

**ORDINANCE NO. 1398**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #08-2502 AND ZONE CHANGE #08-3503 TO AMEND THE GENERAL PLAN LAND USE MAP AND ZONING MAP FROM GENERAL COMMERCIAL (GC) TO BUSINESS PARK (BP) FOR THE PROPERTY LOCATED AT 2909 W. LINCOLN STREET (APN 538-190-015).**

**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 General Commercial (GC) to Business Park (BP) has been duly filed by:

Applicant / Owner:	Banning Storage LLC
Authorized Agent:	Gene Taylor
Project Location:	2909 W. Lincoln Street
APN Number:	APN 538-190-015
Lot Area:	8.21 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. 2008-17 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: The Approval of this General Plan Amendment is in compliance with the requirements of the California Environmental Quality Act (CEQA) in that General Plan Amendment No. 08-2502 and Zone Change No. 08-3503 for a land use and zoning change from General Commercial (GC) to Business Park (BP) is Categorically Exempt from CEQA as outlined in Section 15061(b)(3) in that it is consistent with all applicable General Plan polices and that there is no potential that the GPA/ZC will result any significant effects on the environment until development is proposed for the site, at which time an initial study will be required. As such, the project meets the criteria for exemption under the CEQA Guidelines.

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 the Banning Municipal Code, the City Council makes the following findings pertaining to General Plan Amendment No. 08-2502 for a land use change from General Commercial (GC) to Business Park (BP):

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 general plan land use designation from General Commercial (GC) to Business Park (BP) will not be detrimental to the public interest, health, safety, convenience or welfare because the existing uses within the business park complex are very light industrial uses that have existed for 20 years. Further, with the non-conforming status being

resolved through approval of the land use designation change, the property owner will be able to secure new financing to physically and architecturally upgrade and improve the site.

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 General Commercial (GC) to Business Park (BP). This amendment will maintain appropriate balance of land uses within the City because the site is only 8.2 acres in size and there are adequate sites available in the City for additional General Commercial zoning opportunities. This will still enable the City to promote and encourage commercial/retail development for Banning residents that will bring in sales tax revenues.
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 General Commercial (GC) to Business Park (BP) 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. 08-3503, a zoning change from General Commercial (GC) to Business Park (BP):

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

The proposed Amendment is consistent with the goals and policies of the general plan because the property is located in the General Commercial Zone of the General Plan at 2909 W. Lincoln Street. This area is made up of a variety of land uses including single family development on the south, General Commercial zoned land to the west General Commercial to the east and the Union Pacific Rail Road tracks to the north. Policy 1 of the Commercial and Industrial Goals, Policies and Programs is: "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 Business Park designation allows for a broad range of products and services.

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

Changing the zone from General Commercial to Business Park is internally consistent with the Zoning Ordinance because the uses allowed in Business Park zones are generally compatible with the existing and surrounding

industrial/business park and residential uses. 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. 08-2502 and Zone Change No. 08-3503 for a land use and zoning change from General Commercial (GC) to Business Park (BP) is Categorically Exempt from CEQA in that there is no potential that the GPA/ZC will result any significant effects on the environment until development is proposed for the sites, at which time an initial study will be required.
2. **Approve General Plan Amendment No. 08-2502.** Approve General Plan Amendment No. 08-2502 changing the land use from General Commercial (GC) to Business Park (BP) as shown in Exhibit A of this Resolution which is attached hereto and incorporated herein by reference.
3. **Approve Zone Change No. 08-3503.** Approve Zone Change No. 08-3503 changing the zoning from General Commercial (GC) to Business Park (BP) 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  
City of Banning

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1398 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9<sup>th</sup> 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