

ORDINANCE NO. 1397

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #08-2501 AND ZONE CHANGE #08-3501 TO AMEND THE GENERAL PLAN LAND USE MAP AND ZONING MAP FROM INDUSTRIAL (I) TO GENERAL COMMERCIAL (GC) FOR THE PROPERTIES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SAN GORGONIO AVENUE AND LINCOLN STREET. (APN 540-250-008 & 061).

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

WHEREAS, the Municipal Code allows for Zoning/General Plan Map Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, an application for a General Plan Amendment and Zone Change to change the land use and zoning from Industrial (I) to General Commercial (GC) has been duly filed by:

Applicant / Owner:	San G Konsolidated and Robert W. Crawley
Authorized Agent:	Darwin Manuel
Project Location:	SWC of Lincoln and San Gorgonio Avenue
APN Number:	APN 540-250-008 & 061
Lot Area:	3.75 acres and .74 acres

WHEREAS, in accordance with Government Code § 65854, on July 25, 2008 the City gave public notice by advertisement in the Record Gazette Newspaper and by mailing public notices to property owners within a 300 foot radius, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on August 5, 2008 the Planning Commission held the noticed public hearings at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Change and at which the Planning Commission considered the GPA / Zone Change; and

WHEREAS, at this public hearing the Planning Commission considered, heard public comments on, and on August 5, 2008 adopted Resolution No. 2008-16 recommending approval of the proposed zone change; and

WHEREAS, in accordance with Government Code § 65854, on August 29, 2008 the City gave public notice by advertisement in the Record Gazette and by mailing public notices to

property owners within a 300 foot radius, of the holding of a public hearing at which the project would be considered by the City Council; and

WHEREAS, on September 9, 2008 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the GPA / Zone Change and at which the City Council considered the Zone Change; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES RESOLVE, DETERMINE, FIND AND ORDER 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 and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated September 9, 2008 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA: Upon submittal of the applications, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff determined that the project is Categorically Exempt under Section 15332 (Class 32, (In-fill Development) of CEQA. The proposed project as approved will be consistent with the General Plan and Zoning Ordinance, the parcel is smaller than five acres, the project site has no value as habitat for endangered, rare or threatened species, the project will not have a significant effect upon the environment and the site can adequately be served by utilities and public services.

2. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fees paid for by developer of the property when that land is developed.

SECTION 2. REQUIRED GENERAL PLAN AMENDMENT FINDINGS.

Pursuant to Banning Municipal Code Section 17.44.010, the City Council makes the following findings pertaining to GPA #08-2501 and Zone Change #08-3501:

1. The proposed amendment is internally consistent with the General Plan in that the proposed land use designation will not cause any inconsistencies with the other elements of the General Plan.
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the proposed land use designation from Industrial (I) to General Commercial (GC) will create new commercial/retail opportunities for the industrial and residential neighborhoods south of the I-10 freeway that do not currently exist. These new commercial and

retail opportunities will certainly result in increased sales tax revenues to the City's general fund (an important factor given the economic status of the region)

3. The proposed amendment will maintain the appropriate balance of land uses within the City in that this project proposes to change the general plan land use designation from Industrial (I) to General Commercial (GC). This amendment will maintain appropriate balance of land uses within the City because there is a limited number of parcels in the southern section of the City that have land use designations that will encourage and promote commercial/retail development for Banning residents.
4. The subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designation and the anticipated land use developments. The project proposes to change the land use element of the general plan from Industrial (I) to General Commercial (GC) and the area where the site is located will be adequately served by utilities, will have proper access per City code, and will be compatible with the surrounding uses.

SECTION 3. REQUIRED ZONE CHANGE FINDINGS

Pursuant to Banning Municipal Code, the City Council makes the following findings pertaining to Zone Change No. 08-3501 a zoning change from Industrial (I) to General Commercial (GC):

1. The proposed zone change is consistent with the goals and policies of the General Plan.

The property is located in the Industrial Zone on the southwest corner of Lincoln Street and San Gorgonio Avenue. This area is made up of a variety of land uses including single family neighborhoods to the south, industrial uses to the east and west and commercial uses to the north. The proposed zone change supports the General Plan Vision Statement that includes: "Well balanced commercial development where revenue generating commercial neighborhoods provides a diversified economy and a wide range of jobs, where people can work without needing their cars and where revitalization and beautification provide a safe and enjoyable shopping experience for visitors and residents alike."

Furthermore, Policy 1 of the Commercial and Industrial Goals, Policies and Programs states that: "*The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region while carefully considering compatibility with adjacent residential lands*". The proposed zone change is on parcels that are on the boundary of a residential neighborhood and on a street that straddles the transition area between industrial and residential uses. A commercial/retail development at this corner would be a compatible transitional use, as well as, would serve as both a buffer and a gateway between

commercial uses to the north on San Gorgonio Avenue, industrial uses along Lincoln Street east and west of the site and residential uses to the south.

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

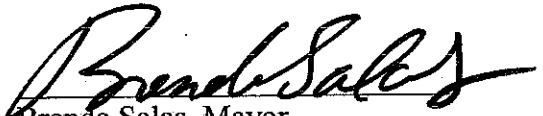
Changing the zone from Industrial to General Commercial will not cause any internal inconsistencies with the Zoning Ordinance. Because the uses allowed in commercial zones are generally compatible with the surrounding industrial and residential uses and provides a transition between the less intense residential zone and the industrial properties. Furthermore, the land is located in an urbanized environment and City water, sewer and other services are existing and available to serve the site. Lincoln Street is a major highway and is adequately designed to carry the traffic generated by the zoning type. Thus, the proposed project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards.

SECTION 4. CITY COUNCIL ACTION.

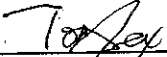
The City Council hereby takes the following actions:

1. **Notice of Exemption.** In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the City Council hereby approves that General Plan Amendment No. 08-2501 and Zone Change No. 08-3501 for a land use and zoning change from Industrial (I) to General Commercial (GC) is Categorically Exempt from CEQA as outlined in Section 15332 (In-fill Projects).
2. **Approve General Plan Amendment No. 08-2501.** Approve General Plan Amendment No. 08-2501 changing the land use from Industrial (I) to General Commercial (GC) as shown in Exhibit A of this Resolution which is attached hereto and incorporated herein by reference.
3. **Approve Zone Change No. 08-3501.** Approve Zone Change No. 08-3501 changing the zoning from Industrial (I) to General Commercial (GC) as described and shown in Exhibit B of this Resolution which is attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2008.


Brenda Salas, Mayor
City of Banning

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



Burke, Williams & Sorensen, LLP
City Attorney

ATTEST:



Marie A. Calderon, City Clerk

CERTIFICATION:


I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1397 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9th day of September, 2008, and was duly adopted at a regular meeting of said City Council on the 23rd day of September, 2008 by the following vote, to wit:

AYES: Councilmembers Botts, Franklin, Hanna, Machisic, Mayor Salas

NOES: None

ABSENT: None

ABSTAIN: None



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