



City of Banning

Community Development Department

NOTICE OF PLANNING COMMISSION PUBLIC HEARING TO CONSIDER THE FOLLOWING: (1) A NOTICE OF EXEMPTION, (2) A GENERAL PLAN AMENDMENT (GPA 23-2501), (3) AN AMENDMENT TO THE OFFICIAL ZONING MAP (ZC 23-3501), PROPOSING A CHANGE TO THE LAND USE AND ZONING FOR A 1.74-ACRE PROPERTY, LOCATED AT 725 SUNRISE AVENUE, FROM LOW DENSITY RESIDENTIAL (0-5 DU/AC) TO PUBLIC FACILITIES-GOVERNMENT (PF-G) TO ACCOMMODATE A FUTURE ABOVE-GROUND POTABLE WATER RESERVOIR, OWNED AND OPERATED BY THE CITY OF BANNING.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, May 3, 2023, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, and by video conference call, to consider the Notice of Exemption (NOE), General Plan Amendment 23-2501 and Zone Change (ZC) 23-3501, collectively proposed as (a) General Plan Amendment (GPA 23-2501), changing the existing land use designation from Low Density Residential (LDR) to Public Facilities-Government (PF-G), (b) amending the zoning district classification from Low Density Residential (LDR) to Public Facilities-Government (PF-G), for a 1.74-acre parcel (APN: 538-040-006) to accommodate a future above-ground potable water reservoir, owned and operated by the City of Banning.

Environmental Review: Planning Division staff finds and determined that the proposed General Plan Amendment and Zone Map Change, as set forth in Exhibit B to this Resolution, (the "Amendments") are not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3), because the proposed Amendments are not a project as defined by CEQA Guidelines Section 15378. Adoption of land use and zoning changes does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to General Plan Amendment 23-2501 and Zone Change 23-3501 will require CEQA review and will be analyzed at the appropriate time in accordance with CEQA.

The Planning Division staff further find and determine that Amendments are exempt from review under CEQA and State CEQA Guidelines Section 15061(b)(1) which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code Section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in the construction and operation of a public facility. Pursuant to that exemption, Title 17 of the Banning Municipal Code provides that a Design Review application for a new potable water reservoir facility will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, Design Review applications, for a proposed potable water reservoir, are subject to discretionary review by the Planning Commission.

The Planning Commission has reviewed staff's determinations of exemption from CEQA and hereby recommends that the City Council, based on its own independent judgement, concur with staff's determination of exemption.

To observe and participate in the online video portion of the meeting, through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/89561454841?pwd=QmhOcDYzb0t0NDYvejZhNUo0R01LZz09>

Meeting ID: 895 6145 4841

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3100

Passcode: 092220
Dial in: +1 669 900 9128 US

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: <https://banninglive.viebit.com> or on the Banning Government Channel on Cable Television

Information regarding the Project can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125 or by emailing the Department at CommunityDev@banningca.gov.

All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing by accessing the videoconference or by sending their written comments by email to scalderon@banningca.gov or by mail to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, Banning, California 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission Recording Secretary prior to, at, or during the time the City Council acts on the proposed Project; or, you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the hearing (Cal. Gov. Code, § 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam Rush, M.A., AICP
Community Development Director

Dated: April 18, 2023
Publish: April 21, 2023