I. CALL TO ORDER: Chairman Arterberry

➢ Pledge of Allegiance: Commissioner Siva

➢ Roll Call: Chairman Arterberry; Commissioner Barsh; Commissioner Briant, Commissioner Hawkins; 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. Minutes of August 3, 2011 meeting................................................................. Page 1
2. Minutes of November 2, 2011 meeting........................................................... Page 5
   1. Motion and Second
   2. Call the question (Roll call vote)
IV. PUBLIC HEARINGS

1. Zone Text Amendment (ZTA) No. 11-97502: Amending Sign Regulations for Freeway-Oriented Freestanding Signs

Staff Report.................................................................Page 8

Order of Procedure:
1. Request staff report
2. Open public hearing
3. Close public hearing
4. Planning Commission discussion / questions of staff
5. Motion and Second
6. Discussion on motion
7. Call the question (Roll call vote)

Recommendation:

That the Planning Commission take the following action:
1. Adopt Planning Commission Resolution No. 2012-01 recommending approval of Ordinance No. 1447 (as shown in Exhibit “A”) to City Council amending the Sign Regulations of the Zoning Ordinance for freeway-oriented signs.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. City Council Actions from previous meetings on Planning-Related Items
2. February meeting – appointment of Chairman and Vice-Chairman – all members need to be present

VII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of February 1, 2012 starting at 6:30 p.m. in the City Council Chambers.

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

PLANNING COMMISSION MINUTES

August 3, 2011

A regular meeting of the City of Banning Planning Commission was held on Wednesday, August 3, 2011 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Arterberry
Commissioner Barsh
Commissioner Briant
Commissioner Hawkins

Commissioners Excused: Commissioner Siva

Staff Present: Community Development Director Abu Bakar
Assistant City Attorney Laymon
Assistant Planner Guillot
Recording Secretary Sorenson

I. CALL TO ORDER

II. PUBLIC COMMENT

No one came forward.

III. CONSENT CALENDAR

1. Minutes of March 2, 2011
2. Minutes of May 4, 2011

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

(Motion carried 3–1) (Commissioner Briant abstained & Commissioner Siva was excused)
IV. PUBLIC HEARINGS

1. Design Review (DR) #11-703: Proposed retail store (Dollar General); 1323 W. Ramsey Street / APN 540-130-039.

Assistant Planner Guillot presented the staff report and stated that the project meets the City’s design, landscaping and parking requirements. The applicant is requesting approval to construct a 9,002 square foot general retail building, a Dollar General, on a little over a one acre parcel fronting on Ramsey Street in the Highway Serving Commercial Zone. The applicant is proposing a metal frame building, but has added elements like an over-hang, trellis and banding. Landscaping is provided in abundance for this site. Our Code requires 15% and they have put in the 10 foot set-back landscaping along Ramsey Street and landscaping adjacent to the other uses. Staff recommended approval of the project.

Tim Sivar, architect for Dynamic Development, 1725 21st Street, Santa Monica CA 90404, came forward to speak. Chairman Arterberry inquired about the direction that the entrance faces. Mr. Sivar stated it was on the southeast corner of the building. Chairman Arterberry inquired about the adjoining lot. Mr. Guillot explained that it is not dirt, but will be improved. There will be a six foot block wall at the rear of the applicant’s lot to separate the store from the church.

Commissioner Hawkins inquired if this store is like other 99 cent stores. Mr. Sivar said no, this store is like a mini-Wal-Mart. They will have brand name products and some refrigerated items.

A lady from Our Savior’s Lutheran Church, the congregational president, (the property adjacent to the proposed development) came forward to state that she is in favor of the project. She has been to several of these stores when she was living in Illinois and they are not like the routine “dollar stores”. She stated that the congregation felt that this store would benefit the people living on the east side as there was a bus stop right in front of the lot and it would be convenient.

ACTION (BARS / HAWKINS): A motion was moved, seconded and carried that the Planning Commission take the following actions:

1. Adopt a Class 32 Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development); and
2. Adopt PC Resolution No. 2011-06 approving Design Review (DR) #11-703 subject to conditions of approval.

(Motion Carried 4 – 0) (Commissioner Siva was excused)
2. Zone Text Amendment No. 11-97501: Amendment to Municipal Code Section 17.08.050 pertaining to Accessory Structures.

Assistant Planner Guillot presented the staff report and stated that accessory structures are any structures that are secondary to the primary use. As an example, a single family home would be the primary use and a detached garage would be the accessory structure. In the case of a commercial or industrial project, the main store or production area would be the primary structure and a maintenance building would be the accessory structure. The intention of this amendment is to simplify and streamline the review of accessory structures, because the main part of the project has already been approved. Another example is the Sun Lakes community, in a specific plan, the homes have all been built and now they might need a maintenance building. Under the current code requirements, they would have to go through design review. That is somewhat redundant, because they have their own architectural committee and they would review those accessory structures. A building permit would still be required. This amendment is not setting aside the safety requirements; it is just the architectural or design review portion. Staff recommends approval of this zone text amendment.

Commissioner Briant inquired if Sun Lakes was the only area of town that has an architectural review committee. Assistant Planner Guillot responded yes, but this amendment would also apply to planned unit developments, other planning areas, large apartment complexes and the Pardee project, as an example.

**ACTION (BARSH / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission take the following actions:

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

2. Adopt Planning Commission Resolution No. 2011-05 recommending that the City Council approve Ordinance No. 1439 amending the Zoning Ordinance requirements for accessory structures.

(Motion Carried 4 – 0) (Commissioner Siva was excused)

**VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT**

Community Development Director Abu Bakar reported:

1. The information provided on the dais regarding the Inland Empire Planning Commissioners Workshop will be on Friday, August 19th from 8:30 a.m. to 1:00 p.m. at Riverside Convention Center. Anyone who is interested in attending should let Director Abu Bakar know by tomorrow.

2. The Subway Sandwich Shop that was recently approved is in the grading process at this time.

3. Inland Behavioral Health Services is under construction at this time.
VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:04 p.m. to the Planning Commission meeting on September 7, 2011 at 6:30 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

November 2, 2011

A regular meeting of the City of Banning Planning Commission was held on Wednesday, November 2, 2011 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

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

Staff Present: Community Development Director Abu Bakar
Assistant City Attorney Laymon
Assistant Planner Guillot
Recording Secretary Sorenson

I. CALL TO ORDER

II. PUBLIC COMMENT

No one came forward.

III. CONSENT CALENDAR

1. Minutes of June 1, 2011

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

   (Motion carried 5-0)

IV. PUBLIC HEARINGS

1. Design Review (DR) #11-704 Proposed Retail Store (Family Dollar); 1481 W. Ramsey Street; (APN 540-130-021).
Assistant Planner Guillot presented the staff report and stated that the applicant is requesting approval to construct an 8,320 square foot general retail building on a little over an acre site in the Highway Serving Commercial Zone. The applicant is proposing a Family Dollar store which is described as a discount retail store that includes groceries, health and beauty products, household goods and clothing. This site is the previous Dick's Tire Mart and the buildings as well as the parking lot are proposed to be demolished in order to accommodate the proposed new project. The project meets or exceeds the City’s design, landscaping and parking requirements. The building is a metal frame structure type building with metal and stucco panels, a stone-type veneer on the lower portion and the awnings will be metal. Staff recommends approval of this design review as the proposed project is consistent with our zoning requirements and the General Plan and does not impact our environment significantly.

Kristi Kandel, project manager from Boos Development, the construction side of Family Dollar, 2651 McCormick Drive, Clearwater Florida 33759, came forward to speak. Ms. Kandel stated that the name “Family Dollar” is a little deceiving, they describe it as Ace Hardware is to Home Depot, Family Dollar is to Wal-Mart or a Target. It is a smaller retail store that sells name brand products at a discounted rate. The company usually hires a store manager, an assistant manager and three to five employees, depending on the amount of business. There is only one major weekly delivery that will come in during store hours.

Chris Moore, real estate manager for Family Dollar Stores, came forward to state that this is the first time they have entered California and do not have any stores open in California at this time. There are other stores planned in the area, but they are all in existing buildings. The Banning store is definitely the nicest Family Dollar store he has seen in the country. They are a general merchandise store and have about 7,000 stores around the country. In two weeks they will open stores in Riverside, Rialto, Fontana and Ontario. They have twelve distribution centers and California will be served from the center in Texas.

Commissioner Hawkins inquired if they sold electronics. Mr. Moore responded that they sell minor electronics like toasters and coffee-makers. They do not sell larger items like televisions and stereos.

Chairman Arterberry inquired about their hiring process. Mr. Moore responded that people can go to their web site at www.FamilyDollar.com or contact the County Employment Services.

Charlie Martinez came forward to inquire if someone could just walk into the store and ask for an application or do they have to go to the web site. Mr. Moore responded that once the store is open you can definitely walk into the store and apply. But until the store opens, the best way is the web site or to go to another store and ask for an application.
Commissioner Siva asked about the LEED certification comment on the back of their brochure. Mr. Moore responded that LEED (Leadership in Energy Efficient Design) Certification means that the building was designed to meet the green building standards.

The Commissioners commented that they thought this was a good project and Chairman Arterberry stated that he welcomed this development and appreciated their innovate plans and hard work and looked forward to working with them. He also hoped that it would spur other development to come.

ACTION (BARSHE / HAWKINS): A motion was moved, seconded and carried that the Planning Commission take the following actions:

1. Adopt a Class 32 Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development); and
2. Adopt PC Resolution No. 2011-07 approving Design Review (DR) #11-704 subject to conditions of approval.

(Motion Carried 5 – 0)

V. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Nothing to report at this time.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 6:55 p.m. to the Planning Commission meeting on December 7, 2011 at 6:30 p.m.

Respectfully submitted,

Gini Sorenson
Recording Secretary

Planning Commission Meeting
November 2, 2011
CITY OF BANNING
Planning Commission Report

DATE: January 4, 2012

TO: Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: ZONE TEXT AMENDMENT (ZTA) NO. 11-97502
AMENDING SIGN REGULATIONS FOR FREEWAY-ORIENTED SIGNS

STAFF RECOMMENDATION

That the Planning Commission take the following actions:

1. Adopt Planning Commission Resolution No. 2012-01 (Attachment 1) recommending approval of Ordinance No. 1447 (Exhibit A) to City Council amending Sign Regulations for freeway-oriented signs.

APPLICANT INFORMATION

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

BACKGROUND/ANALYSIS

The City Council adopted the present Zoning Ordinance in January 2006. The Sign Regulations portion of the ordinance prohibited new freestanding freeway-oriented signs. The regulations allowed monuments signs limited to 8 feet in height and wall signs mounted to the building walls of commercial or industrial uses to a maximum area of 50 square feet.

A year later, staff received a request to amend the City's Zoning Ordinance to permit freestanding freeway-oriented advertising signs. On September 25, 2007, the City Council adopted Ordinance 1377 which amended the Sign Regulations in the 2006 Zoning Ordinance. That amendment created six sign districts along the I-10 that would allow the placement of a
large freeway-oriented sign in each district permitting both on-site and off-site advertising. The purpose of creating the sign districts was to prevent visual clutter and preserve the aesthetics of the City. However, the ordinance stated that the existing freestanding freeway-oriented signs could remain as “legal non-conforming”.

On February 10, 2009, the City Council adopted Interim Urgency Ordinance 1402 in response to requests from concerned citizens and property owners along the interstate corridor regarding the economic impact of restricting freestanding freeway-oriented signs to just six sign districts. The interim urgency ordinance and subsequent extensions again allowed freestanding freeway-oriented signs for such services as food, lodging, and automotive businesses. That interim urgency ordinance and subsequent extensions expired on December 24, 2010; therefore, the requirement for six sign districts along the interstate corridor was reinstated.

Analysis

The City of Banning is bisected by Interstate 10 (I-10) from east to west and has over five miles of frontage along the freeway. Traffic counts prepared by Caltrans showed that for the year 2009 on average as many as 147,000 vehicles per day travel the interstate (see Attachment 2). The number of vehicles traveling the interstate is an opportunity for businesses located along this transportation corridor to capture motorist’s attention to exit the freeway to shop, eat at restaurants, or stay at hotels in the City of Banning. However, that opportunity needs to be balanced with scenic values and/or aesthetics, and the health, safety, and welfare of the community as it relates to freeway-oriented freestanding signs.

The need for this balance is identified by the Goals and Policies in the City’s General Plan as follows:

**Economic Development Policy 6** states “Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits” (GP p. III-43).

Amending the Sign Regulations to allow freeway-oriented signs will encourage and facilitate commercial development along the interstate through identification of freeway-oriented businesses. Requiring approval of a freeway-oriented sign by Planning Commission through the Conditional Use Permit (CUP) process will allow a balanced review and analysis of each proposal. Note the following statement of purpose as found in Section 17.52.010 CONDITIONAL USE PERMITS of the Zoning Ordinance:

*Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.*
This review shall determine 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.

The current sign regulations that limit freeway-oriented signs to only six districts along the freeway frontage are too restrictive, especially in the present economic climate. Proof of that conclusion is that the City has not received a single application for the large freeway-oriented freestanding signs since adoption of the development standards and guidelines in October 2007.

Therefore, if the proposed amendment to the Sign Regulations is approved by City Council, it is anticipated that the availability of a freeway-oriented sign will attract businesses to our commercial zones along the freeway corridor. Also, the regulations include the requirement for shopping centers to include a “city identification or logo” to enhance the identity of the City of Banning along with the shopping center. Specific design requirements for freeway-oriented signs are included in the proposed Ordinance No. 1447; and, each sign application will be subject to approval of Planning Commission through a conditional use permit review process.

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 Director as provided in the staff report dated January 4, 2012, 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 Ordinance 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 Ordinance 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. 11-97502:

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”.

Furthermore, allowing freeway-oriented signs through the Conditional Use Permit process encourages development of businesses along the freeway. Economic Development Policy 6 states “Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits”.

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 proposed amendment will modify and update development standards pertaining to freeway-oriented signs within the limits established by the Zoning Ordinance and Planning Commission through the Conditional Use Permit process.

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 was advertised in the Record Gazette newspaper on December 23, 2011. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared by:

Brian Guillot
Assistant Planner

Approved by:

Zai Abu Bakar
Community Development Director

Attachments:

1. Resolution No. 2012-01
2. Caltrans traffic count data for Interstate 10
Attachment 1
(Resolution No. 2012-01)
RESOLUTION NO. 2012-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF ZONE TEXT AMENDMENT NO. 11-97502, AMENDING SIGN REGULATIONS FOR FREEWAY-ORIENTED SIGNS

WHEREAS, the Community Development Director for the City of Banning is proposing amending the Sign Regulations of the Zoning Ordinance for freeway-oriented signs in accordance with the proposed development standards and guidelines; and

WHEREAS, the Planning Commission has authority per Chapter 17.116 of the Municipal Code to review and make recommendations to the City Council regarding amendments to the Zoning Ordinance consistent with the goals and policies of the General Plan; and

WHEREAS, in accordance with Government Code §65854, on the 23rd day of December, 2011, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the 4th day of January, 2012, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment, and at which time the Planning Commission considered the Zone Text Amendment; and

WHEREAS, at this public hearing on the 4th day of January, 2012, the Planning Commission considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, 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;

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1 ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated January 4, 2012, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(c) 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 Ordinance 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 Ordinance 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.

**SECTION 2 REQUIRED FINDINGS.**

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".

   Furthermore, allowing freeway-oriented signs through the Conditional Use Permit process encourages development of businesses along the freeway. Economic Development Policy 6 states "Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits".

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 proposed amendment will modify and update development standards pertaining to freeway-oriented signs within the limits established by the Zoning Ordinance and Planning Commission through the Conditional Use Permit process.

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. Adopt Planning Commission Resolution No. 2012-01 recommending approval of Ordinance No. 1447 (as shown in Exhibit “A”) to City Council amending the Sign Regulations of the Zoning Ordinance for freeway-oriented signs.
PASSED, APPROVED AND ADOPTED this 4th day of January, 2012.

Dennis Arterberry, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

Virginia Sorenson, Recording Secretary
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. 2012-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of January 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
Exhibit A
(Ordinance No. 1447)
ORDINANCE NO. 1447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING ZONING TEXT AMENDMENT NO. 11-97502 AMENDING THE SIGN REGULATIONS FOR FREEWAY-ORIENTED SIGNS

WHEREAS, the City of Banning is proposing amending the Sign Regulations of the Zoning Ordinance for freeway-oriented signs in accordance with the proposed development standards and guidelines; and

WHEREAS, the City Council has authority per Chapter 17.116 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, the Planning Commission recommended adoption of Ordinance No. 1447 amending the Sign Regulations of the Zoning Ordinance by approving Resolution No. 2012-01 as stated in writing; and

WHEREAS, on the ______ th day of ________________, 2012, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Press Enterprise newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the ______ th day of ________________, 2012, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment, and at which time the City Council considered Zone Text Amendment No. 11-97502; and

WHEREAS, at this public hearing on the ______ th day of ________________, 2012, the City Council considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the City Council 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;

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ______ th day of ______________, 2012;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:
SECTION 1 ENVIRONMENTAL FINDINGS.

The City Council, 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 _____________, 2012, 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 Ordinance 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 Ordinance 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.

SECTION 2 REQUIRED FINDINGS.

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for 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”.

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Furthermore, allowing freeway-oriented signs through the Conditional Use Permit process encourages development of businesses along the freeway. Economic Development Policy 6 states “Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits”.

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 proposed amendment will modify and update development standards pertaining to freeway-oriented signs within the limits established by the Zoning Ordinance and Planning Commission through the Conditional Use Permit process.

3. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The City Council 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 ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3 ZONING ORDINANCE AMENDMENT.

Title 17 of the Banning Municipal Code (Zoning Ordinance) is hereby amended as follows:

Ordinance No. 1377 is repealed in its entirety.

Section 17.36.110(B)(2) is amended as follows:

2. Wall signs. Each business shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage; and, shall not exceed 50 square feet of sign area, except for a freeway oriented wall sign proposed to be located and designed in such a manner as to be viewed by the freeway traveling public and limits its advertising to onsite services such as food, lodging, and automotive and shall be subject these regulations and to approval of a conditional use permit.
Section 17.36.110(B)(6) is amended as follows:

6. Freeway-Oriented Freestanding Sign. A freestanding sign proposed to be located and designed in such a manner as to be viewed by the freeway traveling public and limits its advertising to onsite services such as food, lodging, and automotive shall be subject to the following regulations:

a. Said business must be a freeway-oriented business, as determined by the planning commission.

b. Said business must be easily accessible to a freeway off-ramp, as determined by the planning commission.

c. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the planning commission with evidence to assure satisfactory compliance with this requirement.

d. Said sign shall be located in a planter area not less than fifty square feet with one dimension being at least six feet, unless from the evidence presented to the planning commission it can be determined that the area is not visible from public street or right-of-way, or the absence of the planter shall not be detrimental to the appearance of the area.

e. Said sign shall not exceed an overall height of fifty-five feet.

f. Said sign shall not exceed one hundred seventy-five square feet per display face.

g. Shopping centers may have one freeway-oriented freestanding sign and shall include city identification or city logo as approved by planning commission. Said city identification or logo shall be excluded from the display face area calculation.

h. Said sign shall require approval of a conditional use permit.

Section 17.36.110(B)(8) is amended as follows:

8. Any existing freestanding sign shall be considered legal and conforming, but shall not be altered or replaced except by approval of a conditional use permit.

SECTION 4 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after its 2nd reading in accordance with California law.
PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2012.

Don Robinson, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

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

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1447 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _________ th day of ______________, 2012, and was duly adopted at a regular meeting of said City Council on the _______ day of ______________, 2012, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning
Banning, California
Attachment 2
(Caltrans Traffic Counts)
## 2009 Caltrans Traffic Counts

<table>
<thead>
<tr>
<th>District</th>
<th>Route</th>
<th>County</th>
<th>Pre</th>
<th>Postmile</th>
<th>Description</th>
<th>Back Peak Hour</th>
<th>Back Peak Month</th>
<th>Back AADT</th>
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*http://www.dot.ca.gov/hq/traffics/saferes/traffdata/index.htm*

**[Files]**
The files containing traffic volumes (also known as counts) on California state highways are available for downloading. These files can be imported into spreadsheets or data bases for viewing and analysis.

**[Route Number]**
All California state highways are listed in this booklet in order of Legislative Route number.

**[Annual Average Daily Traffic (Annual ADT)]**
Annual average daily traffic is the total volume for the year divided by 365 days. The traffic count year is from October 1st through September 30th. Very few locations in California are actually counted continuously. Traffic Counting is generally performed by electronic counting instruments moved from location throughout the State in a program of continuous traffic count sampling. The resulting counts are adjusted to an estimate of annual average daily traffic by compensating for seasonal influence, weekly variation and other variables which may be present. Annual ADT is necessary for presenting a statewide picture of traffic flow, evaluating traffic trends, computing accident rates, planning and designing highways and other purposes.

**[Peak Hour]**
Included is an estimate of the "peak hour" traffic at all points on the state highway system. This value is useful to traffic engineers in estimating the amount of congestion experienced, and shows how near to capacity the highway is operating. Unless otherwise indicated, peak hour values indicate the volume in both directions.

A few hours each year are higher than the "peak hour", but not many. In urban and suburban areas, the peak hour normally occurs every weekday, and 200 or more hours will all be about the same. On roads with large seasonal fluctuations in traffic, the peak hour is the four near the maximum for the year but excluding a few (20 to 50 hours) that are exceedingly high and are not typical of the frequency of the high hours occurring during the season.

**[Traffic Profile]**
These files list 2009 traffic volumes for all count locations on the California state highway system. Peak hours, peak month ADTs and annual ADTs are shown at each count location. Significant volume changes (breakpoints) in the traffic profile along each route are counted and identified by name and milepost value. In addition to the profile breakpoints, these files list county lines and well-known landmarks to aid in orientation. All traffic volume figures listed include traffic in both directions unless otherwise indicated.

**[Milepost]**
Each profile breakpoint is identified by the milepost value corresponding to that point on the highway. The milepost values increase from the beginning of a route within a count to the next county line. The milepost values start over again at each county line. Milepost values usually increase from south to north or west to east depending upon the general direction the route follows within the state.

The milepost at a given location will remain the same year after year. When a section of road is relocated, new milepost (usually noted by an alphabetical prefix such as "R" or "M") are established for it. If relocation results in a change in length, "milepost equations" are introduced at the end of each relocated portion so that mileposts on the remainder of the route within the county will remain unchanged.

**[Peak Month ADT]**
The peak month ADT is the average daily traffic for the month of heaviest traffic flow. This data is obtained because on many routes, high traffic volumes which occur during a certain season of the year are more representative of traffic conditions than the annual ADT.

**[Back and Ahead]**
Back AADT, Peak Month, and Peak Hour usually represents traffic South or West of the count location. Ahead AADT, Peak Month, and Peak Hour usually represents traffic North or East of the count location.