

ORDINANCE NO. 1385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING GENERAL PLAN / ZONING MAP AMENDMENT #07-2502 TO CHANGE THE ZONING CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO PROFESSIONAL OFFICE AT 935 E. WILLIAMS STREET/APN 541-121-022.

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 Zoning/General Plan Map Amendment to change the zoning from Low Density Residential to Professional Office has been duly filed by:

Applicant / Owner:	VicSeth Construction
Authorized Agent:	Elena Labastida
Project Location:	935 E. Williams Street
APN Number:	APN 541-121-022
Lot Area:	4.6 acres

WHEREAS, in accordance with Government Code § 65854, on November 16, 2007 the City gave public notice by advertisement in the Press Enterprise 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 December 4, 2007 and January 2, 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 these public hearings the Planning Commission considered, heard public comments on, and on January 2, 2008 adopted Resolution No. 2008-01 recommending denial of the proposed zone change; and

WHEREAS, in accordance with Government Code § 65854, on January 11, 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 January 22, 2008 and February 12, 2008 the City Council held the noticed public hearings 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 January 22, and February 12, 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 requirements of the California Environmental Quality Act ("CEQA"), in that on February 12, 2008, at a duly noticed public hearing, the City Council approved and adopted a Negative Declaration reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City's environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

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 ZONE CHANGE FINDINGS.

Pursuant to Banning Municipal Code Section 17.44.010, the City Council makes the following findings pertaining to GPA / Zone Change No. 07-2502:

Finding #1: The proposed Amendment is consistent with the goals and policies of the general plan.

Fact: The property is located at 935 Williams Street, in the Low Density Zone of the General Plan. The property is bound by Williams Street on the south, Nicolet Street on the north, is west of Phillips Street and is approximately 330 feet east of Hargrave Street. This area is made up of a variety of land uses. There are office and commercial uses to the south of Williams Street, there are single family and multifamily developments on the north, east and west and, therefore, the proposed zone change supports the City's Vision Statement that includes: "We see well-balanced commercial development, where revenue generating commercial neighborhoods provide a diversified economy and a wide range of

jobs, where people can live and work without needing their cars... ". The introduction of the low impact uses that are permitted in the Professional Office Zone will provide jobs and much needed services close to home, in an office complex designed to be architecturally low key and residential in character.

One of the Land Use Element's areas of focus for development opportunities is the use of neighborhood plans as an opportunity to revitalize neighborhoods, to enhance their character and identity and to create a livable city. The Zone Change is for a parcel that lies on the boundary of a Low-Density Residential neighborhood; is on a street that straddles the transition between commercial and residential uses; therefore the low impact uses that are permitted in the Professional Office Zone can provide not only jobs and much needed services close to home, but can serve as a transitional buffer between the more intense uses located along Ramsey Street, while revitalizing a blighted neighborhood by setting the tone for an upgraded neighborhood aesthetic.

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

Fact: Changing the zone from Low Density Residential to Professional Office is internally consistent with the Zoning Ordinance, because the uses included for Professional Office zoning in the permitted uses matrix of the Zoning Ordinance are suitable for within residential neighborhoods as evidenced by the successful co-existence of similar neighborhood offices located in older, established neighborhoods throughout the country. Moreover, through the conditional use permit and design review processes provided for in the Zoning Ordinance, the site can be designed and conditioned to ensure neighborhood compatibility.

SECTION 3. CITY COUNCIL ACTION.

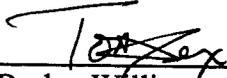
The City Council hereby takes the following actions:

Approve GPA / Zone Change No. 07-2502 changing the General Plan and Zoning Map from Low Density Residential to Professional Office as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 5th day of March, 2008.


Brenda Salas, Mayor
City of Banning

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



Burke, Williams & Sorensen, LLP

Dep. 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. 1385 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 12th day of February, 2008, and was duly adopted at a special meeting of said City Council on the 5th day of March, 2008 by the following vote, to wit:

AYES: Councilmembers Botts, Hanna, Mayor Salas

NOES: Councilmembers Franklin, Machisic

ABSENT: None

ABSTAIN: None



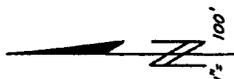
Marie A. Calderon, City Clerk
City of Banning, California

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T.C.A. 100

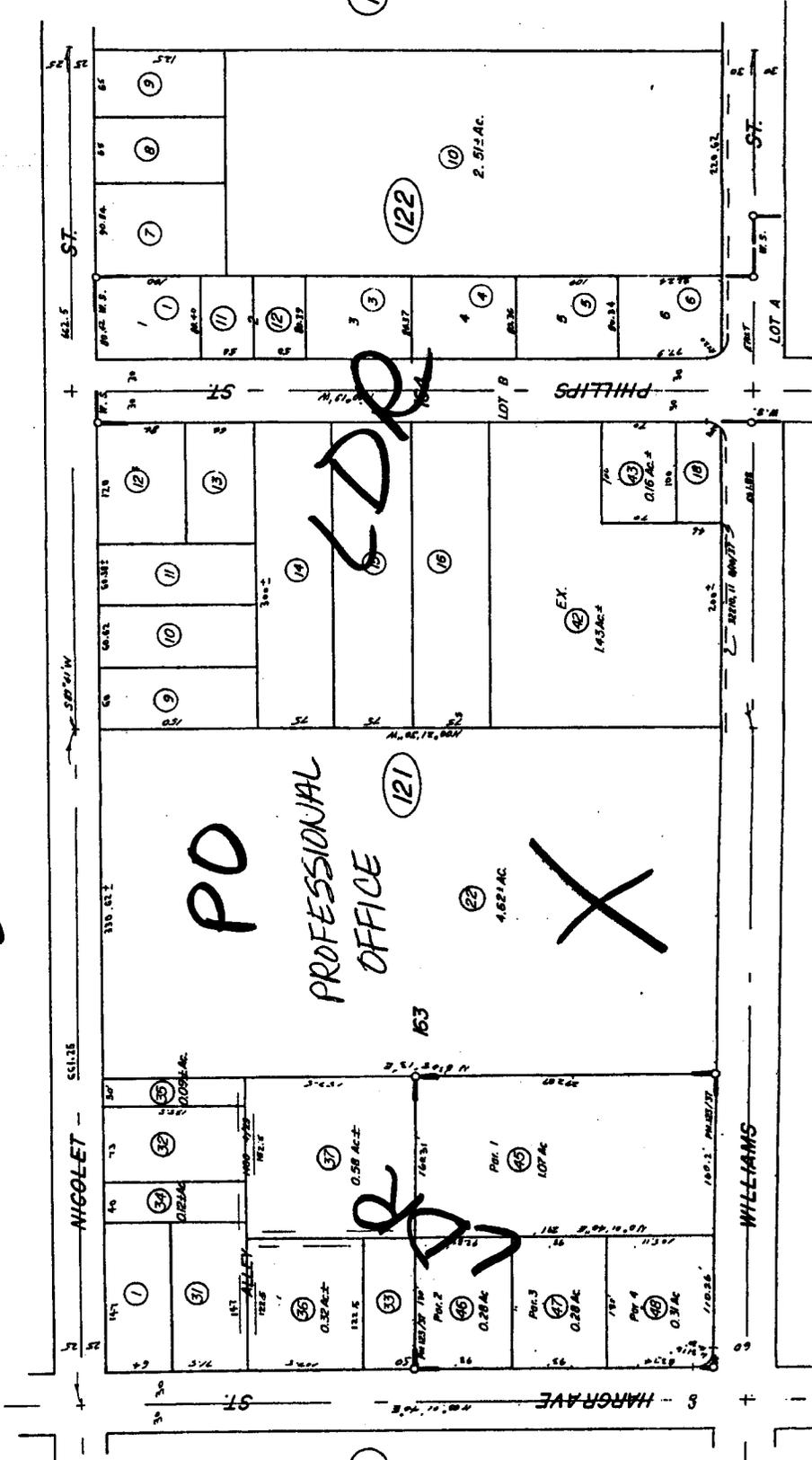
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LDR 8



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5/97	5/98	5/99	5/100

EXHIBIT "A"



M.B. 5/186 RIV. Banning Colony Lands (Part of)
 M.B. 3/149 S.D.
 M.B. 18/7
 P.M. 123/37-38 Parcel Map No. 17889

BP 16

ASSESSOR'S MAP BK. 541 PG. 12 RIVERSIDE COUNTY, CALIF. 8.

SEPT. 1969