I. CALL TO ORDER: Chairman Siva

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

II. PUBLIC COMMENTS:

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

III. CONSENT CALENDAR ITEMS:

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

1. Minutes of August 7, 2013 meeting.........................................................Page 1
IV. PUBLIC HEARING

1. ZONE TEXT AMENDMENT (ZTA) 13-97504 AMENDING A SECTION OF THE ZONING ORDINANCE PERTAINING TO WALLS AND FENCES IN THE BUSINESS PARK DISTRICT

Staff Report…………………………………………………………………………………………………Page 16

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 Planning Commission Resolution No. 2013-13 recommending approval of Ordinance No. 1470 to City Council Amending a Section of the Zoning Ordinance Pertaining to Walls and Fences in the Business Park District.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

VII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of November 6, 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].
City of Banning

PLANNING COMMISSION MINUTES

August 7, 2013

A regular meeting of the City of Banning Planning Commission was held on Wednesday, August 7, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Siva
                      Commissioner Barsh
                      Commissioner Ellis
                      Commissioner Hawkins
                      Commissioner Shaw

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

I. CALL TO ORDER

II. PLANNING COMMISSION VICE CHAIR APPOINTMENT AND REORGANIZATION

Vice-Chair Nomination

ACTION (SHAW/BARSH): Ellis was nominated for Vice-Chair person. A motion was moved, seconded and all were in favor.

III. PUBLIC COMMENTS

Jeff Ray, 981 E. Charles Street: Requesting that his property be changed from Industrial to residential zoning.

Susan Savolainen, 1610 West Barbour Street: Stated there will be much contribution from the community when the next Housing Element is processed.
IV. CONSENT CALENDAR

1. Minutes of June 5, 2013

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

   (Motion carried 4-0) (Chairman Siva abstained)


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

   (Motion carried 4-0) (Chairman Siva abstained)

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

The Associate Planner Guillot presented the staff report and briefly introduced the applicant’s request stating that approval is being requested to establish a motor vehicle parts sales office and warehouse for the purpose of commercial truck part sales. The request also includes utilizing a former residence in connection with the use as an employee lounge and meeting room. This is in the City’s Business Park (BP) zoning district which requires a special set of development standards that just apply to development in the Business Park zoning district on Ramsey Street which is why there are conditions that might not normally be imposed on a project. The Associate Planner proceeded with the PowerPoint as attached hereto by reference. Mr. Guillot acknowledged that the business has been at this location since 2005 and stated that the applicant was required to obtain a conditional use permit (CUP) which was submitted in 2005. Due to the fact that the applicant was unresponsive to the items needed by the City the application was considered abandoned. Since, the City has been working with the applicant to accomplish this CUP which is a requirement of the City’s municipal code, as well as, attempted to resolve other code enforcement issues. The applicant revised the application to not perform truck repair at this location because it would require more capital improvements to the site. This portion of their services has been moved to another property within the City. The CUP represents part sales only.
Commissioner Siva confirmed that the use will be for semi-truck parts sales only with no truck repair services. Mr. Guillot confirmed and stated services will be provided at an alternative local facility. Mr. Ruben Cruz confirmed the truck repair services will be provided at his facility located on Lincoln Street.

Chairman Siva opened the public hearing.

Rick Pippenger, Banning Resident: Conveyed his message stating that the City is not business friendly.

Susan Savolainen, 1610 West Barbour Street: Supported Mr. Cruz.

Inga Schuler, Banning Resident: Conveyed her message stating the City needs to make it easier to allow businesses to establish and for the creation of jobs.

Seeing that there were no further comments, Chairman Siva closed the public hearing.

Discussion continued between the Commissioners, staff, Mr. Cruz and his engineering consultant of W.M. Murray & Associates regarding when the business was established, the properties original zoning and from where their business in drawn. Discussion proceeded regarding the business operations and the hours of operation. There was also conversation related to fire sales and the businesses’ sign. The conditions of approval were also debated related to the decorative block wall requirement. Director Abu Bakar addressed the municipal code and General Plan and their high standards that were adopted in 2006 stating the City has worked with the attorney and adjusted condition 16 to accept that if the City should within the next six months amend its ordinance regarding decorative block walls and the height, then the applicant would be able to fulfill this condition by meeting the amended code standard. It is staff intentions to bring this amendment back to the Planning Commission within the next couple of months after proper noticing. Further dialogue commenced regarding conditions related to the commercial driveway approach; parking; rights-of-way dedication and easements; a reduce pressure principal valve; sewer check valve; treatment device for storm water runoff prior to the discharge off of site; and landscaping. W. M. Murray provided a written response to the Commission and staff addressing the conditions which is attached hereto. As it related to the conversation, Public Works staff also provided a picture regarding the broken driveway at Cruz Tires attached hereto by reference and W.M. Murray confirmed that the business will address this by working with the City Engineer to engineer a solution. W.M. Murray stated that the amount of funds necessary for increasing the length of the driveway approach and constructing two approaches will be significant and proposed bonding for the required improvements along the street.

Chairman Siva entertained a motion.
ACTION (BARSH/ SHAW): A motion was moved, seconded and carried that the Planning Commission take the following action:

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 NO. 13-8002 SUBJECT TO CONDITIONS OF APPROVAL WITH AMENDMENTS TO INCORPORATE LANGUAGE RELATED TO THE POTENTIAL FUTURE ADOPTED OF WALL STANDARDS; AMEND CONDITION 40 TO REFLECT FULLFILLMENT VIA AN OFFER OF DEDICATION; AMEND CONDITION 50 ALLOWING RUN OFF DISCHARGE TO BE RESOLVED THROUGH LANDSCAPING.

(Motion Carried 4 – 1) (Ellis voted against this item)

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

The Associate Planner Brian Guillot stated that the purpose of Ordinance No. 1469 is to make minor adjustments to the zoning ordinance to encourage and facilitate commercial and government development. Staff is proposing to accomplish this through three fields including permitting mixed use development in the Airport Industrial zoning district with the approval of a conditional use permit. Such projects will be brought before the Planning Commission to ensure compatibility with surrounding uses. Staff is proposing to change the zone text from prohibited to conditionally permitted in the Airport Industrial zoning district. The second item is security fencing in commercial zones. Currently the zoning code limits fence height with no flexibility. At times in commercial zones someone might want a higher security fence. Without flexibility and with the current incorporation of the word “shall” opposed to “may”, there is nothing staff can do to address or alter the requirement. Staff proposes to amend the code stating “may” provide additional height for security fence only, decorative fencing would not apply, screening fencing would not apply, only security fencing. There will have to be a reason for someone to bring an application forward to ask for additional height. The application that will be asked for is a simple and is called “Technical Staff Review” which is very similar to a building permit application. The request would be drawn out in a plan and circulated to various departments for comments. The Director would have to approve it, or approve it with comments or not approve it. The third item that is being considered is government office use in our Downtown Commercial and Business Park zoning district. Currently government offices are prohibited but
there has been increased interest with the courthouse and the County of Riverside in these districts. To encourage development in these areas staff is proposing amending the zoning text to permit this use.

Chairman Siva opened the public hearing. Seeing that there were no comments the public hearing was closed. The floor was opened to Planning Commission and discussion clarifying that the proposal was to provide more flexibility in the code through conditional use permits and technical staff reviews allowing the City to accommodate business interests. Loft housing and fencing were further discussed at this time.

With no further discussion, Chairman Siva entertained a motion.

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

1. ADOPT PLANNING COMMISSION RESOLUTION NO. 2013-12 RECOMMENDING APPROVAL OF ORDINANCE 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.

(Motion Carried 5 – 0)

VI. PLANNING COMMISSIONER COMMENTS

Chairman Siva welcomed the new Commissioners Ellis and Shaw and apologized for his absence. Commissioner Ellis commented on the Airport Industrial designation stating there was no real provision for servicing of airport vehicles or equipment and inquired whether or not it could be included which was followed by his request to reopen the public hearing. Chairman Siva motioned to table this item for discussion at the next meeting. Commissioner Ellis motioned which was seconded by Shaw with all other is favor.

VII. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

None.
VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

__________________________
Holly Stuart
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.
Community Development Planning Division
CONDITIONAL USE PERMIT (CUP) #13-8002: 
ESTABLISHING A TRUCK PARTS SALES FACILITY 
LOCATED AT 1300 E. RAMSEY STREET IN THE 
BUSINESS PARK (BP) ZONE.
Surrounding Land Use:

<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>Business Park</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>
Conditions of approval

- Provide onsite parking for customers
- Provide landscaping and irrigation
- Meet use specific standards for Business Park development on Ramsey Street
  - decorative block wall
  - outdoor storage screened
  - time limit on activities 7 am to 7 pm
- Repair broken windows and renew paint on distressed buildings
- Public Works requirement to replace driveways with commercial type drive approaches
- Construct a trash enclosure with recycling bins
COMMUNITY DEVELOPMENT DEPARTMENT

• General/On-Going
  1- Accept
  2- Accept
  3- Accept
  4- Accept
  5- Accept
  6- Accept
  7- Accept
  8- Accept
  9- Accept
  10- Accept
  11- Accept
  12- Accept
  13- Accept

• Use Specific Standards for Business Park Development on Ramsey Street
  14- Accept
  15- This condition does not apply to this project. There are no property lines adjacent to, or across a street or alley from, residential designated properties.
  16- This project proposes a ROD IRON FENCE, 6 feet high in lieu of a concrete block wall. The rod iron fence will provide visual surveillance protection due to trespass and potential break-in, etc.
  17- Accept
  18- Accept
  19- This Condition does not apply to this project. There are no manufacturing activities.
  20- This condition does not apply. There are no manufacturing components.
• **Grading and Drainage**

49-This condition does not apply to this project. This project is existing and no grading anticipated for this site.
50-This condition does not apply to this project. This project is existing and no additional runoff to discharge off site.

• **Fees**

51-Accept
52-Accept

• **Fire Services Requirements**

53-Accept
54-Accept

• **Electric Department Requirement**

55-Accept.
CITY OF BANNING
Planning Commission Report

DATE: October 2, 2013
TO: Planning Commission
FROM: Zai Abu Bakar, Community Development Director

SUBJECT: ZONE TEXT AMENDMENT (ZTA) NO. 13-97504
AMENDING A SECTION OF THE ZONING ORDINANCE
PERTAINING TO WALLS AND FENCES IN THE BUSINESS
PARK ZONING DISTRICT

STAFF RECOMMENDATION

That the Planning Commission takes the following actions:

1. Adopt Planning Commission Resolution No. 2013-13 (Attachment 1) recommending
   approval of Ordinance No. 1470 (Exhibit A) to City Council Amending a Section of the
   Zoning Ordinance Pertaining to Walls and Fences in the Business Park Zoning District.

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.
Use Specific Standards for Business Park Development

Chapter 17.12 of the Zoning Ordinance sets forth the standards for commercial and industrial development within the City and the various commercial and industrial zoning districts. Section 17.12.050 lists use specific standards for certain types of development. Within that section of the code are requirements for Business Park (BP) development both on Ramsey Street and not on Ramsey Street listed as follows:

17.12.050 Use specific standards.

E. Business Park Development on Ramsey Street. Development in the Business Park district which has a property line adjacent to Ramsey Street shall conform to the following criteria:

1. At least 50% of the lineal frontage on Ramsey Street shall be occupied by retail commercial land uses.
2. 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.
3. 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 in #2, above.
4. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.
5. Loading areas and loading docks shall be located on the side of the lot to the greatest extent possible.
6. Manufacturing activities shall be prohibited before 7:00 A.M. or after 7:00 P.M., on Saturdays and Sundays, and legal holidays.
7. 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.
8. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the Design Review application.

F. Business Park Development Not on Ramsey Street. Development in the Business Park district shall conform to the following criteria:

1. 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.
2. 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 in #2, above.
3. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.
4. Loading areas and loading docks shall be located on the side of the lot, away from residentially designated property, to the greatest extent possible.

5. Hours of operation shall be determined during project review.

6. 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.

7. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the Design Review application.

At the regularly scheduled Planning Commission meeting held on August 7, 2013, members of the commission expressed concern that the requirement to place a solid block wall around a project in the Business Park zoning district is too restrictive. It was suggested by members of the Planning Commission to allow iron fencing. Therefore, staff is proposing to amend the Zoning Ordinance to permit other types of walls/fencing as permitted in other places in the Zoning Ordinance in accordance with their request. The specific amendments are proposed as follows:

Amend paragraph 3 of the Use specific standards of Section 17.12.050(F) Business Park Development on Ramsey Street as follows:

3. Walls and fences may be provided in the sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #2, above.

Amend paragraph 2 of the Use specific standards of Section 17.12.050(F) Business Park Development Not on Ramsey Street as follows:

2. Walls and fences may be provided in the sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #1, above.

The wording proposed to amend the code was compared with the existing Zoning Ordinance, Section 17.12.130 Walls and fences of the Commercial and Industrial development standards in order to remain consistent with existing wall/fencing requirements.
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 October 2, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(c) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

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

REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 13-97504:

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 the placement of walls and fences in the Business Park zoning district, it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial 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 other than solid block walls in the Business Park zoning district, 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.

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 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
PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on Friday, September 20, 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:

Zai Abu Bakar
Community Development Director

Attachments:

1. Resolution No. 2013-13
Attachment 1
(Resolution No. 2013-13)
RESOLUTION NO. 2013-13

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BANNING, CALIFORNIA
RECOMMENDING APPROVAL OF ORDINANCE
NO. 1470 TO CITY COUNCIL APPROVING ZONING
TEXT AMENDMENT NO. 13-97504 AMENDING A
SECTION OF THE ZONING ORDINANCE
PERTAINING WALLS AND FENCES IN THE
BUSINESS PARK ZONING DISTRICT

WHEREAS, commercial 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 commercial 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 requested that the Zoning Ordinance regulating Business Park development be amended to allow, not just decorative block walls, but other types of walls and fencing, for example wrought iron fencing, in accordance with the development guidelines of the Zoning Ordinance; 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 20th day of September 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 2nd day of October 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 2nd day of October 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 I. 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 __________, 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 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 Planning Commission. 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 the placement of walls and fences in the Business Park zoning district, it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial 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 other than solid block walls in the Business Park zoning district, 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.

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 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 action:

1. Adopt Planning Commission Resolution No. 2013-13 (Attachment 1) recommending approval of Ordinance No. 1470 (Exhibit A) to City Council Amending a Section of the Zoning Ordinance Pertaining to Walls and Fences in the Business Park Zoning District.
PASSED, APPROVED AND ADOPTED this 2\textsuperscript{nd} day of October, 2013.

Kevin Siva, Chairman  
Banning Planning Commission

ATTEST:

Holly Stuart, Recording Secretary  
City of Banning, California

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-13, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2\textsuperscript{nd} day of October 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary  
City of Banning, California
Exhibit A
(Ordinance No. 1470)
ORDINANCE NO. 1470

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BANNING, CALIFORNIA APPROVING
ZONING TEXT AMENDMENT NO. 13-97504
AMENDING A SECTION OF THE ZONING
ORDINANCE PERTAINING TO WALLS AND
FENCES IN THE BUSINESS PARK ZONING
DISTRICT

WHEREAS, commercial 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 commercial and 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 requested that the Zoning Ordinance regulating Business Park development be amended to allow, not just decorative block walls, but other types of walls and fencing, for example wrought iron fencing, in accordance with the development guidelines of the Zoning Ordinance; and

WHEREAS, the City Council desires to respond to the concerns of its citizens including the Planning Commission regarding improving the development guidelines of the Zoning Ordinance to encourage commercial 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 proposing to amend the Zoning Ordinance specifically pertaining to the placement of decorative block walls in the Business Park zoning district; 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 at its regularly scheduled meeting held October 2, 2013, recommended adoption of Ordinance No. 1470 amending the Zoning Ordinance at various places by approving Planning Commission Resolution No. 2013-13 as stated in writing; and

WHEREAS, on the 20th day of September, 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 ______th 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. 13-97504; and

WHEREAS, at this public hearing on the ______th 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 ______th 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):

   CBQA: 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 the placement of walls and fences in the Business Park zoning district, it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial 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 other than solid block walls in the Business Park zoning district, 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.

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 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 paragraph 3 of the Use specific standards of Section 17.12.050(E) Business Park Development on Ramsey Street as follows:

3. Walls and fences may be provided in the sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the
walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #2, above.

SECTION 4. Amend paragraph 2 of the Use specific standards of Section 17.12.050(F) Business Park Development Not on Ramsey Street as follows:

2. Walls and fences may be provided in the sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #1, above.

SECTION 5. 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 6. 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

ATTEST:

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

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1470 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
City of Banning

PLANNING COMMISSION MINUTES

August 7, 2013

A regular meeting of the City of Banning Planning Commission was held on Wednesday, August 7, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Siva
Commissioner Barsh
Commissioner Ellis
Commissioner Hawkins
Commissioner Shaw

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

I. CALL TO ORDER

II. PLANNING COMMISSION VICE CHAIR APPOINTMENT AND REORGANIZATION

Vice-Chair Nomination

ACTION (SHAW/BARSH): Ellis was nominated for Vice-Chair person. A motion was moved, seconded and all were in favor.

III. PUBLIC COMMENTS

Jeff Ray, 981 E. Charles Street: Requesting that his property be changed from Industrial to residential zoning.

Susan Savolainen, 1610 West Barbour Street: Stated there will be much contribution from the community when the next Housing Element is processed.
IV. CONSENT CALENDAR

1. Minutes of June 5, 2013

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

(Motion carried 4-0) (Chairman Siva abstained)


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

(Motion carried 4-0) (Chairman Siva abstained)

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

The Associate Planner Guillot presented the staff report and briefly introduced the applicant's request stating that approval is being requested to establish a motor vehicle parts sales office and warehouse for the purpose of commercial truck part sales. The request also includes utilizing a former residence in connection with the use as an employee lounge and meeting room. This is in the City’s Business Park (BP) zoning district which requires a special set of development standards that just apply to development in the Business Park zoning district on Ramsey Street which is why there are conditions that might not normally be imposed on a project. The Associate Planner proceeded with the PowerPoint as attached hereto by reference. Mr. Guillot acknowledged that the business has been at this location since 2005 and stated that the applicant was required to obtain a conditional use permit (CUP) which was submitted in 2005. Due to the fact that the applicant was unresponsive to the items needed by the City the application was considered abandoned. Since, the City has been working with the applicant to accomplish this CUP which is a requirement of the City’s municipal code, as well as, attempted to resolve other code enforcement issues. The applicant revised the application to not perform truck repair at this location because it would require more capital improvements to the site. This portion of their services has been moved to another property within the City. The CUP represents part sales only.
Commissioner Siva confirmed that the use will be for semi-truck parts sales only with no truck repair services. Mr. Guillot confirmed and stated services will be provided at an alternative local facility. Mr. Ruben Cruz confirmed the truck repair services will be provided at his facility located on Lincoln Street.

Chairman Siva opened the public hearing.

Rick Pippenger, Banning Resident: Conveyed his message stating that the City is not business friendly.

Susan Savolainen, 1610 West Barbour Street: Supported Mr. Cruz.

Inga Schuler, Banning Resident: Conveyed her message stating the City needs to make it easier to allow businesses to establish and for the creation of jobs.

Seeing that there were no further comments, Chairman Siva closed the public hearing.

Discussion continued between the Commissioners, staff, Mr. Cruz and his engineering consultant of W.M. Murray & Associates regarding when the business was established, the properties original zoning and from where their business in drawn. Discussion proceeded regarding the business operations and the hours of operation. There was also conversation related to tire sales and the businesses' sign. The conditions of approval were also debated related to the decorative block wall requirement. Director Abu Bakar addressed the municipal code and General Plan and their high standards that were adopted in 2006 stating the City has worked with the attorney and adjusted condition 16 to accept that if the City should within the next six months amend its ordinance regarding decorative block walls and the height, then the applicant would be able to fulfill this condition by meeting the amended code standard. It is staff intentions to bring this amendment back to the Planning Commission within the next couple of months after proper noticing. Further dialogue commenced regarding conditions related to the commercial driveway approach; parking; rights-of-way dedication and easements; a reduce pressure principal valve; sewer check valve; treatment device for storm water runoff prior to the discharge off of site; and landscaping. W. M. Murray provided a written response to the Commission and staff addressing the conditions which is attached hereto. As it related to the conversation, Public Works staff also provided a picture regarding the broken driveway at Cruz Tires attached hereto by reference and W.M. Murray confirmed that the business will address this by working with the City Engineer to engineer a solution. W.M. Murray stated that the amount of funds necessary for increasing the length of the driveway approach and constructing two approaches will be significant and proposed bonding for the required improvements along the street.

Chairman Siva entertained a motion.
ACTION (BARSH/ SHAW): A motion was moved, seconded and carried that the Planning Commission take the following action:

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 NO. 13-8002 SUBJECT TO CONDITIONS OF APPROVAL WITH AMENDMENTS TO INCORPORATE LANGUAGE RELATED TO THE POTENTIAL FUTURE ADOPTED OF WALL STANDARDS; AMEND CONDITION 40 TO REFLECT FULLFILLMENT VIA AN OFFER OF DEDICATION; AMEND CONDITION 50 ALLOWING RUN OFF DISCHARGE TO BE RESOLVED THROUGH LANDSCAPING.

(Motion Carried 4 – 1) (Ellis voted against this item)

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

The Associate Planner Brian Guillot stated that the purpose of Ordinance No. 1469 is to make minor adjustments to the zoning ordinance to encourage and facilitate commercial and government development. Staff is proposing to accomplish this through three fields including permitting mixed use development in the Airport Industrial zoning district with the approval of a conditional use permit. Such projects will be brought before the Planning Commission to ensure compatibility with surrounding uses. Staff is proposing to change the zone text from prohibited to conditionally permitted in the Airport Industrial zoning district. The second item is security fencing in commercial zones. Currently the zoning code limits fence height with no flexibility. At times in commercial zones someone might want a higher security fence. Without flexibility and with the current incorporation of the word “shall” opposed to “may”, there is nothing staff can do to address or alter the requirement. Staff proposes to amend the code stating “may” provide additional height for security fence only, decorative fencing would not apply, screening fencing would not apply, only security fencing. There will have to be a reason for someone to bring an application forward to ask for additional height. The application that will be asked for is a simple and is called “Technical Staff Review” which is very similar to a building permit application. The request would be drawn out in a plan and circulated to various departments for comments. The Director would have to approve it, or approve it with comments or not approve it. The third item that is being considered is government office use in our Downtown Commercial and Business Park zoning district. Currently government offices are prohibited but...
there has been increased interest with the courthouse and the County of Riverside in these districts. To encourage development in these areas staff is proposing amending the zoning text to permit this use.

Chairman Siva opened the public hearing. Seeing that there were no comments the public hearing was closed. The floor was opened to Planning Commission and discussion clarifying that the proposal was to provide more flexibility in the code through conditional use permits and technical staff reviews allowing the City to accommodate business interests. Loft housing and fencing were further discussed at this time.

With no further discussion, Chairman Siva entertained a motion.

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

1. ADOPT PLANNING COMMISSION RESOLUTION NO. 2013-12 RECOMMENDING APPROVAL OF ORDINANCE 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.

(Motion Carried 5 – 0)

VI. PLANNING COMMISSIONER COMMENTS

Chairman Siva welcomed the new Commissioners Ellis and Shaw and apologized for his absence. Commissioner Ellis commented on the Airport Industrial designation stating there was no real provision for servicing of airport vehicles or equipment and inquired whether or not it could be included which was followed by his request to reopen the public hearing. Chairman Siva motioned to table this item for discussion at the next meeting. Commissioner Ellis motioned which was seconded by Shaw with all other is favor.

VII. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

None.
VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

__________________________
Holly Stuart
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK’S OFFICE.
CONDITIONAL USE PERMIT (CUP) #13-8002:
ESTABLISHING A TRUCK PARTS SALES FACILITY
LOCATED AT 1300 E. RAMSEY STREET IN THE
BUSINESS PARK (BP) ZONE.
Conditions of approval

- Provide onsite parking for customers
- Provide landscaping and irrigation
- Meet use specific standards for Business Park development on Ramsey Street
  - decorative block wall
  - outdoor storage screened
  - time limit on activities 7 am to 7 pm
- Repair broken windows and renew paint on distressed buildings
- Public Works requirement to replace driveways with commercial type drive approaches
- Construct a trash enclosure with recycling bins
WM. MURRAY & ASSOCIATES, INC.
Post Office Box 830
49630 Paradise Avenue
Morongo Valley, California 92256-0830
(760) 363-3363 *(888) 803-3363
e-mail: wma4309@earthlink.net

CONDITIONAL USE PERMIT NO. 13-8002
CONDITIONS OF APPROVAL
1300 RAMSEY STREET (APN 541-210-003)
AUGUST 7, 2013

APPLICANT RESPONSE TO CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT DEPARTMENT

- General/On-Going
  1- Accept
  2- Accept
  3- Accept
  4- Accept
  5- Accept
  6- Accept
  7- Accept
  8- Accept
  9- Accept
  10- Accept
  11- Accept
  12- Accept
  13- Accept

- Use Specific Standards for Business Park Development on Ramsey Street
  14- Accept
  15- This condition does not apply to this project. There are no property lines adjacent to, or across a street or alley from, residential designated properties.
  16- This project proposes a ROD IRON FENCE, 6 feet high in lieu of a concrete block wall. The rod iron fence will provide visual surveillance protection due to trespass and potential break-in, etc.
  17- Accept
  18- Accept
  19- This Condition does not apply to this project. There are no manufacturing activities.
  20- This condition does not apply. There are no manufacturing components.
• Grading and Drainage

49-This condition does not apply to this project. This project is existing and no grading
Anticipated for this site.
50-This condition does not apply to this project. This project is existing and no additional
Runoff to discharge off site.

• Fees

51-Accept
52-Accept

• Fire Services Requirements

53-Accept
54-Accept

• Electric Department Requirement

55-Accept.
CITY OF BANNING
Planning Commission Report

DATE: October 2, 2013
TO: Planning Commission
FROM: Zai Abu Bakar, Community Development Director
SUBJECT: ZONE TEXT AMENDMENT (ZTA) NO. 13-97504
AMENDING A SECTION OF THE ZONING ORDINANCE
PERTAINING TO WALLS AND FENCES IN THE BUSINESS
PARK ZONING DISTRICT

STAFF RECOMMENDATION

That the Planning Commission takes the following actions:

1. Adopt Planning Commission Resolution No. 2013-13 (Attachment 1) recommending
   approval of Ordinance No. 1470 (Exhibit A) to City Council Amending a Section of the
   Zoning Ordinance Pertaining to Walls and Fences in the Business Park Zoning District.

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.
Use Specific Standards for Business Park Development

Chapter 17.12 of the Zoning Ordinance sets forth the standards for commercial and industrial development within the City and the various commercial and industrial zoning districts. Section 17.12.050 lists use specific standards for certain types of development. Within that section of the code are requirements for Business Park (BP) development both on Ramsey Street and not on Ramsey Street listed as follows:

17.12.050 Use specific standards.

E. Business Park Development on Ramsey Street. Development in the Business Park district which has a property line adjacent to Ramsey Street shall conform to the following criteria:

1. At least 50% of the lineal frontage on Ramsey Street shall be occupied by retail commercial land uses.
2. 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.
3. 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 in #2, above.
4. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.
5. Loading areas and loading docks shall be located on the side of the lot to the greatest extent possible.
6. Manufacturing activities shall be prohibited before 7:00 A.M. or after 7:00 P.M., on Saturdays and Sundays, and legal holidays.
7. 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.
8. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the Design Review application.

F. Business Park Development Not on Ramsey Street. Development in the Business Park district shall conform to the following criteria:

1. 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.
2. 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 in #2, above.
3. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.
4. Loading areas and loading docks shall be located on the side of the lot, away from residentially designated property, to the greatest extent possible.
5. Hours of operation shall be determined during project review.
6. 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.
7. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the Design Review application.

At the regularly scheduled Planning Commission meeting held on August 7, 2013, members of the commission expressed concern that the requirement to place a solid block wall around a project in the Business Park zoning district is too restrictive. It was suggested by members of the Planning Commission to allow iron fencing. Therefore, staff is proposing to amend the Zoning Ordinance to permit other types of walls/fencing as permitted in other places in the Zoning Ordinance in accordance with their request. The specific amendments are proposed as follows:

Amend paragraph 3 of the Use specific standards of Section 17.12.050(E) Business Park Development on Ramsey Street as follows:

3. Walls and fences may be provided in the sides and rear yards. Walls, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #2, above.

Amend paragraph 2 of the Use specific standards of Section 17.12.050(F) Business Park Development Not on Ramsey Street as follows:

2. Walls and fences may be provided in the sides and rear yards. Walls, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #1, above.

The wording proposed to amend the code was compared with the existing Zoning Ordinance, Section 17.12.130 Walls and fences of the Commercial and Industrial development standards in order to remain consistent with existing wall/fencing requirements.
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 October 2, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(c) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

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

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

**REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 13-97504:**

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 the placement of walls and fences in the Business Park zoning district, it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial 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 other than solid block walls in the Business Park zoning district, 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.

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 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
PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on Friday, September 20, 2013. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared by:
[Signature]
Brian Guillot
Associate Planner

Approved by:
[Signature]
Zai Abu Bakar
Community Development Director

Attachments:

1. Resolution No. 2013-13
Attachment 1
(Resolution No. 2013-13)
RESOLUTION NO. 2013-13

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BANNING, CALIFORNIA
RECOMMENDING APPROVAL OF ORDINANCE
NO. 1470 TO CITY COUNCIL APPROVING ZONING
TEXT AMENDMENT NO. 13-97504 AMENDING A
SECTION OF THE ZONING ORDINANCE
PERTAINING WALLS AND FENCES IN THE
BUSINESS PARK ZONING DISTRICT

WHEREAS, commercial 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 commercial 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 requested that the Zoning Ordinance regulating Business Park development be amended to allow, not just decorative block walls, but other types of walls and fencing, for example wrought iron fencing, in accordance with the development guidelines of the Zoning Ordinance; 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 20th day of September 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 2nd day of October 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 2nd day of October 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 ______________, 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 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 Planning Commission. 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 the placement of walls and fences in the Business Park zoning district, it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial 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 other than solid block walls in the Business Park zoning district, 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.

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 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 action:

1. Adopt Planning Commission Resolution No. 2013-13 (Attachment 1) recommending approval of Ordinance No. 1470 (Exhibit A) to City Council Amending a Section of the Zoning Ordinance Pertaining to Walls and Fences in the Business Park Zoning District.
PASSED, APPROVED AND ADOPTED this 2\textsuperscript{nd} day of October, 2013.

Kevin Siva, Chairman
Banning Planning Commission

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-13, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2\textsuperscript{nd} day of October 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
Exhibit A
(Ordinance No. 1470)
ORDINANCE NO. 1470

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BANNING, CALIFORNIA APPROVING
ZONING TEXT AMENDMENT NO. 13-97504
AMENDING A SECTION OF THE ZONING
ORDINANCE PERTAINING TO WALLS AND
FENCES IN THE BUSINESS PARK ZONING
DISTRICT

WHEREAS, commercial 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 commercial and 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 "Complimentary 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 requested that the Zoning Ordinance
regulating Business Park development be amended to allow, not just decorative block
walls, but other types of walls and fencing, for example wrought iron fencing, in
accordance with the development guidelines of the Zoning Ordinance; and

WHEREAS, the City Council desires to respond to the concerns of its citizens
including the Planning Commission regarding improving the development guidelines of
the Zoning Ordinance to encourage commercial 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 proposing to amend the Zoning Ordinance
specifically pertaining to the placement of decorative block walls in the Business Park
zoning district; 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 at its regularly scheduled meeting held October 2, 2013, recommended adoption of Ordinance No. 1470 amending the Zoning Ordinance at various places by approving Planning Commission Resolution No. 2013-13 as stated in writing; and

WHEREAS, on the 20th day of September, 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 ______ th 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. 13-97504; and

WHEREAS, at this public hearing on the ______ th 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 ______ th 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(c) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

CEQA: The 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 the placement of walls and fences in the Business Park zoning district, it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial 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 other than solid block walls in the Business Park zoning district, 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.

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 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 paragraph 3 of the Use specific standards of Section 17.12.050(E) Business Park Development on Ramsey Street as follows:

3. Walls and fences may be provided in the sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the
walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #2, above.

SECTION 4. Amend paragraph 2 of the Use specific standards of Section 17.12.050(F) Business Park Development Not on Ramsey Street as follows:

2. Walls and fences may be provided in the sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to the match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in #1, above.

SECTION 5. 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 6. 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

ATTEST:

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

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1470 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _____ in 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