I. CALL TO ORDER: Chairman Siva

- Pledge of Allegiance: Commissioner Ellis
- Roll Call: Chairman Siva, Commissioner Barsh, Commissioner Ellis, Commissioner Hawkins and Commissioner Shaw

II. PLANNING COMMISSION VICE-CHAIR APPOINTMENT AND REORGANIZATION

III. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to Five (5) minutes in accordance with City policy.

IV. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.
1. Minutes of June 5, 2013 meeting.................................................................Page 2
2. Minutes of July 3, 2013 meeting................................................................. Page 5

V. PUBLIC HEARING

1. CONDITIONAL USE PERMIT (CUP) #13-8002: ESTABLISHING A TRUCK PARTS SALES FACILITY LOCATED AT 1300 E. RAMSEY STREET IN THE BUSINESS PARK (BP) ZONE

   Staff Report.................................................................Page 45

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

Recommendations:

That the Planning Commission take the following actions:

1. Adopt a Class I Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and

2. Adopt PC Resolution No. 2013-11 approving Conditional Use Permit #13-8002 subject to conditions of approval.

2. ZONE TEXT AMENDMENT (ZTA) NO. 13-97503 AND ORDINANCE NO. 1469 PERTAINING TO MIXED USE DEVELOPMENTS IN THE AIRPORT INDUSTRIAL ZONING DISTRICT, SECURITY FENCING IN THE COMMERCIAL ZONES, AND GOVERNMENT OFFICE USES IN THE DOWNTOWN COMMERCIAL AND BUSINESS PARK ZONING DISTRICTS

   Staff Report.................................................................Page 82
Order of Procedure:
1. Request staff report / Questions of staff
2. Open public hearing
3. Close public hearing
4. Planning Commission discussion / Questions of staff
5. Motion and Second
6. Discussion on motion
7. Call the question (Roll call vote)

Recommendations:

That the Planning Commission take the following actions:


VI. PLANNING COMMISSIONER COMMENTS

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

VII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of September 4, 2013 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (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].
OUTLINE OF PROCEDURES FOR ELECTION OF OFFICERS

Chairperson: Nominations for the office of Vice-Chairperson are now open. A second to the nominations is required.

(Commissioners shall nominate the person of their choice)

Chairperson: Are there any further nominations? If not, I will entertain a motion that the nominations be closed.

(Motion is made)

Is there a second?

All those in favor say Aye, those opposed no.

Chairperson I will take a roll call vote. Please signify your choice for Vice-Chairperson when your name is called. The roll call will be in alphabetical order.

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<th>ROLL CALL VOTE</th>
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<tr>
<td>Commissioner Barsh</td>
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<td>Commissioner Ellis</td>
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<td>Commissioner Hawkins</td>
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<td>Commissioner Shaw</td>
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<td>Commissioner Siva</td>
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Chairperson: The vote is in favor of Commissioner who is our newly elected Vice-Chairperson.
City of Banning

PLANNING COMMISSION MINUTES

June 5, 2013

A regular meeting of the City of Banning Planning Commission was held on Wednesday, June 5, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Commissioner Barsh
Commissioner Ellis
Commissioner Hawkins
Commissioner Shaw

Commissioners Absent: Chairman Siva

Due to the excused absence of Chairman Siva and the circumstance that the Planning Commission has not designated a Vice-Chair since the appointment of the new Commissioners it was necessary for the Commission to select a Vice-Chair for the meeting of June 5, 2013.

ACTION (BARSH / ELLIS): A motion was moved, seconded and carried to designate Commissioner Hawkins to Vice-Chair the meeting.

(Motion carried 4-0)

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

I. CALL TO ORDER

II. COMMISSIONER APPOINTMENT

Commissioner Shaw was congratulated and welcomed to the Planning Commission as his appointment was approved by the City Council on May 14, 2013.

III. PUBLIC COMMENTS

None.
IV. CONSENT CALENDAR

1. Minutes of May 1, 2013

ACTION (BARS_{/} ELLIS): A motion was moved, seconded and carried that item 1 be approved as presented.

(Motion carried 3-0) (Commissioner Shaw abstained / Chairman Siva absent)

V. PUBLIC HEARING

1. ZONE TEXT AMENDMENT (ZTA) NO. 13-97501
ORDINANCE NO. 1463 REGULATING COTTAGE FOOD OPERATIONS / HOMEMADE FOOD OPERATIONS

Associate Planner Brian Guillot presented and stated that Assembly Bill 1616 became effective in January of 2013. The Assembly Bill allows individuals to prepare certain non-potentially hazardous foods in their private home kitchens. Through the law these operations are called Cottage Food Operations (CFOs). The regulations also stipulate from the State that the City cannot prohibit these types of operations and must provide a non-discretionary permit process to accommodate the use of a residence. The law creates a two-tiered system. The first tier is called Class ‘A’ which consists of food operations that are prepared in the home kitchen and are sold directly to individuals. The Class ‘B’ operations are those that are sold indirectly through restaurants or other agencies. The State differentiates because there are different rules for the two different operations. Examples of foods that might be prepared in home kitchens are baked goods, breads, biscuits, tortillas, and such, candy, dried fruit, dried pasta and so forth. The Ordinance as proposed will utilize the City’s existing Home Occupation Permit process. Staff will add the CFOs, as well as, amend the City’s Health and Safety Regulations, Chapter 8.24 of the Banning Code, to accommodate these types of operations. Following his presentation the Associate Planner opened the floor for Commissioners’ questions.

The Planning Commission asked questions of staff related to noise, traffic, permitting, inspections, and enforcement. Staff responded to the Planning Commission’s questions. The Commission was also informed of their ability to modify the Resolution and/or Ordinance as it was presented.

Commissioner Hawkins (Vice-Chair) opened the public hearing and seeing there were no public comments the public hearing was closed.

An additional questioned was asked of staff by the Commission regarding enforcement which was addressed.

Commissioner Hawkins (Vice-Chair) entertained a motion.
ACTION (SHAW / BARSH): A motion was moved, seconded and carried that the Planning Commission take the following action:

1. ADOPT PLANNING COMMISSION RESOLUTION NO. 2013-08 RECOMMENDING THAT CITY COUNCIL APPROVE ORDINANCE NO. 1463 REGULATING COTTAGE FOOD OPERATIONS/HOMEMADE FOOD OPERATIONS AND INCORPORATING BY REFERENCE PORTIONS OF THE GOVERNMENT CODE AND SAFETY CODE.

(Motion Carried 3 – 1)(Ellis voted no, Siva absent)

VI. PLANNING COMMISSIONER COMMENTS

None.

VII. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The Community Development Director welcomed Commissioner Shaw.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

______________________________
Holly Stuart
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

July 3, 2013

A regular meeting of the City of Banning Planning Commission was held on Wednesday, July 3, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Commissioner Ellis
Commissioner Hawkins
Commissioner Shaw

Commissioners Absent: Chairman Siva
Commissioner Barsh

Due to the excused absence of Chairman Siva and the circumstance that the Planning Commission has not designated a Vice-Chair since the appointment of the new Commissioners it was necessary for the Commission to select a Vice-Chair for the meeting of July 3, 2013.

ACTION (SHAW / ELLIS): A motion was moved, seconded and carried to designate Commissioner Hawkins to Vice-Chair the meeting.

(Motion carried 3-0)

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

I. CALL TO ORDER

II. PLANNING COMMISSION CHAIR APPOINTMENTS AND REORGANIZATION

This item was postponed to the August 7, 2013 meeting.

III. PUBLIC COMMENTS

Don Smith, resident of the City, announced that the City of Banning is having a celebration on Saturday, July 6, 2013 at both the Community Center and Nicolet Middle School
beginning at 7:00 a.m. and ending with a fireworks show at 9:00 p.m. with activities throughout the day.

IV. CONSENT CALENDAR

None.

V. PUBLIC HEARING

1. GENERAL PLAN AMENDMENT (GPA 13-2504)
ZONE CHANGE (ZC) NO. 13-2502 AND ORDINANCE NO. 1466 ADOPTING A GENERAL PLAN AMENDMENT AND ZONE CHANGE TO THE CURRENT GENERAL PLAN AND ZONING ORDINANCE AND GENERAL PLAN LAND USE AND ZONING MAPS, RESPECTIVELY RELATED TO PROVIDING ADEQUATE SITES FOR REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) FOR CONFORMANCE WITH THE PROPOSED HOUSING ELEMENT

Director Zai Abu Bakar introduced John Douglas of John Douglas and Associates, the City’s consultant that is working with the State in order to get the Housing Element approved.

John Douglas presented the PowerPoint as shown in the attached. Mr. Douglas acknowledged that the Housing Element and policies are being forced upon the City by the State and provided a summary of events and strategies pursued by the City. Under State law, the City does not have sufficient land with appropriate zoning for High Density to accommodate its fair share that has been assigned related to Regional Housing Needs. A Negative Declaration was prepared in compliance with CEQA to evaluate the potential environmental impacts of these zone changes and made available for review. This document concludes that with a significant list of mitigation measures that would be required for any project that moves forward, this project would not have any significant impacts on the environment. Staff is requesting that the Planning Commission forward recommendations to the City Council for the adoption of the draft Housing Element which covers the 2008-2013 period and also to recommend amendments to the City’s General Plan Land Use Element and the zoning regulations to create sufficient sites with high enough densities to satisfy the State’s requirements related to Housing Law. Mr. Douglas briefly reviewed the State law requirements emphasizing that the City is required to approve plans and zoning that would allow development; however, there is no mandate that affordable housing be built under any of the regulations. Mr. Douglas proceeded to identify the meaning of the term low income and the City’s three part strategy to comply with RHNA. Upon completion of his presentation, Mr. Douglas opened the floor for questions from the Commission.

The Planning Commission asked questions and had discussion related to site locations, zoning and future modifications, general impacts on the community, crime prevention through environmental/architectural design, examples of existing developments, and the consequences of not approving the 2008-2013 Housing Element.
In regard to consequences, Assistant Attorney Lona Laymon elaborated by stating that there are four serious consequences that could occur including: 1.) Development could be challenged in court and the City would lose without an approved element; 2.) the Attorney General could sue the City directly for a defective Housing Element; 3.) The City’s ability to issue permits can be frozen for non-residential development resulting in economic impacts; 4.) An increase in density units carryover could result, almost doubling the density units for the 2013-2021 period.

Commissioner Hawkins opened the public hearing.

Inga Shuler, 1030 W. Westward Avenue: Opposed approval of the proposal and submitted an email dated July 3, 2013 for the record.

Susan Savolainen, 1610 West Barbour Street: Opposed to designating the two parcels near the corner of Victory Street and Lovell Avenue as Very High Density housing. Ms. Savolainen submitted a petition with opposition reasons for the record along with proposed alternative sites.

Paul Lewis, 950 April Lane: Opposed the rezoning and increasing the density for reasons related to crime. Banning residents desire higher income housing opposed to affordable housing. Banning already has a sufficient supply of affordable housing.

Charles Hough, Serrano Del Vista resident: Opposed proposed selection of parcels to be rezoned. His understanding is that urban areas develop from the center out and that high density areas are usually in the center.

Don Smith, Banning resident: Opposes the proposal and does not agree with the legality of the negative declaration and that CEQA requirements were met. He also stated the proposal does not comport with the General Plan. Also Mr. Smith wanted it on record that a previous speaker submitted a petition in opposition of the proposal signed by property owners in the area.

Linda Pippenger, 2553 W. Westward Avenue: Opposes high density across the street from her property. She understands that the State is mandating this but does not understand why over the last several years high density was not incorporated as part of the Pardee project. Also, stated she did not receive a notification from the City regarding the zone change.

Rick Pippenger, 2553 W. Westward Avenue: Opposes the proposal and does not agree that the appropriate environmental aspects were taken into consideration. Suggested that a survey be taken of the average rent in town indicating that affordable housing requirements may already be met.

Mason Patterson, 363 N. 3rd Street: He is concerned with the increase in crime that could result from high density rezoning and opposes the plan.

James Andrews, 324 W. Nicolet Street: Stated that crime statistics for 555 Hathaway are 60-80% higher and does not agree with architecture by design to prevent crime.
James Cantu, 384 N. 3rd Street: Opposed the rezoning and stated that the apartments referenced as an example are located at 340 – 368 N. 3rd Street and that the crime rates are high in that location. He also stated the notice did not represent the project in its entirety.

Lorna Damerow, 950 April Lane: She is concerned with the ability to continue the use as horse property in her area.

Erwin Reyes: Opposes the plan and stated high density housing is going to ruin the community.

Seeing that there were no other public comments Commissioner Hawkins closed the public hearing and opened the floor to the Commission. Discussion transpired regarding the inability to utilize existing housing to meet the criteria established by State housing laws or mandates. Additionally, the public was addressed stating that the Commission’s intention is to meet the needs of all people which includes affordable housing. Additionally, it was emphasized that the proposed zoning change is not a mandate for a developer to build the units that it is simply a guideline. Also, existing commercial or industrial properties and uses are still available.

Commissioner Hawkins (Vice-Chair) entertained a motion.

ACTION (ELLIS / SHAW): A motion was moved, seconded and carried that the Planning Commission take the following action:

1. ADOPT RESOLUTION NO. 2013-09 RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT (GPA) NO. 13-2504 AND ZONE CHANGE (ZC) NO. 13-3502 RELATED TO HOUSING ELEMENT AND APPROVING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(Motion Carried 3 – 0)(Siva and Barsh absent)

2. ZONE TEXT AMENDMENT (ZTA 13-97502) AND ORDINANCE NO. 1467 AMENDING TITLE 17 OF THE BANNING ZONING CODE REGARDING REGULATION FOR EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING, AGRICULTURAL EMPLOYEE HOUSING, AND PARKING FOR AFFORDABLE HOUSING TO BE IN CONFORMANCE WITH THE GENERAL PLAN HOUSING ELEMENT

Planning Commission Meeting
July 3, 2013
The City’s Consultant, John Douglas, provided the presentation and stated that this item is also related to the Housing Element of the General Plan and is amending zoning regulations for special needs housing as required by State law. The PowerPoint representing this information is attached hereto which covers emergency shelters, transitional and supportive housing, farmworker housing, and parking requirements that will be permitted and designated in the Airport Industrial zone.

The Commission clarified that there are no existing emergency shelters within the City limits and that these shelters were not for disasters but specifically for individuals. These facilities are in operation permanently year around and are not used as temporary emergency facilities after a disaster.

Commissioner Hawkins opened the public hearing. There were no public comments and the public hearing was closed. With no further discussion, Commissioner Hawkins (Vice-Chair) entertained a motion.

ACTION (SHAW / ELLIS): A motion was moved, seconded and carried that the Planning Commission take the following action:

1. ADOPT PLANNING COMMISSION RESOLUTION NO. 2013-10 RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT NO. 13-97502 AND MAKING FINDINGS THAT THE ZONE TEXT AMENDMENT IS EXEMPT FROM THE PREPARATION OF AN ENVIRONMENTAL DOCUMENT PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15061 (B)(3)

(Motion Carried 3 -- 0)(Siva and Barsh absent)

VI. PLANNING COMMISSIONER COMMENTS

Commissioner Hawkins thanked staff for all their hard work related to the Housing Element.

VII. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Director Zai Abu Bakar announced that there is a Joint Workshop between the Planning Commission, City Council and the Parks Commission to review the Brown Act, conflict of interest rules, and procedural matters on July 16, 2013 at 3:00 p.m.

The director also reported that the Cottage Food Operation was presented to the City Council after the Commission’s recommendation and Council made some adjustments including the hours of operations which is now restricted to Monday through Friday, 8:00 a.m. to 5:00 p.m. Additionally, the distance requirement between operations was designated to be separated by 300’
between operators. Lastly, if there are findings that result in a denial than the Community Development Director will present that to the Commission.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

______________________________
Holly Stuart
Recording Secretary
City of Banning
2008-2013 Housing Element Update

Planning Commission
July 3, 2013
Background

- 2008 through 2013 – preparation of draft Housing Element and consultation with HCD

- City has insufficient land zoned for development at 20+ units/acre (required by state law)

- April 9, 2013 City Council/Planning Commission study session

- April 23, 2013 City Council/Planning Commission – Council direction on sites

- CEQA analysis – IS/MND published June 7, 2013 (no comments received)
Overview

Recommendations to City Council:

- Adopt 2008-2013 Housing Element update
- Amend Land Use Element and zoning regulations to create adequate sites for affordable housing as required by state law
State Requirements

- City must designate properties with zoning that could accommodate the RHNA
- Density = affordability
- 20-24 units/acre = low-income site
- Low-income need = 2,100 units (105 acres)
  - Not a development quota
  - Low-income housing not mandatory
State Requirements

- Median income = $65,000
- "Low income" = $53,600 ($1,340/mo. rent)

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<tr>
<th>Job Type</th>
<th>Starting Salary</th>
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<tr>
<td>Banning USD teacher with BA degree</td>
<td>$41,512</td>
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<tr>
<td>Police Officer – HS and Completing of Policy Officer Training</td>
<td>$50,753</td>
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<td>Fire Fighter</td>
<td>$39,684</td>
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<td>Registered Nurse</td>
<td>$29,071</td>
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3-part strategy to comply with RHNA:

1. Downtown Commercial (DC) District
2. High Density Residential (HDR) District
3. Very High Density Residential (VHDR) District
1. Downtown Commercial (DC) District:

- Residential or mixed-use currently allowed up to 18 units/acre

- Amend Zoning Code to allow 20 units/acre for residential or mixed-use projects with at least 16 units when at least 50% of units are affordable for lower-income households

- Low-income RHNA "credit":
  - Current zoning: 0
  - Proposed zoning: 84 units
  - Additional units allowed: 17 (+11%)
2. High Density Residential (HDR) District:

- Currently allows 11-18 units/acre but State law requires minimum 20 units/acre for lower-income RHNA credit.
- Amend GP & Zoning Code to allow 20 units/acre in HDR district when 50% of units are affordable for lower-income households.
- Amend Zoning Map to designate 8 parcels "HDR-20".
- Low-income RHNA "credit":
  - Current zoning: 0
  - Proposed zoning: 1,942 units
  - Additional units allowed: 195 (+11%)
This map represents a visual display of related geographic information. Data provided herein is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
3. Very High Density Residential (VHDR) District:

- Amend GP & Zoning Code to create new VHDR district with density range of 19-24 units/acre, and allow 20 units/acre when 50% of units are affordable for lower-income households.

- Amend Land Use Element map and Zoning map to designate 3 parcels "VHDR".
Next Steps

- City Council hearing July 23 for Housing Element & land use amendments (tentative)

- HCD review

- Prepare Draft 2013-2021 Housing Element

- HCD review

- Planning Commission & City Council hearings for 2013-2021 Housing Element
City of Banning
Housing Element Implementation

Planning Commission
July 3, 2013
Agenda Item V.2

Recommendation to City Council:

Amend zoning regulations for special needs housing as required by state law

- Emergency shelters
- Transitional and supportive housing
- Farmworker housing
- Parking requirements for affordable and special-needs housing
Emergency shelters

- Permitted in Airport Industrial (AI) zone
- Maximum 25 beds
- 300-foot separation required
- One parking space per 4 beds + employees
- Management & operations plan for City approval
  - Security, communications, house rules, hours, etc.
Agenda Item V.2

Transitional and supportive housing

- Residential uses
- City must follow same standards as for other residential uses of the same type in the same zone
- No change to City’s authority to regulate group homes
Farmworker housing

- State law to protect health & safety in farm labor camps
- Small projects are considered an agricultural use
- Farming is permitted in R/A & R/A/H zones
- No additional permit required for 12 units or 36 beds
- Up to 6 workers allowed in a single housing unit
- State "permit to operate" also required
Parking requirements for affordable and special-needs housing

- Reduced parking ratio for ELI units
Example:
- 100-unit project (75 2-bd units & 25 3-bd units) with 10% ELI (5/5)

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<th>Current</th>
<th>Proposed</th>
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<td>Spaces per unit</td>
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<td>75 x 2 = 150 spaces</td>
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<td>75/4 = 19 guest</td>
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<td>169 total spaces</td>
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<td>Guest parking</td>
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<td>1 per 4 units</td>
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<td>25/4 = 6 spaces</td>
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Next Steps

- City Council hearing July 23 (tentative)
City of Banning
Housing Element Implementation
Planning Commission
July 3, 2013
Mixed-Use
Rancho Cucamonga
Mixed-Use
Rancho Cucamonga
I should like to voice several concerns I have with the Hearing tonight about the Proposed General Plan Amendment and Zone change affecting the South Side of Banning.

The proposal has not been properly notified to the community of residents. There has been no notice in the Record Gazette that might alert residents of the proposed significant changes to the entire community. Several plans have been floated to some, beginning with the February 21st Meeting at the banning High School, and sponsored by the Rancho San Gorgonio LLC. This was a comprehensive change to approximately 800 acres south of W Westward and between San Gorgonio and Sunset. Since not many residents of adjoining properties had been notified, the turnout at the meeting was moderate.

Don Smith and I met with Zai (development director) at City Hall to discuss some alternative sites for the proposed density and zone changes that were part of the developer's project. Another meeting that Richard Krick and I had with Zai again in her office to further examine alternatives to concentration of very high density zones, (these are zones for approximately 30 dwelling units per acre) on the south side. A community forum was promised by Zai and one was held at Serrano del Vista, a 55y and older closed club and was supposedly open to nearby residents. But again the notification was very selective and the address given was not known to neighbors living outside of the closed community. Also, the gates were closed to limit access. No other notices have been sent.

Here we are now to discuss a developing strategy that substantially and unsustainably affects all of Banning and especially the residents on the south side.

The major concern I have in addition to the totally lacking transparency of the staff actions is the fact that there is NO complete EIR (Environmental Impact Report) on these development parcels. Each parcel may be too small to warrant a complete EIR, but in their totality, the impact on the Banning community is horrendous. Three proposed parcels amount to a total of 44.36 acres. At 30 dwelling units per acre, the impact on traffic, general infrastructure (roads, utility services) schools, emergency services, water and waste water supply, job creation and transportation needs to be addressed. The parcels are separated from each other and from neighboring residential areas, cut in the boonies so to speak. The destruction of wildlife habitat should also be addressed.

Two of the parcels are directly adjoining Dysart Park, south of the easterly extension of Victory.
Another huge parcel of 26 acres extends into the major wash. At 30 dwelling units per acre, individual units average 500 square feet of living space. What type of neighborhoods will these insular parcels create without the encouragement to be integrated into the fabric of Banning?

- Please consider demanding a full EIR for the proposed changes to avoid later remorse.

Inge Schuler
Haras de Tous Saints Equestrian School
1030 W. Westward Ave
Banning, CA 92220
Dear Community Development Director

We have signed the petition below to voice our opposition to the planned re-zoning of parcels from very low density to very high density. Said parcels are located on the Southeast corner of Victory and Lovell streets. We feel that such rezoning is inappropriate for the following reasons:

1. It is incongruent and out of character with the existing neighborhood
2. The parcels are remote and are not located near schools, parks, or services that are essential to such developments
3. The existing infrastructure is not sufficient to support the increase in traffic, water usage, and waste-water distribution

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<thead>
<tr>
<th>NAME</th>
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<tbody>
<tr>
<td>Gerardo Vazquez</td>
<td>1931 W. Victory Ave</td>
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<tr>
<td>Maria Koelange</td>
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<tr>
<td>Bonnie Vazquez</td>
<td>1931 W. Victory Ave</td>
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<td>Jose Vazquez</td>
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<td>Swit Vazquez</td>
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<tr>
<td>Lyndsay Janson</td>
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<td>E. Scott Herron</td>
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<td>Maria Anguiano</td>
<td>977 Lovell St Banning</td>
<td>Signature</td>
</tr>
<tr>
<td>Adriana Bertrand</td>
<td>977 Lovell St Banning</td>
<td>Signature</td>
</tr>
<tr>
<td>Chris Brunsteiner</td>
<td>977 Lovell St Banning</td>
<td>Signature</td>
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<tr>
<td>Sarah Deming</td>
<td>977 Lovell St Banning</td>
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<tr>
<td>Lorna Burges</td>
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<tr>
<td>John Clark</td>
<td>977 Lovell St Banning</td>
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<tr>
<td>Richard Stueckel</td>
<td>977 Lovell St Banning</td>
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<tr>
<td>Raymond Jones</td>
<td>977 Lovell St Banning</td>
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<tr>
<td>David Loebel</td>
<td>977 Lovell St Banning</td>
<td>Signature</td>
</tr>
<tr>
<td>Betty Loe</td>
<td>977 Lovell St Banning</td>
<td>Signature</td>
</tr>
</tbody>
</table>
Zai Abu Bakar  
Community Development Director  
City of Banning  
P.O. Box 998  
Banning, CA 92220

Dear Community Development Director

We have signed the petition below to voice our opposition to the planned re-zoning of parcels from very low density to very high density. Said parcels are located on the Southeast corner of Victory and Lovell streets. We feel that such rezoning is inappropriate for the following reasons:

4. It is incongruent and out of character with the existing neighborhood  
5. The parcels are remote and are not located near schools, parks, or services that are essential to such developments  
6. The existing infrastructure is not sufficient to support the increase in traffic, water usage, and waste-water distribution

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christina Wood</td>
<td>1448 W. Barberton St</td>
<td>Christina Wood</td>
</tr>
<tr>
<td>Jeanette Marlar</td>
<td>515 S. 16th Pl.</td>
<td>Jeanette Marlar</td>
</tr>
<tr>
<td>Pat Murphy</td>
<td>675 S. 16th St.</td>
<td>Pat Murphy</td>
</tr>
<tr>
<td>Neal Duffy</td>
<td>1617 S. 16th St.</td>
<td>Neal Duffy</td>
</tr>
<tr>
<td>Roberta Daffy</td>
<td>1619 S. 16th St.</td>
<td>Roberta Daffy</td>
</tr>
<tr>
<td>Linda Daffy</td>
<td>950 April Lane</td>
<td>Linda Daffy</td>
</tr>
<tr>
<td>Paul Lewis</td>
<td>950 April Lane</td>
<td>Paul Lewis</td>
</tr>
</tbody>
</table>

No Zoning Change Petition * 2
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: August 7, 2013

TO: Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: CONDITIONAL USE PERMIT (CUP) #13-8002: ESTABLISHING A TRUCK PARTS SALES FACILITY LOCATED AT 1300 E. RAMSEY STREET IN THE BUSINESS PARK (BP) ZONE.

STAFF RECOMMENDATION:

That the Planning Commission takes the following actions:

1. Adopt a Class I Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and,

2. Adopt PC Resolution No. 2013-11 approving Conditional Use Permit #13-8002 subject to conditions of approval.

PROJECT/APPLICANT INFORMATION:

Project Location: 1300 E. Ramsey Street
APN Information: 541-210-003
Project Applicant: WM Murray and Associates of Morongo Valley, CA
Property Owner: Krystal Perez, a single women (DBA Cruz Tire)
Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION:

Project Description

The applicant is requesting approval to establish a motor vehicle parts sales office/warehouse for the purpose of commercial truck parts sales utilizing the existing 2,560 square foot building; and, approval of the 2,053 square foot former residence as an employee lounge and meeting room. Section 17.12.020 Permitted, conditional, and prohibited uses of the Zoning Ordinance allows motor vehicles parts sales in the Business Park (BP) zoning district subject to approval of a Conditional Use Permit by the Planning Commission.

Cruz Tire has been at this location since 2005. An application for a Conditional Use Permit was received by the City in 2005; however, the applicant was unresponsive to the City’s requests in processing the application and it was considered abandoned. Since that time code enforcement has been working with the business owner to comply with City codes especially as it relates to truck repair. At this time, the applicant revised the application to include only truck part sales and relocated the truck repair portion of the business to the industrial zoning district.

Site Description

The site where the existing buildings are located consists of a previously developed parcel fronting Ramsey Street approximately 1,600 feet east of Hargrave Street. The site consists of a 0.63 acre parcel with two existing buildings totaling approximately 4,613 square feet. The building nearest Ramsey Street consists of an older masonry and steel building constructed prior to the 1960’s. The building located nearest Interstate 10 appears to be formerly a single-family dwelling constructed at an unknown time probably predated the commercial zoning district along Ramsey Street (see Attachment 3 for photographs).

The parcel is rectangular being approximately 110 feet wide by approximately 250 feet in depth; the ground is relatively flat-lying with a southeasterly slope. Most of the parcel is paved with asphalt concrete with some areas paved with Portland cement concrete; the surface is uneven overall with a significant step between the two structures. There is very little maintained landscaping with a few mature trees. The parcel is fenced with a chain-link fence along the highway right-of-way and easterly property boundary; and, an iron fence along the westerly property boundary. Both buildings show their age with cracked and peeling paint, broken windows, and well-worn facings. Much of the window glass for the larger building has been replaced with solid inserts. The parapet for the building located nearest Ramsey Street shows cracks in the masonry. There is no trash enclosure for the site.

The site fronts on Ramsey Street which is classified as an arterial highway, 110 feet in width. The street frontage is improved with curb, and gutter; however not at the ultimate right-of-way location as described in the City’s General Plan.

Surrounding Land Use

The land use designation for this parcel is Business Park. Located north of the site and across Ramsey Street is an unimproved parcel of land. West of the site is an older commercial building with paved parking area that is vacant at this time. East of the site is an older commercial
building with paved parking area that is occupied. Interstate 10 is located adjacent to and south of the site.

The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>vacant</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>South</td>
<td>Interstate 10</td>
<td>Interstate 10</td>
<td>Interstate 10</td>
</tr>
<tr>
<td>East</td>
<td>Commercial building</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>West</td>
<td>Commercial building</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
</tbody>
</table>

**PROJECT ANALYSIS:**

**Zoning**

The project is located in the Business Park (BP) zoning district. Light industrial and office/warehouse buildings are appropriate in this district. Restaurants and retail uses are ancillary to a primary use, and professional offices are also appropriate. Commercial development, such as large-scale retail (club stores, home improvement, etc.) and mixed-use project may also be permitted, subject to a conditional use permit. Section 17.12.020 *Permitted, conditional, and prohibited uses* of the Zoning Ordinance allows motor vehicle parts sales (commercial truck parts) subject to approval of a Conditional Use Permit (CUP) by the Planning Commission.

A commercial truck parts sales office/warehouse is appropriate for this zoning district subject to approval of a Conditional Use Permit by Planning Commission. Planning Commission’s consideration of the proposed CUP shall include whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose could include conditions that help make the use more compatible with the existing neighborhood. Section 17.12.050(E) of the Zoning Ordinance lists use specific standards for development in the Business Park zoning district along Ramsey Street. These standards are reproduced in Exhibit A *Conditions of Approval* of the Planning Commission’s resolution. Staff recommends that Planning Commission approve all Conditions of Approval as listed therein.
Compliance with BP Development Standards

The site is accessed by two driveways fronting Ramsey Street. The applicant will be required to submit building plans for review and approval of the Building and Safety Division and Planning Division to assure compliance with development regulations for any modifications proposed for the existing building.

The table below shows how the proposed project meets those standards.

### Commercial and Industrial Development Standards

<table>
<thead>
<tr>
<th>Development Standards*</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>0.63 acres (27,485 sf)</td>
<td>No Legal non-conforming</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>110 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>est 250 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>40 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>3 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>5 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>60 %</td>
<td>30 %</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>2 stories/50 feet</td>
<td>1 story/21 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* per Table 17.12.030 of the Banning Municipal Code.

Parking Requirements

Table 17.28.040A of the Zoning Ordinance requires a minimum of two parking spaces plus one space for each 1,000 square feet of gross floor area for warehousing. Using that formula, the building area is estimated at 2,560 square feet; therefore, 5 parking spaces are required. The site provides 5 parking spaces. To accommodate deliveries to the proposed use, one additional loading space will be required and one space for a tractor/trailer commercial vehicle parking will also be required (see Conditions of Approval #28).
Landscaping and Lighting Design

The existing landscaping consists of a few planters along the westerly property boundary and a few trees located interior to the site. The Zoning Ordinance requires that at least 15% of the parking area be landscaped. A landscaping calculation was not provided by the applicant, so no further discussion can be made regarding compliance with the present landscaping design guidelines. A complete landscaping plan is required as a condition of approval to assure compliance with the Zoning Ordinance.

The parking area has a few existing lighting fixtures located around the building at various locations that provide parking area safety lighting. A conceptual lighting plan was not provided by the applicant, so no further discussion can be made regarding compliance with parking area lighting. A condition of approval (see Condition of Approval #21) is recommended to be placed upon the applicant requiring minimum parking area safety lighting due to customers and service trucks utilizing the parking area during darkness.

Conclusion

Staff recommends approval of the subject conditional use permit as the proposed project is consistent or will be consistent after review and approval of the required improvement plans with the requirements of the Zoning Code, while not significantly effecting the environment. Additionally, the use of the existing commercial building as a commercial truck parts sales office/warehouse would not significantly impact the character of the existing neighborhood, as the commercial building is existing, and similar commercial uses surround the site.

ENVIRONMENTAL RESOURCES:

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 Planning Division as provided in this Staff Report dated August 7, 2013, and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA

(a) The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities-Class 1) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #13-8002 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of original construction. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50
percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exclusions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

i. The project is not a Class 3 (new construction or conversion of small structures), Class 4 (minor alterations to land), Class 5 (Minor Alterations in Land Use Limitations), Class 6 (Information Collection), or Class 11 (Accessory Structures) project; and, therefore, is not subject to the exception pertaining to projects located in particularly sensitive environments.

ii. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Business Park (BP) zoning standards regulates the land use around the site. Located north of the site and across Ramsey Street is an unimproved parcel of land. Located north of the site and across Ramsey Street is an unimproved parcel of land. West of the site is an older commercial building with paved parking area that is vacant at this time. East of the site is an older commercial building with paved parking area that is occupied. Interstate 10 is located adjacent to and south of the site. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, one of the City’s major commercial corridors.

iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the existing commercial building used as a commercial truck parts sales office/warehouse is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

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

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

vi. The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a commercial building and there is no historical resource located on the site or in its immediate surroundings that will be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. **Multiple Species Habitat Conservation Plan (MSHCP).**

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 13-801:

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The following findings are made for the CUP:

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

Findings of Fact: The project is consistent with the General Plan because the project site is zoned BP and designated Business Park on the General Plan Land Use Map. The BP zone allows motor vehicle parts sales office/warehouse use to be located within an existing commercial building subject to approval of a Conditional Use Permit by Planning Commission. Furthermore, the project is consistent with the General Plan Economic Development Goal of "A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining a high standards of development and environmental protection." A motor vehicle parts sales office/warehouse provides economic development opportunities through the sale of vehicle parts and subsequent sales tax revenues, and employment opportunities for those that may be employed at the sales counter and warehouse.

Additionally, any improvements proposed or conditioned on the project for the existing commercial building will be in conformance with the Zoning Ordinance in particular Division III Development Standards for the General Commercial zone. The project, as conditioned, is in keeping with the spirit and intent of the General Plan and therefore is consistent with the General Plan.

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

Findings of Fact: The use of an existing commercial building as a motor vehicle parts sales office/warehouse is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. Additionally, the existing building meets the front, rear, and side setback requirements of the BP development standards. The proposed project is conditioned as referenced herein to meet all development standards pertaining to the motor vehicle parts sales office/warehouse use including the use specific development standards and any proposed improvements.

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

Findings of Fact: The proposed use will not impair the integrity and character of the Business Park land use district in which it is to be located because the project is occupying an existing building constructed for commercial use and it is surrounded by a mix of existing commercial uses along a well-established commercial corridor of the City (Ramsey Street).
Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is currently developed with 2,560 square foot commercial buildings along with a paved parking lot. The 0.42 acre land area is of adequate size to accommodate the proposed use including building setbacks, parking, and landscaping with conditions. The proposed expansion of the motor vehicle parts sales office/warehouse will take place within the footprint of the existing building and will not further impact the site.

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

Finding of Fact: The site is served by the public and private utilities, including the City’s water, sewer, and electrical utilities. The existing commercial building is currently accessed and served from Ramsey Street an existing fully developed public arterial highway. The proposed expansion of the motor vehicle parts sales office/warehouse will take place within the footprint of the existing building.

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

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends. The site is already developed with an existing commercial building and parking area. The proposed expansion of the motor vehicle parts sales office/warehouse will take place within the footprint of the existing building and will not further impact the site. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

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

Finding of Fact: A motor vehicle parts sales office/warehouse is a conditionally permitted use in the Business Park (BP) zone. The use of an existing commercial building at 1300 E. Ramsey Street as a motor vehicle parts sales office/warehouse will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval referenced herein. The project will not generate excessive noise or traffic. Furthermore, CEQA Guidelines Section 15301 exempts the project because it is an existing facility.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper on Friday July 26, 2013, and notices were mailed to all property owners within a 300-foot radius of the site on Thursday
July 25, 2013. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.

PREPARED BY:

Brian Guillot
Associate Planner

APPROVED BY:

Zak Abu Bakar
Community Development Director

PC Attachments:

1. PC Resolution No. 2013-11 (with Conditions of Approval)
2. Vicinity Map and Aerial Photos
3. Site Photographs
4. Plans
5. Applicant’s statement of purpose
Attachment 1

(PC Resolution No. 2013-11)
RESOLUTION NO. 2013-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 13-8002 TO ESTABLISH A TRUCK PARTS SALES FACILITY LOCATED AT 1300 E. RAMSEY STREET IN THE BUSINESS PARK (BP) ZONE.

WHEREAS, an application for a motor vehicle parts sales office/warehouse has been duly filed by:

Project Applicant: WM Murray and Associates
Property Owner: Krystal Perez, a single women (DBA Cruz Tire)
Project Location: 1300 E. Ramsey Street
APN Number: 541-210-003
Lot Size: 0.42 acres

WHEREAS, the Planning Commission has the authority per Chapters 17.52 and 17.88 of the Banning Municipal Code to take action on Conditional Use Permit No. 13-8002: A request to use the existing building located at 1300 E. Ramsey Street in the Business Park (BP) zone for a motor vehicle parts sales office/warehouse; and

WHEREAS, on July 26, 2013, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on August 7, 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or in opposition to Conditional Use Permit No.13-8002; and, at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 “Existing Facilities” and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project because the project involves approving a motor vehicle parts sales office/warehouse use in an existing commercial building.

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

55
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 Planning Division as provided in this Staff Report dated August 7, 2013, and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

2. CEQA

(a) The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities-Class 1) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #13-8002 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of original construction. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

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commercial building used as a commercial truck parts sales office/warehouse is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

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

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

vi. The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a commercial building and there is no historical resource located on the site or in its immediate surroundings that will be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2 REQUIRED FINDINGS.

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Findings of Fact: The use of an existing commercial building as a motor vehicle parts sales office/warehouse is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. Additionally, the existing building meets the front, rear, and side setback requirements of the BP development standards. The proposed project is conditioned as referenced herein to meet all development standards pertaining to the motor vehicle parts sales office/warehouse use including the use specific development standards and any proposed improvements.

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Findings of Fact: The proposed use will not impair the integrity and character of the Business Park land use district in which it is to be located because the project is occupying an existing building constructed for commercial use and it is surrounded by a mix of existing commercial uses along a well-established commercial corridor of the City (Ramsey Street).

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Findings of Fact: The subject site is currently developed with 2,560 square foot commercial buildings along with a paved parking lot. The 0.42 acre land area is of adequate size to accommodate the proposed use including building setbacks, parking, and landscaping with conditions. The proposed expansion of the motor vehicle parts sales office/warehouse will take place within the footprint of the existing building and will not further impact the site.

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Finding of Fact: The site is served by the public and private utilities, including the City’s water, sewer, and electrical utilities. The existing commercial building is currently accessed and served from Ramsey Street an existing fully developed public arterial highway. The proposed expansion of the motor vehicle parts sales office/warehouse will take place within the footprint of the existing building.

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

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which
Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: A motor vehicle parts sales office/warehouse is a conditionally permitted use in the Business Park (BP) zone. The use of an existing commercial building at 1300 E. Ramsey Street as a motor vehicle parts sales office/warehouse will not be detrimental to the City's health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval referenced herein. The project will not generate excessive noise or traffic. Furthermore, CBQA Guidelines Section 15301 exempts the project because it is an existing facility.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(b) and CBQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CBQA Guidelines Section 15301 and directs the Community Development Director to prepare and file a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit (CUP) #13-8002 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.
PASSED, APPROVED AND ADOPTED this 7th day of August, 2013.

Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-11 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of August, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
EXHIBIT A

PROJECT #: Conditional Use Permit #13-8002
SUBJECT: Conditions of Approval
APPLICANT: Cruz Tire
LOCATION: 1300 E. Ramsey Street (APN 541-210-003)

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

I. General/On-Going

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with applicant in the defense of the action.
2. If during the term of the permit the City determines based upon substantial evidence that the permit activity is exercised so as to be detrimental to the public health, safety or welfare, or, so as to be a nuisance to other property owners in the general area which by any means shall interfere with the comfortable peaceful use, possession and enjoyment of property by any person, the Conditional Use Permit #13-8002 shall be subject to revocation as outlined in section 17.52.100 “Revocation” of the Banning Zoning Code.

3. Construction shall commence within two (2) years from the date of Planning Commission approval, or the conditional use permit shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year, the conditional use permit shall become null and void. The Community Development Director may upon an application being filed 30 days prior to expiration and for good cause, grant a one-time extension not to exceed 12 months.

4. Approval of this entitlement shall not waive compliance with all sections of the Municipal Code and all other applicable City Ordinances in effect at the time of building permit issuance.

5. Conditional Use Permit #13-8002 is for the purpose of establishing a vehicle parts sales office/warehouse use only. The repair and maintenance of vehicles including commercial trucks and trailers is not authorized by this permit and is prohibited unless the permit is amended in accordance with the Zoning Ordinance.

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

7. All graffiti shall be removed immediately or within 24 hours of notice from the City.

8. 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.

9. Parking area safety lighting shall be maintained in working order at all times and meet the minimum lighting levels for the safety of pedestrians and vehicles using the site.

10. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.

11. The property owner shall continually maintain all landscaped areas on-site, as well as contiguous planted areas within the parkway in accordance with the approved landscape and irrigation plan. 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 of notice from the City.

12. The building located along Interstate 10 right-of-way shall not be used for a residential occupancy.
13. The site shall be developed and maintained in accordance with the stamped approved plans which include site plans, architectural elevations, exterior materials and colors and any grading plan on file in the Planning Division; the conditions contained herein; and, Municipal Code regulations.

II. Use Specific Standards for Business Park Development on Ramsey Street.

14. At least 50% of the linear frontage on Ramsey Street shall be occupied by retail commercial land uses.

15. A minimum landscaped setback of 25 feet shall be provided for all property lines adjacent to, or across a street or alley from, residentially designated properties.

16. A decorative block wall, 6 feet in height, shall be provided for the side and rear sides of the property. The wall shall be located at the interior boundary of the landscaped setback if required.

17. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.

18. Loading areas and loading docks shall be located on the side of the lot to the greatest extent possible.

19. Manufacturing activities shall be prohibited before 7:00 A.M. or after 7:00 P.M., on Saturdays, Sundays and legal holidays.

20. All projects which include a manufacturing component shall be required to complete an Initial Study under the California Environmental Quality Act, and may be required to prepare specialized air quality or other analyses, as determined necessary by the Director.

21. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the landscaping/irrigation application.

III. Prior to Issuance of a Certificate of Occupancy.

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

23. If the building is modified, plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project number (i.e., CUP #13-8002). The applicant shall comply with 2007 California Model Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

24. Modify the existing business signage to reflect the vehicle parts sales office/warehouse use. A sign permit shall be reviewed and approved prior to installation.
25. Submit a landscaping and irrigation plan for review and approval in accordance with the Zoning Ordinance. The plan shall be prepared by a licensed landscape architect and provide for at least 15% landscaping for the parking area. Continuous concrete curbing at least 6 inches high by 6 inches wide shall be provided around planters.

26. A preconstruction meeting shall be held for all participating field personnel and appropriate City staff prior to the commencement of construction activities.

27. All buildings, structures, or appendages, both permanent and temporary, shall be maintained in accordance with the Building Code and other safety codes as adopted by the City. This includes repairing broken windows constituting hazardous conditions or inviting trespassers; repairing fences or walls in a hazardous condition; renewing painted buildings and walls, retaining walls, fences or structures that require repainting, or buildings, walls, fences, or structures upon which the condition of the paint has become deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.

28. Provide for the following design features for the existing commercial building, to the satisfaction of the Community Development Director:

- Restripe the parking area to provide 5 customer spaces, one loading zone adjacent to the proposed use, and one tractor/trailer parking space onsite in accordance with City development standards.
- Construct a trash enclosure in accordance with current developments standards. The enclosure shall be constructed of masonry walls with steel gates in accordance with the requirements of the Public Works Department.
- All roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties. Such screening shall be architecturally integrated with the building design.

Public Works Requirements

IV. General Requirements

29. 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.

30. 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)

31. 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.

32. The following improvement plans shall be prepared by a civil engineer or architect, as applicable, 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. Site 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.

33. 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.

34. 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.

V. Public Improvements

35. Construct a commercial style driveway approach at the easterly and westerly vehicular access point along Ramsey Street.

36. If the existing sidewalk fronting the project site does not meet the width requirements for sidewalks in commercial areas, which is 8 feet, then the existing improvements shall be removed and reconstructed to meet the current standards.

37. All required public improvements shall be inspected by the Engineering Division prior to the issuance of a Certificate of Occupancy.
VI. Right-of-Way/Easements

38. 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.

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

40. The ultimate half-width right-of-way line shall be located 50 feet from the centerline of Ramsey Street. The half-width dimension is currently 30 feet, therefore a 20 foot dedication to the City of Banning is required.

41. The property owner shall provide the City of Banning with a 20 foot wide utility easement for the existing sewer line if an easement currently does not exist.

VII. Trash/Recycling

42. 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, Waste Management (1-800-858-8884) for disposal of construction debris.

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

VIII. Sewer and Water

44. A backflow device shall be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

45. Fire Services will require a Double Detector Check or RPP Device.

46. The project will cause for an evaluation of the number of Equivalent Dwelling Units (EDU) used for the monthly billing of sewer usage fees. If required, adjustments will be made accordingly.

47. Pay all required water and waste water connection fees prior to the issuance of a building permit. The fees will be determined upon submittal of improvement plans.
48. A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

IX. Grading and Drainage

49. The project design shall meet those requirements set forth by the current Whitewater River Region Storm Water Management Plan (SWMP), Chapter 13.24 of the Banning Municipal Code (Storm Water Code) and Title 18 of the Banning Municipal Code (Grading, Erosion and Sediment Control).

50. Provide a treatment device for storm water runoff prior to discharge off of site.

X. Fees

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

   a. Plan Check Fees: $737.00

52. Public Works Inspection and any other applicable fees shall be paid prior to the issuance of a public works permit.

Fire Services Requirements

53. There shall be no storage of vehicles onsite including trucks or trailers.

54. There shall be no storage of tires, fuel, or other combustible materials.

Electric Department Requirements

55. The property owner shall provide the City of Banning with an electric utility easement for the existing utility lines, if an easement currently does not exist.
CITY OF BANNING

Electric Utility

July 16, 2013

RE: CUP# 13-8002 Revised Request #3

NAME OF PROJECT / OWNER
Cruz Industrial Truck, Inc.

ADDRESS / APN:
1300 E. Ramsey / 541-210-003

CONDITIONS & COMMENTS

Based on the plan provided to City of Banning Electric Utility Department will require the following:

With any Electric service increase, an area for a pad mount transformer will be required. The best location for the transformer pad would be on the western property line, under the path of the current overhead power lines. The area of any new service equipment must be sufficient in size for safe operation and maintenance.

The transformer pad will be required to be enclosed in a Decorative Enclosure.

Conduits would be required to be installed from the existing pole on the western property line to the pad mount transformer. Future conduits would be required to be installed under the overhead power lines from the pad mount transformer to the eastern property north to Ramsey Street, and crossing the frontage of the property on Ramsey Street.

The developer shall be responsible the following:

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2013. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

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

Note: This letter is intended to provide general information for electrical service, and therefore may not be entirely inclusive of all responsibilities of the customer or the City.
Attachment 2

(Vicinity map and aerial photos)
Attachment 3

(Site photograph)
Looking south from Ramsey Street

Looking south-westerly from Ramsey Street
Looking north-westerly from site driveway

Looking south-westerly from site driveway
Attachment 4

(Plans)
Attachment 5

(Applicant’s statement of purpose)
July 24, 2013

Mr. Brian Guillot, Associate Planner
Community Development Department
City of Banning
99E Ramsey Street
Banning, California 92220-0998

RH: Conditional Use Permit No. 13-8002
1300 E. Ramsey Street
A.P.N. 541-210-003

PROJECT DESCRIPTION

Proposed Conditional Use Permit No. 13-8002 will modify the existing project use as follows:

- Abandon all vehicle on-site repairs.
- Abandon all vehicle on-site tire storage.
- Establish a truck parts storage/warehouse facility.
- Establish a truck parts sales facility.

It is the objective of this project to foster development of a visually attractive and highly functional truck parts sales complex in a manner that will preserve, protect, and enhance the business park character of the community.

CIVIL ENGINEERS * PLANNERS * LAND SURVEYORS
DATE: August 7, 2013

TO: Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: ZONE TEXT AMENDMENT (ZTA) NO. 13-97503
PERTAINING TO MIXED USE DEVELOPMENTS IN
THE AIRPORT INDUSTRIAL ZONING DISTRICT,
SECURITY FENCING IN THE COMMERCIAL ZONES,
AND GOVERNMENT OFFICE USES IN THE
DOWNTOWN COMMERCIAL AND BUSINESS PARK
ZONING DISTRICTS

STAFF RECOMMENDATION

That the Planning Commission takes the following actions:


APPLICANT INFORMATION

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

The City Council adopted the present Zoning Ordinance in January 2006. The Zoning Ordinance ensures the orderly development of all lands within the City's corporate boundaries to protect the public health, safety, and welfare. The Zoning Ordinance is further intended to provide standards and guidelines for new and existing development consistent with the General Plan, which respect and enhance the character of existing neighborhoods, secure more open space, and encourage high quality development proposals. However, the Zoning Ordinance regulations may, from time to time, need minor revisions to encourage and facilitate development.

Mixed Use Development in the Airport Industrial Zoning District

Mixed use development projects are those that combine both residential and commercial uses within the same zoning district. At this time, the Zoning Ordinance allows mixed use developments in the Downtown Commercial and General Commercial zoning district by right, and the Highway Serving Commercial, Professional Office, and Business Park through approval of a Conditional Use Permit; the Zoning Ordinance prohibits mixed use developments in the Airport Industrial zoning district.

Historically, some residential uses are associated with commercial developments located near airports. For example, hotels are often located on or near airport uses. Some airport specific uses like flight schools, air ambulance services, and other aviation businesses find it convenient to have a place where employees may live while performing their duties. The City has recently had interest on the part of a developer in a live/work loft arrangement where the owner of the property would have a residential space (loft) located above the work space. This type of development is advantageous for those who are just starting out in business and cannot afford to purchase both a residence and work space. To encourage and facilitate this unique type of development, it is proposed to permit the mixed use project subject to approval of a Conditional Use Permit (CUP). The purpose of the CUP process would be to address the unique characteristics related to placing a residential space near a work space in the Airport Industrial zoning district. Specific concerns such as noise, parking requirements, and other unique attributes related to such a proposal could be addressed through this process. Staff proposes changing the use table from prohibited in the Airport Industrial zoning district to conditionally permitted through the CUP process. Therefore the following amendments are proposed:

Amend the Mixed use, residential/commercial use as listed in Table 17.12.020 Permitted, conditional and prohibited uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed use, residential/commercial</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

Amend paragraph 6, in subsection B of Section 17.12.010 Purpose-Districts designated as follows:
6. Airport Industrial (AI). Land uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, restaurants and office uses. Aircraft maintenance, repair and catering services are also appropriate; and mixed-use projects may also be permitted, subject to a conditional use permit.

Security Fencing in Commercial Zones

At this time, the Zoning Ordinance limits fence height to 6 feet in the Downtown Commercial, General Commercial, Highway Serving Commercial, Professional Office, and Business Park zoning districts; and, 8 feet in the Industrial, Airport Industrial, and Industrial-Mineral Resources zoning districts. There is no provision in the Zoning Ordinance for additional fence height.

From time to time businesses request additional fence height for security fencing applications. For example, a retailer that offers high value recreational vehicles for sale in a commercial zoning district desires to protect their property with an 8 foot tall fence. Currently, the Zoning Ordinance limits fence height to 6 feet. This may be a reasonable request in consideration of the value of the goods and the potential sales tax revenue that may result from said sales. At other times individuals desire to develop a project in less desirable area and need the additional fence height to provide the adequate security for their business. It is proposed that through the Technical Staff Review process the Community Development Director be granted the flexibility to approve additional height for security fencing only. Staff proposes adding a notation to the development standards for the maximum height allowed for fences and walls that would permit the Community Development Director to allow additional height for security fences only through the Technical Staff Review process. Therefore the following amendments are proposed:

Amend the Maximum Fence/Wall Height (ft.) development standard as listed in Table 17.12.030 Commercial and Industrial Development Standards as follows:

<table>
<thead>
<tr>
<th>Fence/Wall Height (ft.)</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
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<td>6</td>
<td>8</td>
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</table>

*Additional height may be permitted for security as approved by the Director through a Technical Staff Review.

Amend Section 17.12.130 Walls and fences as follows:

A. Walls should be kept to the lowest height possible to accomplish their screening or buffering function.
B. Walls should always be decorative, and should be designed to blend with the structure’s architectural style.
C. Security fencing should combine solid walls with wrought iron grill work. Additional height for security fencing may be approved by the Director through Technical Staff Review.
D. Long walls should include pillars or other treatment every 50 feet to provide visual relief.
E. Chain link and barbed wire fencing is prohibited.
F. Precision block walls must be stuccoed.
Amend paragraph B, of Section 17.24.080 *Fences, walls, and hedges* as follows:

B. Fences, walls, and hedges may not exceed six feet in height, unless required by any law or regulation of the city, the State of California, federal government, or agency thereof; or, as otherwise permitted by the Zoning Ordinance.

**Government Office Uses in the Downtown Commercial and Business Park Zoning District**

With the approval and construction of the State of California courthouse in the Downtown Commercial (DC) zoning district the City is experiencing a move toward government office uses in the downtown area. Additionally, the County of Riverside has existing offices located within the City’s commercial zoning districts and is considering expanding some facilities. At this time, the Zoning Ordinance allows government office uses in the Professional Office and Airport Industrial zoning districts by right, and the General Commercial and Highway Serving Commercial through approval of a Conditional Use Permit; the Zoning Ordinance prohibits government office developments in the Downtown Commercial and Business Park zoning districts. Staff proposes changing the use table from prohibited in the Downtown Commercial and Business Park zoning district to permitted by right. To encourage and facilitate government office development the following amendments are proposed:

Amend the *Government Office* use as listed in Table 17.12.020 *Permitted, conditional and prohibited uses* as follows:

<table>
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<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Office</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL DETERMINATION**

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated August 7, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **California Environmental Quality Act (CEQA):**

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

2. **Multiple Species Habitat Conservation Plan (MSHCP):**

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

**REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 13-97503:**

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

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

   **Findings of Fact:**

   The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is "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". By amending the Zoning Ordinance specifically pertaining to mixed use developments in the Airport Industrial zoning district, security fencing in the commercial zones and government office uses in the Downtown Commercial and Business Park zoning districts, it is anticipated that the amendments will enhance the quality of life for Banning residents who may utilize the commercial and government services provided by these developments.

   Furthermore, it is a goal of the Land Use element of the City's General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for "Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities" shall be provided; and, more specifically Policy 3 states that "the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects". It is anticipated that allowing mixed use developments in the Airport Industrial
Zoning district through Conditional Use Permit process, will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. By allowing a process for obtaining additional height for security fencing, businesses with security concerns may locate within the commercial zoning districts thus providing increased sales tax revenue and opportunities for employment.

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

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business and government development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

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

Findings of Fact:

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

PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on July 26, 2013. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.
Prepared by:

Brian Guillot
Associate Planner

Approved by:

[Signature]
For ZAB
Zai Abu Bakar
Community Development Director

Attachments:

1. Resolution No. 2013-12
Attachment 1
(Resolution No. 2013-12)
RESOLUTION NO. 2013-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL OF ORDINANCE NO. 1469 TO CITY COUNCIL AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) PERTAINING TO MIXED USE DEVELOPMENTS IN THE AIRPORT INDUSTRIAL ZONING DISTRICT, SECURITY FENCING IN THE COMMERCIAL ZONES, AND GOVERNMENT OFFICE USES IN THE DOWNTOWN COMMERCIAL AND BUSINESS PARK ZONING DISTRICT

WHEREAS, both commercial and government development is a critical component for growth in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities; and

WHEREAS, the City of Banning ("City") recognizes that zoning regulations may have an indirect effect on both commercial and government development by adding additional regulations and time to review project applications; and

WHEREAS, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”; and

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

WHEREAS, in accordance with Government Code §65854, on the 26th day of July 2013, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the 7th day of August 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment, and at which time the Planning Commission considered the Zone Text Amendment; and
WHEREAS, at this public hearing on the 7th day of August 2013, the Planning Commission considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the Planning Commission has analyzed this proposed project and determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines;

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated August 7, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

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

2. Multiple Species Habitat Conservation Plan (MSHCP).

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.
SECTION 2. REQUIRED FINDINGS.

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

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

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use Goal is “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”. By amending the Zoning Ordinance specifically pertaining to mixed use developments in the Airport Industrial zoning district, security fencing in the commercial zones and government office uses in the Downtown Commercial and Business Park zoning districts, it is anticipated that the amendments will enhance the quality of life for Banning residents who may utilize the commercial and government services provided by these developments.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”. It is anticipated that allowing mixed use developments in the Airport Industrial Zoning district through Conditional Use Permit process, will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. By allowing a process for obtaining additional height for security fencing, businesses with security concerns may locate within the commercial zoning districts thus providing increased sales tax revenue and opportunities for employment.

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

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance
pertaining to business and government development within the present limits and
development standards established by the Zoning Ordinance. Staff has reviewed and
compared the proposed changes and finds no conflicting statements or inconsistencies
in the Zoning Ordinance.

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

Findings of Fact:

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

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Adopt Planning Commission Resolution No. 2013-12 (Attachment 1)
    recommending approval of Ordinance No. 1469 (Exhibit A) to City Council
    Amending Various Sections of the Zoning Ordinance (Title 17 of the Banning
    Municipal Code) Pertaining to Mixed Use Developments in the Airport Industrial
    Zoning District, Security Fencing in the Commercial Zones, and Government
    Office Uses in the Downtown Commercial and Business Park Zoning District.
PASSED, APPROVED AND ADOPTED this 7th day of August, 2013.

Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-12, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of August 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
Exhibit A
(Ordinance No. 1469)
ORDINANCE NO. 1469


WHEREAS, both commercial and government development is a critical component for growth in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities; and

WHEREAS, the City of Banning ("City") recognizes that zoning regulations may have an indirect effect on both commercial and government development by adding additional regulations and time to review project applications; and

WHEREAS, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”; and

WHEREAS, the City Council desires to respond to the concerns of its citizens regarding improving the development guidelines of the Zoning Ordinance to encourage commercial and government development projects and believes that it is in the best interest of its citizens to amend the Zoning Ordinance to facilitate said development; and

WHEREAS, the City of Banning is amending the Zoning Ordinance specifically pertaining to mixed use developments in the Airport Industrial zoning district, security fencing in the commercial zones, and government office uses in the Downtown Commercial and Business Park zoning districts; and

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

WHEREAS, the Planning Commission recommended adoption of Ordinance No. 1469 amending the Zoning Ordinance at various places by approving Planning Commission Resolution No. 2013-12 as stated in writing; and
WHEREAS, on the ______ day of _________, 2013, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the ______ day of _________, 2013, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendment, and at which time the City Council considered Zone Text Amendment No. 13-97503; and

WHEREAS, at this public hearing on the ______ day of ______, 2013, the City Council considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the _____ day of ______ , 2013;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated ____________, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

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

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS.

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

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

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is “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”. By amending the Zoning Ordinance specifically pertaining to mixed use developments in the Airport Industrial zoning district, security fencing in the commercial zones and government office uses in the Downtown Commercial and Business Park zoning districts, it is anticipated that the amendments will enhance the quality of life for Banning residents who may utilize the commercial and government services provided by these developments.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”. It is anticipated that allowing mixed use developments in the Airport Industrial Zoning district through Conditional Use Permit process, will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. By allowing a process for obtaining additional height for security fencing, businesses with security concerns may locate within the commercial zoning districts thus providing increased sales tax revenue and opportunities for employment.
2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business and government development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

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

Findings of Fact:

The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this 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. Amend the Mixed use, residential/commercial use as listed in Table 17.12.020 Permitted, conditional and prohibited uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed use, residential/commercial</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

SECTION 4. Amend paragraph 6, in subsection B of Section 17.12.010 Purpose-Districts designated as follows:

6. Airport Industrial (AI). Land uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, restaurants and office uses. Aircraft maintenance, repair and catering services are also appropriate; and mixed-use projects may also be permitted, subject to a conditional use permit.
SECTION 5. Amend the Maximum Fence/Wall Height (ft.) development standard as listed in Table 17.12.030 Commercial and Industrial Development Standards as follows:

<table>
<thead>
<tr>
<th>Fence/Wall Height (ft.)</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>8</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>

*Additional height may be permitted for security as approved by the Director through a Technical Staff Review.*

SECTION 6. Amend Section 17.12.130 Walls and fences as follows:

A. Walls should be kept to the lowest height possible to accomplish their screening or buffering function.

B. Walls should always be decorative, and should be designed to blend with the structure's architectural style.

C. Security fencing should combine solid walls with wrought iron grill work. Additional height for security fencing may be approved by the Director through Technical Staff Review.

D. Long walls should include pillars or other treatment every 50 feet to provide visual relief.

E. Chain link and barbed wire fencing is prohibited.

F. Precision block walls must be stuccoed.

SECTION 7. Amend paragraph B, of Section 17.24.080 Fences, walls, and hedges as follows:

B. Fences, walls, and hedges may not exceed six feet in height, unless required by any law or regulation of the city, the State of California, federal government, or agency thereof; or, as otherwise permitted by the Zoning Ordinance.

SECTION 8. Amend the Government Office use as listed in Table 17.12.020 Permitted, conditional and prohibited uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Office</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
</tbody>
</table>

SECTION 9. SEVERABILITY.

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
SECTION 10. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.
PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2013.

Deborah Franklin, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon, City Clerk
City of Banning, California

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1469 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______ th day of __________, 2013, and was duly adopted at a regular meeting of said City Council on the ______ day of ____________, 2013, by the following vote, to wit:

AYES:
NOES:
ABSEN:
ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California