

RESOLUTION NO. 2008-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT NO. 07-2503 TO DELETE PORTER STREET BETWEEN SUNSET AVENUE AND 22ND STREET FROM THE GENERAL PLAN STREET SYSTEM.

WHEREAS, an application for General Plan Amendment No. 07-2503 to delete Porter Street between Sunset Avenue and 22nd Street from the General Plan street system has been duly filed by:

Applicant / Owner:	City of Banning
Authorized Agent:	City wide
Project Location:	Porter Street between Sunset Avenue and 22 nd Street

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council on General Plan Amendment No. 07-2503 for a change in the General Plan Street System to delete Porter Street between Sunset Avenue and 22nd Street.

WHEREAS, in accordance with Government Code Sections 65353, 65355 and 65090, on November 16, 2007 the City gave public notice by advertisement in the Press Enterprise Newspaper of the holding of a public hearing at which the General Plan Amendment would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Section 65353, on December 4, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and at which the Planning Commission considered the General Plan Amendment; and

WHEREAS, at that public hearing on December 4, 2007 the Planning Commission considered, heard public comments on, and recommended to the City Council adoption of a Negative Declaration for the project by Resolution 07-45 and Recommended to the City Council approval of the GPA by Resolution 07-46: and

WHEREAS, in accordance with Government Code Sections 65353, 65355 and 65090, on January 11, 2008 the City gave public notice by advertisement in the Record Gazette Newspaper of the holding of a public hearing at which the General Plan Amendment would be

WHEREAS, at that public hearing on January 22, 2008 the City Council considered, heard public comments on, and adopted a Resolution adopting a Negative Declaration for the project by Resolution 2008-15 ,

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 Planning Director as provided in the Staff Report dated January 22, 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 January 22, 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 properties on which the roadway will be dedicated when that land is developed.

SECTION 2. GENERAL PLAN AMENDMENT

The City Council approves General Plan Amendment No. 07-2503 on the following grounds:

1. The proposed amendment is internally consistent with the General Plan because although it deletes a portion of a roadway in the circulation plan for the city, the development occurring in the area will use an alternative route, Bobcat Road, for east west access between 22nd Street and Sunset Avenue that is equivalent to and serves the same purpose as the portion of roadway that is being deleted.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City because the levels of service, street hierarchy and convenience of access using Bobcat Road are equivalent to the use of Porter Street in that location.

3. The proposed amendment would maintain the appropriate balance of land uses within the City.

This amendment will maintain appropriate balance of land uses within the city because it has not effect on land use. The land uses in this area have been planned and are being developed without the need for this segment of roadway.

SECTION 3. CITY COUNCIL ACTION

The City Council hereby takes the following action:

1. Approve General Plan Amendment No. 07-2503 Deleting Porter Street from the General Plan street system between Sunset Avenue and 22nd Street as shown in Exhibit A which is attached hereto and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED this 22nd day of January 2008.



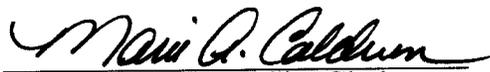
Brenda Salas, Mayor
City of Banning

**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 Council of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-16 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 22nd day of January, 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

*GPA #07-2503
PORTER STREET*

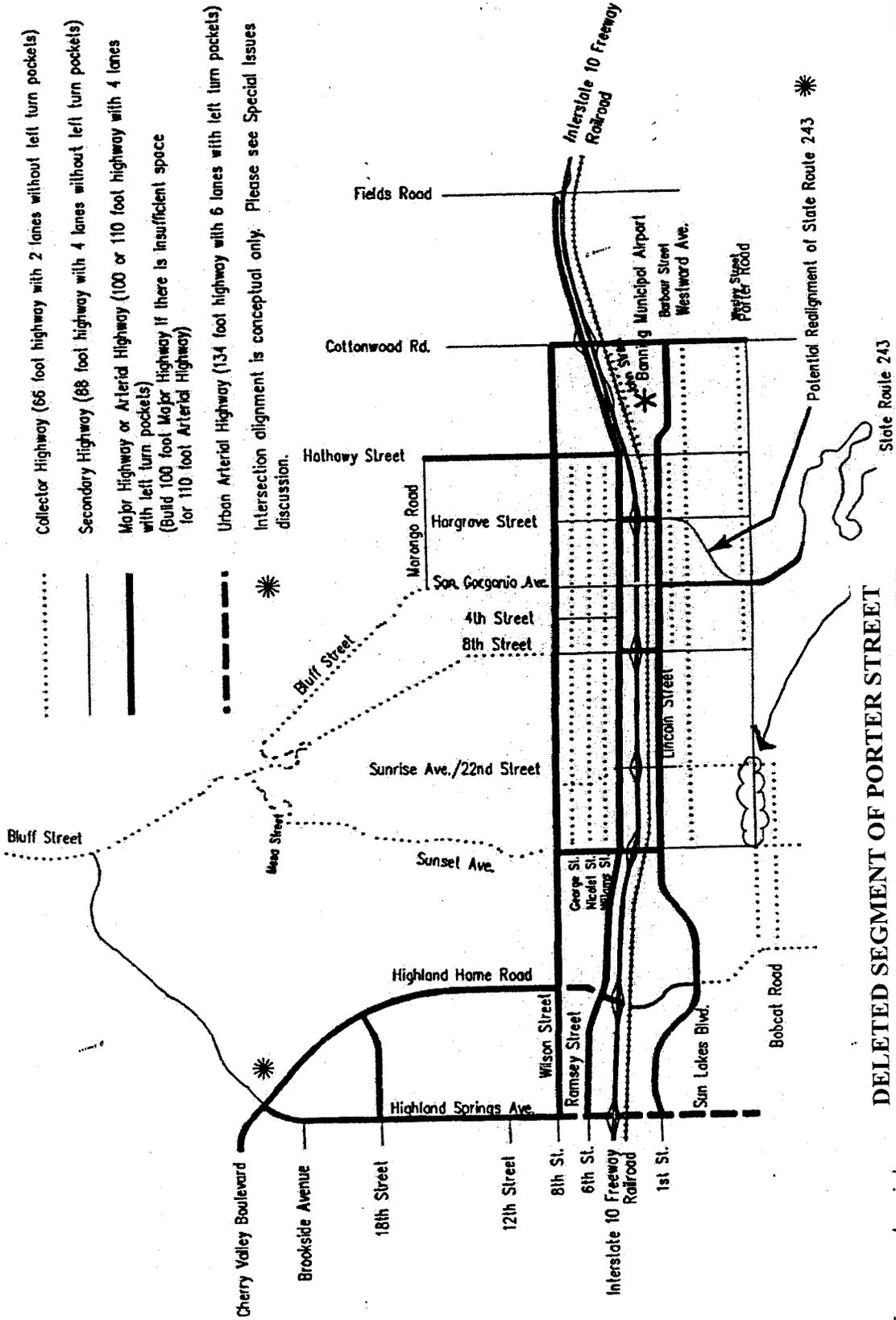
*EXHIBIT A – INDICATING
DELETED SEGMENT
FROM GEN PLAN STREET
SYSTEM*

EXHIBIT “3”

EXHIBIT A

Legend

- Collector Highway (66 foot highway with 2 lanes without left turn pockets)
- Secondary Highway (88 foot highway with 4 lanes without left turn pockets)
- Major Highway or Arterial Highway (100 or 110 foot highway with 4 lanes with left turn pockets)
(Build 100 foot Major Highway if there is insufficient space for 110 foot Arterial Highway)
- Urban Arterial Highway (134 foot highway with 6 lanes with left turn pockets)
- * Intersection alignment is conceptual only. Please see Special Issues discussion.



DELETED SEGMENT OF PORTER STREET

Source: Kunzmann Associates



TERRA NOVA®
Planning & Research, Inc.

**Banning General Plan
Proposed General Plan Street System**



Exhibit

III-6

