I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioners Krick, Price, Schuler, Ellis, Chairman Shaw

II. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN:

1. Motion and Second
2. Discussion on motion
3. Call the question (Roll call vote)

2.28.050 - Duties and responsibilities

B. At the regular February meeting, the planning commission shall choose a chairperson and a vice-chairperson from among the planning commission members. The chairman and vice-chairman shall serve for one term. Both positions shall rotate every year. All members must be present to conduct this business.

   1. The chairperson shall preside at all regular and special meetings and rule on all points of order and procedure during the meetings.
   2. The vice-chairperson shall assume all duties of the chairperson in his or her absence.
   3. In the event the chairperson and vice-chairperson are both absent, an acting chairperson shall be appointed from the commission for the meeting from those present.

III. PUBLIC COMMENTS - On Items Not on the Agenda

A five-minute limitation shall apply to each member of the public who wishes to address the Chairman and Commissioners for items not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Items received under this heading may be referred to staff or future study, research, completion and/or future Commissioner Action.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.
IV. CONSENT CALENDAR ITEMS:

**Note:** All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

Minutes of July 5, 2017 Regular Planning Commission meeting

V. STUDY SESSION:

Butterfield Specific Plan Next Development Steps & Tentative Tract Map

NO ACTION IS RECOMMENDED

1. Presentation of the Project – Chris Willis, Director of Project Management

1. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO ADDRESS DEVELOPMENT STANDARDS, NONCONFORMING STRUCTURE AND LOTS, AND TO PROVIDE CONSISTENCY AND CLARIFICATION WITHIN THE TEXT.

Staff Report – Patty Nevins

Order of Procedure:

1. Staff report presentation
2. Planning Commission questions for staff
3. Open public hearing
4. Close public hearing
5. Planning Commission discussion
6. Motion and Second
7. Planning Commission discussion on motion
8. Call the question (Roll call vote)

Recommendation:

That the Planning Commission adopt Resolution 2017-14:

I. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502; and

II. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment 17-97502.
2. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT.

Staff Report – Patty Nevins..................................................................................................................................Page 39

<table>
<thead>
<tr>
<th>Order of Procedure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Staff report presentation</td>
</tr>
<tr>
<td>2. Motion and Second to continue the item to the September 6, 2017 Regular Planning Commission Meeting.</td>
</tr>
<tr>
<td>3. Roll call vote</td>
</tr>
</tbody>
</table>

Recommendation:

That the Planning Commission continue the item to the September 6, 2017 Regular Planning Commission Meeting.

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of September 6, 2017 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (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].
City of Banning

REGULAR PLANNING COMMISSION MEETING MINUTES

July 5, 2017

A regular meeting of the City of Banning Planning Commission was held on Wednesday, July 5, 2017 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  Chairman Shaw  
Commissioner Price  
Commissioner Schuler

Commissioner Absent:  Vice-Chairman Krick

Staff Present:  Community Development Director, Patty Nevins  
Interim Assistant City Attorney, Gregg W. Kettles  
Contract Planner, Mark de Manincor  
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Shaw.

II. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN (IF NECESSARY):

Chairman Shaw postponed the action due to lack of a full panel.

III. PUBLIC COMMENTS

Linda Pippenger, Banning resident said the Stage Coach Days Association who will be having a pancake breakfast at the Community Center from 7:00 a.m. to 11:00 a.m. Saturday, July 8, 2017.

IV. CONSENT CALENDAR ITEMS


Commissioner Schuler made three recommendations for revisions to the minutes as they related to the Inland Behavioral and Health Services project:

1. Change original Condition of Approval #7 wording from individuals to employees.  
2. Include a request to consider moving back the bus stop back to the front of the Health Clinic.

Planning Commission Meeting Minutes  
July 5, 2017
3. Include discussion made by Commissioner Krick regarding a suggestion to use a deed restriction on the Inland Behavioral and Health Services project.

**ACTION:** Motion/Second (SCHULER/PRICE) to approve the June 7, 2017 Planning Commission meeting minutes. (Motion Carried 3 -0, Krick absent)

V. PUBLIC HEARINGS

1. **DISCUSS AND CONSIDER NOTICE OF EXEMPTION, CONDITIONAL USE PERMIT 16-8002, DESIGN REVIEW 16-7003 AND RESOLUTION 2017-12 FOR A PROPOSED EQUIPMENT RENTAL/RV STORAGE FACILITY AT CHARLES STREET (APN 543-090-019).**

Contract Planner, de Manincor presented the staff report. He said that the applicant is requesting approval of a Conditional Use Permit to establish an equipment rental/RV storage facility and Design Review for the construction of a new 8,000 square foot warehouse with 2,240 square foot office along with accessory carport/shade structures on a vacant parcel. The project site is a 4.53 acre vacant lot, located on the north side of Charles Street, west of Hathaway St. in the Industrial zoning district, which allows this type of use. He also added that they will have adequate parking in the front for employees and visitors; on the sides they will have parking for the recreational vehicle storage, and in the back they will have the parking for the equipment.

The warehouse will be used for maintenance and repair of construction equipment. The warehouse will have four bay doors and an office space.

De Manincor talked about conditions of approval numbers #10 & #13 that addressed the side yard setback to existing residences to buffer the industrial use and a 10’ landscaped buffer in the front yard setback. De Manincor said he discovered a discrepancy in the numbering in the Conditions of Approval, and asked for approval to modify them.

Dave Higginson, Architect said he thinks this would be a very viable project and it will be a very good addition to this community and agrees with the conditions of approval as presented.

Commissioner Schuler said she didn’t find any indication of a sidewalk on the site plans that were presented. Higginson said they will be willing to make improvements as required by the City. De Manincor said condition of approval #34 addresses requirements for sidewalk.

Commissioner Price said he would like to see security cameras added to the conditions of approval.

Mr. Andersen said the noise generated from the maintenance operations will not exceed 60 decibels, and he anticipates that all noise will be contained within the building.

Chairman Shaw opened the public hearing.
John Hagen, resident of Banning said his son also lives across from the proposed project. He said they have been waiting for development of this project and is in favor of an approval.

Alice Middleton, resident of Banning, said she lives adjacent to the proposed project. She also said the property owner has been a very responsible neighbor, eliminating the tumble weed problem that existed at the site, and encouraged the Planning Commission to grant them approval.

Wanda Lucero, resident of Banning, said she agrees with Ms. Middleton, and she’s happy that this project is forthcoming to help improve the neighborhood.

**ACTION: Motion/Second (SCHULER/PRICE) that the Planning Commission take the following action:**

That the Planning Commission adopt Resolution 2017-12,

1. Adopt findings and approve Conditional Use Permit 16-8002 and Design Review 16-7003 subject to conditions of approval. The following amendments are to be made to the conditions of approval: (1) modify the numbering on the conditions of approval; and (2) add security cameras to condition of approval #14.

2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) and direct Staff to file a Notice of Exemption with the Riverside County Recorder.

*(Motion Carried 3-0, Krick absent)*

2. **DISCUSS AND CONSIDER NOTICE OF EXEMPTION, DESIGN REVIEW 17-7001 FOR A PROPOSED NEIGHBORHOOD GROCERY STORE AT WEST RAMSEY STREET (APN’S 419-112-016 AND 019).**

Contract Planner, de Manincor presented the staff report. He said the applicant is requesting Design Review approval for the construction of a new 29,536 square foot neighborhood grocery store on a vacant parcel located on the south side of West Ramsey, east of Highland Springs Avenue and approximately 400 feet east of Highland Springs Avenue.

The Grocery store will be an additional Smart & Final store to the City.

De Manincor showed an aerial of the proposed project and the surrounding properties; he showed the building elevations, and landscaping plans and recommended that the applicant adds architectural features to the east wall of the building to relieve the long, blank wall.
Condition of Approval #16 refers to a “lot merger” and the applicant requested to have that condition changed to: lot line adjustment. De Manincor said, the applicant has prepared an application to submit to the City in order to combine the two parcels into one lot.

The Applicant has agreed to all the conditions of approval, and staff recommends approval of the project to the Planning Commission.

Commissioner Shaw asked to list any additional improvements the developer has to provide.

De Manincor said all improvements for Joshua Palmer realignment will be performed by Pardee who is the developer for the Butterfield project that is located north of Ramsey Street and Highland Springs Avenue. The applicant is only required to make improvements within his property line.

Greg Lukosky, Project Applicant said the existing Smart & Final store will remain open. The proposed grocery store will be a Smart & Final extra! This new concept comes with a full grocery store that offers a larger variety of produce and meat that will cater to families.

Lukosky said the conditions of approval have been reviewed and gave full approval. He’s willing to work with staff on the east side building elevation to help alleviate some of the massing along that wall, and is willing to work with the Engineering Department regarding the Joshua Palmer realignment to ensure both projects work cohesively.

Chairman Shaw said the Planning Commission would like to see the inclusion of security cameras to the conditions of approval.

Lukosky said he agrees, and added that it is a current policy of Smart & Final to install security cameras on their buildings, and he would not oppose that added condition.

Director Nevins requested a condition clarifying that the off-site free standing signs are not approved with the project.

Chairman Shaw opened the public hearing. There were no public comments.

**ACTION (SCHULER/PRICE):** A motion was moved, seconded and carried that the Planning Commission take the following action:

That the Planning Commission adopt Resolution 2017-13 recommending the following:

1. Adopt findings and approve Design Review 17-7001 subject to conditions of approval. The following amendments are to be made to the Conditions of Approval: (1) #16 change lot merger to lot line adjustment; (2) #6 Italian Cypress trees, as depicted on the conceptual landscaping plans, shall be required along the eastern facing exterior wall of the building; (3) #27 off-site signage is not a part of this project approval.

Planning Commission Meeting Minutes
July 5, 2017
2. Find the project exempt pursuant to Section 15332 of the California Environmental Quality Act Guidelines and direct Staff to file a Notice of Exemption with the Riverside County Recorder.

   (Motion Carried 3-0, Krick absent)

3. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT.

Director Nevins requested this item be continued to the August 3, 2017 Regular Planning Commission meeting.

   ACTION (PRICE/SCHULER): A motion was moved, seconded and carried that the Planning Commission take the following action:

   That the Planning Commission continue the item to the August 2, 2017 Regular Planning Commission Meeting.

   (Motion Carried 3-0, Krick absent)

VI. PLANNING COMMISSIONER COMMENTS:

Commissioner Schuler would like to see names of staff members on the agenda next to their items, so they can receive credit accordingly.

Commissioner Price welcomed Commissioner Shuler to the Commission.

VII. COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS:

Director Nevins said a letter of resignation was received by Commissioner Briant, and thanked Commissioner Briant for his service. She looks forward to having the vacancy filled by City Council.

VIII. ADJOURNMENT:

   There being no further business, the meeting was adjourned at 7:18 p.m.

Respectfully submitted,

__________________________
Sandra Calderon
Recording Secretary
THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING FROM THE CITY CLERK’S OFFICE.
STAFF RECOMMENDATIONS:

This item is a workshop for information and fact sharing only; there is no action to be taken.

BACKGROUND:

On February 14, 2017, the Banning City Council considered and approved certain proposed Minor Modifications to the Butterfield Specific plan and a General Plan Circulation Element amendment. These actions were proposed as a result of a settlement resulting from a legal challenge to the City’s 2012 approval of the Butterfield Specific Plan.

The Minor Modifications included, among other things:

- Reservation of Planning Areas (PAs) 60 and 61 as open space rather than the development of 412 dwelling units.
- Elimination of the proposed golf course in PA 35 and PA 39, and replacement of the golf course with a central open space recreational area to include parks and open space uses.
- Reduction in the number of residential units from 5,387 dwelling units to 4,862 dwelling units.
PROJECT LOCATION

The Project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning; see Figure 1. The site is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west, Riverside County unincorporated land to the north and northeast, and portions of Highland Home Road to the east.

STUDY SESSION PURPOSE

The first tentative map has been submitted by Pardee Homes and is currently being reviewed by staff; it is anticipated that the application will be ready for consideration by the Planning Commission at its October meeting, with consideration by the City Council shortly thereafter.

The purpose of the study session is to review next steps for project development, including presentation of the tentative tract map that is under review, and to answer any questions the Planning Commission may have and receive any feedback that may be offered.

ATTACHMENTS:

1. The Butterfield Specific Plan Land Use Map
2. Preliminary Tentative Tract Map 37298
ATTACHMENT 1

Butterfield Specific Plan Land Use Map
ATTACHMENT 2

Preliminary Tentative Tract Map 37298
MEETING DATE: August 2, 2017

TO: Planning Commission

FROM: Patty Nevins, Community Development Director

SUBJECT: ZONING TEXT AMENDMENT 17-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO ADDRESS DEVELOPMENT STANDARDS, NONCONFORMING STRUCTURE AND LOTS, AND TO PROVIDE CONSISTENCY AND CLARIFICATIONS WITHIN THE TEXT

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2017-14 (Attachment 1):

I. Recommending to the City Council the adoption a Categorical Exemption for Zone Text Amendment 17-97502; and

II. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502.

APPLICANT INFORMATION:

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

BACKGROUND:

Staff regularly reviews the City's Zoning Ordinance to identify potential improvements and to present recommendations with respect to amendments in order to address regulated land uses. This report contains recommendations for amendment of certain sections to address certain development standards, nonconforming structures and lots, inconsistencies within the text, and clarifications. Some of these amendments were previously considered by the Planning Commission at the April 5, 2017 Planning
Commission meeting, at which time the Commission recommended approval of the proposed zoning text amendments. At the City Council meeting during which the amendments were considered, it was requested that staff obtain input from the real estate community on proposed property-related amendments and from the Chamber of Commerce on the proposed signage amendment. Prior to reaching out to real estate professionals, additional proposed amendments related to certain property-related regulations were added and some minor changes were made to the existing proposed amendments. Staff then requested input on these amendments via mailings to the East Valley Association of Realtors and to real estate companies holding business licenses located within the City of Banning.

Input received verbally from the East Inland Valley Association of Realtors as well as from one local real estate professional was generally favorable. Staff at the Association of Realtors did express some concern that the amendment related to accessory structures could preclude construction of detached garages where existing homes were smaller.

With respect to the signage amendment, staff met with Chamber staff who indicated their concurrence with the proposed language.

**PROPOSAL/ANALYSIS:**

Strikeout (formatted as strikeout) denotes existing language to be removed; underline (formatted as underline) denotes new language to be added.

1. **Single Family Homes in the Medium Density Residential (MDR) Zoning District**

Proposal:

Amend Table 17.08.020 *Permitted, Conditional and Prohibited Residential Uses* as follows:

<table>
<thead>
<tr>
<th></th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-P</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

**Rationale:**

Currently, single family dwellings are conditionally permitted uses in the Medium Density Residential (MDR) zoning district under Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses. However, footnotes to Table 17.08.030 indicate that a single family home can be built on an existing legal lot in the MDR zone; thus the language in the code is internally inconsistent.

The purpose of this amendment is to address that inconsistency. Additionally, the amendment addresses existing single family homes in the MDR zoning district that are
nonconforming due to the absence of a CUP. Under current zoning code non-conforming regulations, such properties that have been vacant for more than 6 months cannot be re-occupied unless a Conditional Use Permit is approved by the Planning Commission. The proposed amendment would allow single family homes as a permitted use in the MDR zone (where many lots only qualify for one residential unit based on lot size) and thus, potential vacancies would not negatively impact future occupancy.

2. **Minimum Dwelling Size Standards**

Proposal:

Amend Section 17.08.110 *Minimum dwelling size standards* as follows:

A. For new single family homes, minimum livable area in square feet shall be 1,200 square feet.

Rationale:

Currently, many existing single family dwellings within the City are below the 1,200 square foot minimum dwelling unit size. Under the City’s zoning code non-conforming regulations, if such residences are vacant for more than six months they would not be able to be reoccupied. This standard works against the City Council’s beautification goals by allowing homes to remain vacant and potentially becoming code enforcement issues. The proposed amendment would allow those existing homes to be reoccupied; new homes would still be subject to the 1,200 square foot minimum livable area requirement.

Local real estate professional Don Smith stated that he routinely receives requests for 2 bedroom/2 bathroom homes and that 1,200 square feet is high for this type of home.

3. **Accessory Structures:**

Proposal:

Amend 17.08.050 *Accessory Structures* as follows:

Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the primary dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to within 5 feet of the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure.

**Building Code regulations may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the footprint of the primary structure, and may be the same height as the principal**
Second units are not considered accessory structures, and have specific development standards enumerated in Section 17.08.100.

Rationale:

The added language (second paragraph) was inadvertently dropped during a previous code amendment modifying the first paragraph above; the second paragraph was not struck out in the amendment, but was removed during the update that incorporated the changes to the first paragraph. The language is necessary to both limit the size of accessory structures consistent with their definition under 17.04.070 as “…subordinate use or structures, the use of which is clearly incidental…to that of the principal structure…” and to preclude owners from developing accessory structures that are inordinately large as compared to the primary structure. Additionally, the language ensures that the definition and regulation of second units defer to the appropriate regulations (Section 17.04.070 Definitions and 17.08.100 Second unit standards).

Staff from the East Inland Valley Association of Realtors queried as to whether alternative language was possible that would address concerns about excess size while still allowing development of structures such as detached garages. Additionally, an owner of a two acre property within the Low Density Residential zoning district who recently requested zoning requirements applicable to construction of an accessory structure noted that the size of his existing home precluded him from building an accessory structure of a size large enough to house equipment required to maintain his property. Thus, there may be scenarios where a larger accessory structure is justified.

4. Development of lots that are below the minimum lot size:

Proposal:

Amend Chapter 17.88 Non-conforming Structures and Non-conforming Uses to add:

17.88.080 Nonconforming Lots. Any lawfully created lot that becomes nonconforming with regard to lot area, lot width, or lot depth may be developed for a structure that would otherwise be allowed in that zone as long as all development standards are met with the exception of lot size or dimension, or a variance is obtained for any standards that cannot be achieved.

Rationale:

Currently, the Zoning ordinance allows for the development of a single family home on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR (residential) zones, notwithstanding that the lot may be nonconforming with respect to minimum lot size or dimension standards. The proposed amendment would extend similar development rights to existing legal lots in all other zoning districts, including remaining residential districts as well as commercial, industrial and other zoning districts, as long as the proposed development meets setback, lot coverage, and other remaining development standards.
5. Development of Lots for Multi-Family Units:

Proposal:

Amend Table 17.08.030 Residential Development Standards as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>Al</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Lot</td>
<td>R/A</td>
<td>R/A</td>
<td>RR</td>
<td>RR/H</td>
<td>VLD</td>
<td>LDR</td>
<td>MDR</td>
<td>HDR*</td>
</tr>
<tr>
<td>Min. Lot Size (Ac. of s.f.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
</tr>
<tr>
<td>Multi-Family Units</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
</tr>
</tbody>
</table>

Rationale:

The proposed amendment would eliminate the different minimum lot size required to develop multi-family units in the Low Density Residential (CUP required), Medium Density Residential, and High Density Residential zoning districts and would result in the same minimum lot size for both single family and multi-family (where allowable) development in residential zones.

The proposed language would not result in increased densities or number of units allowed; it would, however, have the effect of allowing multi-family development on smaller lots than are currently allowed (for existing lots – note that number 4 above would also allow this). It would also permit multi-family lots to be subdivided into smaller lots than are currently allowed.

6. Existing Mixed-Uses in Commercial Zoning Districts

Proposal:

Amend Table 17.12.020, Permitted, Conditional and Prohibited Commercial and Industrial Uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>Al</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed-use, residential/commercial</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

Existing mixed residential/commercial uses that are legal and nonconforming with respect to Conditional Use Permits may be reoccupied.
Rationale:

The added footnote language would allow existing mixed uses that are nonconforming due to lack of a Conditional Use Permit to be reoccupied should they become vacant for more than six months.

7. **Sign Regulations – Provide clarity/consistency**

Proposal:

Amend 17.36.110 – Sign Regulations, as follows:

B(1) No sign attached to a structure shall be placed above the roof eave line.

Rationale:

This amendment would provide clarity and consistency with 17.36.060 which prohibits roof signs, and contains a definition for eaveline but not roof lines.

8. **Landscaping Standards – Typographic Correction**

Proposal:

Amend 17.32 Landscaping Standards, as follows:

```
Article IV-III
Landscape Design Guidelines
17.32.140 Purpose
17.32.150 Applicability
17.32.160 General Guidelines
17.32.170 Installation and Maintenance
```

Rationale:

This amendment will correct a typographic error.

9. **Reconsideration – Typographical Correction**

Proposal:

Amend 17.68.140, as follows:

```
17.68.140- Reconsideration.

If more complete or additional facts or information, which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the Department within 15 days following the final date of action. If a public hearing was
```
required in the original review process, another public notice as specified in Section 17.68.020 shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant.

Rationale:
This amendment will correct a typographic error.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)
The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

REQUIRED FINDINGS OF APPROVAL FOR ZONE TEXT AMENDMENT 17-97502:
The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment 17-97502:

Finding No. 1: Proposed Zone Text Amendment 17-97502 is consistent with the goals and policies of the General Plan.
Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General Plan. The primary General Plan Land Use Goals state “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents” and “Preserve and enhance the City’s Neighborhoods.” The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance.

Finding No. 2: Proposed Zone Text Amendment 17-97502 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the existing provisions and intent of the Zoning Ordinance. The proposed amendment to Table 17.08.020 (Permitted, Conditional and Prohibited Residential Uses) is intended to establish a consistency so that existing single family dwellings in the MDR can be utilized even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Section 17.08.110 would allow existing single family dwellings less than 1,200 square feet to be reoccupied even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to 17.08.030 Residential Development Standards would allow multi-family development (where allowed) consistent with minimum lot sizes for single family development within the same zoning district and would not increase densities or numbers of units allowed. The proposed amendment to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) would allow mixed residential/commercial uses that are legal and nonconforming only with respect to Conditional Use Permits to be reoccupied as long as they meet/are consistent with other zoning requirements. The proposed amendment to Section 17.36.110(B)(1) (Sign Regulations) will create consistency with 17.36.030 (Definitions) and amendments to 17.32 Landscaping Standards and 17.68.140 Reconsideration will correct typographical errors. Therefore, the proposed zone text amendments will eliminate inconsistencies within the Zoning Ordinance.
Finding No. 3: The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PUBLIC COMMUNICATION

Input on the proposed amendments was provided verbally by the East Valley Association of Realtors and by City of Banning real estate professional Don Smith.

The proposed Categorical Exemption and Zone Text Amendment was advertised in the Record Gazette newspaper on July 21, 2017. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution 2017-14:

1. Recommending to the City Council the adoption of the Categorical Exemption for Zone Text Amendment 17-97502; and

2. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502.

Attachments:

1. Planning Commission Resolution 2017-14
2. Draft Ordinance 1510
3. Public Hearing Notice
Prepared and Recommended By:

Patty Nevins
Community Development Director
ATTACHMENT 1
PC Resolution 2017-14
RESOLUTION 2017-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A CATEGORICAL EXEMPTION AND ZONING TEXT AMENDMENT 17-97502 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) RELATIVE TO CERTAIN DEVELOPMENT STANDARDS AND NONCONFORMING STRUCTURES AND LOTS, AND TO PROVIDE CONSISTENCY AND CLARIFICATIONS WITHIN THE TEXT

WHEREAS, a review of the existing Zoning Ordinance text reveals the need to modify certain development standards for the benefit of existing and/or future structures and/or lots within the City and to address certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and

WHEREAS, staff has identified the need to address single family residences within the Medium Density Residential (MDR) land use district as outlined in Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses to reconcile inconsistencies with other sections of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to distinguish between the required dwelling sizes of existing vs. new single family homes as identified in 17.08.110 Minimum Dwelling Size Standards to address an inconsistency in the treatment of nonconforming residential structures in a residential land use district as outlined in Section 17.88.020(A) and 17.88.020(H) Non-conforming structures of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to replace inadvertently deleted text under Section 17.08.050 Accessory Structures of the City of Banning Municipal Code is taken; and

WHEREAS, staff has identified the need to address an inconsistency in the treatment of nonconforming non-residential vs. residential lots as discussed in Chapter 17.08 Residential Districts and Chapter 17.88 Non-Conforming Structures and Non-Conforming Uses of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to address inconsistent minimum lot sizes for multi-family development in Table 17.08.030 Residential Development Standards of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to address nonconforming mixed use properties by amending Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of the City of Banning Municipal Code; and
WHEREAS, staff has identified the need to amend Sign Regulations Section 17.36.110 for consistency with 17.36.030 – Definitions; and

WHEREAS, staff has identified the need to amend 17.32 Landscaping Standards and 17.68.140 Reconsideration to correct typographical errors; and

WHEREAS, the Planning Commission has authority pursuant to Section 17.116.030 (Planning Commission Action on Amendments) of the City of Banning Municipal Code to make a written recommendation to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, the City has reviewed the proposed Zoning Text Amendment for compliance with the California Environmental Quality Act (CEQA) and it is determined that Zone Text Amendment 17-97502 is not a ‘project’ under CEQA Guidelines 15061(b)(3); and

WHEREAS, on July 21, 2017, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Categorical Exemption and Zone Text Amendment 17-97502; and

WHEREAS, on August 2, 2017, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Categorical Exemption and Zone Text Amendment 17-97502.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The following environmental findings are made and supported by substantial evidence on the record before the Planning Commission, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical
project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Multiple Species Habitat Conservation Plan (MSHCP)**
The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**SECTION 2. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT 17-97502.**
The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment 17-97502:

**Finding No. 1:** Proposed Zone Text Amendment 17-97502 is consistent with the goals and policies of the General Plan.

**Findings of Fact:** Proposed Zone Text Amendment 17-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General Plan. The primary General Plan Land Use Goals state “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents” and “Preserve and enhance the City’s Neighborhoods.” The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance.

**Finding No. 2:** Proposed Zone Text Amendment 17-97502 is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment 17-97502 is consistent with the existing provisions and intent of the Zoning Ordinance. The proposed amendment to Table 17.08.020 (Permitted, Conditional and Prohibited Residential Uses) is intended to establish a consistency so that existing single family dwellings in the MDR can
be utilized even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Section 17.08.110 would allow existing single family dwellings less than 1,200 square feet to be reoccupied even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Table 17.08.050 (Accessory Structures) will replace missing text that was inadvertently deleted; the proposed amendment to Chapter 17.88 (Non-conforming Structures and Non-conforming Uses) is to establish consistency with 17.08.030 with respect to development of substandard lots. The proposed amendment to 17.08.030 Residential Development Standards would allow multi-family development (where allowed) consistent with minimum lot sizes for single family development within the same zoning district and would not increase densities or numbers of units allowed. The proposed amendment to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) would allow mixed residential/commercial uses that are legal and nonconforming only with respect to Conditional Use Permits to be reoccupied as long as they meet/are consistent with other zoning requirements. The proposed amendment to Section 17.36.110(B)(1) (Sign Regulations) will create consistency with 17.36.030 (Definitions) and amendments to 17.32 Landscaping Standards and 17.68.140 Reconsideration will correct typographical errors. Therefore, the proposed zone text amendments will eliminate inconsistencies within the Zoning Ordinance.

Finding No. 3: The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 17-97502 may have a significant adverse effect on the environment,
and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adoption of Planning Commission Resolution 2017-14:

1. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment 17-97502; and

2. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502.

PASSED, APPROVED AND ADOPTED this 2nd day of August, 2017.

_______________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________
Gregg W. Kettles
Jenkins & Hogin, LLC
Interim Assistant City Attorney
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, 2017-14, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2nd day of August, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ORDINANCE 1510

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONING TEXT AMENDMENT 17-97502 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY AND CLARIFICATIONS WITHIN THE TEXT

WHEREAS, on February 14, 2006, the City Council of the City of Banning adopted Ordinance 1339 approving Zone Change 03-3501 repealing the existing zoning ordinance and adopting the new Zoning Ordinance; and

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and

WHEREAS, the City Council has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, on August 2, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution 2017-14 recommending to the City Council the adoption of Ordinance 1510 approving the Categorical Exemption and Zoning Text Amendment 17-97502; and

WHEREAS, on the _____nd day of _________ 2017 the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zoning Text Amendment would be considered; and

WHEREAS, on the _____nd day of _________ 2017 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zoning Text Amendment 17-97502; and

WHEREAS, at this public hearing on the _______nd day of _________ 2017 the City Council considered and heard public comments on the proposed Categorical Exemption and Zoning Text Amendment; and
WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the __ __th day of ______________ 2017;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1. ENVIRONMENTAL.

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment 17-97502.

Finding No. 1: Proposed Zoning Text Amendment 17-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zoning Text Amendment 17-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General
Plan. The primary General Plan Land Use Goals state “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents” and “Preserve and enhance the City’s Neighborhoods.” The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance.

Finding No. 2: Proposed Zoning Text Amendment 17-97502 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the existing provisions and intent of the Zoning Ordinance. The proposed amendment to Table 17.08.020 (Permitted, Conditional and Prohibited Residential Uses) is intended to establish a consistency so that existing single family dwellings in the MDR can be utilized even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Section 17.08.110 would allow existing single family dwellings less than 1,200 square feet to be reoccupied even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Table 17.08.050 (Accessory Structures) will replace missing text that was inadvertently deleted; the proposed amendment to Chapter 17.88 (Non-conforming Structures and Non-conforming Uses) is to establish consistency with 17.08.030 with respect to development of substandard lots. The proposed amendment to 17.08.030 Residential Development Standards would allow multi-family development (where allowed) consistent with minimum lot sizes for single family development within the same zoning district and would not increase densities or numbers of units allowed. The proposed amendment to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) would allow mixed residential/commercial uses that are legal and nonconforming only with respect to Conditional Use Permits to be reoccupied as long as they meet/are consistent with other zoning requirements. The proposed amendment to Section 17.36.110(B)(1) (Sign Regulations) will create consistency with 17.36.030 (Definitions) and amendments to 17.32 Landscaping Standards and 17.68.140 Reconsideration will correct typographical errors. Therefore, the proposed zone text amendments will eliminate inconsistencies within the Zoning Ordinance.
Finding No. 3: The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zoning Text Amendment 17-97502.

2. **Approve Zoning Text Amendment 17-97502 as follows:**

Amend Table 17.08.020 *Permitted, Conditional and Prohibited Residential Uses* as follows:

<table>
<thead>
<tr>
<th></th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR*</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C-P</td>
<td>C</td>
</tr>
</tbody>
</table>

Amend Section 17.08.110 *Minimum dwelling size standards* as follows:

A. For new single family homes, minimum livable area in square feet shall be 1,200 square feet.
Amend 17.08.050 Accessory Structures as follows:

Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the primary dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to within 5 feet of the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure.

Building Code regulations may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the footprint of the primary structure, and may be the same height as the principal structure. Second units are not considered accessory structures, and have specific development standards enumerated in Section 17.08.100.

Amend Chapter 17.88 Non-conforming Structures and Non-conforming Uses to add:

17.88.080 Nonconforming Lots. Any lawfully created lot that becomes nonconforming with regard to lot area, lot width, or lot depth may be developed for a structure that would otherwise be allowed in that zone as long as all development standards are met with the exception of lot size or dimension, or a variance is obtained for any standards that cannot be achieved.

Amend Table 17.08.030 Residential Development Standards as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR*</th>
<th>MH P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (Ac. of s.f.) Single Family Lot 3,4</td>
<td>10 Ac.</td>
<td>10 Ac.</td>
<td>40,000 s.f.</td>
<td>40,000 s.f.</td>
<td>20,000 s.f.</td>
<td>7,000 s.f. or suffix.</td>
<td>5,000</td>
<td>7,000</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Lot Size (Ac.) Multi-Family Units</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
<td>2-Ac.</td>
<td>2 Ac.</td>
</tr>
</tbody>
</table>

Amend Table 17.12.020, Permitted, Conditional and Prohibited Commercial and Industrial Uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed-use, residential/commercial 2</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>
Existing mixed residential/commercial uses that are legal and nonconforming with respect to Conditional Use Permits may be reoccupied.

Amend 17.36.110 – Sign Regulations, as follows:

B(1) No sign attached to a structure shall be placed above the roof eave line.

Amend 17.32 Landscaping Standards, as follows:

Amend 17.68.140, as follows:

17.68.140- Reconsideration.

If more complete or additional facts or information, which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the Department within 15 days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in Section 17.68.020 shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
SECTION 5. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

PASSED, APPROVED, AND ADOPTED this __ day of ____________, 2017.

George Moyer, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLC

ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance 1510 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______ day of ________________, 2017, and was duly
adopted at a regular meeting of said City Council on the _________ day of __________ _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Marie A. Calderon, City Clerk
City of Banning, California
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966. Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 21, 2017

Executed on: 07/21/2017
At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature
CITY OF BANNING
Planning Commission Report

MEETING DATE:    August 2, 2017

TO:              Planning Commission

FROM:            Patty Nevins, Community Development Director

SUBJECT:         ZONING TEXT AMENDMENT 17-97503 TO AMEND
                 VARIOUS SECTIONS OF THE ZONING ORDINANCE
                 (TITLE 17 OF THE BANNING MUNICIPAL CODE)
                 REGARDING ACCESSORY DWELLING UNITS WITHIN
                 THE TEXT

RECOMMENDED ACTION:

Continue the item to the September 6, 2017 Regular Planning Commission
meeting.

Recommended By:

Patty Nevins
Community Development Director