

RESOLUTION 2024-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING A DETERMINATION UNDER CEQA GUIDELINES SECTION 15162 (SUBSEQUENT EIRs AND NEGATIVE DECLARATIONS) THAT THE PROJECT IS CONSISTENT WITH A PREVIOUSLY ADOPTED (SEPTEMBER 26, 2006) MITIGATED NEGATIVE DECLARATION FOR TM 33540, AND CONSIDERING DESIGN REVIEW (DR) 24-0026, THE ARCHITECTURAL AND LANDSCAPING ELEMENTS FOR 143 SINGLE-STORY AND TWO-STORY SINGLE-FAMILY HOMES WITHIN TRACT NO. 33540, ON A TOTAL OF 65 ACRES OF VACANT LAND GENERALLY LOCATED NORTH OF GILMAN STREET AND WEST OF WYTE WAY, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) ZONING DISTRICT. (APN'S 535-070-014; 535-110-002; 535-110-006; 535-110-011; 535-110-012; 535-311-006 THROUGH 023; and 535-312-001 THROUGH 024).

WHEREAS, an application for Design Review 24-0026 to allow for this use has been duly filed by:

Project Applicant:	Vernell Williams, KB Home Coastal 36310 Inland Valley Drive #300 Wildomar, CA 92595-7594
Property Owner:	KB Home Coastal 36310 Inland Valley Drive #300 Wildomar, CA 92595-7594
Project Location:	North of Gilman Street and West of Wyte Way, and within the Low Density Residential (LDR) zoning district
APN Information:	APNs 535-070-014; 535-110-002; 535-110-006; 535- 110-011; 535-110-012; 535-311-006 Through 023; and 535-312-001 Through 024; and

WHEREAS, the Planning Commission is authorized under Chapter 17.56 of the Banning Municipal Code ("BMC") to approve proposed Design Review 24-0026, to allow for the construction and operation of a structural steel manufacturing facility on a vacant industrial site located at 1750 West Westward Avenue within the Industrial (I) zoning district (the "Project"); and

WHEREAS, the Community Development Department has evaluated the project's potential effects on the environment as required under the California Environmental Quality Act ("CEQA") and determined that the project is in compliance with a previously adopted Mitigated Negative Declaration for TM 33540 and pursuant to CEQA Statutes Section 15162 (Subsequent EIRs and Negative declarations), no further environmental action is required; and

WHEREAS, on March 22, 2024, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300-feet of the Project, of the holding of a public hearing at which the Project would be considered; and

WHEREAS, on April 3, 2024, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, proposed Design Review 24-0026.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find and determine as follows:

SECTION 1:

A. CEQA. Planning Division staff has determined that the Project complies with a previously adopted Mitigated Negative Declaration for TM 33540 and pursuant to the California Environmental Quality Act and CEQA Guidelines Section 15162 (Subsequent EIRs and Negative declarations), no further environmental action is required.

B. Multiple Species Habitat Conservation Plan (MSHCP). The Project is not subject to MSHCP as the Project is located outside of any MSHCP criteria area and mitigation is satisfied by payment of the required MSHCP Mitigation Fee.

SECTION 2: Design Review Findings

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Design Review 24-0026:

Finding No. 1: The proposed project is consistent with the General Plan.
Findings of Fact: Proposed Design Review 24-0026 is consistent with the General Plan Land Use Element Policy, which states: “The land–use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The subject property designation is Low Density Residential (LDR) on the General Plan Land Use Map and LDR Zoning District. The proposed use is consistent with the LDR land use designation, which allows single-family detached residential units. Examples of permitted uses include attached and detached residential, parks, passive open space, and infrastructure necessary to serve the primary use. Further, Design Review 24-0026 is consistent with General Plan Economic Development Policy, which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” The addition of 143

single-family homes will increase housing opportunities in a market with low supply. Attracting new Banning citizens increases the City's supply of workforce housing and increases the City's median household income.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The Low Density Residential (LDR) (0-5 du/acre) zoning district allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. The proposed project is consistent with the intent of the land use designation as the development involves detached single-family homes within a legally formed residential subdivision. Further, the Project is consistent with Section 17.30.030 (Residential Development Standards) of the LDR zone and subject to the attached Conditions of Approval.

Finding No. 3: The design and layout of the Project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The Project will provide site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of surrounding existing and future development. Additionally, the Project is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the LDR zone. The City Engineer has determined that the recorded subdivision of land is in conformity with law and subdivisions code; and, that all the lots will have adequate access to public streets, sanitary sewer lines, water mains, fire hydrants, drainage structures and utilities.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The Project will not impair the integrity and character of the LDR land use district in which it is to be located because the site is located within the same zoning district as surrounding property and the proposed homes are similar in massing and design as the existing built environment. The Project will continue to flow with the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture, site layout, and public improvements are compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines and will be compatible with the existing surrounding built environment.

SECTION 3: PLANNING COMMISSION ACTION.

Based on the foregoing, the Planning Commission of the City of Banning hereby approves Design Review 24-0026, consistent with the recommended Conditions of Approval attached hereto as Exhibit "A".

PASSED, APPROVED, AND ADOPTED this 3rd day of April 2024.

Richard Krick, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Steven Flower, Assistant City Attorney
Richards, Watson & Gershon

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2023-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California