section 17.56.050 of the Banning Municipal Code requires that the Design Review applications satisfy four (4) findings in order to be approved. Therefore in accordance with Section 17.56.050, the Planning Commission hereby finds as follows:

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

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

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

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

- Minimum front yard setback (130' provided versus 10' required);
- Minimum rear yard setback (25' provided versus 0' required);
- Minimum side yard setback (30' provided versus 0' required);
- Maximum lot coverage (23% proposed versus 35% maximum allowed).
3. The design and layout of the proposed project will not unreasonably interfere with the use or enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

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

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

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

SECTION 3. PLANNING COMMISSION ACTIONS

The Planning Commission hereby take the following actions:

1. In accordance CEQA Guidelines Section 15332 (“In-Fill Developments”), the Planning Commission hereby approves a Categorical Exemption for Design Review No. 07-7014 and directs the city staff to prepare and file with the Clerk for the County of Riverside a Notice of Exemption within five (5) business days of the project approval in accordance with as CEQA Guidelines Section 15062; and

PASSED, APPROVED AND ADOPTED this 7th day of April, 2009.

Buddy Hawkins, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND
LEGAL CONTENT:

Christy Marie Lopez, Assistant City Attorney
Aleshire & Wynder, LLP
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-04 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of April, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
EXHIBIT 1

DESIGN REVIEW NO. 07-7014 - GREEN THUMB EXPANSION

CONDITIONS OF APPROVAL

A. PLANNING DIVISION CONDITIONS OF APPROVAL

Applicant Shall Contact The Planning Division, (951) 922-3125, For Compliance With The Following Conditions:

General Conditions/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. Design Review No. 07-7014 shall be exercised by the commencement of construction within 2 years from the date of approval (by April 7, 2011) or the approved application shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one (1) year, Design Review No. 07-7014 shall become null and void. Projects may be built in phases if pre-approved by the review authority. Extension: The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

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

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

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

**Site Development Conditions:**

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

7. 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.

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

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

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

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

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

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

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

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

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

17. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

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

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

19. Graffiti shall be removed within 72 hours.

20. 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.

21. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits. The plans shall be modified to add a planter row of trees and shrubs north of the eastern truck loading area sufficient to screen the loading area from Ramsey Street. The retention areas shall be designed to be aesthetically pleasing in addition to being functional. Detail plans of the arbors and trellises along the building frontage shall be submitted and the structural members shall be of sufficient size and scale as to be a permanent architectural detail.
22. A detailed on-site lighting plan, including a photometric diagram, that illustrates “0” lumens at
the property line, shall be reviewed and approved by the Community Development Director and
Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate
style, illumination, location, height, and method of shielding so as not to adversely affect
adjacent properties.

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

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.

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

26. 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.

Parking and Vehicular Access Conditions (indicate details on building plans)

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

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

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

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

31. 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.
32. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 parking stalls (no less than 1) shall be served by an access aisle 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible.

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

Landscaping Conditions:

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

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

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

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

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

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

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

41. For the project property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.
42. 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.

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

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

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

B. BUILDING AND SAFETY DIVISION CONDITIONS OF APPROVAL

Applicant Shall Contact the Building And Safety Division, (951) 922-3120, For Compliance With The Following Conditions:

General Conditions/Requirements:

46. Submit five complete sets of plans including the following:

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

47. 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.

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

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

50. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.
Site Development Conditions:

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

52. 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.

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

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

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

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

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

58. The following is required for side yard use for increase in allowable area.
   a. Provide a reduced site plan (8 ½" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

New Structures Conditions:

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

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

61. Roofing material shall be installed per the manufacturer's "high wind" instructions.

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

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

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

65. Roofing materials shall be Class "A."

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

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

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

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

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

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

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

**Grading Conditions:**

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

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

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

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

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

Applicant Shall Contact The Engineering Division, (951) 922-3130, For Compliance With The Following Conditions.

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

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

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

79. Submit a grading plan to the City Engineer for review and approval showing drainage patterns (existing and proposed contours, flow lines, etc.), elevations and any required cut or fill. The plan shall provide for positive drainage away from, and around existing and proposed structures in accordance with City of Banning standard plans and specifications dated January 1, 1983. All drainage from the property shall drain to the public right-of-way, or owner shall obtain drainage easement, or encroachment permit from Caltrans.

80. Obtain a grading permit. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

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

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

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


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

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

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

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

(5) All erosion and sediment control BMP’s proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

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

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

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

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

88. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
The following conditions of approval shall be completed prior to issuance of a certificate of occupancy:

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

90. 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.

91. Place the property address numbering in a conspicuous place.

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

93. Construct the following public improvements:
   a. Sidewalk fronting Ramsey Street per City of Banning Standard No. C-215. Sidewalk width in commercial zones shall be 8 feet.
   b. Drive approaches fronting Ramsey Street shall be curb return style (commercial) with an apron depth of 16 feet minimum, designed by a civil engineer licensed by the State of California. Dedicate maintenance easements that may be required for each drive approach constructed if existing roadway right-of-way is not adequate. Drive approach design details shall be shown on the grading plan.
   c. Street lighting.

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

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

96. 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.

97. All required Plans and applicable Fees must be submitted to the Public Works Department prior to the Engineering Division’s approval of the Building Permit.
D. FIRE DEPARTMENT CONDITIONS OF APPROVAL

Applicant Shall Contact The Fire Marshal At, (951) 922-3210, For Compliance With The Following Conditions:

The Fire Department reviewed the design for the proposed new development located at 2648 W. Ramsey St. The following comments are some of the noteworthy requirements to be mentioned; however additional requirements may arise when project specifics are submitted. Plans will not be approved with inaccurate scales of dimension.

Water Supply and Access

98. A minimum of one fire hydrant shall be installed in an approved location.

99. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.

Fire Protection

100. The new building shall have monitored automatic fire sprinkler protection. (see attachment “Fire Sprinkler and Fire Alarm submittal process”).

101. Commercial cooking equipment shall have a wet chemical automatic fire-extinguishing system for fire protection. (Plans shall be approved by Banning Fire Services).

102. The fire department connection shall be located within 200 feet of a fire hydrant. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. (C.F.C., sec. 912.2; Banning Fire Code, sec. 912.2.1).

E. WATER/WASTE WATER CONDITIONS OF APPROVAL

Applicant Shall Contact The Water & Wastewater Utility Compliance Within The Following Conditions:

103. Payment of Fees and Charges: Existing water service maybe located at this site. If larger meter required and additional fixture units installed, additional fees will be required.

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

105. Water Frontage Fee: None required.

106. Install backflow devices on all meters.

107. Fire services will require a Double Detector Check or RPP Device.
108. Water Service Installation Fees (Meter Box and Service Line) - Developer pays costs.

109. Water Meter Installation Fees: Actual cost at time of installation ($258-3/4” Meter, $384-1” Meter, $580-1 1/2” Meter).

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

**Sewer:**

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

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

113. Sewer Connection Fees: $2,786.00 per EDU:

   A) EDU for Retail and Office: 1 EDU first unit + 0.6 EDU per additional unit.
   B) EDU for Restaurants: 2.7 EDU + 1 EDU per each 7 seats.
   C) EDU for other commercial types of sewerage service connections will be based upon the estimated quality and quantity of discharge into the sewerage system.

114. Sewer Frontage Fees: None required.

115. Properly sized grease interceptor shall be required of restaurant facilities.

116. 6” min. sewer lateral connection to main line sewer: Developer Pays Costs.

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

118. Conditions are as per the above date (April 7, 2009). City may change fees, charges, and requirements due to changed conditions. All design and construction work to meet the City’s present Standard Plans and Specifications.
F. ELECTRICAL DEPARTMENT CONDITIONS OF APPROVAL

Applicant Shall Contact Electrical Operations Department In Compliance With The Following Conditions:

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

The applicant is responsible for the following:

120. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2006. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

121. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

122. Granting easement for electric facilities installation / maintenance, etc.

123. All trenching, backfill, and compaction.

124. All conduits, vaults, and other materials associated with your installation.

125. Service entrance cable from the transformer to the pull section and switchgear.

The City Electric Department shall be responsible for:

126. Reviewing plans submitted by customer.

127. Design an electrical utility plan for the installation of structures and conduit by developer.

128. Providing a cost estimate for installing an underground electrical system for this project.

129. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.

130. Install electrical apparatus including primary conductors, terminations, metering and transformer to provide electrical service for your project.

G:\538-190-011; -040 (Green Thumb Produce): Exhibit 1 - Conditions of Approval 4-7-09.doc

DR No. 07-7014 Conditions of Approval Exhibit 1
ATTACHMENT 2

PROJECT VICINITY MAP
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact BANNING staff for the most up-to-date information.
ATTACHMENT 3

PROJECT PLANS BOOKLET
(Under Separate Cover)
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: April 7, 2009

TO: Mr. Chairman and Members of the Planning Commission

FROM: City of Banning Planning Division

SUBJECT: Zone Text Amendment No. 09-97501: Amendment to Municipal Code Section 17.28.040, pertaining to Industrial Warehousing and Industrial Manufacturing parking standards.

STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Categorical Exemption in compliance with CEQA Guidelines Section 15061(b)(3); and

2. Adopt PC Resolution No. 2009-05 (Attachment 1) approving Zone Text Amendment No. 09-97501.

APPLICANT INFORMATION

Applicant: City of Banning

BACKGROUND/ANALYSIS

The Planning Commission and City Council reviewed and approved the General Plan and the Zoning Ordinance on January 31, 2006. In the subsequent use of the zoning provisions staff has identified that the parking standards for warehousing may need to be updated. Also, the parking standards for manufacturing were inadvertently omitted from the new Zoning Ordinance. Staff has researched the parking standards for industrial warehousing and industrial manufacturing in several jurisdictions in an effort to find the most current standards. The results are outlined below.
Industrial Warehousing Parking Standards

First, staff found that the industrial warehousing parking standards for the City of Banning may require too many parking spaces for any given project. Listed below is the warehousing parking standard for the City in comparison to several nearby cities:

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<th>Comparison Table</th>
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<tr>
<td>Industrial Warehousing Parking Requirements</td>
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### City of Banning (§17.28.040)

<table>
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<tr>
<th>Space Size</th>
<th>Parking Requirement</th>
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<tr>
<td>1-3,000 sq ft</td>
<td>One space for each 250 sq ft of gross floor area</td>
</tr>
<tr>
<td>3,001 to 10,000 sq ft</td>
<td>One space for each 250 sq ft of gross floor area up to 3,000 sq ft, plus one space for each 500 sq ft of gross floor area over 3,000 square feet</td>
</tr>
<tr>
<td>Over 10,000 sq ft</td>
<td>One space for each 250 sq ft of gross floor area up to 3,000 sq ft, plus one space for each 500 sq ft of gross floor area between 3,001 square feet and 10,000 sq ft, plus one space for each 800 sq ft of gross floor area over 10,000 sq ft</td>
</tr>
</tbody>
</table>

### City of Corona (§17.76.020)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>One space per 1000 sq ft of storage area (subject to approval by the Zoning Administrator pursuant to § 17.99.065)</td>
</tr>
</tbody>
</table>

### City of Temecula (§17.24.040)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>One space per 1000 sq ft of storage area, plus 1 space per 300 sq ft of office use</td>
</tr>
</tbody>
</table>

### City of Hemet (§90-1423)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>One space per 1000 sq ft of storage area</td>
</tr>
</tbody>
</table>

### City of San Jacinto (§15.03)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesaling and Warehousing</td>
<td>One space per 1500 sq ft of gross floor area, plus 1 space for each company truck or vehicle</td>
</tr>
</tbody>
</table>

### City of Ontario (§9-1.3000)

<table>
<thead>
<tr>
<th>Space Size</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-20,000 sq ft</td>
<td>One space per 1,000 sq ft of gross floor area</td>
</tr>
<tr>
<td>Over 20,000 sq ft</td>
<td>One space per 2,000 sq ft for portion over 20,000 sq ft</td>
</tr>
<tr>
<td>Trucks</td>
<td>One tractor trailer space per 4 high dock doors</td>
</tr>
</tbody>
</table>

### County of Riverside (§18.12)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouses and wholesaling</td>
<td>One space per 2,000 sq ft of gross floor area</td>
</tr>
</tbody>
</table>
City of Chino (§20.14)

<table>
<thead>
<tr>
<th>Size</th>
<th>Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-20,000 sq ft</td>
<td>One space per 1,000 sq ft</td>
</tr>
<tr>
<td>20,001-40,000 sq ft</td>
<td>One space per 2,000 sq ft</td>
</tr>
<tr>
<td>Over 40,000 sq ft</td>
<td>One space per 4,000 sq ft</td>
</tr>
</tbody>
</table>

City of Moreno Valley (§9.11.040)

<table>
<thead>
<tr>
<th>Size</th>
<th>Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-20,000 sq ft</td>
<td>One space per 1,000 sq ft</td>
</tr>
<tr>
<td>20,001-40,000 sq ft</td>
<td>One space per 2,000 sq ft</td>
</tr>
<tr>
<td>Over 40,000 sq ft</td>
<td>One space per 4,000 sq ft</td>
</tr>
</tbody>
</table>

City of Rancho Cucamonga (§17.12.040)

<table>
<thead>
<tr>
<th>Size</th>
<th>Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-20,000 sq ft</td>
<td>One space per 1,000 sq ft</td>
</tr>
<tr>
<td>20,001-40,000 sq ft</td>
<td>One space per 2,000 sq ft</td>
</tr>
<tr>
<td>Over 40,000 sq ft</td>
<td>One space per 4,000 sq ft</td>
</tr>
</tbody>
</table>

A sample parking calculation illustrates the difference in warehousing parking standards:

**Industrial Warehousing Sample Parking Calculation**

Assume: Industrial Warehouse Building 500,000 sq ft

City of Banning

\[
\begin{align*}
3,000 \text{ sq ft} / 250 \text{ sq ft} &= 12 \text{ parking spaces} \\
6,999 \text{ sq ft} / 500 \text{ sq ft} &= 14 \text{ parking spaces} \\
490,000 \text{ sq ft} / 800 \text{ sq ft} &= 613 \text{ parking spaces} \\
639 \text{ total parking spaces}
\end{align*}
\]

City of Corona

City of Temecula

City of Hemet

\[
500,000 \text{ sq ft} / 1,000 \text{ sq ft} = 500 \text{ parking spaces}
\]

City of San Jacinto

\[
500,000 \text{ sq ft} / 1,500 \text{ sq ft} = 333 \text{ parking spaces}
\]

City of Ontario

\[
\begin{align*}
20,000 \text{ sq ft} / 1,000 \text{ sq ft} &= 20 \text{ parking spaces} \\
480,000 \text{ sq ft} / 2,000 \text{ sq ft} &= 240 \text{ parking spaces} \\
260 \text{ total parking spaces}
\end{align*}
\]
County of Riverside

\[ 500,000 \text{ sq ft} / 2,000 \text{ sq ft} = 250 \text{ parking spaces} \]

City of Chino
City of Moreno Valley
City of Rancho Cucamonga

\[ 20,000 \text{ sq ft} / 1,000 \text{ sq ft} = 20 \text{ parking spaces} \]
\[ 19,999 \text{ sq ft} / 2,000 \text{ sq ft} = 10 \text{ parking spaces} \]
\[ 460,000 \text{ sq ft} / 4,000 \text{ sq ft} = 115 \text{ parking spaces} \]  
\[ 145 \text{ total parking spaces} \]

**Industrial Manufacturing Parking Standards**

Second, staff discovered that the industrial manufacturing parking standards were inadvertently omitted from the new Zoning Ordinance. Listed below is the manufacturing parking standard for the City reproduced from the previous zoning code (prior to the code adopted in January 2006) in comparison to several nearby cities:

**Comparison Table**

<table>
<thead>
<tr>
<th>City of Banning (previous zoning code prior to January 2006)</th>
<th>Manufacturing uses</th>
<th>One space per 600 sq ft of building area</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Corona (§17.76.020)</td>
<td>Manufacturing Facility</td>
<td>One space per 500 sq ft of building area</td>
</tr>
<tr>
<td>City of Temecula (§17.24.040)</td>
<td>General manufacturing and processing uses</td>
<td>One space per 400 sq ft of manufacturing or industrial, plus 1 space per 300 sq ft of office use, plus one space per 1,000 sq ft of warehouse area</td>
</tr>
<tr>
<td>City of Hemet</td>
<td>Manufacturing establishments</td>
<td>One space per 500 sq ft of gross floor area</td>
</tr>
<tr>
<td>City of San Jacinto</td>
<td>Manufacturing and Industrial uses</td>
<td>One space per 500 sq ft of gross floor area</td>
</tr>
<tr>
<td>City of Ontario (§9-1.3000)</td>
<td>Manufacturing</td>
<td>One space per 500 sq ft of gross floor area; plus one tractor trailer space per 4 high dock doors</td>
</tr>
</tbody>
</table>

City of Banning Planning Division
Planning Commission Meeting of April 7, 2009
**County of Riverside (§18.12)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial uses</td>
<td>If the number of workers cannot be determined: one space per 250 sq ft office area; plus one space per 500 sq ft of fabrication area; plus one space per 1,000 sq ft of storage area; and one space per 500 sq ft of floor plan which is uncommitted to any type of use</td>
</tr>
<tr>
<td>Manufacturing or repair plants maintaining more than one shift of workers:</td>
<td>Two spaces per three employees on each of the two largest shifts</td>
</tr>
</tbody>
</table>

**City of Chino (§20.14)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>One space per 600 sq ft of gross floor area plus the requirements for related uses (i.e. offices, storage, incidental retail, etc.)</td>
</tr>
<tr>
<td>Administration and management</td>
<td>One space per 250 sq ft of gross floor area</td>
</tr>
</tbody>
</table>

**City of Moreno Valley (§9.11.040)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>One space per 500 sq ft of gross floor area</td>
</tr>
</tbody>
</table>

**City of Rancho Cucamonga (§17.12.040)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial manufacturing</td>
<td>One space per 500 sq ft</td>
</tr>
<tr>
<td>Office and administration</td>
<td>One space per 250 sq ft</td>
</tr>
</tbody>
</table>

A sample parking calculation illustrates the difference in manufacturing parking standards:

**Industrial Manufacturing Sample Parking Calculation**

Assume: Industrial Manufacturing Building 20,000 sq ft

**City of Banning** (previous zoning code prior to January 2006)
**City of Chino**

20,000 sq ft / 600 sq ft = 33 parking spaces

**City of Corona**
**City of Ontario**
**County of Riverside**
**City of Moreno Valley**
**City of Rancho Cucamonga**

20,000 sq ft / 500 sq ft = 40 parking spaces

**City of Temecula**

20,000 sq ft / 400 sq ft = 50 parking spaces
Analysis

For industrial warehousing parking standards the middle of the comparison table is the standard of one parking space for per one-thousand square feet of gross floor area for the first 20,000 square feet; and, one parking space per two-thousand square feet of gross floor area for that portion of the building greater than 20,000 square feet. This standard is currently utilized by the City of Ontario and represents the statistical middle ground. For large warehouse buildings this appears to be a more reasonable requirement and therefore is recommended by staff. Additionally, this standard is supported by the Institute of Transportation Engineers (ITE) trip generation rate for Warehouse (150) uses (see Exhibit “A”). ITE trip generation rates are used by planners and transportation professionals to estimate the number of vehicle trips generated by a proposed development. They are based on studies submitted voluntarily to ITE by public agencies, developers, consulting firms, and associations. Please note that the average a.m. peak hour trip generation rate for a warehouse of the assumed 500,000 square feet generates 285 trips.

To provide for the safe, functional, and orderly use of land for the parking areas of any given project, it is recommended that a parking requirement for tractor-trailer trucks be included in the standards for warehouse parking. The correlation for truck parking is the number of docks provided for the loading and unloading of materials. Therefore, it is recommended to provide one tractor-trailer truck parking space per four high dock loading doors.

Staff recommends the industrial warehousing parking standard to be as follows:

<table>
<thead>
<tr>
<th>1-20,000 sq ft</th>
<th>One space per 1,000 sq ft of gross floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 20,000 sq ft</td>
<td>One space per 2,000 sq ft for portion over 20,000 sq ft</td>
</tr>
<tr>
<td>Trucks</td>
<td>One tractor trailer space per 4 high dock doors</td>
</tr>
</tbody>
</table>

For manufacturing parking standards, the City of Banning utilized the standard of one space per six-hundred square feet of building floor area. Historically, this standard has been adequate for projects proposed within the City; and, therefore staff recommends the re-instatement of this standard for manufacturing uses.

Staff recommends the industrial manufacturing parking standard to be as follows:

<table>
<thead>
<tr>
<th>Manufacturing uses</th>
<th>One space per 600 sq ft of building area</th>
</tr>
</thead>
</table>

ENVIRONMENTAL DETERMINATION

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 Department as provided in the Staff Report dated April 7, 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. California Environmental Quality Act (CEQA):

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. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The amendments to the Zoning Code do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 09-97501:

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:

The Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use Goal states “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. In addition, the General Plan Land Use Commercial and Industrial Goal 10 states “The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects”. And; finally, the Economic Development Element Policy 3 states: “Encourage and promote infill development in orderly and logical development patterns that decrease cost and increase the efficiency of new utilities, infrastructure and public services”. The recommended parking standards for industrial
warehousing and industrial manufacturing accomplish those goals by requiring the necessary amount of off-street parking for each specified use.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The amendment will modify and update development standards pertaining to industrial warehousing and industrial manufacturing parking standards.

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

Findings of Fact:

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. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PUBLIC COMMUNICATION:

The proposed Zone Text Amendment No. 09-97501 was advertised in the Record Gazette newspaper on March 27, 2009. As of the date of this report, staff has not received any verbal or written comments for or against the proposed Zone Text Amendment.

Prepared By:

Brian Guillot
Planning Engineer

Reviewed By:

Kim Clinton, AICP
Senior Planner

PC Attachments:

1. PC Resolution No. 2009-05
Exhibit "A"

ITE Trip Generation Example Calculation

Assume: Industrial Warehouse Building 500,000 sq ft

**Warehousing**

(150)

Average Vehicle Trip Ends vs: 1,000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour of Generator

Number of Studies: 19
Average 1000 Sq Feet GFA: 340
Directional Distribution: 59% entering, 41% exiting

**Trip Generation per 1,000 Sq. Feet Gross Floor Area**

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Ranges of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.57</td>
<td>0.28 - 1.93</td>
<td>0.84</td>
</tr>
</tbody>
</table>

**Calculation:**

Average \[\frac{500,000 \text{ sq ft}}{1,000 \text{ sq ft}} \times 0.57 = 285 \text{ a.m. peak hour trips}\]

Low Range \[\frac{500,000 \text{ sq ft}}{1,000 \text{ sq ft}} \times 0.28 = 140 \text{ a.m. peak hour trips}\]

High Range \[\frac{500,000 \text{ sq ft}}{1,000 \text{ sq ft}} \times 1.93 = 965 \text{ a.m. peak hour trips}\]
ATTACHMENT 1

PC RESOLUTION
NO. 2009-05
RESOLUTION NO. 2009-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT NO. 09-97501, TO AMEND SECTION 17.28.040 OF THE MUNICIPAL CODE PERTAINING TO INDUSTRIAL WAREHOUSING AND INDUSTRIAL MANUFACTURING PARKING STANDARDS.

WHEREAS, an application for an amendment to modify Section 17.28.040 of the Municipal Code more specifically Table 17.28.040B:

Applicant:
Authorized Agent:
Project Location:

City of Banning
Community Development Department
City Wide

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 27th day of March, 2009, the City gave public notice as required under Zoning Code Section 17.68 by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Code would be considered; and

WHEREAS, on the 7th day of April, 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 Zone Text Amendment and at which time the Planning Commission considered the Zone Text Amendment; and

WHEREAS, at this public hearing on the 7th day of April, 2009 the Planning Commission considered and heard public comments on the Zone Text Amendment; and

WHEREAS, 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.

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 Department as provided in the Staff Report dated April 7, 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:

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. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the municipal code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2. FINDINGS

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:

The Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use Goal states “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. In addition, the General Plan Land Use Commercial and Industrial Goal 10 states “The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects”. And, finally, the Economic Development Element Policy 3 states: “Encourage and promote infill development in orderly and logical development patterns that decrease cost and increase the efficiency of new utilities, infrastructure and public services”. The recommended parking standards for industrial warehousing and industrial manufacturing accomplish those goals by requiring the necessary amount of off-street parking for each specified use.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:
The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The amendment will modify and update development standards pertaining to industrial warehousing and industrial manufacturing parking standards.

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

Findings of Fact:

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. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and 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 Approval of Zone Text Amendment. The Planning Commission hereby recommends approval of Zone Text Amendment No. 09-97501 to the City Council for the following actions:

   a) Modify Section 17.28.040 of the Municipal Code more specifically Table 17.28.040B by changing the parking standard for industrial warehousing as follows:

   | Industrial warehousing | 1-20,000 sq ft | One space per 1,000 sq ft of gross floor area |
   | Over 20,000 sq ft | One space per 2,000 sq ft for portion over 20,000 sq ft |
   | Trucks | One tractor trailer space per 4 high dock doors |

   b) Modify Section 17.28.040 of the Municipal Code more specifically Table 17.28.040B by adding the parking standard for industrial manufacturing as follows:

   | Manufacturing uses | One space per 600 sq ft of building area |

PC RESOLUTION NO. 2009-05

47
PASSED, APPROVED AND ADOPTED this 7th day of April, 2009.

Buddy Hawkins, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

_____________________________
Christy Marie Lopez
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-05, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of April, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____________________________
Virginia Sorenson, Recording Secretary
City of Banning, California