I. CALL TO ORDER: Chairman Hawkins

➢ Pledge of Allegiance: Commissioner Arterberry
➢ Roll Call: Chairman Hawkins, Commissioner Arterberry; Commissioner Barsh; Commissioner Escandel; Commissioner 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 July 7, 2009 Planning Commission Minutes
IV. PUBLIC HEARINGS

1. **Conditional Use Permit No. 09-804**: A request by Jakob Rudrich of 4345 Evergreen Lane to construct a 1,470 square foot second garage - APN 535-371-001 and Adopt a Class 3 Categorical Exemption in compliance with CEQA Guidelines Section 15303(e) (New Construction of Small Structures).

Page 7

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. City Council Actions from previous meetings on Planning-Related Items (Oral Report) - Nothing to report at this time

VII. TENTATIVE PROJECTS SCHEDULED FOR NOVEMBER 3, 2009


VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of November 3, 2009 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II]
City of Banning

PLANNING COMMISSION MINUTES

July 7, 2009

A regular meeting of the City of Banning Planning Commission was held on Tuesday, July 7, 2009 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

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

Staff Present: Community Development Director Abu Bakar
Senior Planner Clinton
Assistant City Attorney Lopez
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Hawkins. Chairman Hawkins introduced our new Community Development Director, Zai Abu Bakar and stated we were looking forward to working with her.

II. PUBLIC COMMENT

No one came forward.

III. CONSENT CALENDAR

1. Review of Minutes (April 7, 2009)

ACTION (BASH / SIVA): A motion was moved, seconded and carried that item 1 be approved as presented.

(Motion carried 5-0)

Planning Commission Meeting
July 7, 2009
IV. PUBLIC HEARINGS

1. **Conditional Use Permit # 09-801**: A Request from Reliant Land Services for AT & T Wireless to establish a monopine at 3724 W. Ramsey Street / APN 537-090-046 and Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act.

Senior Planner Clinton presented the staff report and stated that this is an application for a 55' monopine. The site, which was previously an RV sales lot, is adjacent to the I-10 Freeway, which is to the south of the project. To the west of the project is A-1 Appliances and to the east is a single family home. To the north is Stagecoach Mobile Home Park. The site is zoned General Commercial as is the surrounding land area. The monopine is going to be located close to the freeway and up against the west property line. The project does meet the setbacks. It has an equipment shelter that is 10' high. The actual antennas themselves are at 50' and the rest of the monopine comprises the extra 5' of height. They have a 400 square foot lease area. The site is partially paved and the rest is gravel. We have a condition that they need to pave their access and the parking space that they are going to have for the wireless facility.

We have a condition that they plant four other pines on the site and they will come back to us with a landscape plan to show where those will be. There is no other vegetation on the site and we felt it was appropriate to put some other trees on the site as a grouping. We have also asked that the spacing of the branches on the monopine be no more than 2.5' feet apart, one branch from another. We have also required that the applicant put in a split-face block wall rather than chain link fencing around their lease area. And that the building have some kind of cornice and stucco put on it to match the existing building on the property.

Ms. Clinton showed maps of the coverage area, with and without the monopine. There is a need for this tower not so much for the coverage, but for the capacity, now with so many things being done from cell phones, they actually need capacity in addition to coverage.

Assistant City Attorney Lopez stated she had discussed the recent changes in the conditions with the applicant before the meeting started. She said he was comfortable with the changes, with the exception of C-3. Ms. Lopez stated that she would like to amend so that the last reference is to 15’ for the first branch. It will still include the same density with every branch at approximately 2.5’. For safety reasons the applicant is requesting that the very first branch from the ground be 15’.

Commissioner Siva inquired how tall the similar pines would grow. Ms. Clinton said she requested that the trees be 15’ at planting. Commissioner Siva said he really wanted more
details about the exact kind of trees and how fast growing they are. He also wanted to know why the monopine needed to be so high.

Thomas Mundl, from Reliant Land Services, 1594 N. Batavia Street, Orange CA 92867, representative of the applicant, came forward to discuss the project. He stated that they needed this height for better coverage. If they go lower, they will need to install more towers. Mr. Mundl also stated he would prefer two or three trees be planted as he felt there was not room in their lease space for four trees.

Commissioner Siva stated that he does not care for this type of project on Ramsey Street, said he would prefer to see something like this on the south side of the freeway.

Mr. Mundl stated the south side slopes downward and they would need an 85’ tower to achieve the same coverage.

Commissioner Siva stated he was still concerned about the height of the live pine trees to be planted. Mr. Mundl said it would depend on the species of pine that they select with the landscape architect. Assistant City Attorney Lopez stated she felt Commissioner Siva’s objective is to get trees installed that are going to be about the same height as the monopine and she wanted to know if that was a possibility. Mr. Mundl responded that AT&T would trim to at least one – two feet below the top of the antennas so the branches of the trees would not interfere with the coverage.

Commissioner Arterberry inquired how far away the live trees would be from the monopine. Mr. Mundl stated that they would be in the AT&T area of the lot.

Commissioner Escandel mentioned the tower at Sunset Storage. There was discussion regarding line of sight and he had questions about the irrigation of the live trees. Mr. Mundl stated there is a water meter on the property and they will work with the owner to set up an irrigation plan.

There was also discussion regarding co-location with other carriers. Ms. Lopez reminded the commissioners that there is a condition that requires any additional antennas that are installed to be brought back to the City for approval. It would be a counter or administrative approval.

There was more discussion regarding the number of trees on the site. Chad Ware, owner of the property came forward to state that this property will be an RV dealership in the future and he is concerned that a lot of large trees would be a problem. The Commissioners discussed different types of trees, considered Italian Cypress or Deodar Pines. The applicant stated that they will be submitting a landscaping plan and if the Commissioners preferred a different type of tree than is proposed, then they will be able to make those comments on the plan. Ms. Clinton also mentioned that normally a project would require some perimeter landscaping and maybe the owner and the applicant can work together and think to the future and come up with a plan. The live trees do not necessarily have to be
right next to the monopine to have an affect. There are many ways they could plant them to soften the tower and to beautify the project itself.

Assistant City Attorney Lopez suggested that the meeting be continued and the applicant provide a landscape plan and then bring the project back to the commission. Commissioner Escandell inquired if it would be alright to approve the project tonight pending the approval of the landscape plan. Ms. Lopez responded that she felt it would be best to wait and have the landscape plan before the Commission so they could see the type of trees being installed.

Commissioner Siva made a motion to continue the project until they had a landscape plan. Ms. Clinton interjected that they needed to continue the project to a date certain. Mr. Mundl came forward to state that they have been trying to get this project on the agenda for several months. He stated that he was up against a deadline on his end to make sure they get this project into construction as this is a critical site for the client. The condition for landscaping came in as a condition of approval to submit with their building plans. Mr. Mundl requested that the project be approved and they will submit the landscape plan with their building plans and maybe the Commission could approve the landscape plan later. There was discussion about this and Commissioner Siva withdrew his motion.

There was discussion about moving forward without the landscape plan. Ms. Lopez stated the project could be approved tonight, but the landscape plan would not come back to the Commission, it would be up to staff to approve it. The Commissioners discussed this and decided that staff has a good understanding of what the Commission desires and how they want the site to look. The Commissioners stated they were comfortable with staff reviewing the landscape plan.

Ms. Lopez suggested some new language for the conditions of approval. She stated on the newly drafted conditions that were passed out this evening: Under Section B, paragraph 6, it would read “Prior to electrification of the project, the parking lot shall be landscaped with a minimum of three fast growing pine trees similar to the monopine in terms of ultimate height and branch structure. These trees shall be a minimum of 25’ in height at planting time and shall be placed so as to blend in with and partially screen the monopine from Ramsey Street and adjacent residential properties. The trees chosen for planting shall be of a pine species that is likely to grow 45 to 50 feet and maintain at their tallest height as technologically feasible. Plans for this renovation shall be submitted for approval to the Community Development Director prior to building permit issuance for the new structures.”

Commissioner Escandell responded that he thought three trees would be good......but felt they were not stuck on pines. After some discussion, Ms. Lopez reworded the condition to read: “Prior to electrification of the project, the parking lot shall be landscaped with a minimum of three fast growing trees similar to the monopine in terms of ultimate height. These trees shall be a minimum of 25’ in height at planting time and shall be placed so as to blend in with and partially screen the monopine from Ramsey Street and adjacent

Planning Commission Meeting
July 7, 2009
residential properties. The trees chosen for planting shall be of a species that is likely to grow 45 to 50 feet and maintain at their tallest height as technologically feasible. Plans for this renovation shall be submitted for approval to the Community Development Director prior to building permit issuance for the new structures.” The Commissioners all agreed that this was wording that they wanted.

Ms. Lopez also wanted to clarify that the conditions do not allow any chain link.

**ACTION (SIVA / ARTERBERRY): A motion was moved, seconded and carried that the Planning Commission:**

1. Adopt a Categorical Exemption in compliance with CEQA Guidelines Section 15332 (In-Fill); and
2. Adopt PC Resolution No. 2009-07 (Attachment 1) approving Conditional Use Permit No. 09-801 subject to conditions as amended to include the condition, “Prior to electrification of the project, the parking lot shall be landscaped with a minimum of three fast growing trees similar to the monopine in terms of ultimate height. These trees shall be a minimum of 25’ in height at planting time and shall be placed so as to blend in with and partially screen the monopine from Ramsey Street and adjacent residential properties. The trees chosen for planting shall be of a species that is likely to grow 45 to 50 feet and maintain at their tallest height as technologically feasible. Plans for this renovation shall be submitted for approval to the Community Development Director prior to building permit issuance for the new structures.”

(Motion carried 5 – 0)

2. **REQUEST FOR CONTINUATION: Capital Improvement Program (CIP):** The proposed Capital Improvement Program (CIP) fiscal years 2009-2014 has been referred to the Planning Commission for review as to its consistency and conformance with the City of Banning General Plan (adopted by City Council on January 31, 2006, by Resolution No. 2006-13) any applicable specific plans, and all elements and parts of the plan. The Capital Improvement Program (CIP) is a roadmap that provides direction and guidance for planning, managing, and financing the City’s capital and infrastructure assets. The 5-year CIP is used by the City to review the funding of desired capital improvements that compete for scarce financial resources.

**ACTION (ESCANDEL / SIVA):** A motion was moved, seconded and carried that the Planning Commission continue the Five-Year Capital Improvement Program (CIP) for the period 2009-2013 until the document is complete.

(Motion carried 5 – 0)

Planning Commission Meeting
July 7, 2009
V. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

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

Nothing to report at this time.

VI. PLANNING COMMISSIONER COMMENTS

Chairman Hawkins encouraged everyone to attend the Playhouse Bowl.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:35 p.m. to the August 4, 2009 meeting.

Respectfully submitted,

[Signature]
Gini Sorensen
Recording Secretary
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: October 6, 2009

TO: Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: Conditional Use Permit #09-804: A request by Jakob Rudrich of 4345 Evergreen Lane to construct a 1,470 square foot second garage.

STAFF RECOMMENDATION:

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

1. Adopt a Class 3 Categorical Exemption in compliance with CEQA Guidelines Section 15303(e) (New Construction of Small Structures); and,

2. Adopt PC Resolution No. 2009-08 (Attachment 1) approving Conditional Use Permit #09-804 subject to conditions of approval.

PROJECT/APPLICANT INFORMATION:

<table>
<thead>
<tr>
<th>Project Location:</th>
<th>4345 Evergreen Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN Information:</td>
<td>535-371-001</td>
</tr>
<tr>
<td>Project Applicant:</td>
<td>Jakob Rudrich</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>same as applicant</td>
</tr>
<tr>
<td>Project Architect:</td>
<td>Steve Murrey</td>
</tr>
<tr>
<td>Redevelopment Area:</td>
<td>No</td>
</tr>
<tr>
<td>Specific Plan:</td>
<td>No</td>
</tr>
</tbody>
</table>
PROJECT BACKGROUND AND DESCRIPTION:

Project Description

Applicant is requesting approval to construct a 1,470-square foot second garage for storage of recreational vehicles on a 28,413 square foot parcel.

Site Description

The project area consists of one parcel, Assessor's Parcel Number (APN) 535-371-001; consisting of approximately 0.65 acres (28,413 square feet). The parcel was created as Lot 5 of Tract No. 25424 filed April 6, 1993 with the Riverside County Recorder.

The site is presently developed with a single-family residence and an existing 3 car garage. The lot is relatively flat-lying ground with a southwesterly slope. The rear yard of the residence contains an in-ground pool and an undeveloped area along the northerly property boundary where the second garage is proposed to be constructed.

Evergreen Lane is a local street located along the southerly boundary of the property and serves as the main access to the site by way of Mountain Avenue. Provided the applicant obtains an easement for vehicular travel or other legal authorization, a second access is available via a 20 foot wide equestrian and drainage easement located along the northerly property boundary. This easement is for the private use of the residents of the development only, and is not a public road or public access.

Land Use Information

The project is located in the Very Low Density Residential (VLDR) zone. This land use district allows detached single-family homes at a density of up to 2 units per acre. Home occupations are permitted. This zone may be appropriate for bed & breakfast and similar uses. Animal keeping is permitted according to zoning restrictions. Equestrian uses including private stable and corrals are present within some of the residential uses in the development. The subject property does not include any visible equestrian use.

The lot to the east is vacant with no structures present and the land to the west is undeveloped. Across Evergreen Lane are existing single-family residences and north of the property are single-family residences that front Hillside Drive.

The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.
Land Use Summary 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>Existing single-family dwelling</td>
<td>Very Low Density Residential</td>
<td>Very Low Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Existing single-family dwellings</td>
<td>Very Low Density Residential (across Evergreen Lane)</td>
<td>Very Low Density Residential (across Evergreen Lane)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Lot ¹</td>
<td>Very Low Density Residential</td>
<td>Very Low Density Residential</td>
</tr>
<tr>
<td>West</td>
<td>Unimproved Land ²</td>
<td>Very Low Density Residential</td>
<td>Very Low Density Residential</td>
</tr>
</tbody>
</table>

¹ A vacant lot is one described as improved by a subdivision map where public improvements are present, or will be present, such as public streets, lighting, water mains and sewer mains.

² Unimproved land is land that does not have public improvements.

PROJECT ANALYSIS:

Zoning

The project is located in the Very Low Density Residential (VLDR) zone. Table 17.08.020 "Permitted, Conditional and Prohibited Residential Uses” stipulates that a Conditional Use Permit (CUP) is required for second garages in the VLDR zone. Planning Commission consideration of the proposed CUP shall include whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose could include conditions that help make the use more compatible with the existing neighborhood. (For the purposes of this approval, the proposed second garage is classified as an accessory structure.)

Site Design Requirements

The site is accessed by the main driveway fronting Evergreen Lane. The second garage will either be accessed via the equestrian easement (private easement) to the north, or Evergreen Lane, depending on the applicant’s ability to obtain authorization to utilize the
equestrian easement for vehicular travel. If the applicant is unable to obtain an easement (or other appropriate legal instrument) for access via the existing equestrian easement, the second garage will be accessed from Evergreen Lane. Either way, the applicant is required to maintain access (e.g. a driveway) to the proposed garage (see condition of approval #9).

It should be noted that the easement area is unimproved for the most part and shows evidence of vehicle tracks with many of the other developed properties (single-family homes) having access gates with openings wide enough for cars fronting the private easement.

Below is a chart showing the minimum development standards for Very Low Density Residential (VLDR) zone as stated in Table 17.08.030 “Residential Development Standards”; and, how the proposed project meets those standards.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>20,000 square feet</td>
<td>28,413 square feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>120 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>308 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>35 feet</td>
<td>50 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>35 feet or 0 feet for accessory structures*</td>
<td>15 feet</td>
<td>Yes*</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>15 feet or 0 feet for accessory structures*</td>
<td>10 feet</td>
<td>Yes*</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>40 %</td>
<td>19 %</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>2 stories/35 feet</td>
<td>2 stories/28 feet (house); 24 feet (proposed garage)</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* For the purposes of this requested CUP, the proposed second garage is classified as an Accessory Structure (BMC 17.04.070). Accessory Structures may be built to the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure (BMC 17.08.050).
Architectural Design

The existing home is designed in a contemporary Spanish/Mediterranean style in color, texture and feature. The exterior finish is stucco with stone veneers. The roof is gable with a hip at the portico, finished in Spanish tiles. The proposed second garage will match the architectural features of the existing home as required by the Zoning Code and stipulated in the conditions of approval. The proposed garage building is rectangular in shape with dimensions of approximately 42 feet in width, by 35 feet in depth, with an overall height of 24 feet. The roof type is gable with a 5/12 pitch.

Conclusion

Staff recommends approval of the subject conditional use permit as the proposed project is consistent with the requirements of the Zoning Code, while not significantly effecting the environment. Further the construction of a second garage would not significantly impact the character of the existing neighborhood, as accessory structures are present at other single family residences in the vicinity of the proposed project, and is consistent with the uses allowed in the Very Low Density Residential (VLDR) zone. The conditions assure that the proposed structure and site design contribute positively to the neighborhood by requiring that certain design features be maintained.

ENVIRONMENTAL RESOURCES:

CEQA

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in this Staff Report dated October 6, 2009 and documents incorporated herein 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 15303(e) (New Construction of Small Structures) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that the proposed garage meets the requirements of the exemption in that it consists of construction of a new, small facility or structure, specifically an accessory structure, identified in the cited exemption.
(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15303(e) from exempting the project for the following reasons:

i. The project is not 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 Very Low Density Residential (VLDR) zoning standards regulates the land use around the site. There is undeveloped land to the west; single-family homes to the south; and an unimproved residential lot to the east. To the north are single family homes. This is an established residential area.

iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because a second garage is 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.

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 was developed as a residential subdivision and 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 CONDITIONAL USE PERMIT NO. 09-804:**

The Zoning Ordinance requires that each Conditional Use Permit application meet certain findings in Section 17.52.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:
Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Residential Policy which states: “Preserve and enhance the City’s neighborhoods”. The application for the Conditional Use Permit for a second garage does not change the use of the property and provides opportunity for limits which the Planning Commission might want to impose that help make the use more compatible with the existing neighborhood. Additionally, the Zoning Code and proposed conditions require the proposed structure to match the existing architecture thus providing neighborhood enhancement.

Finding No. 2: The proposed use as a second garage is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The land-use designation of Very Low Density Residential (VLDR) allows a second garage as a conditional use. The proposed project conditioned to meet all local standards pertaining to development and use, including providing sufficient setbacks and screening from adjacent properties through the use of a perimeter wall.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the Very Low Density Residential land use district in which it is to be located because it is surrounded by residential lots on three sides and unimproved land to the west. The project is required to be landscaped and screened with a wall to current standards. The architecture as proposed is compatible with the existing structure on the property and surrounding development.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is currently developed with a single-family home. The 0.65 acre land area is of adequate size to accommodate the expansion of the proposed 1,470 square foot second garage. As provided for in the conditions of approval, if the applicant obtains the proper legal authorization to use the private easement to the north, the proposed use could be accessed via the private easement. Note, however, the applicant has the option of designing the proposed use such that access to the garage would be in the same fashion as that of the existing single family residence which is currently accessed and served from Evergreen Lane, an existing developed public roadway. Either way, there is adequate access to the proposed use.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
Finding of Fact: The site is served by the public and private utilities, including the City's water and electrical utilities.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The construction of a second garage will not be detrimental to the City's health, safety, and welfare in that it complies with the Zoning Code development standards. It is a conditionally permitted use in the zone. The project is consistent with the general plan land use, community design and circulation elements. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 1,200-foot radius of the site on September 25, 2009. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.
PREPARED BY:

Brian Guillot
Assistant Planner

APPROVED BY:

Zai Abu Bakar
Community Development Director

PC Attachments:

1. Resolution No. 2009-08 (with Conditions of Approval)
2. Vicinity Map
3. Aerial Photo
4. Site Photos
ATTACHMENT 1

Resolution No. 2009-08
RESOLUTION NO. 2009-08

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BANNING, CALIFORNIA
APPROVING CONDITIONAL USE PERMIT NO. 09-804
TO CONSTRUCT A SECOND GARAGE WITHIN A
28,814 SQUARE FOOT LOT IN THE VERY LOW
DENSITY RESIDENTIAL ZONE (APN 535-371-001).

WHEREAS, an application for a second garage has been duly filed by:

Project Applicant: Jakob Rudrich
Property Owner: same as applicant
Project Location: 4345 Evergreen Lane
APN Number: 535-371-001
Lot Size: 0.65 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit No. 09-804: A request to construct a second garage in the Very Low Density Residential (VLDR) zone; and,

WHEREAS, on September 25, 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 notices to property owners within 1,200 feet of the project of the holding of a public hearing at which the project would be considered; and,

WHEREAS, on October 6, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or in opposition to Conditional Use Permit No.09-804; and, at which the Planning Commission considered the Conditional Use Permit; and,

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15303(e) (New Construction of Small Structures) and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project;

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find, and Order as follows:
SECTION 1. ENVIRONMENTAL FINDINGS.

CEQA

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the Staff Report dated October 6, 2009 and documents incorporated herein 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 15303(c) (New Construction of Small Structures) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that the proposed garage meets the requirements of the exemption in that it consists of construction of a single new, small facility or structure, specifically an accessory structure, identified in the cited exemption.

   (b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15303(e) from exempting the project for the following reasons:

      i. The project is not 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 Very Low Density Residential (VLDR) zoning standards regulates the land use around the site. There is undeveloped land to the west; single-family homes to the south; and an unimproved residential lot to the east. To the north are single-family homes. This is an established residential area.

      iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because a second garage is 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.

      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 was developed as a residential subdivision and a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Chapter 17.52 and in light of the record before it including the staff report dated October 6, 2009, and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Residential Policy which states: “Preserve and enhance the City’s neighborhoods”. The application for the Conditional Use Permit for a second garage does not change the use of the property and provides the Planning Commission an opportunity to condition the proposal in an effort to make the use more compatible with the existing neighborhood. Additionally, the Zoning Code and conditions of approval require the proposed structure to match the existing architecture thus providing neighborhood enhancement.

Finding No. 2: The proposed use as a second garage is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The land-use designation of Very Low Density Residential (VLDR) allows a second garage as a conditional use. The proposed project is conditioned to meet all City standards pertaining to development and use, including providing sufficient setbacks and screening from adjacent properties through the use of a perimeter wall.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the Very Low Density Residential land use district in which it is to be located because it is surrounded by residential lots on three sides and unimproved land to the west. The project is required to be landscaped and screened with a wall to current standards. The architecture as proposed is compatible with the existing structure on the property and surrounding development.
Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is currently developed with a single-family home. The 0.65 acre land area is of adequate size to accommodate the expansion of the proposed 1,470 square foot second garage. As provided for in the conditions of approval, if the applicant obtains the proper legal authorization to use the private easement to the north, the proposed use could be accessed via the private easement. Note, however, the applicant has the option of designing the proposed use such that access to the garage would be in the same fashion as that of the existing single family residence which is currently accessed and served from Evergreen Lane, an existing developed public roadway. Either way, there is adequate access to the proposed use.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The site is served by the public and private utilities, including the City’s water and electrical utilities.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The construction of a second garage will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Code development standards. It is a conditionally permitted use in the zone. The project is consistent with the General Plan land use, community design and circulation elements. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

SECTION 3: PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a
categorical exemption under CEQA Guidelines Section 15332 and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit. CUP No. 09-804 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit “A”.

PASSED, APPROVED AND ADOPTED this 6th day of October, 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. 2009-08 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of October, 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

Reso No. 2009-08
Planning
The Applicant may contact the Planning Division at (951) 922-3125 for compliance with the following conditions:

A. General Requirements

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

2. If during the term of the permit the City determines based upon substantial evidence that the permit activity is exercised so as to be detrimental to the public health, safety or welfare, or, so as to be a nuisance to other property owners in the general area which by any means shall interfere with the comfortable peaceful use, possession and enjoyment of property by any person, the Conditional Use Permit shall be subject to revocation as outlined in section 17.52.100 “Revocation” of the Banning Zoning Code.

3. Construction shall commence within two (2) years from the date of Planning Commission approval, or the conditional use permit shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year, the conditional use permit shall become null and void. The Community Development Director may upon an application being filed 30 days

“EXHIBIT A”
prior to expiration and for good cause, grant a one time extension not to exceed 12 months.

4. The second garage shall not be converted to any other use. Commercial use of the second garage is not permitted.

5. The garage for the primary residence shall not be converted to another use without prior City approvals and unless an additional garage (also subject to prior City approvals) is constructed in accordance with the Zoning Code.

6. Approval of this entitlement shall not waive compliance with any sections of the Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.

7. A copy of the signed resolution of approval and all conditions of approval shall be reproduced in legible form on any grading plans, site plan, and building and construction plans submitted for review and approval as required by the reviewing department.

8. In the event that the applicant desires to construct the proposed second garage such that access to said garage will be from the equestrian easement at the north of the property, no plans shall be submitted for plan check until such time that the applicant can provide a recorded easement (or other legal instrument to the satisfaction of the City Attorney’s office) providing that vehicular traffic is permissible on the equestrian easement. If, however, the applicant seeks to enter the property and access the proposed second garage from Evergreen Lane, then no such easement shall be required prior to plan check. If access to the proposed second garage shall be from Evergreen Lane, than the doors of said garage shall not face the existing easement.

B. Site Development

9. The site shall be developed and maintained in accordance with the stamped approved plans which include site plans, architectural elevations, exterior materials and colors and any grading plan on file in the Planning Division; the conditions contained herein; and, Municipal Code regulations.

10. The property owner shall be responsible for maintaining adequate access (i.e. driveway on the property) to the second garage as required by the Fire Marshall.

11. Provide for the following design features for the second garage, to the satisfaction of the Community Development Director:
- The proposed garage building shall be architecturally integrated with the existing single-family dwelling on the property.
• All parking shall occur on paved surfaces of asphalt, concrete, or similar materials. The drive way leading to the garage shall be 16 feet minimum width and 20 feet minimum depth.
• All roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties. Such screening shall be architecturally integrated with the building design.
• The second garage shall be screened by a 6 foot high wall.
• The design of any security gates shall be consistent with the existing decorative block wall and the proposed garage plans approved by Planning Commission.

12. There shall be no more than four recreational vehicles parked on the parcel at any given time in accordance with Section 17.28.030(4) of the Zoning Code.

13. When a recreational vehicle is parked on the property, water and power shall not be provided to the vehicle from any structure except as necessary for maintenance of the vehicle and not for a period not to exceed 24 hours in a three day period in accordance with Section 17.28.030(5) of the Zoning Code. In addition, no recreational vehicle shall be used for residential purposes.

14. No recreational vehicle shall be parked on the property for compensation.

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

C. General Requirements/New Structures/Site Development

15. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project number (i.e., CUP #09-804). The applicant shall comply with 2007 California Model Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

16. Submit five complete sets of plans including the following:
   - Site/Plot Plan;
   - Foundation Plan;
   - Floor Plan;
   - Cross sections;
   - Elevations;
   - Ceiling and Roof Framing Plan;
   - Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams; and,
   - Plumbing Plans including isometrics, water supply and waste diagram, sewer location, gas piping, and HVAC layout with duct/louver grill sizes.

“EXHIBIT A”
17. 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.

18. A preconstruction meeting shall be held for all participating field personnel prior to the commencement of construction activities.
ATTACHMENT 2

Vicinity Map
Location Map
4345 Evergreen Lane
APN 535-371-001
CUP #09-804
ATTACHMENT 3

Aerial Photo
Aerial Photo
4345 Evergreen Lane
APN 535-371-001
CUP #09-804

Proposed Second Garage Location
ATTACHMENT 4

Site Photos
Looking northwesterly from Evergreen Lane.

Looking westerly from the private equestrian easement.