City of Banning

PLANNING COMMISSION
Meeting – Tuesday, April 3, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance
Roll Call: Chairperson De Santis, Commissioner Barsh, Commissioner Dickson, Commissioner Escandel, Commissioner Hawkins

II. REVIEW/APPROVAL OF MINUTES (February 20, 2007)

III. PUBLIC COMMENT

IV. DIRECTOR'S REPORT FOR THE MONTH OF MARCH -CITY COUNCIL ACTIONS ON PLANNING-RELATED ITEMS (No Action Required)

V. PUBLIC HEARING:

A. New Items:

1. Request for Continuation: Request to approve Design Review #06-7017 and Conditional Use Permit Amendment #06-802, a request to develop a two-story school building with a multi-purpose room on 6.30 acres in Low Density Residential (0-5 dwelling units per acre) zone, located north of Wilson Street, east of Highland Home Road, and west of Mountain Avenue. APN 535-030-037.

2. Request to approve Design Review #06-7019 and Conditional Use Permit #07-803, a request to develop a storage facility with manager’s office and unit on 4 acres in the Industrial zone located at the south east corner of 8th and Lincoln Street. APN 540-250-001.
B. Continued Item:

1. Zone Text Amendment # 07-97501—
Amendment to Municipal Code Provisions Pertaining to:
   a) Determine that the project is exempt from the California Environmental Quality
      Act (CEQA) as stipulated by Section 1528 of the Guidelines for the Implementation of
      the California Environmental Quality Act.
   b) Table 9102.B, Residential Development Standards of the Zoning Code to modify
      the maximum building coverage standard (s) and the floor area ratio standards in the
      LDR (Low Density Residential) Zone.
Request to approve Design Review #07-705, a three story commercial building
including retail, medical offices and professional offices with under ground parking,
and Conditional Use Permit # 06-808, a request to have professional offices in
Highway Serving Commercial and an increase in height. The property is located along
Ramsey Street, between 22nd Street and Sunset Avenue. APN 538-340-003 & 004.

VI. STAFF REPORT / INFORMATION ITEMS

VII. PLANNING COMMISSIONER COMMENTS

VIII. ADJOURNMENT

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

February 20, 2007

A special meeting of the City of Banning Planning Commission was held on Tuesday, February 20, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:
Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Escandel
Commissioner Hawkins

Staff Present:
Community Development Director Orci
Deputy City Attorney Murphy
Senior Planner Clinton
Associate Planner Canchola
Captain Yarbrough, Fire Marshall
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Vice-Chairperson DeSantis.

II. REVIEW OF MINUTES

ACTION (DICKSON / BARSH): A motion was moved, seconded and carried that the minutes of December 5, 2006 be approved as presented.

(Motion carried 4 -1; Commissioner Hawkins abstained as he was not present at that meeting)

III. PUBLIC COMMENT

Charlene Sakurai, 43000 Dillon Road, Banning CA came forward to announce the upcoming events that are being sponsored by the Alliance. The next event will be on
March 16th, which will be the Yucaipa High School Chorus doing West Side Story. She also stated she placed flyers on the table at the back of the chambers.

Cynthia White, 656 Shinnecock, Banning CA came forward to state that she also represents the Alliance and mentioned that on Tuesday mornings at the Alliance building at 175 W. Hays Street, Banning, there is a Tai-Chi class. She also mentioned the Banning Center for the Arts will be offering cartoon drawing classes to children in March.

Commissioner Dickson offered congratulations for the grand opening of the Skate Park.

IV. DIRECTOR’S REPORT FOR THE MONTH OF JANUARY - CITY COUNCIL ACTIONS ON PLANNING RELATED ITEMS:

Director Orci reported that the Zone Text Amendments that the Planning Commission recommended to the City Council were approved. The Labastida tract map (TTM 34033) was also approved.

At this time Director Orci requested that Public Hearing item #4, the Five Bridges Specific Plan be taken out of order, table the item and take no public testimony.

V. ELECTION OF OFFICERS

Commissioner DeSantis was elected Chairperson and Commissioner Dickson was elected Vice-Chairman.

VI. PUBLIC HEARING:

A. New Items:

1. Specific Plan # 04-208, General Plan Amend #04-2504, Zone Change #04-3503 and Annexation #04-101: Five Bridges Specific Plan for 548.4 acres consisting of 302.3 acres for residential use (1,642 dwelling units); 48.8 acres of commercial and other non-residential use; 29.5 acres of parks and 134 acres of open space. Project is generally located south of I-10 and north of Bobcat Road, between Highland Home Road and Sunset Avenue.

Chairperson DeSantis announced that the request had been made to table this item and take no public testimony.

ACTION (ESCANDEL / DICKSON): A motion was moved, seconded and carried that the Planning Commission table this item.

(Motion carried 5 – 0)

Planning Commission Meeting
February 20, 2007
2. Design Review No. 06-7016 & Conditional Use Permit No. 06-807, a request to develop a three story Hotel with 70 guestrooms in the Highway Serving Commercial zone on a 1.66 acre site. The hotel is 39,250 sq. ft. The property is located on the south side of Ramsey St., east of Sunset Ave, south of Morongo Ave., and north of Interstate 10. APN 538-340-005.

Community Development Director Orci presented the staff report and stated that this request is for a Holiday Inn Express Hotel. This project is located on the east side of Gramma’s Country Kitchen and on the west side of the Sunset Plaza project that was recently approved. The site is 1.66 acres in size. The applicant is proposing a three story hotel with Mediterranean architectural style with Moroccan domes and towers. The project is proposed to be 38,650 square feet. Staff recommended approval.

Commissioner Escandel had questions about the height of the building and inquired if the tower served a functional purpose. Director Orci responded that it did not, it was just for architectural interest.

Commissioner Barsh pointed out that the project was 10-15 feet below the freeway. Commissioner Dickson inquired if there would be any problems regarding fire fighting in a building of this height and Director Orci responded those issues had been worked out.

Huamin Chang, 2227 W. Valley Blvd, Alhambra CA, architect for the project, came forward to discuss the height issue. He stated it was to offer a varied roof line for architectural interest.

The Commissioners all agreed this was a good project and a nice addition to the City. Chairperson DeSantis mentioned that Conditions #9 and #10 were the same.

**ACTION (BARSII / DICKSON):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-05, approving CUP #06-807, based on the findings and conditions of approval as amended to remove one of the duplicate conditions, #9 or #10.

(Motion carried 5 – 0)

**ACTION (BARSII / DICKSON):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-06, approving Design Review #06-7016, based on the findings and conditions of approval.

(Motion carried 5 – 0)
3. Conditional Use Permit No. #07-801 – Request to operate Alcoholic Beverage sales for a Liquor Store. “High Land Liquor” - located at 6350 W. Ramsey St., # D, E & F. The property is located on the south side of Ramsey Street and East of Highland Springs Avenue. APN 419-112-014.

Community Development Director Orci presented the staff report and stated this project is located within an existing shopping center. Staff was able to make findings to approve the conditional use permit for this project as it is consistent with the commercial designation. The project does comply with the development standards and design guidelines of the zone as it is in an existing shopping center and the applicant plans to do interior improvements. Staff recommended approval of the resolution.

Commissioner Escandel inquired if this project met the ABC requirements regarding the number of alcohol sales facilities allowed in the area. Associate Planner Canchola responded that it does not as there are five establishments (including this project) in this area. However, the City Council can issue a letter of public convenience and necessity if they desire and that is acceptable to the ABC.

Mr. Ahmi came forward on behalf of Highland Liquor and stated that he realizes there are more alcohol sales facilities in the area than allowed, however most of them do not serve a convenience factor.

Commissioner Escandel inquired if the applicant already had his liquor license for that address and Mr. Ahmi replied that he did.

Commissioner Dickson stated that he did not see the need for another establishment to sell liquor. He did not want to look like “fast food and liquor store” row.

Chairperson DeSantis stated she agreed with Commissioner Dickson, but felt that the conditions were very well written and since the applicant already had his license it seemed like this would go forward.

ACTION (HAWKINS / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-07, approving Conditional Use Permit #07-801.

(Motion carried 4 – 1) (Commissioner Dickson voted no)

4. General Plan Amendment No. 06-2501, Zoning Map Change 06-3501, Site Plan Review 05-75016 - Request to change the General Plan and Zoning Map Designation from Low Density Residential to Medium Density Residential, and Site Plan Review for a Tentative Tract Map. Project site: 935 E. Williams / APN 541-121-022.

Community Development Director Orci presented the staff report and stated that this project is on 4.62 acres and 40 units are proposed. Surrounding this property there are vacant lots, single family homes and multi-family homes. The applicant is requesting approval of the map, but they will have
to come back with an actual map with a map number. The applicant is requesting to increase the
density to 7.8 units to the acre in order to construct 40 townhome units on this property with
amenities. Director Orci stated he was seeking direction from the Commission.

Marisela Labastida, president of HLCD, the developer of the project, 489 Livingston, Banning CA
(construction yard for their business), came forward to speak. Mrs. Labastida stated they have
revised their plan as they purchased this property when it was high density residential. At this time,
they would like to request that the density be changed from low density to medium density
residential. Their desire was to provide affordable home ownership. The homes would range from
1,000 square feet to 1600 square feet with a two car garage, gated community, pool, clubhouse,
picnic tables and playground. The price range would most likely start in the high $100,000 area.

**ACTION (BARSH / HAWKINS):** A motion was moved, seconded and carried that
the Planning Commission direct staff to prepare the necessary resolutions to
recommend approval of this project to the City Council.

(Motion carried 3-2) (Commissioners Dickson and Escandel voted no)

**VII. STAFF REPORT / INFORMATION ITEMS**

**VIII. COMMISSIONER'S COMMENTS**

**IX. ADJOURNMENT**

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

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
DATE: March 29, 2007

TO: PLANNING COMMISSION

FROM: Kevin Swartz, Assistant Planner

RE: Mountain Avenue Baptist Church: Conditional Use Permit #06-802, Design Review #06-7017

Please withdraw Conditional Use Permit #06-802, Design Review #06-7017 from the Agenda on April 3, 2007 until its next meeting on May 1, 2007 as staff needs more time for analysis.
STAFF REPORT
PLANNING COMMISSION

DATE: APRIL 3, 2007

CASE NO'S: CONDITIONAL USE PERMIT #07-803 AND DESIGN REVIEW # 06-7019.

REQUESTS: A CONDITIONAL USE PERMIT #07-803 AND DESIGN REVIEW #06-7019 FOR THE DEVELOPMENT OF A STORAGE FACILITY WITH MANAGERS OFFICE AND RV PARKING ON A FOUR ACRE SITE IN THE INDUSTRIAL ZONE.

LOCATION: SOUTH EAST CORNER OF 8TH STREET AND LINCOLN STREET. APN 540-250-001.

APPLICANT: VALLI ARCHITECTURAL GROUP

SURROUNDING USES/ZONES: NORTH- RESIDENTIAL
WEST- VACANT
SOUTH- VACANT
EAST- VACANT

ENVIRONMENTAL CONSIDERATION: THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 WHICH CONSISTS OF PROJECTS CHARACTERIZED AS IN-FILL DEVELOPMENT.

BACKGROUND:

Project Location/History:
The project is located north of Barbour Street, south of Lincoln Street, east of San Gorgonio Ave., and west of 8th Street, and there are no improvements on the site. The property is zoned Industrial. Access to the project site will be gained from Eighth St. During the General Plan and Zoning meetings there were talks of changing this piece of property to General Commercial, but an applicant had an application for a storage unit in the review process and this property was left alone. The project approval expired and the Industrial zone remains, which allows storage units with a Conditional Use Permit.
Project Description:

Design Review #06-7019 and CUP #07-803 applications are required to review the design of the building, and to allow a storage facility in the Industrial zone. The Storage facility will consist of four buildings with a manager’s office, and RV parking. Building “A” is 14,814 sq. ft. in size, single story with 10x15 storage units and manager’s office. Building “B1” is 10,869 sq. ft. in size, single story and will contain 12x28 storage units. Building “B2” is 5,510 sq. ft. in size, single story and contains 12x25 storage units. Building “C” is two stories, 67,244 sq. ft. in size with a footprint of 33,745 sq. ft.; the first floor consisting of 10x10 storage units and 10x15 storage units on the second floor. The site also has 53 RV parking spaces which range in size from 10’x30’ and 12’x40’, and a dump station. The applicant is providing 10 parking spaces for the site, with a two car garage for the manager’s office. The project complies with all the development standards including minimum front yard setback (14’, proposed versus 10’, required), minimum rear yard setback (27’, proposed versus 0’ to the building), minimum side yard setback (10’, proposed versus 0’, required), street side yard (10’), maximum lot coverage (39.9%, proposed versus 60%, allowed), landscaping requirements, etc.

Conditional Use Permit: Table 9103.A (Ordinance No.1355) allows self-storage uses with a Conditional Use permit in the Industrial zone. The applicant proposes four storage buildings. The site will also have 53 RV parking spaces with a dump station. The project complies with all development standards. The project will provide 99,208 sq. ft. of storage space. The proposed facility will provide Banning residents and others a storage facility with an enhanced façade that is not typically found in other storage facilities.

Design Review: The Design Review application focuses on community design principals which result in creative, imaginative solutions which establish quality design for the City. The applicant proposes a Mission architectural style with earth tone colors, smooth stucco, wrought iron and stone accents. Other amenities include parking, archway entries and landscaping.

Environmental Review:

The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

The project is within the City’s jurisdiction; consistent with the General Plan Industrial Zone and Zoning Code (subject to a Conditional Use Permit); and the project is less than
5 acres (4 acres in size). In addition, the site has been found to be of no value as habitat. The site will be served by the public and private utilities and will not generate significant environmental effects.

In accordance with CEQA Section 15332, the following findings can be made:

(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designations and regulations;

The Industrial (I) Land Use Element as well as a Zoning District designation allows the development of a storage facility subject to a Conditional Use Permit. Policy 7 of the land use element indicates that there should be adequate lands identified in the land use map for manufacturing, warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries and is 4 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

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.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

The site is consistent with the other surrounding properties: to the north is commercial, to the east is industrial, and to the west is Business Park, except to the south which is residential. However, the facility includes perimeter fence, landscaping, and lighting for the facility will be strictly on site and will not intrude onto surrounding properties.

(e) The site can be adequately served by all required utilities and public services.
The site will be served by the public and private utilities and will not generate significant environmental effects.

Findings:
Findings can be made to approve the Design Review and Conditional Use Permit and are included in the Resolutions of Approval (attached).

Public Notice
This proposal was advertised in the Record Gazette newspaper on March 23, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

ANALYSIS:

Analysis
The proposed design is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. Based on these provisions, the following analysis of the project is provided:

Design Review

In accordance with Section 9114.00 of the Banning Zoning Code, the purpose of the Design Review application is the following:

1. Establish design review procedures for development proposals;
2. Assure that proposed project conforms to development standards and design guidelines;
3. Focus on community design principles which result in creative, imaginative solutions which establish quality design for the City;
4. Promote the orderly and harmonious appearance of structures, landscaping, parking areas, etc; and
5. Maintain the public health, safety and general welfare and property throughout the City.

The Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The General Plan Industrial (I) Land Use Element allows for the development of a storage facility. Policy 7 of the land use element indicates that there should be adequate lands identified in the land use map for manufacturing, warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways.
with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The project complies with all the development standards including minimum front yard setback (14’, proposed versus 10’, required), minimum rear yard setback (27’, proposed versus 0’ to the building), minimum side yard setback (10’, proposed versus 0’, required), street side yard (10’), maximum lot coverage (39.9%, proposed versus 60%, required), landscaping requirements, etc.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Facts of Fact: The site is consistent with the other surrounding properties to the north is commercial, to the east is industrial, and to the west is Business Park, except to the south which is residential. However, the facility will include a perimeter decorative block wall, landscaping, and lighting. The lighting for the facility will be strictly on site and will not intrude onto surrounding properties.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The project will incorporate a Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments, and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, but is a style that will enhance the surrounding neighborhood.

Conditional Use Permit

The Planning Commission must determine that the project complies with the following findings:

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

The General Plan land use designation for the site is “Industrial”. One of the primary objectives stated in the Land Use Element of the General Plan is Industrial projects shall have a mix of non-polluting industrial land uses which provide local jobs for the City’s residents, and design standards and guidelines which encourage the development of high quality industrial projects. This project consists of all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. Policy 7 of the Land Use Element indicates that there should be adequate lands identified in the land use map for manufacturing,
warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

2. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Zoning Ordinance.

The proposed use is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the Industrial zone. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the Banning Municipal Code are met, including engineering, landscaping, water and wastewater and the fire department conditions.

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

The surrounding properties are comprised of residential and vacant properties. These properties when developed will be similar in character and integrity as the Industrial zone except to the south where properties are zoned residential. However, the facility include perimeter fence, landscape and lighting for the facility will be strictly on site and will not intrude onto surrounding properties. Access to the site will be on Lincoln Street, which is located away from the residential properties. The property will operate from 7:00 AM to 6:00 PM which will prohibit nighttime activities. Further, the project will incorporate a Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments, and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, but is a style that will enhance the surrounding community.

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

The site is generally flat and the property is 4 acres. The site is not located within a flood plain and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for industrial development. The project has been designed to accommodate the development of a storage facility considering the shape and topography of the site.

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.

A condition of approval has been placed on the project which will require the project proponent to construct all necessary on and off-site infrastructure to provide utilities to the
proposed project prior to the issuance of Building Permits. Water, sanitation and public utilities and services are available in Lincoln St. and or Eighth St., a public street.

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

Access to the project site will be gained via Eighth St., Lincoln Street. Further, in order to provide a safe means of ingress and egress from the project site, the applicant will be required to construct all improvements within the public right-of-way to the City of Banning Standards. As proposed, the project together with the attached Conditions of Approval is consistent with both the City of Banning General Plan and Zoning Ordinance and no substantial negative impacts to the surrounding environment and the existing land uses will occur. The proposed size, design, and operating characteristics of a storage facility and RV parking use are consistent and compatible with those uses currently located within the Industrial zone, with a Conditional Use Permit. The project will incorporate a Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments, and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, to the north is the Banning Business Center which is a modern style, and to the south is residential, but this style will enhance the surrounding community.

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.

The use of a storage facility with 53 RV parking spaces is allowed within the Industrial zone with a Conditional Use Permit (for the land use), is consistent with the intent of the City’s Zoning Ordinance as described in the staff report. The site has been described to meet the required development standards related to setbacks, lot coverage, building height, land use, and parking such that it will not be detrimental to the public interest, health, safety, and welfare as described in more detail in the Staff report. There will be a decorative block wall around the property; the RV parking will not be seen from the public street. The Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments will be seen from the public streets.

**RECOMMENDATION:**

That the Planning Commission:

1. Approve Resolution No. 2007-12, approving CUP #07-803, based on the findings and conditions of approval.

2. Approve Resolution No. 2007-13, approving Design Review #06-7019, based on the findings and conditions of approval.
Respectfully submitted,

Kevin Swartz
Assistant Planner

Exhibits:
1. Resolution No.2007-12, with Conditions of Approval
2. Resolution No.2007-13, with Conditions of Approval
3. Design Plans for Design Review #06-7019 (Separate Cover)
CUP #07-803 and
DESIGN REVIEW #06-7019

VALLI ARCHITECTURAL GROUP
STORAGE FACILITY

RESOLUTION
NO. 2007-12

EXHIBIT “1”
RESOLUTION NO. 2007-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT # 07-803 FOR THE USE OF A STORAGE FACILITY, WITH A MANAGER’S OFFICE AND 53 RV PARKING SPACES ON 4 ACRES IN THE INDUSTRIAL ZONE. APN 540-250-001

WHEREAS, an application for a Conditional Use Permit for a storage facility with a manager’s office and RV parking has been duly filed by:

Applicant/Owner: Valli Architectural Group
Authorized Agent: Beverley Rutherford
Project Location: The Property is Located on the south side of Lincoln St., east of 8th Street, west of San Gorgonio Avenue, and north of Barbour Street.
APN Number: 540-250-011
Lot Area: 4 acres

WHEREAS, the Planning Commission has the authority per section 9113.00 and 9114.00 of the Banning Municipal Code to take action on Conditional Use Permit #07-803 to develop a storage facility with a manager’s office, and 53 RV parking spaces; and

WHEREAS, on March 23, 2007 the City gave public notice by mailing notices to property owners within 300 feet of the project site and advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public hearing at which the project would be considered; and

WHEREAS, on April 3, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

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

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 3, 2007 and documents
incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

CEQA:
1. The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 which consists of projects characterized as In-fill development in that the staff report and other findings demonstrate that CUP # 07-803 meets the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

The Industrial (I) Land Use Element as well as a Zoning District designation allows the development of a storage facility subject to a Conditional Use Permit. Policy 7 of the land use element indicates that there should be adequate lands identified in the land use map for manufacturing, warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries and is 4 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

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.

PC Reso No. 2007-12
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

The site is consistent with the other surrounding properties to the north is commercial, to the east is industrial, and to the west is Business Park, except to the south which is residential. However, the facility includes perimeter fence, landscaping, and lighting for the facility will be strictly on site and will not intrude onto surrounding properties.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities and will not generate significant environmental effects.

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 Section 9113.00 and 9114.00 and in light of the record before it including the staff report dated April 3, 2007 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

The General Plan land use designation for the site is "Industrial". One of the primary objectives stated in the Land Use Element of the General Plan is Industrial projects shall have a mix of non-polluting industrial land uses which provide local jobs for the City's residents, and design standards and guidelines which encourage the development of high quality industrial projects. This project consist of all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. Policy 7 of the Land Use Element indicates that there should be adequate lands identified in the land use map for manufacturing, warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

2. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Zoning Ordinance.

The proposed use is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the Industrial zone. Additionally, conditions
have been added to the project to ensure that all the minimum requirements of the Banning Municipal Code are met, including engineering, landscaping, water and wastewater and the fire department conditions.

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

The surrounding properties are comprised of residential and vacant properties. These properties when developed will be similar in character and integrity as the Industrial zone except to the south where properties are zoned residential. However, the facility include perimeter fence, landscape and lighting for the facility will be strictly on site and will not intrude onto surrounding properties. Access to the site will be on Lincoln Street, which is located away from the residential properties. The property will operate from 7:00 AM-6:00 PM which will prohibit nighttime activities. Further, the project will incorporate a Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments, and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, but is a style that will enhance the surrounding community.

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

The site is generally flat and the property is 4 acres. The site is not located within a flood plain and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for industrial development. The project has been designed to accommodate the development of a storage facility considering the shape and topography of the site.

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.

A condition of approval has been placed on the project which will require the project proponent to construct all necessary on and off-site infrastructure to provide utilities to the proposed project prior to the issuance of Building Permits. Water, sanitation and public utilities and services are available in Lincoln St. and or Eighth St., a public street.

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

Access to the project site will be gained via Eighth St., Lincoln Street. Further, in order to provide a safe means of ingress and egress from the project site, the applicant will be required to construct all improvements within the public right-of-way to the City of Banning Standards. As proposed, the project together with the attached Conditions of Approval is consistent with both the City of Banning General Plan and Zoning Ordinance and no substantial negative impacts to the surrounding environment and the existing land uses will occur. The proposed size, design, and operating characteristics of a storage facility and RV parking use are consistent and compatible with those uses currently located within the Industrial zone, with a Conditional Use
Permit. The project will incorporate a Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments, and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, to the north is the Banning Business Center which is a modern style, and to the south is residential, but this style will enhance the surrounding community.

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.

The use of a storage facility with 53 RV parking spaces is allowed within the Industrial zone with a Conditional Use Permit (for the land use), is consistent with the intent of the City’s Zoning Ordinance as described in the staff report. The site has been described to meet the required development standards related to setbacks, lot coverage, building height, land use, and parking such that it will not be detrimental to the public interest, health, safety, and welfare as described in more detail in the Staff report. There will be a decorative block wall around the property; the RV parking will not be seen from the public street. The Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments will be seen from the public streets.

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 for the project under CEQA Guidelines Section 15332 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Approve Conditional Use Permit. Conditional Use Permit #07-803 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1”.

PASSED, APPROVED AND ADOPTED this 3rd day of April, 2007.

____________________________
Betty DeSantis, Chairperson
Banning Planning Commission
APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-12, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: CUP 07-803, Design Review 06-7019

SUBJECT: Valli Architectural Group

APPLICANT: Valli Architectural Group

The property is located on the southeast corner of 8th Street and Lincoln Street.

LOCATION:

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

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

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

Attachment "1"
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

1. Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 5 years from the date of approval. No extensions are allowed.

C. Site Development

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

2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

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

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

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

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

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
9. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

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

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

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

D. Valli Architectural Group Development

1. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.

2. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins.
   d. Trash bins with counter-weighted lids.
   e. Architecturally treated overhead shade trellis.

3. Graffiti shall be removed within 72 hours.

4. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.
b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

6. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

7. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

8. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

E. Building Design

1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

2. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

F. Parking and Vehicular Access (indicate details on building plans)

1. All parking spaces shall be 9 feet wide by 19 feet long except if approved by Planning Commission compact parking shall be 8 feet by 18 feet. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

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

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

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

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

7. Motorcycle parking area shall be provided for commercial and office facilities with 25 or more parking stalls. Developments with over 100 parking stalls shall provide motorcycle parking at the rate of one percent. The area for motorcycle parking shall be a minimum of 56 square feet.

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

G. Trip Reduction

1. Category 5 telephone cable or fiber optic cable shall be provided for office buildings and single-family developments of 500 or more units.

2. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided.

H. Landscaping

1. A detailed landscape and irrigation plan, including slope planting and model home landscaping in the case of residential development, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

2. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist’s recommendations regarding preservation, transplanting, and trimming methods.

3. A minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger.

4. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

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

6. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.
7. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

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

9. Front yard and corner side yard landscaping and irrigation shall be required per the Development Code. This requirement shall be in addition to the required street trees and slope planting.

10. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

11. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer.

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

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

14. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

I. Signs

1. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.
3. Directory monument sign(s) shall be provided for apartment, condominium, or town homes prior to occupancy and shall require separate application and approval by the Planning Division prior to issuance of building permits.

J. Environmental

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

2. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy), the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

K. Other Agencies

1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

L. General Requirements

1. Submit four complete sets of plans including the following:

a. Site/Plot Plan;

b. Foundation Plan;

c. Floor Plan;

d. Ceiling and Roof Framing Plan;

e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;

f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and
2. 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.

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

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

5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

M. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 07-803). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

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

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

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

N. New Structures

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

2. Provide compliance with the Uniform Building Code for required occupancy
3. Roofing material shall be installed per the manufacturer's "high wind" instructions.

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

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

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

7. Roofing materials shall be Class "A."

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

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

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

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

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

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

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

O. Grading

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

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

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

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

5. As a custom-lot subdivision, the following requirements shall be met:

   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.
b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

d. Final grading plans for each parcel are to be submitted to the Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).

e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.

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

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

P. General Requirements

1. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- Caltrans
- Riverside County Flood Control and Water Conservation District (RCFC & WCD)
- Caltrans District 8

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
2. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

A. On-Site Precise Grading Plan 1" = 40' Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)
B. Clearing Plan 1" = 50' Horizontal
   Include construction fencing plan
C. SWPPP 1" = 40' Horizontal
   (Note: A, B, & C shall be processed concurrently.)
D. Off-Site Street Improvement Plan 1" = 40' Horizontal
   1" = 4' Vertical
E. Traffic Control Plan 1" = 40' Horizontal
F. Off-Site Landscaping Plan 1" = 20' Horizontal
G. Off-Site Signing & Striping Plan 1" = 40' Horizontal

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

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

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

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

3. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.
4. Whenever any conditions of approval are proposed to be satisfied by the establishment of a property owners' association, or whenever any property, amenities, or facilities are proposed to be owned or maintained by a property owners' association, such provisions shall be in the form of deed restrictions (conditions, covenants and restrictions, commonly referred to as CC&R's).

5. The conditions, covenants and restrictions shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval unless the subject property is reverted to acreage and the subdivision abandoned.

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

Q. Rights of Way

7. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferring rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

8. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable precise plans, standard plans, and/or as required by the City Engineer.

9. Offer to dedicate to the State of California an additional 25 feet of right-of-way including corner cut-off in order to meet the City of Banning master planned half street width of 55 feet fronting Lincoln Street (State Highway 243).

10. Offer to dedicate to the City an additional 14 feet of right-of-way including corner cut-off in order to meet the City of Banning master planned half street width of 44 feet fronting 8th Street.

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

12. Direct vehicular access to Lincoln Street and 8th Street from any portion of the site frontage shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded on a separate instrument.

13. The two vehicular access drives identified on the approved site plan shall be restricted to right-in, right-out only.
14. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to issuance of building permits.

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

R. Public Improvements

16. All public improvements shall be financed, designed, and constructed at the expense of the developer. This may include the formation of a regional financial mechanism for the construction of required improvements. Additionally, the developer may enter into a reimbursement agreement for those improvements constructed that may provide benefit outside the development in accordance with Banning Municipal Code.

17. Participation in the design and construction of public improvements by the developer shall mean the fair share amount to be determined by engineering estimates prepared by the applicant subject to review and approval of the City Engineer; and, the preparation of associated engineering studies.

18. Drive approaches along major highways shall be curb return style to facilitate the approach speed of vehicles entering the site.

19. All street improvement design shall be per Caltrans standards where not specifically addressed by City of Banning approved engineering standards and specifications.

20. All required public improvements shall be completed, tested, and approved by the Engineering Division, or Caltrans prior to issuance of any Certificate of Occupancy.

The following Public Improvements shall be completed prior to issuance of any certificate of occupancy for the project:

21. Full half street improvements fronting Lincoln Street in accordance with Caltrans standards including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions.

22. Full half street improvements fronting 8th Street in accordance with City standards including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. The minimum full half street improvements shall include two 12 foot wide traffic lanes, plus an 8 foot wide parking lane totaling 32 feet of traveled way.

23. Full half street improvements fronting Barbour Street in accordance with City standards including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. The minimum full half street improvements shall include two 12 foot wide traffic lanes, plus an 8 foot wide parking lane totaling 32 feet of traveled way.
24. Median island improvements for Lincoln Street fronting site in accordance with City of Banning General Plan Circulation Element typical sections and Caltrans standards, including landscaping and irrigation installations in accordance with the Streetscape Landscape Guidelines adopted May 30, 2006.

25. Participate in the design and construction of intersection improvements for 8th Street and Lincoln Street, including traffic signal, signs and pavement markings. The improvements shall accommodate additional protected left turn movements in all directions and additional right turn only lane for westbound Lincoln Street. Reconstruct dip street section along 8th Street to accommodate traffic signal.

S. Grading and Drainage

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

27. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists along 8th Street and onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

28. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows.
29. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s orders.

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

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

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

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.
   e. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
   f. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

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

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

32. Prior to the issuance of a building permit for any building, the applicant shall provide a lot pad certification stamped and signed by a civil engineer or land surveyor licensed by the State of California. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
T. Landscaping

33. An automatic sprinkler system and landscaping shall be installed within all parkways and median islands prior to occupancy of the development. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

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

35. A Propertyowners' Association shall be established promptly following project approval and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway and median island landscaping. The developer shall appoint the members of the Board of Directors of the Propertyowners' Association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

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

U. Traffic

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

38. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
39. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access roads, streets and/or easements. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street or accesses exceed 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable Conditions Covenants & Restrictions or other approved documents shall contain provisions which prohibit obstructions of access roads such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

V. Trash/Recycling

40. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure(s). The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

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

W. Fees

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

43. Public Works Inspection fees shall be paid prior to issuance of building permits in accordance with the Fee Schedule in effect at time of scheduling.

44. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

45. A plan storage fee shall be paid prior to approval of improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

46. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits.

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

APPLICANT MAY CONTACT THE FIRE DEPARTMENT DIVISION, (951) 922-3219, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. City Ordinance 1288 amends the California Fire Code (CFC). CFC 1003.2.11 is amended to require that any building with a floor area of 10,000 sq. ft. or more shall have an automatic fire sprinkler system installed. Therefore all of the buildings shown in this project will be required to be equipped with
automatic fire sprinkler systems designed and installed to 2001 California Building Code and current National Fire Protection Association standards. All fire sprinkler plans are to be approved prior to any installation work being done. See attached for sprinkler plan submittal information.

2. All buildings will be required to have an automatic fire alarm system designed and installed to 2001 California Building Code and current National Fire Protection Association standards. All fire alarm plans are to be approved prior to any installation work being done.

3. Based on the square footage of the largest building shown and the type of construction indicated, the maximum fire flow requirement for the project is 7,500 gpm for 4 hours. Allowing for a 50% reduction in flow for the installation of fire sprinklers, the required fire flow for the project will be 2750gpm for 4 hours. CFC Appendix III-B requires at least 3 fire hydrants to achieve the required flow. The City of Banning Public Works standard requires that fire hydrant spacing not exceed 300 feet and the CFC requires that no portion of a protected building be more than 150 feet from a fire hydrant. Therefore, the project proponent must provide detailed plans, for fire department approval, showing the proposed water mains and fire hydrants. The proponent should work through the Banning Water Department for system design.

4. A “Knox” electronic keyswitch will be required on the main gate of the facility for emergency access. Any type “Knox” locking device will be required on the emergency access gate.

APPLICANT MAY CONTACT THE ELECTRIC DIVISION, (951) 922-3260, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The developer will be required to replace all utilities underground. Obtaining the described information outlined below in a timely matter is critical for design, planning and ordering of material for this project.

The customer shall be responsible for:

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.

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

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

4. All trenching, backfill, and compaction.

5. All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).

6. Installation of Streetlight poles and conduit.

7. Developer / electrical contractor to provide and install secondary connectors and service entrance conductors spec by utility department from transformer to service panel pull section.
The City Electric Department shall be responsible for:
1. Reviewing plans submitted by customer.
2. Design an electrical utility plan for the installation of structures and conduit by developer.
3. Providing a cost estimate for installing an underground electrical system for this project.
4. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
5. Installation of primary cable and terminations.

APPLICANT MAY CONTACT THE WATER DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

WATER
1. Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a fire protection water line looping around building in a 20’ wide easement with two points of connection to the existing 8” water line on Lincoln Street and existing 8” water line on Eighth Street.

2. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

3. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

4. A backflow device must be installed on commercial developments and for each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

SEWER
5. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6” min. VCP sewer lateral connecting to the existing 8” sewer line on Barbour Street or on Eighth Street.

6. The proposed dump station needs a special design and connection with approval from the Water/Wastewater Utilities Director before connection is made to the City’s sewerage system.

FEES
7. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for this type of commercial use will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, within this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.
CUP #07-803 and
DESIGN REVIEW #06-7019

VALLI ARCHITECTURAL GROUP
STORAGE FACILITY

RESOLUTION
NO. 2007-13

EXHIBIT “2”
RESOLUTION NO. 2007-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW NO. 06-7019 FOR THE DEVELOPMENT OF A STORAGE FACILITY BUILDINGS WITH A MANAGER'S OFFICE, AND 53 RV PARKING SPACES ON 4 ACRES IN THE INDUSTRIAL ZONE. LOCATED SOUTH SIDE OF LINCOLN STREET, EAST OF 8TH STREET, NORTH OF BARBOUR STREET, AND WEST OF SAN GORGONIO AVENUE. APN 540-250-001

WHEREAS, an application for Design Review No. 06-7019 was duly filed by:

Applicant/Owner: Valli Architectural Group
Authorized Agent: Beverly Rutherford
Project Location: The Property is Located on the south side of Lincoln St., east of 8th Street, north of Barbour St. and west of San Gorgonio Avenue.
APN Number: 540-250-001
Lot Area: 4 acres

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review No. 06-7019 pursuant to Banning Municipal Code Section 9114.00; and,

WHEREAS, the applicant is requesting approval of Design Review No. 06-7019 for the site development plans for the development of a storage facility, and RV parking spaces on 4 acres in compliance with Banning Municipal Code Section 9114.00; and,

WHEREAS, on March 23, 2007 the City gave public notice by mailing notices to property owners and advertising in the Record-Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public meeting at which the project would be considered; and

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

WHEREAS, the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting held on April 3, 2007.

Resolution No. 2007-13
NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:

SECTION 1. Design Review Project Findings:

In light of the record before it, including the staff report dated April 3, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

Banning Municipal Code Section 9114.00 requires that the Design Review satisfies each of the findings. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

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

The General Plan Industrial (I) Land Use Element allows for the development of a storage facility. Policy 7 of the land use element indicates that there should be adequate lands identified in the land use map for manufacturing, warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

The project complies with all the development standards including minimum front yard setback (14’, proposed versus 10’, required), minimum rear yard setback (27’, proposed versus 0’ to the building), minimum side yard setback (10’, proposed versus 0’, required), street side yard (10’), maximum lot coverage (39.9%, proposed versus 60%, required), landscaping requirements, etc.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

The site is consistent with the other surrounding properties to the north is commercial, to the east is industrial, and to the west is Business Park, except to the south which is residential. However, the facility will include a perimeter block wall, landscaping, and lighting. The Lighting for the facility will be strictly on site and will not intrude onto surrounding properties.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.
The project will incorporate a Mission architectural style, including Mission tile roof, earth-toned colors, and wrought iron accents, cultured stone accent treatments, and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, but is a style that will enhance the surrounding community.

SECTION 2.  Environmental Review:

The Planning Commission, in light of the whole record before it including but not limited to, the City’s local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 3, 2007, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code Section 21080(e) and 21082.2) within the record or provided at the public hearing on this matter, hereby finds and determines as follows:

A.  CEQA.  The project is exempt from CEQA under CEQA Guidelines Section 15332 in that:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

The Industrial (I) Land Use Element as well as a Zoning District designation allows the development of a storage facility subject to a Conditional Use Permit. Policy 7 of the land use element indicates that there should be adequate lands identified in the land use map for manufacturing, warehousing and distribution. This project maintains land and a use that is consistent with this Policy. Policy 8 of the Land Use Element indicates that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The project is a block away from access to Interstate 10 and will have access along a Major Highway designated roadway (Lincoln Street).

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries and is 4 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

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.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

The site is consistent with the other surrounding properties to the north is commercial, to the east is industrial, and to the west is Business Park, except to the south which is residential. However, the facility includes perimeter fence, landscaping, and lighting for the facility will be strictly on site and will not intrude onto surrounding properties.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities and will not generate significant environmental effects.

A. **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 3. Planning Commission Actions**

1. **Approval of Notice of Exemption.** In compliance with Public Resources Code § 21080 et. seq. and CEQA Guidelines § 15061, the Community Development Director shall prepare a Notice of Exemption, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

2. **Approval of Design Review.** Approve Design Review No. 06-7019 for the site plan and architecture consisting of the site development plans for the development of a storage facility with manager’s office, and 53 RV parking spaces is hereby approved subject to the conditions set forth in Attachment “1” attached hereto and incorporated herein by this reference.

**PASSED, APPROVED AND ADOPTED** this 3rd day of April, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

**APPROVED AS TO FORM AND LEGAL CONTENT:**

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

Resolution No. 2007-13
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-13 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April, 2007 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: CUP 07-803, Design Review 06-7019

SUBJECT: Valli Architectural Group

APPLICANT: Valli Architectural Group

LOCATION: The property is located on the southeast corner of 8th Street and Lincoln Street.

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

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

Completion Date

Attachment “1” 1
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

1. Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 5 years from the date of approval. No extensions are allowed.

C. Site Development

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

2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

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

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

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

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

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
9. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

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

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

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

D. Valli Architectural Group Development

1. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.

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

   a. Architecturally integrated into the design of the project.

   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.

   c. Large enough to accommodate two trash bins.

   d. Trash bins with counter-weighted lids.

   e. Architecturally treated overhead shade trellis.

3. Graffiti shall be removed within 72 hours.

4. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:

   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.
b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

6. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

7. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

8. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

E. Building Design

1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

2. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

F. Parking and Vehicular Access (indicate details on building plans)

1. All parking spaces shall be 9 feet wide by 19 feet long except if approved by Planning Commission compact parking shall be 8 feet by 18 feet. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

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

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

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

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

7. Motorcycle parking area shall be provided for commercial and office facilities with 25 or more parking stalls. Developments with over 100 parking stalls shall provide motorcycle parking at the rate of one percent. The area for motorcycle parking shall be a minimum of 56 square feet.

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

G. Trip Reduction

1. Category 5 telephone cable or fiber optic cable shall be provided for office buildings and single-family developments of 500 or more units.

2. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided.

H. Landscaping

1. A detailed landscape and irrigation plan, including slope planting and model home landscaping in the case of residential development, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

2. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist’s recommendations regarding preservation, transplanting, and trimming methods.

3. A minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger.

4. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

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

6. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.
7. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

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

9. Front yard and corner side yard landscaping and irrigation shall be required per the Development Code. This requirement shall be in addition to the required street trees and slope planting.

10. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

11. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer.

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

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

14. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

I. Signs

1. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.
3. Directory monument sign(s) shall be provided for apartment, condominium, or town homes prior to occupancy and shall require separate application and approval by the Planning Division prior to issuance of building permits.

J. Environmental

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

2. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy), the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

K. Other Agencies

1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

L. General Requirements

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

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

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

5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

M. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 07-803). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

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

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

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

N. New Structures

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

2. Provide compliance with the Uniform Building Code for required occupancy
3. Roofing material shall be installed per the manufacturer's "high wind" instructions.

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

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

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

7. Roofing materials shall be Class "A."

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

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

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

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

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

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

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

O. Grading

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

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

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

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

5. As a custom-lot subdivision, the following requirements shall be met:

   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.
b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

d. Final grading plans for each parcel are to be submitted to the Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).

e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.

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

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

P. General Requirements

1. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- Caltrans
- Riverside County Flood Control and Water Conservation District (RCFC & WCD)
- Caltrans District 8

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
2. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

A. On-Site Precise Grading Plan 1" = 40' Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)
B. Clearing Plan 1" = 50' Horizontal
   Include construction fencing plan
C. SWPPP 1" = 40' Horizontal
   (Note: A, B, & C shall be processed concurrently.)
D. Off-Site Street Improvement Plan 1" = 40' Horizontal
   1" = 4' Vertical
E. Traffic Control Plan 1" = 40' Horizontal
F. Off-Site Landscaping Plan 1" = 20' Horizontal
G. Off-Site Signing & Striping Plan 1" = 40' Horizontal

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

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

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

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

3. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.
4. Whenever any conditions of approval are proposed to be satisfied by the establishment of a property owners' association, or whenever any property, amenities, or facilities are proposed to be owned or maintained by a property owners' association, such provisions shall be in the form of deed restrictions (conditions, covenants and restrictions, commonly referred to as CC&R's).

5. The conditions, covenants and restrictions shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval unless the subject property is reverted to acreage and the subdivision abandoned.

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

Q. Rights of Way

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

8. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable precise plans, standard plans, and/or as required by the City Engineer.

9. Offer to dedicate to the State of California an additional 25 feet of right-of-way including corner cut-off in order to meet the City of Banning master planned half street width of 55 feet fronting Lincoln Street (State Highway 243).

10. Offer to dedicate to the City an additional 14 feet of right-of-way including corner cut-off in order to meet the City of Banning master planned half street width of 44 feet fronting 8th Street.

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

12. Direct vehicular access to Lincoln Street and 8th Street from any portion of the site frontage shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded on a separate instrument.

13. The two vehicular access drives identified on the approved site plan shall be restricted to right-in, right-out only.
14. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to issuance of building permits.

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

R. Public Improvements

16. All public improvements shall be financed, designed, and constructed at the expense of the developer. This may include the formation of a regional financial mechanism for the construction of required improvements. Additionally, the developer may enter into a reimbursement agreement for those improvements constructed that may provide benefit outside the development in accordance with Banning Municipal Code.

17. Participation in the design and construction of public improvements by the developer shall mean the fair share amount to be determined by engineering estimates prepared by the applicant subject to review and approval of the City Engineer; and, the preparation of associated engineering studies.

18. Drive approaches along major highways shall be curb return style to facilitate the approach speed of vehicles entering the site.

19. All street improvement design shall be per Caltrans standards where not specifically addressed by City of Banning approved engineering standards and specifications.

20. All required public improvements shall be completed, tested, and approved by the Engineering Division, or Caltrans prior to issuance of any Certificate of Occupancy.

The following Public Improvements shall be completed prior to issuance of any certificate of occupancy for the project:

21. Full half street improvements fronting Lincoln Street in accordance with Caltrans standards including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions.

22. Full half street improvements fronting 8th Street in accordance with City standards including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. The minimum full half street improvements shall include two 12 foot wide traffic lanes, plus an 8 foot wide parking lane totaling 32 feet of traveled way.

23. Full half street improvements fronting Barbour Street in accordance with City standards including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. The minimum full half street improvements shall include two 12 foot wide traffic lanes, plus an 8 foot wide parking lane totaling 32 feet of traveled way.
24. Median island improvements for Lincoln Street fronting site in accordance with City of Banning General Plan Circulation Element typical sections and Caltrans standards, including landscaping and irrigation installations in accordance with the Streetscape Landscape Guidelines adopted May 30, 2006.

25. Participate in the design and construction of intersection improvements for 8th Street and Lincoln Street, including traffic signal, signs and pavement markings. The improvements shall accommodate additional protected left turn movements in all directions and additional right turn only lane for westbound Lincoln Street. Reconstruct dip street section along 8th Street to accommodate traffic signal.

S. Grading and Drainage

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

27. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists along 8th Street and onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

28. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows.
29. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s orders.

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

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

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

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

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

f. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

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

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

32. Prior to the issuance of a building permit for any building, the applicant shall provide a lot pad certification stamped and signed by a civil engineer or land surveyor licensed by the State of California. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
T. Landscaping

33. An automatic sprinkler system and landscaping shall be installed within all parkways and median islands prior to occupancy of the development. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

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

35. A Propertyowners' Association shall be established promptly following project approval and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway and median island landscaping. The developer shall appoint the members of the Board of Directors of the Propertyowners' Association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

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

U. Traffic

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

38. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
39. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access roads, streets and/or easements. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street or accesses exceed 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable Conditions Covenants & Restrictions or other approved documents shall contain provisions which prohibit obstructions of access roads such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

V. Trash/Recycling

40. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure(s). The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

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

W. Fees

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

43. Public Works Inspection fees shall be paid prior to issuance of building permits in accordance with the Fee Schedule in effect at the time of scheduling.

44. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

45. A plan storage fee shall be paid prior to approval of improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

46. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits.

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

APPLICANT MAY CONTACT THE FIRE DEPARTMENT DIVISION, (951) 922-3219, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. City Ordinance 1288 amends the California Fire Code (CFC). CFC 1003.2.11 is amended to require that any building with a floor area of 10,000 sq.ft. or more shall have an automatic fire sprinkler system installed. Therefore all of the buildings shown in this project will be required to be equipped with
automatic fire sprinkler systems designed and installed to 2001 California Building Code and current National Fire Protection Association standards. All fire sprinkler plans are to be approved prior to any installation work being done. See attached for sprinkler plan submittal information.

2. All buildings will be required to have an automatic fire alarm system designed and installed to 2001 California Building Code and current National Fire Protection Association standards. All fire alarm plans are to be approved prior to any installation work being done.

3. Based on the square footage of the largest building shown and the type of construction indicated, the maximum fire flow requirement for the project is 7,500 gpm for 4 hours. Allowing for a 50% reduction in flow for the installation of fire sprinklers, the required fire flow for the project will be 2750gpm for 4 hours. CFC Appendix III-B requires at least 3 fire hydrants to achieve the required flow. The City of Banning Public Works standard requires that fire hydrant spacing not exceed 300 feet and the CFC requires that no portion of a protected building be more than 150 feet from a fire hydrant. Therefore, the project proponent must provide detailed plans, for fire department approval, showing the proposed water mains and fire hydrants. The proponent should work through the Banning Water Department for system design.

4. A “Knox” electronic keyswitch will be required on the main gate of the facility for emergency access. Any type “Knox” locking device will be required on the emergency access gate.

APPLICANT MAY CONTACT THE ELECTRIC DIVISION, (951) 922-3260, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The developer will be required to replace all utilities underground. Obtaining the described information outlined below in a timely matter is critical for design, planning and ordering of material for this project.

The customer shall be responsible for:

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.

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

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

4. All trenching, backfill, and compaction.

5. All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).

6. Installation of Streetlight poles and conduit.

7. Developer / electrical contractor to provide and install secondary connectors and service entrance conductors spec by utility department from transformer to service panel pull section.
The City Electric Department shall be responsible for:
1. Reviewing plans submitted by customer.

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

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

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

5. Installation of primary cable and terminations.

APPLICANT MAY CONTACT THE WATER DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

WATER

1. Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a fire protection water line looping around building in a 20’ wide easement with two points of connection to the existing 8” water line on Lincoln Street and existing 8” water line on Eighth Street.

2. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

3. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

4. A backflow device must be installed on commercial developments and for each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

SEWER

5. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6” min. VCP sewer lateral connecting to the existing 8” sewer line on Barbour Street or on Eighth Street.

6. The proposed dump station needs a special design and connection with approval from the Water/Wastewater Utilities Director before connection is made to the City’s sewerage system.

FEES

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

DATE: APRIL 3, 2007

CASE NO’S: ZONE TEXT AMENDMENT #07-97501

REQUESTS: AMENDMENT TO MUNICIPAL CODE PROVISIONS PERTAINING TO TABLE 9102.B RESIDENTIAL DEVELOPMENT STANDARDS OF THE ZONING CODE TO MODIFY THE MAXIMUM BUILDING COVERAGE STANDARDS IN THE LDR (LOW DENSITY RESIDENTIAL) ZONE AND TO INCLUDE FLOOR-AREA RATIOS IN ALL RESIDENTIAL ZONES.

LOCATION: CITYWIDE

APPLICANT: CITY OF BANNING

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THIS ACTIVITY IS NOT A PROJECT AS DEFINED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS STIPULATED UNDER SECTION 15061(b)(3) OF THE GUIDELINES FOR THE IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

BACKGROUND/ANALYSIS:

The Planning Commission and City Council reviewed and approved the General Plan and the large majority of the Zoning Ordinance at the January 31, 2006 meeting. The General Plan and Zoning Ordinance have been in effect since March of last year. In the use of the zoning provisions Staff has identified several areas of concern that need to be addressed, which may lead to the possible amendment of the Zoning Code. On August 1, 2006 the Planning Commission reviewed certain code provisions, provided direction to staff and directed staff to place this matter as a public hearing for further Planning Commission consideration. Specifically, the Planning Commission directed Staff to review the typical home sizes of the surrounding communities and establish a lot coverage based upon current market conditions. On January 23, 2007, the Planning Commission reviewed a proposal that would employ graduated lot coverage standards for properties within the Low Density Residential. After receiving testimony and discussing this matter the Commission expressed concern with the potential building mass the could result by limiting lot coverage; in other words, second stories would be developed because of the limited lot coverage. Therefore, the Planning Commission directed staff to bring back a more comprehensive approach to the lot coverage that would address such things as
mass. The staff report and minutes from January 25, 2007 are attached to this report for your reference.

**Amendment to Building Coverage Maximums in Residential Districts**

Section 9102.03, Table 9102.B prescribes property development standards for residential zoning districts. Please note that the table refers to building coverage, not lot coverage. In the Zoning Ordinance, “lot coverage” is defined as coverage of all impervious surfaces, including structures, parking lots and storage areas. “Building coverage” refers to the footprints of buildings. These two terms are often used interchangeably, but in the City of Banning Municipal Code they have two distinctly different meanings.

At As indicated above, at the January 25, 2007 Planning Commission meeting, staff presented a proposal to amend the zoning ordinance in regard to building coverage. The issue was discussed and there was concern that although the building coverage issue had been closely examined in regard to the size of one-story homes, the issue of mass and bulk created by the development of two-story homes had not been adequately addressed. The item was tabled until staff could provide information on the use of floor area ratios to limit the bulk of multi-story homes. The staff report and minutes from January 25, 2007 are attached to this report for your reference.

Please refer to the attached exhibit entitled “FAR Explained”. This planning tool is more frequently used to control density in downtown commercial areas, but in this case we are using it as well as to limit the bulk of multi-story homes.

Similar to building coverage, FAR works in combination with building coverage to limit overall massing. While building coverage limits the size of structures on the ground plane, the floor area ratio limits the size of a building as more floors are added.

For example, The following scenarios illustrate how this works.

If a one-story building covers 100% of the lot, the floor area ratio is 1.00.

If a two-story building covers 50% of the lot on the ground floor and the equivalent of 50% of the lot area on the second floor, the floor area ratio is also 1.00. In this example the building coverage would only be 50% but the F.A.R. would be 100% or 1.00.

So regardless of how many stories a structure has, the floor area ratio (FAR) equals the ratio of total building square footage to the square footage of the lot.

A 2,000 square foot house on a 4,000 square foot lot has an FAR of .50 regardless of how many stories it has. If it is one-story, its building coverage is 50%. If it has 1,000 square feet on the first floor and 1,000 on the second its building coverage is 25%.
If a two-story, 1500 square foot house has 1000 square feet on the first floor and 500 feet on the second, the FAR would be 1500/4000 or .375. The building coverage would also be 25%, assuming the lot is 4,000 square feet in size.

If a house is 2,000 square feet on both floors (a 4,000 square foot house on a 4,000 square foot lot), the building coverage would be still be 50% but the FAR would be 1.00.

Staff would recommend the use of
Using the a combination of building coverage and FAR. The use of both of these provisions would aid in the reduction of an overbuilt environment, especially the can reduce the bulk of the home by limiting the square footage of the upper stories. This Also, this helps to keep the view corridors open throughout the neighborhood and helps to prevent a walled-in look to the streetscape.

Under the proposed modifications, all zones except Mobile Home Park will have a maximum floor area ratio. For lots in the Rural Agricultural, Rural Agricultural Hillside, Rural Residential, Rural Residential Hillside and Very Low Density Residential zones, the floor area ratio is equivalent to double the building coverage. The first and second floors may be of equal size. Because of the generous setbacks that exist around buildings on large lots, staff felt that a reduced floor area ratio was not necessary in these zones.

To calculate the following: Lot Area X FAR = Total Square Footage Permitted
Lot Area X Building Coverage = Maximum First Floor

In the Low Density Residential zone, the maximum building area is proposed at 35% and the FAR is proposed at .60. On a 7,000 square foot lot the ground floor can be no greater than 2,450 square feet and the overall square footage cannot exceed 4,200. So if a house was built with the maximum permissible building coverage- 2,450 square feet on the ground floor, the upper story could be a maximum of 1,750 square feet, a difference of 700 square feet.

On an 8,000 square foot lot in the same zone the ground floor area can be no larger than 2,800 square feet. The total square footage can be no more than 4,800 square feet. The upper floor could be 2,000 square feet. This is an 800 square foot difference. As a point of comparison, at an FAR of .55 the difference would be 1,600 square feet.

On a 6,000 square foot lot in the Medium Density Residential zone at the 40% maximum permitted building coverage the ground floor area could be a maximum of 2,400 square feet. The proposed maximum floor area ratio is .70. The upper story could be a maximum of 1,800 square feet- a difference of 600 square feet.

By adjusting the building coverage standards in tandem with floor area ratios, the second-story massing can be controlled. To this end, staff proposes that the Table 9102.B be modified as follows:
<table>
<thead>
<tr>
<th>Table 9102.B Residential Development Standards¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>R/A</td>
</tr>
<tr>
<td>Max. Density (Units/Ac.)</td>
</tr>
<tr>
<td>Min. Lot Size (Ac. or s.f.)</td>
</tr>
<tr>
<td>Single Family Lot²³</td>
</tr>
<tr>
<td>Min. Lot Size (Ac.)</td>
</tr>
<tr>
<td>Multi-Family Units</td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
</tr>
<tr>
<td>Min. Street Side (Feet)</td>
</tr>
<tr>
<td>Max. Bldg. Coverage (%)⁴¹⁰</td>
</tr>
<tr>
<td>Min. Private Outdoor Space (s.f.)</td>
</tr>
<tr>
<td>Min. Common Outdoor Space (s.f.)⁵</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height (ft)</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
</tr>
<tr>
<td>a. One-story home</td>
</tr>
<tr>
<td>b. Multi-story home</td>
</tr>
</tbody>
</table>

¹ These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 9102.03.2.M.
² The provisions for hillside development and density transfers shall apply.
³ A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.
⁴ Minimum lot size net of public right of way dedication.
⁵ In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.
⁶ A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 9102.03.2.J.
⁷ Maximum height only permitted if Fire Department provides written verification that they can serve.
⁸ 35% only for lots less than 9,500 sq. ft.
⁹ Up to 240 square feet of third car garage space is exempted from lot coverage and FAR for lots over 9,500 square feet.
¹⁰ Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.
SUMMARY

The proposed revisions to the table increase the permitted building coverage in the Low Density Residential Zone from 25% to 30% for lots larger than 9,500 square feet and 35% for those less than 9,500 square feet. A maximum floor area ratio is introduced to all zones to control building mass. Footnotes to the table allow exemptions from lot coverage for third car garage spaces (up to 240 square feet) on larger lots and for golf cart garages along golf cart paths.

RECOMMENDATION:

That the Planning Commission approve Resolution No. 2007-14, recommending to the City Council approval of Zone Text Amendments #07-97501.

Respectfully submitted,

[Signature]
Kim Clinton
Senior Planner

Exhibits
1) Planning Commission Staff Report and Minutes Dated January 25, 2007
2) Floor-Area Ratios Explained
3) Resolution No. 2007-14
ZTA # 07-97501

BUILDING COVERAGE

PLANNING
COMMISSION STAFF
REPORT AND MINUTES
DATED 1/25/07

EXHIBIT “1”
STAFF REPORT  
PLANNING COMMISSION

DATE: January 25, 2007

CASE NO‘S: ZONE TEXT AMENDMENT #06-97508

REQUESTS: AMENDMENT TO MUNICIPAL CODE PROVISIONS PERTAINING TO:

A) TABLE 9102.B RESIDENTIAL DEVELOPMENT STANDARDS OF THE ZONING CODE TO MODIFY THE MAXIMUM BUILDING COVERAGE STANDARD IN THE LDR (LOW DENSITY RESIDENTIAL) ZONE.

B) SECTION 9107.05 HANDICAPPED PARKING REQUIREMENTS MODIFIED TO REFLECT CURRENT STATE STANDARDS.

C) AMENDMENT TO TABLE 9107.D PARKING STALL DIMENSIONS TO ADD COMPACT PARKING SPACE STANDARDS.

LOCATION: CITYWIDE

APPLICANT: CITY OF BANNING

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THIS ACTIVITY IS NOT A PROJECT AS DEFINED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS STIPULATED UNDER SECTION 15061(b)(3) OF THE GUIDELINES FOR THE IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

BACKGROUND/ANALYSIS:

The City initiated an update to the General Plan and Zoning Ordinance in 2003. Since that time, a General Plan Advisory Committee (GPAC) was formed, and met for a year to review and draft the General Plan. These meetings resulted in the GPAC draft of the General Plan. Based on that document, staff drafted a new Zoning Ordinance for the City. When both of these documents were complete, a Draft Environmental Impact Report was completed. The DEIR was released for public comments for a period of 45 days starting...
June 1, 2005. At the end of the comment period, the City Council and Planning Commission undertook a series of public workshops to review the General Plan and Zoning Ordinance.

The Planning Commission and City Council reviewed and approved the General Plan and the large majority of the Zoning Ordinance at the January 31, 2006 meeting. The General Plan and Zoning Ordinance have been in effect since March of last year. In the use of the zoning provisions Staff has identified several areas of concern that need to be addressed, which may lead to the possible amendment of the Zoning Code. On August 1, 2006 the Planning Commission reviewed certain code provisions, provided direction to staff and directed staff to place this matter as a public hearing for further Planning Commission consideration. Below are three of the requested code revisions:

A) Amendment to Building Coverage Maximums in Residential Districts

Section 9102.03, Table 9102.B Prescribes property development standards for residential zoning districts. Staff has identified a potential issue with the maximum building coverage requirement for the LDR zone. The Code allows a maximum 25% building coverage for a home; therefore, the total square footage that could be developed on a 7,000 sq. ft. lot (minimum required by Code) would be 1,750 square feet. Taking away 400 square feet for a two car garage (minimum required by Code) would result in 1,350 square feet of development for the entire site (main building plus any other ancillary facilities).

*Please note that the table refers to building coverage, not lot coverage. In the Zoning Ordinance, “lot coverage” is defined as coverage of all impervious surfaces, including structures, parking lots and storage areas. “Building coverage” refers to the foot prints of buildings.*

Staff proposed that the Table be modified as follows:
<table>
<thead>
<tr>
<th>Table 9102.B</th>
<th>Residential Development Standards¹</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R/A</td>
</tr>
<tr>
<td>Max. Density (Units/Ac.)</td>
<td>1/10 Ac.</td>
</tr>
<tr>
<td>Min. Lot Size (Ac. or s.f.)</td>
<td>10 Ac.</td>
</tr>
<tr>
<td>Single Family Lot³⁴</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Size (Ac.)</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi-Family Units</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>600</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>600</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
<td>50</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
<td>50</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
<td>25</td>
</tr>
<tr>
<td>Min. Street Side (Feet)</td>
<td>30</td>
</tr>
<tr>
<td>Max. Bldg. Coverage (%)³⁰⁶⁵⁰</td>
<td>10</td>
</tr>
<tr>
<td>Min. Private Outdoor Space (s.f.)</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Common Outdoor Space (s.f.)⁶</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height (ft)</td>
<td>6</td>
</tr>
</tbody>
</table>

¹ These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 9102.03.2.M.
² The provisions for hillside development and density transfers shall apply.
³ A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.
⁴ Minimum lot size net of public right of way dedication.
⁵ In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.
⁶ A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 9102.03.2.J.
⁷ Maximum height only permitted if Fire Department provides written verification that they can serve.
⁸ 35% only for lots less than 9,500 sq. ft.
⁹ Up to 240 square feet of third car garage space is exempted for lots over 9,500 square feet.
¹⁰ Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.
The proposed modification would accommodate larger homes and ancillary structures on the smaller lots so that builders could accommodate an average size house, but would keep the scale of the house tied to the lot size to avoid overbuilding on larger lots.

Home sizes

As a point of comparison, a survey of house sizes in new communities was taken from the list of new homes projects on the Building Industry Association website. This listing included the cities of Beaumont, Hemet, San Jacinto, Moreno Valley, and Riverside.

<table>
<thead>
<tr>
<th>City</th>
<th>Smallest sq.ft.</th>
<th>Largest sq.ft.</th>
<th>Average sq.ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaumont</td>
<td>1,199 sq.ft.</td>
<td>4,133 sq.ft.</td>
<td>3,108 sq.ft.</td>
</tr>
<tr>
<td>San Jacinto</td>
<td>1,626 sq.ft.</td>
<td>3,842 sq.ft.</td>
<td>2,750 sq.ft.</td>
</tr>
<tr>
<td>Hemet</td>
<td>1,743 sq.ft.</td>
<td>3,622 sq.ft.</td>
<td>2,681 sq.ft.</td>
</tr>
<tr>
<td>Moreno Valley</td>
<td>1,729 sq.ft.</td>
<td>3,927 sq.ft.</td>
<td>2,489 sq.ft.</td>
</tr>
<tr>
<td>Riverside</td>
<td>1,404 sq.ft.</td>
<td>5,424 sq.ft.</td>
<td>2,554 sq.ft.</td>
</tr>
</tbody>
</table>

Generally, each city had a similar range of home sizes listed starting at about 1,500 square feet and ending at around 4,000. The midrange tended to be between 2,500 to 3,000 square feet. Beaumont and Moreno Valley had the largest number of projects with homes listed above 3,000 square feet in size. This list was a sampling taken from the listings available on the BIA website which is not all-inclusive.

**Percentages for larger lots**

Although 35% building coverage is reasonable in the lower range of lot sizes, as the lots get bigger, the 35% coverage is not desirable for a single family lot. With the sliding scale proposed, no lot would be unable to accommodate the average size house, but as lots increase in size, the idea is to avoid an overbuilt lot. To avoid the construction of Mc Mansions, oversized garages, the use of large portable buildings and other structures that can contribute to blight, staff is proposing an additional category of coverage.

In staff's opinion, a lot that is 9,500 square feet or larger should not need to have a building coverage of more than 30% for a single-family home. Greater coverage intensifies land use impacts on city services per dwelling unit and impacts the visual character of a neighborhood by reducing open space. The chart below illustrates the maximum building that can be constructed at varying coverage maximums:
Staff recommends that the Planning Commission consider adding at least one other category to the building matrix for lots that are over 9,500 square feet, since 35% building coverage can be too high for the larger lot sizes. With the average house at 3,000 square feet or below, all lot sizes could accommodate houses in the midranges, but only larger lots 12,000 square feet and higher would accommodate larger homes that approach 4,000 square feet or more.

An incentive to encourage larger lot sizes would be to allow a credit of 240 square feet (for a third car garage only) for lots 9,500 square feet or larger.

Because the General Plan is encouraging alternative modes of transportation and calls for the development of a citywide golf cart plan, staff is proposing that golf cart garages be exempted from the building coverage requirements in areas that are adjacent to a golf cart path in order to encourage development and use of this alternative transportation route.

Amendment B) Updated Handicap Parking Requirements

Staff proposes the following amendments to Section 9107.05 Handicapped Parking Requirements to be consistent with the current California State Building Code, the affected portion illustrated below:

9107.05 HANDICAPPED PARKING REQUIREMENTS

Handicapped parking requirements are established by the State of California.

1. Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped.

2. Handicapped parking spaces shall be provided for all non-residential uses at the rate of one for the first ten parking spaces, and then one for each additional forty spaces as follows:

Note: the matrix shown below replaces the strikeouts shown in the above sentence.

<table>
<thead>
<tr>
<th>Total Parking Spaces In Lot</th>
<th>Required Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2 percent of total</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Note: one van accessible space per every eight spaces but not less than one. Access aisle shall be a minimum of 96 inches wide and shall be designated “van accessible.”</td>
<td></td>
</tr>
</tbody>
</table>

3. When less than five parking spaces are provided, at structures and uses subject to these regulations, one space shall be 14 feet wide, and striped to provide a nine foot parking area and a five foot loading and unloading area.

4. Handicapped parking spaces required by this section shall count toward fulfilling off-street parking requirements.

C) Amendment to table 9107.D PARKING STALL DIMENSIONS to add compact parking space standards. Staff is recommending an amendment to Table 9107.D as follows:

- Minimum parking dimensions shall be as follows.

<table>
<thead>
<tr>
<th>Table 9107.D Parking Stall Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>0°</td>
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<tr>
<td></td>
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<td></td>
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<tr>
<td>20°</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td>30°</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>45°</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

- The Community Development Director may approve a limited number of compact parking spaces @ 16’x8’ on a case by case basis.
RECOMMENDATION:

That the Planning Commission approve Resolution No. 2007-02, recommending to the City Council approval of Zone Text Amendments #06-97508.

Respectfully submitted,

Kim Clinton
Senior Planner

Exhibit
1) Resolution No. 2007-02
City of Banning

PLANNING COMMISSION MINUTES

January 25, 2007

A special meeting of the City of Banning Planning Commission was held on Thursday, January 25, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  
Vice-Chairperson DeSantis  
Commissioner Barsh  
Commissioner Dickson  
Commissioner Escandel

Commissioners Excused:  
Commissioner Hawkins

Staff Present:  
Community Development Director Orci  
Deputy City Attorney Jex  
Senior Planner Clinton  
Associate Planner Canchola  
Captain Yarbrough, Fire Marshall  
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Vice-Chairperson DeSantis.

II. REVIEW OF MINUTES

ACTION (DICKSON / BARSH): A motion was moved, seconded and carried that the minutes of October 16, 2006 be approved as presented.

(Motion carried 4-0; Commissioner DeSantis noted for the record that she arrived to the meeting late and missed voting on the first item)

III. PUBLIC COMMENT

No one came forward.
IV. DIRECTOR’S REPORT FOR THE MONTH OF DECEMBER -
CITY COUNCIL ACTIONS ON PLANNING RELATED ITEMS:

Director Orci stated that he wanted to discuss term limits for the Planning Commission. There were two positions available, Commissioner Barsh was re-appointed and Buddy Hawkins was appointed to fill the vacancy left by Chairperson Franklin. In the next election cycle, the balance of the Commission will have to reapply for their positions. There was discussion regarding the bylaws and term limits. The main issue was regarding four 4-year terms vs. two 4-years terms.

V. PUBLIC HEARING:

A. New Items:

1. Design Review #06-707 & Site Plan #06-7505, a request to develop a General Commercial Center, of 3 commercial buildings. The site contains 26,955 sq. ft. of retail space and 5,988 sq. ft. of drive through restaurant. The property is located on West Ramsey St., west of Lori Way. APN 419-081-002.

Associate Planner Canchola presented the staff report and described the project. The project will consist of six buildings eventually. Staff recommended approval of a mitigated negative declaration and mitigation monitoring program. Mr. Canchola stated there will be a six foot block wall along the north perimeter with the senior housing project, Peacock Valley I and will affect lots 22 through 33. Staff recommended approval of the project.

Commissioner Dickson inquired if the buildings would be two-story. Mr. Canchola responded that they would only be one story and the design was such just to create architectural interest.

Commissioner DeSantis inquired about the “Design Review Committee” as she thought that was supposed to be a separate entity and not the Planning Commission. Director Orci responded that it will be, however right now the Zoning Code is structured such that the Planning Commission has the review authority. Commissioner DeSantis stated that she realizes this project is a conforming use, but she felt that sometimes, especially with such a large project, it should come before the Planning Commission for approval.

Darwin Manuel, 539 S. Brea Blvd, Suite 200, Brea CA, came forward to speak on behalf of his project. Mr. Manuel stated that this project began during the transition time of the update of our General Plan and Zoning Code. He stated they will maintain the properties on the affected lots in Peacock Valley I with permission from the land owners.
Commissioner Dickson requested that the applicant makes certain that there is no spill over of lighting into the residential neighborhood to the north and he encouraged the applicant to provide fewer “drive-thrus” and more retail/office space.

Dale Helen Riddle, 5452 Evelyn Drive, Banning CA, came forward to state that she has emphysema and does not think she can take the smells generated by restaurants.

Jack Riddle, 5452 Evelyn Drive, Banning CA, came forward to state that he enjoys the quiet of Peacock Valley I and objects to fast food restaurants.

Edward Meza, 5400 W. Ramsey Street, Banning CA, (he is rehabilitating the old Herb House), spoke on behalf of the project and stated he feels it will improve the area.

Beverly Howard, 5346 Evelyn Drive, Banning CA, came forward to point out that Peacock Valley I is a senior citizen community and they want peace and quiet. She objects to a commercial project adjoining their property.

Susan Thomas, 5478 Evelyn Drive, Banning CA, came forward to state that she opposes the project if it includes drive-thru restaurants, but is in favor of the project if it just includes retail and office uses.

Colby Vendeville, 394 Beverly Drive, Banning CA, President of the Peacock Valley I HOA, came forward to state that he opposes the project with fast food restaurants and he is concerned about speeders along Apex Avenue.

Jim Guerra, 165 Clair Court, Banning CA, came forward to state that he is OK with the project if it includes just commercial and office uses, but does not want any fast food use.

Connie Hovis, 5528 Evelyn Drive, Banning CA, came forward to state that she also is in favor of the project if it only includes commercial and office use, but opposes it if there is fast food. She is worried about trash, noise and vagrants. She would also like a higher wall with razor wire.

Joyce Bridges, 158 Beverly Drive, Banning CA, came forward to state that she has been here for 42 years and feels offices are all right, but not fast food.

Bernadine Edmonson, 66 Lori Way, Banning CA, came forward to state that she is concerned about traffic and would like office and commercial use, but no fast food.

Darwin Manuel, came forward to respond that there will be a traffic signal constructed at the entrance of the project and that they will make arrangements to meet with the property owners of the affected lots of Peacock Valley I and will prepare minutes of that meeting and distribute them to all interested parties.

Commissioner Escandel stated that he understands the concerns of the people who have spoken tonight. However, he feels there is only so much that the Planning Commission can do. He feels
that people have rights, but we all have to live together and if someone wants to develop a permitted use on his property, then he should be able to do that. Commissioner Dickson agreed with that point of view, but encouraged the applicant to avoid putting in a fast food restaurant as there is quite a need for office space in this area.

Commissioner Barsh stated that he would like to condition that no fast food restaurant be allowed in the shopping center.

Commissioner DeSantis stated that she likes the design of the shopping center and would like to condition that no fast food be allowed as she feels we have enough in this City. She also commented that she was pleased to see the condition regarding graffiti and that it be removed promptly, mentioned the outdoor storage of carts and wanted to be certain that this is enforced and the carts go in at night. She encouraged the applicant to use as much xeriscape in their landscape plans as possible. Commissioner DeSantis stated that she would really like to see the developer take care of the property along the flood channel and the affected parcels in Peacock Valley I.

Commissioner DeSantis felt this was a good project, but was concerned that buildings D, E and F were left out of this Design Review. She inquired if the resolution only included buildings A, B and C. Director Orci stated she would have to modify Planning Condition, Section D, #1 to make that happen, because based upon this condition, the applicant has been approved for A, B and C, however D, E and F would be required to go through review by the Community Development Director to make certain that any drive-thru facilities would be properly camouflaged with berms and retaining walls, etc. So this condition would be either deleted or amended. Director Orci also stated if the Commission wishes, you can impose these conditions, the applicant will have to agree. However, the applicant can always appeal the Commission’s decision or come in at a later time if and when they have a specific tenant in mind and see if the Planning Commission would be willing to reconsider this condition. For example if you have a Coffee Bean & Tealeaf which has a drive-thru facility and they have outdoor seating. So for this condition, you would strike the first sentence and indicate that the three buildings, D, E and F are not approved at this time for drive-thru facilities, retail only. They shall be consistent in design with the requirements of Section 9103.03 (1), subsections 1 – 12 as well as consistent with buildings of A, B and C and that they shall be reviewed and approved by the Community Development Director.

Director Orci also requested that the Commission consider amending Condition #7 of page M-20 to indicate zero lumens at the property line, that was the intent of the photometric request. Also, on M-24 that we add #16 that would require the applicant to install some sort of thorny plant, whether Lady Banks Rose or Bougainvillea, etc which is more aesthetically pleasing than barbed wire.

There was discussion regarding the terms “drive-thru” and “fast food”. There are drive-thru cleaners, banks, and other uses.

1. ACTION (BARSH / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-03 approving the Mitigated Negative Declaration, Mitigated Monitoring Program, direct staff to file a Notice of Determination, as amended to delete Section 2, Wildlife Resources.
(Motion carried 4 - 0)

ACTION (BARSH / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-04 approving Design Review No. 06-707, based on the findings and conditions of approval; (attached hereto as attachment "A" and incorporated by reference), as amended to include the deletion of Section 3, Wildlife Resources on page M-16; and Condition # 7 under Site Development include that a detailed on-site lighting plan including a photometric diagram shall be reviewed and approved by the Community Development Director and the Police Department and shall achieve zero lumens at the property line prior to issuance of a building permit; and buildings D, E and F shall be required to comply with and be consistent with buildings A, B and C in terms of design; should the applicant wish to include a drive-thru facility, but no fast food, the applicant would have to bring that use back to the Planning Commission for further review and approval; add Condition #16 on page M-24 that would require the applicant to landscape and install some type of thorny plant along property wall.

(Motion carried 3 – 1, Escandel – no)

2. Zone Text Amendment # 06-97507-
Amendment to Municipal Code Provisions Pertaining to:
  a) Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 1528 of the Guidelines for the Implementation of the California Environmental Quality Act.
  b) Amendment to Zoning Code Section 9114.04, Design Review: To conduct public meetings for design review applications.

Senior Planner Clinton presented the staff report and stated that this zone text amendment is intended to serve as a bridge between the time we put a Design Review Commission together and the purpose is to permit design review as a public meeting. We would still have a requirement for public hearings when necessary, but this is meant for lesser projects such as building facades, single family homes, etc. to shorten the timeline of the design review process. Staff recommended approval of Resolution No. 2007-01.

ACTION (BARSH / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-01, recommending to the City Council approval of Zone Text Amendment #06-97507.

(Motion carried 4 – 0)
3. Zone Text Amendment # 06-97508 – Amendment to Municipal Code Provisions Pertaining to:
   a) Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 1528 of the Guidelines for the Implementation of the California Environmental Quality Act.
   b) Table 9102.B, Residential Development Standards of the Zoning Code to modify the maximum building coverage standard in the LDR (Low Density Residential) Zone.
   c) Section 9107.05, Handicapped Parking Requirements modified to reflect current state standards.
   d) Amendment to Table 9107.D, Parking Stall Dimensions to add compact parking space standards.

Senior Planner Clinton presented the staff report and stated that there are three separate amendments being proposed to the Zoning Code. The first is to update the handicapped parking requirements so they are consistent with the State Building Code. The second amendment has to do with providing for compact parking spaces and staff is proposing that they be permitted on a case by case basis.

Commissioners DeSantis and Dickson want to strictly limit the number of compact parking spaces as vehicles today are so large.

Senior Planner Clinton continued with the staff report and stated the next amendment has to do with modifying the building coverage for the Low Density Residential zoning section. In our current code, 25% building coverage is allowed. Staff is proposing that the percentage be increased to 30 – 35%.

George Nordquist, 4133 W. Wilson, Banning CA and his daughter, Sonya Cluster, came forward to discuss the lot coverage issue. Mr. Nordquist is developing tract 33270, which was approved before the new General Plan and Zoning Code were approved. He was under the impression that his tract could be developed under the provisions of the old code and began grading. Mr. Nordquist was hoping to build large homes with RV garages. The new lot coverage regulation will not allow that. Sonya Cluster mentioned that in their research they have found that seniors and empty nesters do not want two-story homes.

**ACTION (BARSH / DICKSON):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-02, Sections A, C and D recommending to the City Council approval of Zone Text Amendments #06-97508.

(Motion carried 4 – 0)

Commissioner Escandel made a motion that the Planning Commission deny Resolution No. 2007-02, Section B, as he would like to keep the lot coverage at 25%. He felt he did not want to undo all the hard work that the GPAC accomplished. There was no second.
There was discussion regarding this issue and Director Orci stated that he realized the GPAC put in a great deal of effort on this subject and now with the 25% lot coverage requirement in place, we have started hearing from developers that this condition limited them to a rather small product. Last August this issue was before the commission and at that time they requested that staff bring back information on what the market was doing in the rest of the world. Therefore, the research was done and we found we were a little below the market trend as far as house sizes.

Commissioner Escandel felt the information provided did not give a clear representation of the square footage of the homes. Director Orci stated that perhaps a floor area ratio in combination with lot coverage will regulate massing of structures and will address the commissioners concerns.

Commissioner Dickson and Commissioner Escandel felt this item should be continued and discussed at a later time. Director Orci stated we will keep this general information that was provided in the staff report and will include floor area ratio and do a primer on what that means and how it will work in relation to lot coverage and building coverage.

VI. STAFF REPORT / INFORMATION ITEMS

Director Orci stated that during the break he printed Ordinance No. 1332, the ordinance that approved the bylaws for the Planning Commission. In that ordinance it does state “a four year term which shall be staggered every two years”.

VII. COMMISSIONER’S COMMENTS

Commissioner DeSantis mentioned that the commissioners should let the Recording Secretary know if they will be planning to attend the League of California Cities Planner’s Institute in March. Commissioner Escandel stated he would not be attending.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Gini Sorenson
Recording Secretary
ZTA # 07-97501

BUILDING COVERAGE

FLOOR AREA RATIOS EXPLAINED

EXHIBIT "2"
Carfree Cities

FAR Explained

A FAR of 1.0

The illustration above shows a Floor Area Ratio (FAR) of 1.0. This simply means that, if the area of the plot is 100 square meters, then 100 square meters of gross floor area has been built on the plot. The illustration above shows a 4-story building covering 1/4 of the site, giving a FAR of 1.0. Four floors of 25 square meters each are built on a site of 100 square meters.

The reference design for carfree cities is based on a FAR of 1.5. Here are some ways to get to a FAR of 1.5:

- Build a 2-story building on 75% of the site \( (2 \times 0.75 = 1.5) \)
- Build a 3-story building on 50% of the site \( (3 \times 0.5 = 1.5) \)
- Build a 4-story building on 37.5% of the site \( (4 \times 0.375 = 1.5) \)

It will be noted that a FAR of 1.5 is quite high, although this density is not unusual in Venice or central Paris, and is considerably exceeded in most of Manhattan. It requires 4-story buildings and narrow streets with modest interior courtyards. (Higher buildings would leave more room for streets and gardens, but buildings higher than 4 stories are not desirable because they are expensive to construct and unpleasant to live in.)
ZTA # 07-97501

BUILDING COVERAGE

RESOLUTION
NO. 2007-14

EXHIBIT “3”
RESOLUTION NO. 2007-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT #07-97501, TO AMEND THE MUNICIPAL CODE RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS.

WHEREAS, an application for an amendment to Municipal Code Table 9102.B Residential Development Standards has been duly filed by:

Applicant: City of Banning
Authorized Agent: Community Development Department
Project Location: City Wide

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

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

WHEREAS, on the 23rd day of March, 2007, the City gave public notice as required under Zoning Code Section 9117 by advertising in the Record Gazette newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on the 3rd day of April, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment and at which time the Planning Commission considered the Zone Text Amendment; and

WHEREAS, at this public hearing on the 3rd day of April, 2007 the Planning Commission considered and heard public comments on the Zone Text Amendment; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve 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 PC RESOLUTION NO. 2007-14
as provided in the Staff Reports dated January 25, 2007 and April 3, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA: The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the municipal code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2. FINDINGS

Finding No. 1. The proposed Zone Text Amendments are consistent with the goals and policies of the General Plan.

Fact: The Zone Text Amendments are consistent with the goals and policies of the General Plan, insofar as the General Plan designations and zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use Goal states "A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents". In addition, the General Plan Land Use Residential Goal 2 states "A broad range of housing types to fill the needs of the city's current and future residents." Residential Land Use Policy 6 states: "The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects...." The Economic Development Element Policy 3 states: "Encourage and promote infill development in orderly and logical development patterns that decrease cost and increase the efficiency of new utilities, infrastructure and public services."

These amendments will modify the residential building coverage requirements and add floor area ratio standards to provide for a greater range of permitted coverage levels tailored to lot sizes to allow greater flexibility within the Low Density Residential (LDR). And Medium Density Residential (MDR) zones.

Finding No. 2. The proposed Amendments are internally consistent with the Zoning Ordinance.
Fact: The Zone Text Amendments are consistent with the existing provisions of the Zoning Ordinance. The amendments will modify and update development standards for specific provisions in the code that relate to maximum residential building coverage.

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

Fact: The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. Recommend Approval of Zone Text Amendment. The Planning Commission hereby recommends approval of Zone Text Amendment #07-97501 to the City Council for the following action:

   M modify Table 910B.A to include a greater range of permitted building coverage in the LDR Zone, and to add floor area ratio (FAR) requirements to all zones as illustrated below:

PC RESOLUTION NO. 2007-14
| Table 9102.B  
Residential Development Standards\(^1\) |
<table>
<thead>
<tr>
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<td>VLD R</td>
<td>LDR R</td>
<td>MD R</td>
<td>HDR R</td>
<td>MH P</td>
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<td>1/10 Ac.</td>
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<td>0-1(^2)</td>
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<td>0-5</td>
<td>0-10</td>
<td>11-18</td>
<td>9-18</td>
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<tr>
<td>Min. Lot Size (Ac. or s.f.) Single Family Lot(^3)</td>
<td>10 Ac.</td>
<td>10 Ac.</td>
<td>40,000 s.f.</td>
<td>40,000 s.f.</td>
<td>20,000 s.f.</td>
<td>7,000 or suffix(^5)</td>
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<td>15</td>
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<td>N/A</td>
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<td>2/35</td>
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<td>Floor Area Ratio (FAR) a. One-story home</td>
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<td>.10</td>
<td>.15</td>
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<tr>
<td>b. Multi-story home</td>
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<td>.30</td>
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<td>.30</td>
<td>.60</td>
<td>.70</td>
<td>.70</td>
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</tbody>
</table>

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1 These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 9102.03.2.M.
2 The provisions for hillside development and density transfers shall apply.
3 A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLD R, LDR or MDR zones, providing all single family residential development standards for that zone are met.
4 Minimum lot size net of public right of way dedication.
5 In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.
6 A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 9102.03.2.J.
7 Maximum height only permitted if Fire Department provides written verification that they can serve.
8 35% only for lots less than 9,500 sq.ft.
9 Up to 240 square feet of third car garage space is exempted from lot coverage and FAR for lots over 9,500 square feet.
10 Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.

PC RESOLUTION NO. 2007-14
PASSED, APPROVED AND ADOPTED this 3rd day of April, 2007.

Betty DeSantis
Planning Commission Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-14, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April, 2007, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

PC RESOLUTION NO. 2007-14