City of Banning

PLANNING COMMISSION
Meeting – Wednesday, January 2, 2008 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson De Santis, Commissioner Barsh,
Commissioner Dickson, Commissioner Escandel,
Commissioner Hawkins

II. REVIEW / APPROVAL OF MINUTES (Minutes unavailable at this time)

III. PUBLIC COMMENT

IV. DIRECTOR’S REPORT FOR THE MONTH OF DECEMBER–CITY
COUNCIL ACTIONS ON PLANNING-RELATED ITEMS (No Action Required)

V. PUBLIC HEARING:

A. Continued Items:

1. General Plan Amendment #07-2502: A Request by VicSeth Construction to change the General Plan / Zoning Map designation from Low Density Residential (LDR) to Professional Office (PO) on a vacant 4.62 acre parcel located at 935 E. Williams Street. APN 541-121-022. Pursuant to the California Environmental Quality Act, a Negative Declaration of Environmental Impact is recommended for this project.
2. Request to Table: Specific Plan #06-202, Lot Split #06-404, Lot Split #06-4502 and Zone Change #06-3502: Lariat Specific Plan, Tentative Tract Map (TTM 33384) to subdivide the 63-acre property into 129 lots and 14 open space lots, Tentative Parcel Map (TPM 35072, for conveyance purpose only) for a 63 acre (gross) residential development located on the northeast corner of the intersection of Sunset Avenue and Bobcat Road. A total of 410 residential units are proposed on 46.0 acres. The project area also includes approximately 7.05 acres of active and passive open space including recreational facilities, parks, trails, common landscape areas and 13.2 acres consisting of the Pershing Wash / Creek Resource Area are proposed as open space. A Zone Change application is included to create a Specific Plan Overlay Zone on the site. Pursuant to the California Environmental Quality Act, A Mitigated Negative Declaration of Environmental Impact is recommended for this project.

Page 8

B. New Item:

1. Request to Receive and File Report: Request to Amend Design Review #06-7509: A Request to develop an income restricted 49-unit, two story apartment building with underground parking in the High Density Residential Zoning designation area. The applicant is requesting an amendment that would grant concessions from the parking, patio and balcony requirements. As Indicated by Zoning Code Section 9102.03, the amendment is required to grant the two proposed land use concessions. The property is located at 315 E. Williams St., east of Alessandro Rd. APN 541-103-024 & 025.

Page 11

VI. STAFF REPORT / INFORMATION ITEMS

VII. PLANNING COMMISSIONER COMMENTS

VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II].
DATE: JANUARY 2, 2008

CASE NO’S: GENERAL PLAN AMENDMENT #07-2502

REQUESTS: CHANGE THE GENERAL PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS FROM LOW DENSITY RESIDENTIAL (0-5 UNITS/ACRE) TO PROFESSIONAL OFFICE.

LOCATION: 935 E. WILLIAMS - NORTH SIDE OF WILLIAMS ST. MID-BLOCK BETWEEN HARGRAVE ST. AND PHILLIPS AVE.
APN: 541-121-022

APPLICANT: VICSETH CONSTRUCTION INC.

SURROUNDING ZONE/USES:
NORTH: SINGLE FAMILY HOMES
SOUTH: COMMERCIAL CENTER, VACANT PROPERTY & EXISTING SINGLE FAMILY HOMES
EAST: VACANT PROPERTY & EXISTING MULTI-FAMILY HOME;
WEST: VACANT LAND & MULTI-FAMILY HOMES

ENVIRONMENTAL CONSIDERATION: A DENIAL OF THE GPA IS RECOMMENDED, THEREFORE NO ENVIRONMENTAL REVIEW IS REQUIRED.

BACKGROUND:

A Public Hearing for the requested Zone Change was held on December 4, 2007 and at that hearing the Planning Commission recommended denial and instructed staff to prepare a resolution for denial to be brought back for adoption on January 2, 2008. The resolution for denial is attached.

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2008-01 and recommend denial of the application to the City Council.
Respectfully Submitted:

Kim Clinton
Senior Planner

Exhibits:

1. Resolution No. 2008-01
2. Zone Change Exhibit A - Large version (Under Separate Cover)
GPA #07-2502
& ZONE CHANGE
VICSETH CONSTRUCTION

RESOLUTION
NO. 2008-01

EXHIBIT “1”
RESOLUTION NO. 2008-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL DENY GPA MAP AMENDMENT AND ZONE CHANGE NO. 07-2502 TO CHANGE THE ZONING CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO PROFESSIONAL OFFICE AT 935 E. WILLIAMS STREET/APN 541-121-022.

WHEREAS, an application for a General Plan Map Amendment and Zone Change 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, the Planning Commission has the authority per Section 9111.01 of the Banning Municipal Code to review and make recommendations to the City Council on Zone Change No. 07-2502 for a change in zoning from Low Density Residential to Professional Office for the property located at 935 E. Williams St.; and

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 the Planning Commission held the noticed public hearing 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 Zone Change; and

WHEREAS, at this public hearing on December 4, 2007 the Planning Commission considered, heard public comments on, and recommended denial of the proposed zone change,

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BANNING DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. REQUIRED ZONE CHANGE FINDINGS.

Pursuant to Banning Municipal Code Section 9111.07, the Planning Commission makes the following findings pertaining to Zone Change No. 07-2502:
Finding #1: The proposed Amendment is not 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. While this area is made up of a variety of land uses, it is overwhelmingly residential in character. While there are office and commercial uses to the south of Williams Street, there are single family and multifamily development on the north, east and west and, therefore, the proposed zone change does not support the City's Vision Statement that includes: "Respecting and enhancing the character of our existing neighborhoods." In addition, the General Plan was amended in 2006, and the land use classification for this property was changed from high density residential to low density residential. This change reflected a clear policy to require any use of this land to conform the low density character of surrounding neighborhood.

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 and to enhance their character and identity as well as creating 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; and to develop a commercial office use within the boundary of this neighborhood would compromise the neighborhood identity by introducing an element that is not in character with existing development. Finally, as stated above, the current designation conforms with the current character of the surrounding neighborhood.

Finding #2: The proposed Amendment is not internally consistent with the Zoning Ordinance.

Fact: Changing the zone from low density residential to professional office will cause internal inconsistencies with the Zoning Ordinance. Because the uses included for professional office zoning in the permitted uses matrix of the zoning ordinance are more intense uses not suitable for low density neighborhoods, approval of the proposal would result in undesirable, "spot zoning" within a low density residential community.

SECTION 2. PLANNING COMMISSION RECOMMENDATIONS.

The Planning Commission hereby recommends that the City Council take the following action:

1. Deny Zone Change No. 07-2502 changing the zoning 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 2\textsuperscript{nd} day of January, 2008.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2008-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2\textsuperscript{nd} day of January, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
STAFF REPORT
PLANNING COMMISSION

DATE: JANUARY 2, 2008

CASE NO'S: ENVIRONMENTAL REVIEW, SPECIFIC PLAN #06-202, ZONE CHANGE #06-3502, TENTATIVE TRACT MAP 33384 (LOT SPLIT #06-4502) AND TENTATIVE PARCEL MAP 35072 (LOT SPLIT # 06-404)

REQUESTS: REQUEST TO TABLE ITEM

LOCATION: ON THE EAST SIDE OF SUNSET AVENUE, NORTH OF BOBCAT ROAD; SOUTH OF WESTWARD AND IMMEDIATELY SOUTH OF THE FUTURE MOUNT SAN JACINTO COLLEGE SITE.

APPLICANT: BILL STORM FOR LAING-SEQUOIA (SOUTH BANNING PROPERTIES LLC).

BACKGROUND:

Attached is a letter from Bill Storm, the project applicant, requesting the item be tabled until a revised specific plan document and development agreement application can be prepared prior to holding a public hearing on the matter.

RECOMMENDATION:

That the Planning Commission table this item to a future meeting. This item will be re-advertised once the items have been addressed.

Respectfully submitted,

Kim Clinton, AICP
Senior Planner

Exhibits:
1. Letter from Bill Storm requesting the item be tabled.
December 19, 2007

Ms. Kim Clinton
Senior Planner
City of Banning
99 E. Ramsey Street
Banning, CA 92220-0998

Subject: Request for a Lariat Development Agreement

Reference: Lariat Specific Plan (Case #06-202), Tentative Tract No. 33384 (Case #06-4502), Tentative Parcel Map No. 35072 (Case #06-404), Zone Change (Case #06-3502), Environmental Review

Dear Ms. Clinton:

Confirming yesterday’s decision at a meeting at the City of Banning with city staff, please accept this letter as our formal request to commence discussions and negotiations of a Lariat Development Agreement. At that meeting, we also agreed to “table” the referenced development documents until such time that the Development Agreement is ready to concurrently move forward with the Specific Plan and tentative map applications.

In attendance and representing the city were Oscar Orci, Kim Clinton and Nicole Criste; representing Laing/Sequoia Partners LLC, were Peggy Tabas, Bill Storm and Bob Odle. The reason for this request is to produce a document that more clearly defines the obligations and responsibilities of both the City of Banning, and the developer, Laing/Sequoia Partners LLC. It was decided at that meeting that Laing/Sequoia would commence DA discussions by preparation of a terms sheet that would be forwarded to the city prior to the next Development Agreement meeting.

If you require additional information, or if I can be of assistance on this, please do not hesitate to contact me.

Sincerely,

[Signature]

Bill Storm
STAFF REPORT
PLANNING COMMISSION

DATE: JANUARY 2, 2008

CASE NO: DESIGN REVIEW #06-7509

REQUESTS: DEVELOPMENT OF A 49-UNIT, FIVE BUILDING, TWO STORY APARTMENT COMPLEX WITH UNDERGROUND PARKING

LOCATION: LOCATED ON THE NORTH SIDE OF WILLIAMS STREET, APPROXIMATELY 300 FEET EAST OF ALESSANDRO ROAD. APN 541-103-024 & 025.

APPLICANT: GLOBAL PREMIER DEVELOPMENT INC.

SURROUNDING ZONE/USES: NORTH-MULTI-FAMILY DWELLINGS-HIGH DENSITY RESIDENTIAL
SOUTH –VACANT-DOWNTOWN COMMERCIAL
EAST-SINGLE-FAMILY DWELLING-HIGH DENSITY RESIDENTIAL
WEST-VACANT- LOW DENSITY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE BANNING COMMUNITY DEVELOPMENT DEPARTMENT HAS COMPLETED AN ENVIRONMENTAL ASSESSMENT FOR THE REFERENCED CASE. BASED ON THIS ASSESSMENT, THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT, WHILE THE PROPOSED PROJECT COULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, THE POTENTIAL FOR SUCH IMPACTS CAN BE MITIGATED TO LESS THAN A SIGNIFICANT LEVEL THROUGH MEASURES INCORPORATED INTO THE PROJECT APPROVAL. ACCORDINGLY, A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED AND IS RECOMMENDED FOR ADOPTION.
BACKGROUND:

This item was approved (with conditions of approval) by the Planning Commission last year. Staff and applicant have been working to resolve some of the outstanding issues, and this item was placed on the Planning Commission's agenda as a placeholder in the event we were not able to resolve them. Staff and applicant have been able to resolve the outstanding issues; therefore, this matter does not need to be reviewed by the Planning Commission.

RECOMMENDATION:

That the Planning Commission receive and file this report.

Respectfully submitted,

Oscar W. Orce
Community Development Director