CALL TO ORDER OF ADJOURNED REGULAR MEETING: Commissioner Krick

➢ Pledge of Allegiance: Commissioner Schuler
➢ Roll Call: Commissioners Brosious, Krick, Schuler

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.

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.

1. Minutes of July 10, 2019 Adjourned Planning Commission meeting

REVIEW AND DISCUSSION ITEMS:

FINDINGS OF GENERAL PLAN CONFOMITY OF REAL PROPERTLY ACQUISITION OF APPROXIMATELY 1.21 ACRES OF LAND

Staff Report – Ted Shove
**Recommendation:**

That the Planning Commission adopt Resolution 2019-17:

I. Finding that the proposed acquisition of 1.21 acres of real property located between E. Inland School Lane (north) and E. Theodore Street (south) and adjacent and west of Hargrave Street in the City of Banning, California, for public electric utility infrastructure conforms with the City of Banning General Plan.

V. **PUBLIC HEARING:**

1. DESIGN REVIEW 19-7005, CONDITIONAL USE PERMIT 19-8004, AND ENVIRONMENTAL ASSESSMENT 19-1502 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY LOCATED NORTH OF EAST RAMSEY STREET AND EAST OF NORTH PHILLIPS STREET, AT 1165 EAST RAMSEY STREET IN THE BUSINESS PARK (BP) ZONING DISTRICT.

Staff Report – Mark de Manincor.................................................................Page 56

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**Recommendation:**

That the Planning Commission adopt Resolution 2019-19:

I. Making a determination under CEQA Guidelines Section that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section’s 15303 (New Construction of Small Structures) that the proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301; and

II. Approving of Design Review 19-7005 and Conditional Use Permit 19-8004 to allow for the construction and operation of a Wireless Telecommunications Facility in the Business Park (BP) Zoning District subject to the recommended conditions of approval.
2. ZONING TEXT AMENDMENT NO. 19-97503 AMENDING CHAPTER 17.108 “TEMPORARY USE PERMITS’ AND TO ADD A NEW SECTION, 17.12.080 ‘COMMERCIAL CARGO/STORAGE CONTAINERS’ TO TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE (BMC) TO ESTABLISH ZONING AND DESIGN STANDARD FOR COMMERCIAL CARGO/STORAGE CONTAINERS.

Staff Report – Adam Rush

Order of Procedure:

1. Staff report presentation
2. Planning Commission questions for staff
3. Open public comments
4. Close public comments
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 2019-20:

I. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a “project” as defined by the CEQA Guidelines Section 15378.

II. Approval of Zoning Text Amendment 19-97503 to amend Chapter 17.108 “Temporary Use Permits” and to add a new section, 17.12.080 “Commercial cargo/storage containers” of Title 17 “Zoning” of the Banning Municipal Code to establish zoning and design standards for commercial cargo/storage containers.

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 4, 2019 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

PLANNING COMMISSION MINUTES

July 10, 2019

An adjourned regular meeting of the City of Banning Planning Commission was held on Wednesday, July 10, 2019 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Shaw
Commissioner Brosious
Commissioner Krick
Commissioner Schuler

Staff Present: Community Development Director Adam Rush
Public Works Director/City Engineer Art Vela
Assistant City Attorney Serita R. Young
Senior Planner Sonia Pierce
Recording Secretary Sandra Calderon

I. CALL TO ORDER:

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

II. PUBLIC COMMENTS:

No Comments

III. CONSENT CALENDAR ITEMS:


   ACTION: Motion/Second (SCHULER/KRICK)
   (Motion Carried 4-0)

   With the following amendment to page 6.

   Director Vela said he is looking at benefits of having an off-ramp interchange at Highland Home Road. He said this will be reviewed during the upcoming General Plan Update.

IV. PUBLIC WORKSHOPS:

1. PROPOSED CHANGES AND FORTHCOMING ZONING ORDINANCE TEXT AMENDMENT (ZTA) TO TITLE 17 – CHAPTERS 17.108.020; 17.12.20 AND OTHER SECTIONS TO REVISE THE PERMITTED AND AUTHORIZED USES; TIMEFRAMES; AND DESIGN OF STORAGE CONTAINERS.
Director Rush presented the staff report. He is looking for direction to accept public testimony and provide direction to staff. This item will be forthcoming based on the public comments in a proposed zoning text amendment. The proposed zoning text amendment would affect many of the zoning classifications and land use destinations within the City. Staff has received interest in desire to utilize storage containers for various purposes.

The cost of returning the containers to the point of origin is usually more than to make new ones. Entrepreneurs are being looking at these for different purposes. Our City ordinance currently allows for usage during construction and for additional storage behind a commercial building if they have seasonal stock. Currently none of the zoning code provisions allows storage containers on a permanent basis. They are allowed for a period of 60-days during construction or for temporary storage with a temporary use permit up to one year in conjunction with a construction project.

Questions have been made to staff to see if they can be used as construction material. If that’s the case, design guidelines would be established through a zoning process before the Commission and City Council.

The purpose of this workshop is to solicit public communication and comments from the Commissioners. Staff will take them back to the City Manager and come back to the Planning Commission with actual design guidelines.

Director Rush said the most pressing issue from staff perspective is permanent storage. Many storage containers are being used currently for non-habitable space but would like to keep them for permanent storage. One of the things that should be considered is design guidelines if the existing storage containers would be allowed to remain in the exiting properties and if they would be required to be set on a permanent foundation, which it would incur a significant cost on the part of the property owner or consider an alternative.

Commissioner Shaw said because there are multiple uses, the ordinances should be classified differently. The type of use, the length of use and permanent habitable use. It should also have some flexibility for staff level approval as well as Conditional Use Permit approval from Planning Commission depending on the proposed use.

Commissioner Krick suggested that maybe we could allow storage containers that would be used for storage only to be set on gravel to give a little drainage option and it’s not sitting on dirt.

Director Rush said we have not received many requests for an accessory living unit. Lot size coverage is one of the items we would look at. We currently have an ordinance that has maximum lot coverages. Director Rush agreed to send a copy of this ordinance to the Planning Commissioners.

Director Rush said he did not find an ordinance that would allow permanent storage on residential zones. City of Hemet allows them as permanent storage in Commercial and Industrial zones and it’s temporary on residential. Subsequently, staff performed additional research and did locate ordinances that authorize the permanent use of storage containers, in residential zones, within Cities outside the City of Banning.
Commissioner Schuler said that probably more suggestions would be generated if a public workshop is held in the future then draft a final ordinance.

Chairman Shaw opened public comments.

John Higgins, resident of Banning said if storage containers would be allowed in residential zones an improved surface would suffice. The ordinance should spell out that the intended use and requirements.

Laura Leindecker, resident in Banning said she represents the Week’s property on 700 S. Hathaway Street. She said they are looking to change the ordinance that would allow them to keep their storage containers permanently.

Fidel Castillo, resident of Banning said certain type of ordinance would have to be drafted to get people to get them into the City. An additional cost would be imposed on the home owner if the City would require the storage containers to be set on a slab.

Commissioner Krick said he understand the affordability issue, but he’s not sure if he would like to see it in his neighborhood. If they are allowed, they should be display in a pleasing fashion and follow the necessary set back requirements.

Commissioner Brosious said he would mind if a storage container is not painted to match the house and or require a slab if it’s going to be used for storage purposes only.

**ACTION:** Motion/Second (KRICK/BROSIOUS) to accept the staff report

(Motion Carried 4-0)

2. **PROPOSED GENERAL PLAN AMENDMENT FOR VARIOUS PARCELS REQUIRING MODIFICATION; CHANGES, AND REVISIONS FOR CONSISTENCY PURPOSES AND DUE TO EXISTING LAND USES.**

Director Rush said we are starting the process for a General Plan Update. It has not been updated since 2006. There are several parcels that have been identified through the development review process that need to be fixed quicker than a General Plan and an EIR.

Some of the parcels have been selected to provide some economic development in the City. the intent is to go through them and then identify the appropriate environmental document and start that process.

Mapping error located south of the Airport & Barbour Street. Recommendation is that this property changes from Public Facilities (PF) to Industrial (I) Zone.

Banning Electric Utility, south of Lincoln Street. Recommendation is that this property changes Medium Density Residential (MDR) to Public Facilities (PF) Zone.

N. Hermosa Avenue, its property that is privately owned, High Density Residential (HDR) and High Density Residential with Affordable Housing Opportunity Zone (20-24 du/ac). A project is being proposed that is below the 20 du/ac in both areas and it does not meet the existing General Plan. The
Recommendation to the property owner is to expand to include all parcels to set the threshold to a minimum of 20 du/ac. The applicant owns all three parcels.

Zenner-Weeks Property, these 5 parcels are currently Very Low Density Residential (VLDR) – Recommend change zoning to Industrial (I) Zone.

Banning Business Center, these parcels are split with different legal destinations. Recommendation is to clean the zoning destination to Industrial (I) Zone.

Staff is recommending that these properties are cleaned-up before the General Plan Update and hope to start the environmental analysis in the next 30 days.

Commissioner Schuler said she is in favor of this clean-up before the General Plan meetings.

Chairman Shaw opened public comments.

No public comments

Chairman Shaw closed public comments

ACTION: Motion/Second (BROSIOUS/SCHULER) to accept the staff report

(Motion Carried 4-0)

V. PLANNING COMMISSIONER COMMENTS:

Commissioner Brosious asked if the City need an ordinance to address historical structures and modifications.

Senior Planner Pierce said the General Plan identifies the buildings as Heritage Buildings. She has been working with the historical society by looking at materials and properties they feel they may need special attention. The City does not have any designated historical properties. The City is currently working with the property owners of the Reed building on the current building renovation.

One of the reasons the Mills Act has not moved forward is because of the lack of staff and resources. A consultant would likely be hired if the City Council would like to allocate money for that process.

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

Director Rush said we have received two applications for the Planning Commission vacancy. The deadline to submit applications have been extended to July 19 at 5:00 p.m.

The cannabis lottery was held at the end of May and the top three applicants were selected. The ordinance for the set back reduction was adopted and to date we have not received any applications for commercial or retail.
At the last City Council meeting, the first reading of the TUMF fee update ordinance was approved, it will be scheduled for a second reading in August and become effective in September. This ordinance transfers all accounting collection of fees to the County.

The City Council approved the contract with Webb and Associates to prepare the environmental analysis for the Sun Lakes Boulevard realignment and extension.

The City Council also approved a contract for a permitting system that will be paid through grant funding.

VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:30 p.m. to the next Regular Planning Commission of August 7th at 8:30 p.m. at the City of Banning Council Chambers.

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.
PUBLIC WORKSHOPS
ITEM NO. IV.1
CARGO/STORAGE CONTAINERS

Proposed Zoning Text Amendment – Design Guidelines for Storage Containers
Vicinity Map

City of Banning (citywide)
Aerial Photo

City of Banning (citywide)

1" = 9807 ft

Aerial Photo

07/10/2019

This map may represent a visual display of related geographic information. Data provided hereon is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
Background

➢ Commercial Cargo/Storage Containers are generally used to transfer goods from point A to point B.
➢ Commercial cargo/storage containers are being used primarily for temporary storage of building materials and tools, household goods, personal items, other materials for use on a limited or temporary basis.
➢ While these containers are convenient for the users, the City is finding it necessary to regulate certain aspects (e.g., placement, duration, use, and aesthetics) to minimize an overabundance of commercial cargo/storage containers within residential and commercial zoning districts and on a permanent basis.
Currently, the Banning Municipal Code (BMC) authorizes storage containers, for a period not to exceed 60-days.

There is no zoning district which authorizes commercial cargo/storage containers as either a permanent or semi-permanent land use or in conjunction with permanent as construction material or methods.

In utilizing commercial cargo/storage containers as permanent uses, design guidelines must be established to ensure that they are screened from public right-of-ways (R/W), that guidelines for architectural enhancements.
Analysis

➢ Four major components for consideration of the ultimate use:
  ➢ concealment,
  ➢ their color,
  ➢ the placement, and the
  ➢ size

➢ For construction use, a temporary use permit is appropriate to allow opportunity to the resident and/or property owners to meet their temporary storage needs.

➢ For permanent storage use, design standards, security, and siting of the container are critical elements for review.

➢ This is to assist in providing additional storage for those businesses that may not have adequate storage spaces within their current building square footage.
## Proposed Standards

<table>
<thead>
<tr>
<th></th>
<th>Residential (TUP)</th>
<th>Commercial (TUP)</th>
<th>Commercial (Permanent Storage)</th>
<th>Permanent Commercial Construction</th>
<th>Permanent Residential Construction</th>
</tr>
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<tbody>
<tr>
<td>Temporary Use Permit</td>
<td>Temporary Use Permit</td>
<td>Design Review/CUP</td>
<td>Design Review/CUP</td>
<td>Design Review/Subdivision</td>
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<td>Siting and screening</td>
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<td>Design Standards</td>
<td>Architectural Review</td>
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</tbody>
</table>
Currently, the City requires a Temporary Use Permit (TUP) application to be filed and approved through the Community Development Department. This type of permit process is appropriate, given that containers are only allowed as a temporary use. If zoning provisions, combined with architectural design guidelines, are implemented within the BMC, then applicants would be subject to one of the processes currently required for new entitlements. At this time, the City employs four (4) separate entitlement processes for new applications: (1) Conditional Use Permit; (2) Design Review; (3) Tentative Map (Subdivision); and (4) Site Plan Review.

These processes are placed in order of the intensity of review, from greatest to least intensive and typically the Site Plan Review process is only required for permitted uses which are ministerial in nature and that do not require a public hearing before the Planning Commission or City Council (or both).
Public Communication

The purpose and intention of the Planning Commission workshop is to solicit public communication and comments from the Commissioners, stakeholders, business communities, and potential applicants.
Storage Examples - Temp
Storage Examples
Storage Examples - Perm
Storage Examples - Perm
Storage Examples - Perm
Storage Examples - Retail
Storage Examples - Retail
Storage Examples - Retail
Storage Examples - Housing
Storage Examples - Housing
Storage Examples - Housing
Storage Examples - Housing
Storage Examples - Housing
Discussion

Thank you & Questions
PUBLIC WORKSHOPS
ITEM NO. IV.2
PROPOSED GPA
“CLEAN-UP”

Various Parcel Modifications; Changes, & Revisions for Consistency Purposes
Vicinity Map
Airport & Barbour St.
Banning Electric Utility
Banning Electric Utility
North Hermosa Avenue
Zenner-Weeks Property
Banning Business Center

This map represents a visual display of related geographic information. Data provided here is not guaranteed of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

1" = 302 ft  General Plan LUD  07/10/2019
As a precursor to the City’s comprehensive General Plan Update, City staff is recommending that several parcels within the Banning City limits undergo an update to their General Plan Land Use Designation (GP LUD).

Altogether, this process can take on average, between 18-24 months to conduct said meetings, establish the environmental impacts and disclose such impacts to members of the public and the City’s advisory and decision making authorities (e.g., Planning Commission and City Council).

Several developments within the City are limited in their economic development potential and would likely suffer if subject to the timelines of a formal General Plan Update.
California Environmental Quality Act (CEQA)

The General Plan Amendment has not yet been evaluated with an Initial Study. At this time, the environmental clearance document is pending.
The purpose and intention of the Planning Commission workshop is to solicit public communication and comments from the Commissioners, stakeholders, business communities, and potential applicants.
Discussion

Thank you & Questions
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Adam Rush, Community Development Director
PREPARED BY: Ted Shove, Economic Development Manager
MEETING DATE: August 14, 2019
SUBJECT: FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 1.21 ACRES OF LAND

RECOMMENDATION:

Staff recommends that the Planning Commission:

Adopt Planning Commission Resolution 2019-17, finding that the proposed acquisition of 1.21 acres of real property located between E. Indian School Lane (north) and E. Theodore Street (south) and adjacent and west of Hargrave Street in the City of Banning, California, for public electric utility infrastructure conforms with the City of Banning General Plan.

APPLICANT INFORMATION:

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

BACKGROUND:

California Government Code Section 65402 requires that a city’s planning agency (i.e. Planning Commission) review and report upon whether the location, purpose, and extent of a proposed real property acquisition by the city for public purposes, conforms with the adopted General Plan or parts thereof.

The Banning City Council is considering the acquisition of 1.21 acres of vacant real property pursuant to an Agreement for Purchase and Sale and Escrow Instructions. The property is located between E. Indian School Lane (north) and E. Theodore Street (south)
and adjacent and west of Hargrave Street. The acquisition would allow for the future construction of a public electric utility substation facility.

**DISCUSSION / ANALYSIS:**

The Planning Commission is required to report on the conformity of the proposed real property acquisition with the Banning General Plan to the City Council within 40 days after the matter has been submitted to the Planning Commission. Staff has reviewed the proposed real property acquisition and has determined that the location, purpose, and extent of the acquisition conforms with the following applicable policies set forth in the Banning General Plan:

**LAND USE ELEMENT:**
The General Plan Land Use Element designates the site and surrounding properties as Low Density Residential ("LDR"), which permits “public utility facilities”. The Element designates LDR land uses for single attached and detached family homes with a density of 0-5 dwelling units per acre. The proposed public electric utility substation facility will not alter the surrounding land use designations and is consistent with the Element.

**CIRCULATION ELEMENT:**
The Circulation Element identifies Hargrave Street as a Secondary Highway that runs north-south, north of I-10 and serves a mix of commercial, business park, and residential land uses. The public electric utility substation facility would serve to reduce the impact of the existing circulation network, as a public electric substation facility would receive less traffic than traditional "LDR" designated uses and will facilitate safe, efficient traffic circulation in the northeastern Banning area.

**NATURAL RESOURCES ELEMENT:**
The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. To the extent applicable, the public electric utility substation facility would be subject to the Multi-Species Habitat Conservation Plan ("MSHCP").

**CULTURAL RESOURCES ELEMENT:**
The San Gorgonio Pass area is rich in “historical resources” dating back to AD 1000. The subject property will be evaluated prior to construction under the California Environmental Quality Act, which will require consultation with local native tribes. Appropriate mitigating measures will be identified and development will be conditioned upon those measures.
RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adopt Planning Commission Resolution No. 2019-17:

Finding that the proposed acquisition of 1.21 acres of real property located between E. Indian School Lane (north) and E. Theodore Street (south) and adjacent and west of Hargrave Street in the City of Banning, California, for an electric utility substation facility conforms with the City of Banning’s General Plan.

Prepared By: 

[Signature]

Ted Shove
Economic Development Manager

Reviewed and Recommended By:

[Signature]

Adam Rush
Community Development Director

Attachments:

1. Resolution 2019-17
2. Site Map
RESOLUTION 2019-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, FINDING THAT THE PROPOSED ACQUISITION OF 1.21 ACRES OF REAL PROPERTY LOCATED BETWEEN EAST INDIAN SCHOOL LANE AND EAST THEODORE STREET AND ADJACENT TO HARGRAVE STREET IN THE CITY OF BANNING, CALIFORNIA, FOR A PUBLIC ELECTRIC UTILITY FACILITY CONFORMS WITH THE CITY OF BANNING GENERAL PLAN

WHEREAS, California Government Code Section 65402 requires that a planning agency review and report upon whether the location, purpose, and extent of a real property acquisition for public purposes by a city is consistent with the city’s adopted general plan, or parts thereof;

WHEREAS, the City of Banning, as a local agency defined under Government Code Section 65402 is considering the acquisition of 1.21 acres for improvement and use as a public electric utility substation facility pursuant to an Agreement for Purchase and Sale and Escrow Instructions;

WHEREAS, on August 14, 2019, the Planning Commission of the City of Banning considered whether the location, purpose, and extent of the proposed acquisition of approximately 1.21 acres of land for improvement and use as a public electric utility substation facility conforms with the City of Banning General Plan; and

WHEREAS, on August 14, 2019, interested persons had an opportunity to comment in support of, or opposition to, the Planning Commission’s report upon whether the location, purpose, and extent of the proposed acquisition of approximately 1.21 acres of land for improvement and use as a public electric utility substation facility conforms with the City of Banning General Plan.

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

SECTION 1: The proposed acquisition of approximately 1.21 acres of land for improvement and use as a public electric utility substation facility conforms with the following applicable objectives, policies, general land uses and programs of the City of Banning General:
A. LAND USE ELEMENT: The General Plan Land Use Element designates the site and surrounding properties as Low Density Residential ("LDR"), which permits "public utility facilities". The Element designates LDR land uses for single attached and detached family homes with a density of 0-5 dwelling units per acre. The proposed public electric utility substation facility will not alter the surrounding land use designations and is consistent with the Element.

B. CIRCULATION ELEMENT: The Circulation Element identifies Hargrave Street as a Secondary Highway that runs north-south, north of I-10 and serves a mix of commercial, business park, and residential land uses. The public electric utility substation facility would serve to reduce the impact of the existing circulation network, as a public electric substation facility would receive less traffic than traditional "LDR" designated uses and will facilitate safe, efficient traffic circulation in the northeastern Banning area.

C. NATURAL RESOURCES ELEMENT: The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. To the extent applicable, the public electric utility substation facility would be subject to the Multi-Species Habitat Conservation Plan ("MSHCP").

D. CULTURAL RESOURCES ELEMENT: The San Gorgonio Pass area is rich in "historical resources" dating back to AD 1000. The subject property will be evaluated prior to construction under the California Environmental Quality Act, which will require consultation with local native tribes. Appropriate mitigating measures will be identified and development will be conditioned upon those measures.

SECTION 2: Based on the findings made in Section 1 of this Resolution, the Planning Commission hereby determines that the proposed acquisition of approximately 1.21 acres of land for improvement and use as a public electric utility substation facility conforms with the City of Banning General Plan.

SECTION 3: The Planning Commission hereby directs the Community Development Director to forward a copy of this Resolution to the City Council by or before September 23, 2019.
PASSED, APPROVED AND ADOPTED this 14th day of August 2019.

________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

________________________
Serita R. Young, 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 2019-17, was duly adopted by the Planning Commission of the City of Banning, California, at an adjourned regular meeting thereof held on the 14th day of August, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2

Site Map
TO: PLANNING COMMISSION
FROM: Adam B. Rush, Community Development Director
PREPARED BY: Mark de Manincor, Contract Planner
MEETING DATE: August 14, 2019

RECOMMENDED ACTION:

Staff recommends that the Planning Commission adopt Resolution 2019-19:

1. Making a determination under CEQA Guidelines Section that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section’s 15303 (New Construction of Small Structures) and 15332 (Infill Development Projects).

2. Approval of Design Review 19-7005 and Conditional Use Permit 19-8004 to allow the construction and operation of a Wireless Telecommunications Facility in the Business Park (BP) Zoning District subject to the recommended conditions of approval.

APPLICANT INFORMATION:

Project Location: 1165 East Ramsey Street
APN Information: 541-162-010
Project Applicant: Smart Link, LLC (AT&T)
3300 Irvine Avenue #300
Newport Beach, CA 92660
Property Owner: Krystal Perez Cruz
1300 East Ramsey Street
Banning, CA 92220

REQUEST:

The applicant, Smart Link, LLC, is requesting approval of a Design Review (DR) and Conditional Use Permit (CUP) to construct and operate a 70-foot-tall telecommunications antennae with related equipment. The proposed project is located in a vacant lot in the Business Park (BP) Zoning District on property identified as 1165 East Ramsey Street, APN 541-162-010.

DESCRIPTION:

The project site is a 2.18-acre vacant lot. The project consists of a 70-foot-tall monopine telecommunications antennae, 6-foot-tall decorative block wall with tubular steel gate, 30kV diesel generator on a concrete pad, utility cabinet and related equipment in a 960 square foot area. The address is 1165 East Ramsey Street and is next door to Cruz Tires.

Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Lot</td>
<td>Business Park (BP)</td>
<td>BP</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>Low Density Residential (LDR)</td>
<td>LDR</td>
</tr>
<tr>
<td>East</td>
<td>Auto Repair</td>
<td>BP</td>
<td>BP</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>BP</td>
<td>BP</td>
</tr>
</tbody>
</table>

ANALYSIS:

Zoning

The site is located within the Business Park (BP) Zoning District, wherein Telecommunications Antennae are permitted with approval of a Conditional Use Permit by the Planning Commission. In the Business Park (BP) Zoning District, Light industrial and office/warehouse buildings are appropriate. Restaurants and retail uses ancillary to a primary use, and professional offices are also appropriate. Commercial development, such as large-scale retail (club stores, home improvement, etc.) and mixed-use project may also be permitted, subject to a conditional use permit.
Design Review

The purpose of a Design Review according to Banning Municipal Code Section 17.56.010 is:

A. Establish design review procedures for development proposals;
B. Assure that proposed project conform to development standards and design guidelines;
C. Focus on community design principles which result in creative, imaginative solutions which establish quality design for the City;
D. Promote the orderly and harmonious appearance of structures, landscaping, parking areas, etc; and
E. Maintain the public health, safety and general welfare and property throughout the City.

Prior to making a determination, the Planning Commission shall determine that the project adequately meets adopted City performance standards and design guidelines, based upon the following findings:

A. The proposed project is consistent with the General Plan.
B. The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.
C. The design and layout of the proposed 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.
D. The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings for the project are made and can be found in the attached Resolution.

Conditional Use Permit

The purpose of a conditional use permit according to Banning Municipal Code Section 17.52.010 is: Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.

This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients or patients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen
any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

Additionally, the Commission may approve and/or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

A. The proposed use is consistent with the General Plan;
B. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Ordinance;
C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
D. The subject site is physically suitable for the type and intensity of land use being proposed;
E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
F. There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings for the project are made and can be found in the attached Resolution.

Parking Requirements

Although there is no parking requirement for telecommunications antennae, paved access and at least one paved parking space and turn around shall be required for maintenance vehicles.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with §15303 (New Construction of Small Facilities) a Class 3 Categorical Exemption and §15332 (Infill Developments) a Class 32 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 3 Categorical Exemption consists of construction and location of limited numbers of new, small facilities or structures and a Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting conditions described below:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

Findings for the project are made and can be found in the attached Resolution.

**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 Fee.

**PUBLIC COMMUNICATION**

Proposed Design Review 19-7005 and Conditional Use Permit 19-8004 was advertised in the Record Gazette newspaper on August 2, 2019 (Attachment 3). Notice was also mailed to all property owners within 300 feet of the project site and posted in two public places. As of the date of this report, staff has not received any written comments for or against the project.

Prepared by: 

Mark de Manincor
Contract Planner

Reviewed by:

Adam B. Rush
Community Development Director

**Attachments:**

1. Site Plans
2. Resolution 2019-19
3. Conditions of Approval
4. Notice of Exemption
5. Public Hearing Notice
ATTACHMENT 1
Site Plans
RESOLUTION NO. 2019-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, APPROVING DESIGN REVIEW 19-7005 AND CONDITIONAL USE PERMIT 19-8004 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE BUSINESS PARK (BP) ZONE ON REAL PROPERTY LOCATED AT 1165 EAST RAMSEY STREET (APN 541-162-010), AND MAKING A FINDING OF EXEMPTION FROM CEQA

WHEREAS, an application for a Design Review and Conditional Use Permit has been duly filed by:

Project Applicant: Smart Link, LLC (AT&T)
3300 Irvine Avenue, Suite 300
Newport Beach, CA 92660

Project Location: 1165 East Ramsey

APN Information: 541-162-010

Property Owner: Krystal Perez Cruz
1300 East Ramsey Street
Banning, CA 92220

WHEREAS, the Planning Commission has the authority per Chapter 17 of the Banning Municipal Code to take action on Design Review 19-7005 and Conditional Use Permit 19-8004 for a Telecommunications Antennae in the Business Park Zoning District; and

WHEREAS, on August 2, 2019, 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 August 14, 2019, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Design Review 19-7005 and Conditional Use Permit 19-8004; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review 19-7005 and Conditional Use Permit 19-8004 and determined that, pursuant to CEQA Section 15303 (New Construction of Small Structures) and Section 15332 (Infill Developments) the project is categorically exempt from review under CEQA.
NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1: California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby make the following environmental findings and determinations in connection with the approval of the project:

A. In accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures), a Class 3 categorical exemption from the requirements of CEQA, the project is being exempt from further environmental review. A Class 3 categorically exempt project consists of construction and location of limited numbers of new small facilities or structures.

B. In accordance with CEQA Guidelines Section 15332 (Infill Developments), a Class 32 categorical exemption from the requirements of CEQA, the project is being exempt from further environmental review. A Class 32 categorically exempt project consists of projects characterized as infill development meeting the conditions described below:

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
   i. The project is consistent with the general plan designation of Business Park and zoning regulations as required in the conditions of approval.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
   i. The proposed development occurs within city limits on a project site of 2.18 acres substantially surrounded by urban uses.

c. The project site has no value as habitat for endangered, rare or threatened species.
   i. The project site is an infill lot that has sparse vegetation, signs of continued extensive human activity, and has no known value as habitat for endangered, rare or threatened species.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
   i. The operation of the project will result in a few maintenance trips per year, emits little noise, will not affect air quality or water quality.

e. The site can be adequately served by all required utilities and public services.
   i. All utilities are located adjacent to the site and public services, such as, Police and Fire, are provided by the City of Banning.

C. The Planning Commission has analyzed proposed Design Review 19-7005 and Conditional Use Permit 19-8004 and has determined, based on its own independent judgment, that the project is categorically exempt from CEQA pursuant to Section's 15303 and 15332 of the CEQA Guidelines.
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 Fee.

SECTION 2: Required Findings for Design Review 19-7005: The Planning Commission of the City of Banning does hereby find and determine that Design Review 19-7005 should be approved because:

REQUIRED FINDINGS FOR DESIGN REVIEW 19-7005:

Section 17.56 of the City of Banning Zoning Ordinance requires each Design Review application shall be analyzed to assure that the application is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Design Review 19-7005.

Finding A: The proposed use is consistent with the General Plan.

Finding of Fact: Design Review 19-7005 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 land-use designation of Business Park (BP) allows for Telecommunications Antennae with the approval of a Design Review. The proposed project under Design Review 19-7005 is adjacent to residential uses to the south, west and north. There is an Automotive Repair Shop to the east. The site is currently undeveloped which establishes the need for a Design Review. Further, Design Review 19-7005 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 proposed construction of a telecommunications antennae will assist in providing income for the property owner and will generate entitlement fees, plan check fees and building permit fees for the City.

Finding B: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: With the imposed conditions of approval, the proposed project in the Business Park (BP) Land Use District is consistent with the Zoning Ordinance and the applicable development standards set forth in Chapter 17.12 of the Banning Municipal Code, as the development meets or exceeds the Zoning Ordinance development standards. The setbacks and antennae height, along with the public improvements, meets City development standards. Additionally, all other applicable design guidelines set forth in Chapter 17.12 of the Banning Municipal Code have been satisfied.

Finding C: The design and layout of the proposed 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.
Finding of Fact: The proposed project is located in an area that is developed with commercial businesses and residential uses on Ramsey Street, a major highway. The proposed project has provided design, site and circulation layout in such a way that the project will not interfere with the use and enjoyment of existing and future development. The project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles and emergency access, which will not result in vehicular and/or pedestrian hazards.

Finding D: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The proposed use will not impair the integrity and character of the BP land use district in which it is to be located because it is surrounded by existing commercial and residential developments on Ramsey Street, a major highway which is a long-established commercial corridor. The antennae design, site layout and antennae concealment has been designed in a way that the project is compatible with the character of the surrounding neighborhood. This includes disguising the antennae as a pine tree.

SECTION 3: Required Findings for Conditional Use Permit 19-8004: The Planning Commission of the City of Banning does hereby find and determine that Conditional Use Permit 19-8004 should be approved because:

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 19-8004:

Section 17.52 of the City of Banning Zoning Ordinance requires each Conditional Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit 19-8004:

Finding A: The proposed use is consistent with the General Plan;

Finding of Fact: Conditional Use Permit 19-8004 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 land-use designation of Business Park (BP) allows for Telecommunications Antennae with the approval of a Conditional Use Permit. The proposed project under Conditional Use Permit 19-8004 is adjacent to residential uses to the south, west and north. There is an Automotive Repair Shop to the east. The site is currently undeveloped which establishes the need for a Design Review. Further, Conditional Use Permit 19-8004 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 proposed construction of a telecommunications antennae will assist in providing income for the property owner and will generate entitlement fees, plan check fees and building permit fees for the City.
Finding B: The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance;

Finding of Fact: The proposed wireless telecommunications facility, a form of an antennae and communications tower, is conditionally permitted in the Business Park (BP) Zoning District pursuant to Section 17.12.020 and Table 17.12.020 of the Zoning Ordinance, and complies with all applicable provisions in the City’s Zoning Ordinance.

Finding C: The proposed use would not impair the integrity and character of the land use district in which it is to be located;

Finding of Fact: The proposed wireless telecommunications facility is conditionally permitted in the Business Park (BP) Zoning District under Section 17.12.020 and Table 17.12.020 of the Zoning Ordinance. The site is an existing vacant lot and the improvement of the site is designed and conditioned to complement the existing character of the neighborhood. The approval of the proposed wireless telecommunications facility will be conditioned to require maintenance of the facility in a manner that will not interfere with the use and enjoyment of future development.

Finding D: The subject site is physically suitable for the type and intensity of land use being proposed;

Finding of Fact: The subject site is suitable for the type and intensity of proposed wireless telecommunications facility in that the proposed facility will be installed on a vacant lot. The subject site is designed in a way that the proposed wireless telecommunications facility will be compatible with the character of the surrounding neighborhood and the design guidelines set forth in the City’s Zoning Ordinance.

Finding E: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;

Finding of Fact: The proposed wireless telecommunications facility is non-residential in character and will place little or no additional demand upon City services or utilities, except during construction. The applicant will be conditioned to contract with the City’s waste hauler for the removal of construction materials. The subject site is serviced by the City’s Electrical Department.

Finding F: There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;

Finding of Fact: The proposed wireless telecommunications facility will improve wireless service reception in the area and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, the installation of the proposed wireless telecommunications facility has been determined not to have a significant effect on the environment because it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section’s 15303 (New construction of small structures) and 15332 (Infill development projects).
Finding G: The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed location, size, design, and operating characteristics of the proposed wireless telecommunications facility will improve wireless service reception in the area and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, the installation of the proposed wireless telecommunications facility has been determined not to have a significant effect on the environment because it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section's 15303 (New construction of small structures) and 15332 (Infill development projects).

SECTION 4: PLANNING COMMISSION ACTION - Approval of Design Review 19-7005 and Conditional Use Permit No. 19-8004, with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby approves Design Review 19-7005 and Conditional Use Permit 19-8004, subject to the recommended Conditions of Approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 14th day of August, 2019.

________________________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT

________________________________________
Serita R. Young, 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, 2019-19, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 14th day of August 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 3
Conditions of Approval
PROJECT #: Design Review, 19-7005, Conditional Use Permit 19-8004

SUBJECT: Conditions of Approval (Planning Commission Resolution 2019-19)

APPLICANT: AT&T Wireless

LOCATION: APN: 541-162-010, 1165 East Ramsey Street, Banning, CA 92220

EXHIBIT A

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, state Planning and Zoning Laws, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
2. Approval of this entitlement shall not waive compliance with any sections of the Development Code, or other applicable City Ordinances, in effect at the time of building permit issuance.

3. Construction shall commence within two (2) years from the date of project approval, or the Design Review and Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review and Conditional Use Permit shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

4. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

5. The applicant shall comply with all conditions of approval as stipulated in the Airport Land Use Commission (ALUC) Development Review - Commission Determination dated August 8, 2019, and any amendments thereto; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronaautical Study.

6. The site shall be developed and maintained in accordance with the plans stamped approved by the City, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, Banning Municipal Code regulations.

7. Subsequent from the issuance of the Certificate of Occupancy/Final Inspection; the City shall review Conditional Use Permit (CUP) 19-8004 every two years to insure compliance with the Conditions of Approval. If at any time the applicant becomes non-compliant with the Conditions of Approval, the City can reevaluate the project and make recommendations to continue, revoke, or make changes to the project approval. NOTE: The applicant is required, pursuant to the Conditions of Approval (COA) to maintain the foliage, of the Monopine wireless communication facility, in good working order and ensure that all foliage (e.g., pine needles, leaves, etc.) extend beyond the antennas in perpetuity. Failure to comply may result in code enforcement action and/or revocation of the CUP.

8. The applicant shall comply with all Conditions of Approval imposed on the wireless telecommunications facility located at 1165 East Ramsey Street and the approval of DR 19-7005 and CUP 19-8004 prior to the issuance of a Certificate of Occupancy.
9. Prior to final inspection, the site is required to provide a paved driveway approach, paved driveway, paved parking space for one vehicle and a paved turn around to allow maintenance vehicles to enter, park and exit the site in a forward direction.

10. South Coast Air Quality Management District approval is required for the Diesel Generator.

11. The Monopine Antennae shall be maintained throughout the life of the project. All fallen foliage shall be removed immediately and the monopine shall be re-branched with new foliage with the loss of ten percent of its original foliage. NOTE: The applicant is required, pursuant to the Conditions of Approval (COA) to maintain the foliage, of the Monopine wireless communication facility, in good working order and ensure that all foliage (e.g., pine needles, leaves, etc.) extend beyond the antennas in perpetuity. Failure to comply may result in code enforcement action and/or revocation of the CUP.

12. The Monopine Antennae and associated equipment shall be enclosed within a six-foot-tall decorative block wall with tubular steel gate. The decorative block wall shall be installed with anti-graffiti coating during installation and prior to the final inspection of said wall.

13. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.

14. The applicant shall remove all graffiti immediately or within 24 hours of notice from the City.

15. The applicant shall keep the entire project site free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

16. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project site.

17. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards, including those that relate to hazardous materials.

**Public Works Department**

18. The telecommunications equipment shall not cause disturbances to the City’s existing SCADA telemetry communications network.

**Electric Utility Department**
19. Plan page A-1: "power utility route approx. 300". This point of connection will be corrected and addressed as this project moves forward, more information is provided and also during the plan check process.

20. The City of Banning Electric Utility will complete a service plan for this project. This plan will require an onsite utility power pad mounted transformer and a 20' wide utility easement for service conduits and substructures.

21. Please complete the attached Commercial New Service Questionnaire and return it to the utility.

22. Also see and follow the attached Electric Utility General Commercial Service Requirements.

23. See the attached comments from the Electric Utility Department.

**Fire Department**

24. Provide a sign with emergency contact information.

25. Install a Fire Extinguisher.

26. Order Knox Box, provide key to gate.

27. Schedule a Fire final inspection.

**Prior to Issuance of Building Permit**

**Community Development Department**

28. The applicant shall file a copy of a signed lease agreement between the applicant and the property owner with the Community Development Department.

**Prior to the Issuance of Certificate of Occupancy.**

**Community Development Department**

29. Prior to any use of the project site, or business activity being commenced thereon, the applicant shall complete all Conditions of Approval to the satisfaction of the Community Development Director.

**Building and Safety Department**

30. The applicant shall develop the project site in compliance with all current model codes. The applicant shall design all project plans in compliance with the latest editions of the California Building Codes, as adopted by the City of Banning.
31. Separate submittals and building permits are required for all accessory structures such as, but not limited to, ground mounted equipment enclosures.

***END***
CITY OF BANNING

Electric Utility

June 26, 2019

RE: CUP No. 19-8004, DR 19-7002 & ENV 19-1502

ADDRESS / APN: 1165 E. Ramsay Street / 541-162-010

ZONE: General Commercial

APPLICANT: Willy Kazimi, Smart Link, LLC, (AT&T)

Contract Planner: Sonia Pierce

PROJECT DESCRIPTION: Proposed 70’ unmanned telecommunications wireless facility.

CONDITIONS & COMMENTS
The electric utility approves the CUP, DR and ENV as presented.
Plan page A-1: “power utility route approx. 300’”. This point of connection will be corrected and addressed as this project moves forward, more information is provided and also during the plan check process.
The City of Banning Electric Utility will complete a service plan for this project. This plan will require an onsite utility power pad mounted transformer and a 20’ wide utility easement for service conduits and substructures.
Please complete the attached Commercial New Service Questionnaire and return it to the utility.
Also see and follow the attached Electric Utility General Commercial Service Requirements.

Mike Steen
Senior Electric Service Planner
City of Banning - Electric Utility
951.922.3250 Office

The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.
COMMERCIAL
NEW SERVICE QUESTIONNAIRE / AGREEMENT - CITY OF BANNING ELECTRIC

CUSTOMER'S NAME

PHONE: WORK ( ) (Legal name for contracts) HOME ( ) MESSAGE ( )

SERVICE ADDRESS

(House number, street address, city, state, and zip)

MAILING ADDRESS

(House number, street address, city, state, and zip)

ARCHITECT/SURVEYOR

PHONE ( )

ELECTRICAL ENGINEER OR CONTRACTOR

PHONE: WORK ( ) FAX ( ) CELLULAR ( )

PROJECT COORDINATOR

PHONE: WORK ( ) FAX ( ) CELLULAR ( )

If job is not yet bid out, what is the expected bid date? Approximate date service will be required:

IN ORDER TO PROCEED WITH THE ENGINEERING AND DETERMINATION OF CHARGES, THE FOLLOWING INFORMATION MAY BE REQUIRED:
1. ONE COMPLETE COPY OF THE SITE PLANS (INCLUDING WATER, SEWER, AND STORM) – ONE ELECTRONIC FILE PREFERRED
2. LEGAL DESCRIPTION (INCLUDE COPY OF DEED)
3. COMPLETE RISER DIAGRAM
4. DESIRED METERING LOCATION (ONE LOCATION PER BUILDING) AND DESIRED TRANSFORMER LOCATION
5. WILL EXISTING POWER FACILITIES REQUIRE RELOCATION? ○ YES ○ NO (IF "YES" MARK ON SITE PLAN)

RECOMMENDED ELECTRICAL INFORMATION

ELECTRICAL SERVICE ENTRANCE SIZE ○ 200 AMP ○ 400 AMP ○ AMP
○ OVERHEAD ○ UNDERGROUND ○ VOLTAGE /
○ SINGLE-PHASE ○ THREE-PHASE
SERVICE ENTRANCE: TOTAL NUMBER OF CONDUCTOR RUNS:

NEUTRAL WIRE SIZE:

TYPE OF HEAT:
○ ELECTRIC ○ GAS ○ WOOD ○ OTHER (SPECIFY)

TYPE OF COOING:
○ ELECTRIC ○ GAS ○ NONE ○ OTHER (SPECIFY)

TYPE OF BUSINESS:

WILL THERE BE ANY GENERATION AT THIS FACILITY? ○ YES ○ NO

IF "YES," WHAT KIND OF INTERCONNECTION DO YOU INTEND ON USING? ○ OPEN TRANSITION ○ CLOSED TRANSITION

TOTAL ELECTRICAL LOAD:

LIGHTING EXISTING NEW VOLTAGE PHASE

HEATING kW kW kW kW kW

AIR CONDITIONING kW kW kW kW kW

WATER HEATING kW kW kW kW kW

MOTORS kW kW kW kW kW

MISCELLANEOUS kW kW kW kW kW

TOTAL kW kW kW kW kW

MOTOR* (CHARACTERISTICS OF PROPOSED LOAD):

Size of HP Quantity Soft Start? Yes or No Starting amp Running amp Phase Class Voltage No. of Starts Per Day or Hour

*Please attach additional sheet with identical category listings if you need more room.

It is understood that if additional work is required of the City, due to customer revisions of the electrical load and/or voltage requirements or other information as supplied or requested on this form, the additional costs shall be borne by the customer. The City provides for installed load, not future load.

CUSTOMER SIGNATURE DATE
Electric Utility General Commercial Service Requirements

In order for the City of Banning Electric Utility to complete a service plan, the developer shall be responsible for the following:

1. Plans shall be in AutoCAD 2018 or an earlier version.
2. Plans shall include proposed building(s) footprint, existing utilities, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor’s parcel number.
3. Preferred 1” = 20’ scale if possible.
4. For private property, plans shall show an easement covering the facilities located on their property.
5. Plans shall include any notes pertaining to design/planning of electrical system.
6. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.
   ElectricServicePlanners@banningca.gov
7. Obtaining the described information outlined above in a timely matter is critical for design, planning, and ordering of materials for this project.

Developer is responsible for the following:

1. Obtaining the required permits from the City of Banning Building & Safety.
2. Installing and supplying all substructures, conduits, vaults, utility transformer pad, handholes and or protective barriers per City of Banning Electric Utility plan.
3. All trenching, backfill, and compaction.
4. The installation of Electric Utility metered switchgear/meter panel.
5. The installation of the service entrance cable from the utility transformer(s) to the pull section and switchgear.
6. All service entrance Compression Terminal 2-Hole Design Lugs. Contact the
8. Contractor shall contact C.O.B. Electric utility for inspection of trench, conduit, hand holes, pull boxes, or vaults.
9. Mandreling all conduits in the presence of the electric utility inspector.

Rev. 04/10/19
The C.O.B. Electric Utility shall be responsible for:

1. Reviewing plans submitted by customer.
2. Design an electrical utility plan for the installation of substructures and conduit by developer.
3. Providing a cost estimate for installing an underground electrical system for this project.
4. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
5. Installing primary (High Voltage) conductor installation, termination & energizing.
6. Install electrical utility apparatus including (High Voltage) primary conductors, terminations, metering, and transformer to provide electrical service for this project.
7. Termination of customer’s installed service entrance conductor at transformer location only.
ATTACHMENT 4
Notice of Exemption
Notice of Exemption

To:  
☐ Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

☑ County Clerk
County of Riverside
P.O. Box 751
Riverside, CA 92502-0751

From:
City of Banning
99E. Ramsey Street
P.O. Box 998
Banning, CA 92220

Project Title:
Design Review 19-7005, Conditional Use Permit 19-8004

Project Applicant: Smart Link, LLC for AT&T Wireless, 3300 Irvine Avenue #300, Newport Beach, CA 92660

Project Location – Specific:
1165 East Ramsey Street, Banning, CA 92220, Assessor’s Parcel Number 541-162-010

Project Location – City:  City of Banning  
Project Location – County:  Riverside County

Description of Nature, Purpose and Beneficiaries of Project:
Wireless Telecommunications Facility

Name of Public Agency Approving Project:  City of Banning

Name of Person or Agency Carrying Out Project:  City of Banning

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1): 15268);
☐ Declared Emergency (Sec. 21080(b)(3): 15269(a));
☐ Emergency Project (Sec. 21080(b)(4): 15269(b)(c));
☑ Categorical Exemption. State type and section number: Section’s 15303 and 15332

Statutory Exemptions. State code number:

Reasons why project is exempt:
The project is a new construction of a small structure (15303) and is substantially surrounded by urban uses, has all utilities, is 2.18-acres, is consistent with the General Plan and no significant effects (15332)

Lead Agency  City of Banning
Contact Person:  Adam Rush  
Area Code/Telephone/Extension: (951) 922-3131

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  ☐ Yes  ☐ No

Signature: ______________________  Date: ____________  Title: Community Development Director

☐ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: ______________________

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.
ATTACHMENT 5
Public Hearing Notice
Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)
167531 PHN CUP 19-8004

State of California  )
County of Riverside  ) ss.

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:

August 2, 2019

Executed on: 08/02/2019

At Banning , CA

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

[Signature]

NOTICE OF PUBLIC HEARING FOR CONDITIONAL USE PERMIT 19-8004 AND DESIGN REVIEW 19-7005 TO CONSIDER A PROPOSAL TO ALLOW THE CONSTRUCTION AND OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE BUSINESS PARK (BP) ZONE ON THE PROPERTY IDENTIFIED AS 1165 EAST RAMSEY ST (APN 541-162-010)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, August 14, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 59 East Ramsey Street, Banning, California, to consider a Notice of Exemption, Conditional Use Permit (CUP 19-8001) and Design Review (DR 19-7005) to allow for the construction and operation of a wireless telecommunication facility located in the Business Park (BP) zone on the property identified as 1165 East Ramsey St, APN 541-162-010.

Information regarding the Notice of Exemption can be obtained by contacting the City’s Community Development Department at (951) 923-3160, or by visiting the City Hall located at 59 East Ramsey Street, Banning. You may also go to the City of Banning website at https://banningca.gov.

All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal, or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65026).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING,
CALIFORNIA
Adam Rush, AICP
Community Development Director
Dated: July 30, 2019
Published: August 2, 2019
Published in
The Record Gazette
No. 167531
08/02/2019
TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

MEETING DATE: August 14, 2019


RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2019-20:

1. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378.


APPLICANT INFORMATION:

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

BACKGROUND:

Commercial cargo/storage containers are generally used to transfer goods from point A to point B. It is widely used in overseas shipping industry and ground distribution throughout the world. In the City of Banning, commercial cargo/storage containers are being used primarily for temporary storage of building materials and tools, household goods, personal items, seasonal overstock and other materials for use on a limited or temporary basis. The sizes of such commercial cargo/storage containers vary by the nature of their use. Many corporations are now offering temporary storage containers for moving purposes such as "PODs" by PODs, "PackRat" by
Lowes, "U-Box" by U-Haul and many others and are sized generally 8X7X8 and 8X8X16 feet. Some retailers offer smaller versions. Traditional commercial cargo/storage container are typically sized at 8X8X20 to 8X8X53 feet.

Currently, the Banning Municipal Code (BMC) authorizes storage containers, for a period not to exceed 60-days, unless the cargo container is used for a construction project with a valid building permit, in which case the temporary use permit may be granted for up to 365-days. There is no zoning district which authorizes commercial cargo/storage containers as either a permanent or semi-permanent ancillary use through any type of permit or authorization.

City staff understands and acknowledges the convenience and low cost of commercial cargo/storage containers and their growing popularity in utilizing them in both residential and commercial construction.

In utilizing commercial cargo/storage containers as permanent, but ancillary uses; the city should develop design guidelines to ensure that commercial cargo/storage containers are screened from public right-of-ways (R/W) and compatible with the surrounding neighborhood. The architectural guidelines and enhancements are developed to promote compatibility within established zoning districts, and that containers are developed in accordance with applicable building codes. The use of commercial cargo/storage containers, as permanent construction elements, does not in any way preclude the application of required building code compliance, including, but not limited to the California Building Code, Green Building Code, and the Mechanical, Electrical, and Plumbing (M.E.P.) codes.

**ANALYSIS:**

The four major components, necessary for consideration of both the temporary and permanent use of containers are their concealment, their color, the placement, and the size of proposed container usage and storage. These four components are vital considerations across all zoning districts, including residential and commercial/industrial districts.

**Land Uses:**

For residential application, staff is reviewing the needs during construction and moving. For construction use, a temporary use permit is appropriate to allow an opportunity for residents and/or property owners to meet their temporary storage needs. For moving purposes, no permit is required by the resident or the property owner.

For commercial and industrial applications, staff is reviewing the needs for temporary uses such as seasonal overstock storage, construction storage of materials and tools, and remodel storage of existing furnishings and goods during tenant improvements. This is limited to a short period of time not to exceed 60 days, or a maximum of 365-days but only in conjunction with an active construction project.

The permanent storage use would include the long term storage of maintenance equipment such as garden tools, disposable parts, overstock of goods, files/documents, event furniture and appliances, and miscellaneous items used in daily operation of a business. This is to assist in
providing additional storage for those businesses that may not have adequate storage spaces within their current building square footage. This is also a quick and inexpensive method of gaining storage space without the high cost and time of the traditional construction method.

Site Standards:

The site standards for residential, commercial, and industrial will address the placement on site/setbacks, color, conditions of the container, size, and screening. All of the criteria are to minimize the impact commercial cargo/storage containers have on the neighborhoods and commercial/industrial developments in the city and not create hazardous situations or negative visual impacts.

ENVIRONMENTAL DETERMINATION:

A. California Environmental Quality Act (CEQA)

City staff has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.

B. 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 the proposed Zoning Text Amendment will not require an individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

ADDITIONAL 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 No. 19-97503.

Finding No. 1: Proposed Zone Text Amendment No. 19-97503 is consistent with the goals and policies of the General Plan.
Findings of Fact: Proposed Zone Text Amendment No. 19-97503 is consistent with the goals and policies of the General Plan.

Goal 2, Policy 2

Land Use Policy 2, protects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

The Zoning Amendment requires that commercial cargo/storage containers are set back from the property frontage and painted in the same character and theme as the architectural style as the immediately surrounding community.

Policy 4

Policy 4 states that the City's Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.

The Zoning Text Amendment requires that only one commercial cargo/storage container is authorized within a residential lot and that the minimum lot size is two (2) acres.

Finding No. 2: Proposed Zone Text Amendment No. 19-97503 is internally consistent with provisions, development standards, permitted, and conditionally permitted uses of the Title 17 of the Banning Municipal Code.

Findings of Fact: Proposed Zone Text Amendment No. 19-97503 is internally consistent with the Zoning Ordinance.

Policy 5

Policy 5 states that all land use proposals shall be consistent with the goals, policies and programs of the General Plan and with the Zoning Ordinance.

The Zone Text Amendment No. 19-97503 does not create a conflict or internally inconsistency within Title 17 of the BMC; otherwise known as the Zoning Ordinance. The ZTA provides for the establishment of design standards and zoning provisions that will ensure the orderly and planned development of Residential, Commercial, Industrial, and Civic land uses within the City. In addition, the ZTA does not conflict, but rather enhances existing provisions for accessory uses currently authorized within the Zoning Ordinance.
Land Use Element:

Commercial Goal

Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities.

Industrial Goal

A balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents.

Policy 10

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

Policy 12

The City shall coordinate with developers and the Railroad to secure railroad spurs.

Economic Development Goal:

Policy 2

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.

Program 2.8

The City shall aggressively pursue retail commercial developments which reduce the current retail sales leakage

The provision of permanent storage facilities, for retail and commercial developments in a safe and aesthetically acceptable manner, will provide a development and economic incentives for business retention and attraction.

Finding No. 3:
Proposed Zone Text Amendment No. 19-97503 is internally consistent with the Zoning Ordinance.

Findings of Fact:
Proposed Zone Text Amendment No. 19-97503 is consistent with the purpose and objective of the Zoning Ordinance (Title 17) to ensure orderly
development of uses and lands within the City to protect the public health, safety, and welfare. The addition of sections 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," amending Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and the addition of a new Section 17.24.180, "Commercial cargo/storage containers" requires the City to establish design standards for commercial cargo/storage containers within the Municipal Code and authorizes the City to establish zoning and design standards for commercial cargo/storage containers. The proposed zoning text amendment will protect the public health, safety, and welfare of the residents of the City by reasonably regulating the placement, siting, setbacks, materials, and architecture of both residential and commercial storage containers.

Finding No. 4: 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 City Council finds and determines that this Ordinance is not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

City staff has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.
PUBLIC COMMUNICATION:

This hearing was advertised in the Record Gazette newspaper on August 2, 2019.

PREPARED BY:

[Signature]

Adam B. Rush, AICP
Community Development Director

PC Attachments:

1. Site Map
2. PC Resolution No. 2019-20
3. Zoning Text Amendment No. 19-97503
4. Notice of Exemption (NOE)
5. Public Hearing Notice (PHN)
ATTACHMENT 1
Site Map
ATTACHMENT 2
PC Resolution No. 2019-20
RESOLUTION 2019-20


WHEREAS, the City of Banning has initiated a Zoning Text Amendment to amend Chapter 17.108 ("Temporary Use Permits") and add a new Section 17.12.080 ("Commercial Cargo/Storage Containers") to Chapter 17.12 ("Commercial and Industrial Districts") of Title 17 ("Zoning") of the Banning Municipal Code to establish zoning and design standards for commercial cargo/storage containers.

WHEREAS, the City of Banning is located at the following address:

Project Location: 99 Ramsey Street

APN Information: 541-143-010

Project Applicant: City of Banning
99 Ramsey Street
Banning, CA, 92220

Property Owner: City of Banning
99 Ramsey Street
Banning, CA, 92220


WHEREAS, on July 30, 2019, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public hearing at which proposed Zoning Text Amendment No. 19-97503 would be considered;
WHEREAS, on August 14, 2019, the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment No. 19-97503; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed proposed Zoning Text Amendment No. 19-97503 and determined that pursuant to CEQA Guidelines Section 15060(c)(3), that the Zoning Text Amendment is not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The Planning Commission has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The project qualifies under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378.

Multiple Species Habitat Conservation Plan (MSHCP).

The Planning Commission has determined that the project is not subject to MSHCP as the amendment 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 the proposed Zoning Text Amendment will not require an 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 ZONING TEXT AMENDMENT NO. 19-97503:

Section 17.116.030 of the Banning Municipal Code provides that the Planning Commission the Planning Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove based upon their findings.

Commission action recommending that the proposed Zoning Text Amendment be approved, approved in modified form, or denied shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission's recommendation to approve, or approve in modified form, shall be forwarded to the City Council.

A. Finding: The proposed use is consistent with the General Plan;

Finding No. 1: Proposed Zone Text Amendment No. 19-97503 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 19-97503 is consistent with the goals and policies of the General Plan.

Goal 2, Policy 2
Land Use Policy 2, protects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

The Zoning Amendment requires that commercial cargo/storage containers are set back from the property frontage and painted in the same character and theme as the architectural style as the immediately surrounding community.

**Policy 4**

Policy 4 states that the City’s Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.

The Zoning Text Amendment requires that only one commercial cargo/storage container is authorized within a residential lot and that the minimum lot size is 20,000 square feet.

**Finding No. 2:** Proposed Zone Text Amendment No. 19-97503 is internally consistent with provisions, development standards, permitted, and conditionally permitted uses of the Title 17 of the Banning Municipal Code.

**Findings of Fact:** Proposed Zone Text Amendment No. 19-97503 is internally consistent with the Zoning Ordinance.

**Policy 5**

Policy 5 states that all land use proposals shall be consistent with the goals, policies and programs of the General Plan and with the Zoning Ordinance.

The Zone Text Amendment No. 19-97503 does not create a conflict or internally inconsistency within Title 17 of the BMC; otherwise known as the Zoning Ordinance. The ZTA provides for the establishment of design standards and zoning provisions that will ensure the orderly and planned development of Residential, Commercial, Industrial, and Civic land uses within the City. In addition, the ZTA does not conflict, but rather enhances existing provisions for accessory uses currently authorized within the Zoning Ordinance.

**Land Use Element:**

**Commercial Goal**

Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities.
Industrial Goal

A balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents.

Policy 10

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

Policy 12

The City shall coordinate with developers and the Railroad to secure railroad spurs.

Economic Development Goal:

Policy 2

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.

Program 2.B

The City shall aggressively pursue retail commercial developments which reduce the current retail sales leakage.

The provision of permanent storage facilities, for retail and commercial developments in a safe and aesthetically acceptable manner, will provide a development and economic incentives for business retention and attraction.

Finding No. 3: Proposed Zone Text Amendment No. 19-97503 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 19-97503 is consistent with the purpose and objective of the Zoning Ordinance (Title 17) to ensure orderly development of uses and lands within the City to protect the public health, safety, and welfare. The addition of sections 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," amending Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and the addition of a new Section 17.24.180, "Commercial cargo/storage containers" requires the City to establish design standards for commercial cargo/storage containers within the Municipal Code and authorizes the City to establish zoning and design standards for commercial cargo/storage containers. The proposed zoning text amendment will protect the public health, safety, and welfare of
the residents of the City by reasonably regulating the placement, siting, setbacks, materials, and architecture of both residential and commercial storage containers.

Finding No. 4: 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 City Council finds and determines that this Ordinance is not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

City staff has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.

SECTION 3. PLANNING COMMISSION ACTION:

Based on the findings specified above, and all other evidence in the record, the Planning Commission hereby recommends that the City Council adopt the proposed Zoning Text Amendment No. 19-97503, as set forth in Attachment No. 3 to the Planning Commission staff report dated August 14, 2019, amending Section 17.108.020 ("Permitted Uses") of Chapter 17.108 ("Temporary Use Permits") and adding a new Section 17.12.080 ("Commercial Cargo/Storage Containers") to Chapter 17.12 ("Commercial and Industrial Districts") of Title 17 ("Zoning") of the Banning Municipal Code to establish zoning and design standards for commercial cargo/storage containers, and make a determination of exemption under CEQA Guidelines Section 15060(c)(3).
PASSED, APPROVED, AND ADOPTED this 14th day of August, 2019.

Eric Shaw, Planning Commission Chair
City of Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Serita R. Young, 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 2019-20, was duly adopted by the Planning Commission of the City of Banning, California, at an adjourned regular meeting thereof held on the 14th of August, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 3
Zoning Text Amendment No. 19-97503
Chapter 17.108 – Temporary Use Permits

17.108.010 – Purpose.

The Temporary Use Permit allows for short-term activities which may be appropriate when regulated (Zoning Ord. dated 1/31/06, § 9127.01.)

17.108.020 – Permitted uses.

The following temporary use may be permitted, subject to the issuance of a Temporary Use Permit:

A. On and off-site contractors’ construction yards in conjunction with an approved development project, but these must be removed at the same time that the approved development project has been completed, or earlier if so directed by the Community Department or its Director.

B. Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 365 days, or upon expiration of the building permit, whichever occurs first.

C. Commercial cargo/storage containers, for a period not to exceed 60 days, unless the cargo container is used for a construction project with a valid building permit, in which case the permit may be granted for up to 365 days.

D. Outdoor displays and sales of merchandise on vacant lots, limited to 2 events per calendar year, not to exceed three consecutive days, unless the event is for a non-profit 501c(3) organization, in which case no permit is required.

E. Christmas tree sales lots. However, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid business license, provided such activity shall be only held from November 1st through December 31st, subject to the Municipal Code.

F. Circuses, rodeos and carnivals, subject to compliance with Municipal Code.

G. Fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities.

H. Similar temporary uses which, in the opinion of the Directory are compatible with the land use district and surrounding land uses.

I. City sponsored uses and activities, not occupying a structure, and occurring at regularly periodic intervals (weekly, monthly, yearly, etc.).

J. Temporary farmer’s markets, and roadside fruit and vegetable stands for crops and other food products.

K. Mobile vending of food, beverages, merchandise or services from a vehicle as defined by the California Vehicle Code (CVC) including any non-self-propelled or non-motorized vehicle or similar vending device and a cart propelled by human power.

(Zoning Ord. dated 1/31/06, § 9127.02.) (Ord. No. 1434, § 11, 2-8-11)

17.108.030 – Application procedures.

A. Provision for a fixed period not to exceed 60 days, plays one 30-day extension, or for a shorter period of time as determined by the Community Development Director.

B. Arrangements for temporary parking facilities, including vehicular ingress and egress.

C. Regulation or nuisances such as the prevention of glare or direct illumination on adjacent properties, noise, vibration, crowding, smoke, dust, dirt, odors, gases, exhausts, heat, and various byproducts.

D. Regulation or temporary structures and facilities, including placement, height, and size, location of equipment and open spaces, including buffer areas and other yards.

E. Provisions for sanitary, and/or medical aid facilities, if required.
F. Provisions for solid, hazardous and toxic waste collection and disposal, including provisions for removal of waste and debris from construction, renovation, and reclamation sites.
G. Provisions for security and safety measures.
H. Regulation of signs.
I. Regulation of operating hours and days, including limitations of the duration of the temporary use.
J. Submittal of performance bonds, indemnity bonds, and other surety devices, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event, that the property will restored to its former condition, and that the City will not be held liable for any actions or incidents arising from the temporary use, or related in any way to the temporary use.
K. Any other conditions which will ensure the operation and/or phasing out of the proposed temporary use in a safe, orderly and efficient manner, and in accordance with the intent and purpose of this chapter.

(Zoning Ord. dated 1/31/06) §9127.04.).

17.108.050 – Revocation of Temporary Use Permit.

A Temporary Use Permit may be revoked by, and at the discretion of the Director if:

A. The use is not actively undertaken;
B. The site is not being properly maintained;
C. The use or the site becomes a nuisance, or is harmful to the neighbors or to the community; or
D. If the use or the site is undermining the health, safety, quiet enjoyment, or welfare or nearby residents or others.

(Zoning Ord. dated 1/31/06) §9127.05.).

17.108.060 – Condition of site following temporary use.

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used pursuant to the provisions of this Zoning Ordinance.

(Zoning Ord. dated 1/31/06) §9127.06.).

17.108.070 – Requirements and prohibitions for mobile vending.

The unrestricted sale and distribution of food, beverages, merchandise or services from mobile vendors within or upon the public streets, sidewalks and rights-of-way, public property or in the vicinity of school buildings, under certain circumstances constitutes a detriment to the public health, safety and welfare because of the increased risk of injury to pedestrians and damage to personal property in the vicinity. Therefore, the following requirements and prohibitions shall apply:

A. Mobile Vending Requirements.
   1. Technical Staff review shall be required in accordance with chapter 17.104 of the “Zoning Ordinances.”
   2. All mobile vendors shall comply with State of California and County of Riverside regulations for food handling including obtaining the respective agency permits.
   3. All mobile vendors shall comply with the standards set forth in Section 17.104.060, Criteria governing review of the “Zoning Ordinance.”

B. Mobile Vending Prohibitions.
1. No food, beverages, merchandise or services shall be sold or distributed or offered for sale or distribution from a mobile vendor upon public property without the authorization of the public entity.

2. No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a mobile vendor on private property without the express written consent of the owner or lessee of the property and except in conformity with health, safety, and zoning regulations contained herein.

3. No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a mobile vendor within five hundred (500) feet from any public school property, measured in a straight line to the nearest point of the school property between 7:00am and 4:00pm on regular school days; except in commercial zones, on private property, with the express written consent of the owner or lessee of the property and in conformity with health, safety and zoning regulations contained herein.

4. No food, beverage, merchandise or services shall be sold distributed or offered for sale or distribution from a mobile vendor that is not on an improved surface and that is creating an obstruction to vehicles, pedestrians or parking.

(Ord. No. 1434 § 12, 2-8-11)

17.12.020 – Permitted, conditional and prohibited used.

The following list represents those uses in the commercial and industrial districts which are Permitted (P), subject to a Conditional Use Permit (C) or Prohibited (X).

Table 17.12.020
Permitted, Conditional and Prohibited Commercial and Industrial Uses

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
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<tr>
<td>Resource and Open Space Uses</td>
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<tr>
<td>Plant nurseries, with on-site sales</td>
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<td>X</td>
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<td>X</td>
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<td>Surface mining ¹</td>
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<td>Cargo/storage containers ²</td>
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<tr>
<td>Auto, mobile home, and motor vehicle sales, new and/or used</td>
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<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
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<td>Pawn shops</td>
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<td>Restaurants, no beer, wine or liquor sales</td>
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<td>P</td>
<td>C</td>
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<td>P</td>
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<tr>
<td>Restaurants, serving beer, wine or liquor</td>
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<td>Restaurants, drive-in, take-out, fast food</td>
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<td>Mixed-use, residential/commercial</td>
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<td>C</td>
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<th>Residential accessory uses and structures</th>
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<td>Residential care facility, large</td>
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<td>Residential care facility, small, licensed</td>
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<tr>
<td>Residential care facility, small, unlicensed</td>
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<td>C</td>
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<td>Congregate care housing</td>
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<td>Single room occupancy facility</td>
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<td>Other Uses</td>
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<td>Commercial or</td>
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<td>telecommunications antennae</td>
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<td>Public utility facilities</td>
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<td>Emergency shelters</td>
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1. Surface mining permit required. See Chapter 17.100.

2. Cargo and storage containers in the commercial zones are only to be used for temporary (seasonal) storage, and require a temporary use permit.

3. Reserved.

4. Refer to Section 17.12.050(B) for conditional use permit requirements.

5. A government office shall include administrative functions as well as those activities that will involve on-site customer patronage. A government office that is only administrative in nature, involving no customer patronage, can be considered a professional office.

6. When undertaken in conjunction with on-site retail as a primary use.

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

8. Cannabis Personal Cultivation is prohibited except in a house, an apartment unit, a mobile home, or other similar dwelling that is a legal non-conforming use and that otherwise complies with Chapter 5.34 of this Code.

9. Cannabis Retailers shall require approval of a Cannabis Conditional Use Permit by the City Council, after recommendation by the Planning Commission, and shall be subject to the requirements of Chapter 17.54.

(Zoning Ord. dated 1/31/06, § 9103.02; Ord. No. 1355, § 3 (part); Ord. No. 1387, § 3; Ord. No. 1392, § 3; Ord. No. 1426, § 5, 9-14-10; Ord. No. 1434, §§ 4, 14, 15, 2-8-11; Ord. No. 1448, § 7, 5-8-12; Ord. No. 1467, §§ 4, 6, 8-13-13; Ord. No. 1469, §§ 3, 8, 10-8-13; Ord. No. 1476, § 3, 1-28-14; Ord. No. 1488, § 3.2.a., 6-9-15; Ord. No. 1496, § 3(2), 5-10-16; Ord. No. 1507, § 3.2.3, 3-14-17; Ord. No. 1509, § 4, 4-11-17; Ord. No. 1510, § 3(2), 9-11-17; Ord. No. 1512, § 6, 10-10-17; Ord. No. 1530, §§ 4B, 4C, 9-25-18; Ord. No. 1535, § 4B, 11-13-18; Ord. No. 1523, § 3C, 7-10-18; Ord. No. 1531, § 3C, 11-13-18)
Sec. 17.24.180 – Commercial cargo/storage containers.

(a) Intent. The provisions set forth in this section establish minimum development standards for the placement of metal shipping containers. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety, and welfare.

(b) Permitted zoning and development standards. Placement of metal shipping containers shall be subject to the following limitations:

1) Temporary commercial cargo/storage containers, for a period not to exceed 60 days, are authorized in any zone, unless the cargo container is used for a construction project with a valid building permit, in which case the permit may be granted for up to 365 days.

2) Commercial cargo/storage containers shall not be allowed as a principal use in any zone.

3) In commercial and industrial zoning districts, the permanent placement of Commercial cargo/storage containers, as an accessory use, is permitted provided a technical site plan review has been approved pursuant to the provisions of section 17.104.050 or the placement has been approved as part of a design review, conditional use permit or other approval provided by the Planning Commission.

4) In commercial and industrial zoning districts, the permanent placement of Commercial cargo/storage containers is allowed as an accessory use subject to the following development standards:

   a. Commercial cargo/storage containers shall be located on a lot that conforms to the minimum lot size of the underlying zoning district;
   b. The setback from all property lines shall be a minimum of twenty (20) feet;
   c. The commercial cargo/storage containers shall be fully screened with an opaque fence or fast-growing landscaping. Fencing may not be provided by any type of chain link fencing;
   d. The commercial cargo/storage containers shall be neutral color and compatible with the surrounding architectural theme of the immediately surrounding community;
   e. The commercial cargo/storage container shall comply with all building code requirements, as codified through the Banning Municipal Code.

5) In all zones, other than commercial and industrial zones, placement of commercial cargo/storage containers is allowed as an accessory use subject to the following development standards:

   a. The minimum lot size shall be a minimum of 20,000 square feet
   b. The residential zoning districts, were a commercial cargo/storage container would be authorized are as follows: R/A; R/A/H; RR; RR/H; and VLDR
   c. No more than one commercial cargo/storage containers shall be permitted on any parcel;
   d. The setback from all property lines shall be a minimum of twenty (20) feet.
   e. Placement shall be to the rear of the main building on the rear-half of the property;
   f. The commercial cargo/storage container shall comply with all building code requirements, as codified through the Banning Municipal Code.
   g. The commercial cargo/storage containers shall be fully screened with an opaque fence or fast-growing landscaping. Fencing may not be provided by any type of chain link fencing;
   h. The commercial cargo/storage containers shall be neutral color and compatible with the surrounding architectural theme of the immediately surrounding community.
ATTACHMENT 4
Notice of Exemption (NOE)
Notice of Exemption

To: □ Office of Planning and Research
    P.O. Box 3044, Room 212
    Sacramento, CA 95812-3044
    □ County Clerk
    County of Riverside
    P.O. Box 751
    Riverside, CA 92502-0751

From:
    City of Banning
    99E. Ramsey Street
    P.O. Box 998
    Banning, CA 92220

Project Title:

Zoning Text Amendment (ZTA) No. 19-97503 – Amending Chapter 17.108 and adding Section 17.12.080

Project Applicant: Smart Link, LLC for AT&T Wireless, 3300 Irvine Avenue #300, Newport Beach, CA 92660

Project Location – Specific:

All parcels; all properties; in the City of Banning

Project Location – City: City of Banning  Project Location – County: Riverside County

Description of Nature, Purpose and Beneficiaries of Project:

City of Banning, CA

Name of Public Agency Approving Project: City of Banning

Name of Person or Agency Carrying Out Project: City of Banning c/o Community Development Department

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Section’s 15060(c)(3) and 15378
☐ Statutory Exemptions. State code number:

Reasons why project is exempt:

The project does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Lead Agency: City of Banning

Contact Person: Adam Rush  Area Code/Telephone/Extension: (951) 922-3131

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  ☒Yes  ☐No

Signature: ___________________________ Date: 08-14-2019  Title: Community Development Director

☒ Signed by Lead Agency  ☐ Signed by Applicant  Date received for filing at OPR: ___________________________

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Revised 2011
ATTACHMENT 5
Public Hearing Notice
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, 1968, 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:

August 2, 2019

Executed on: 08/02/2019
At Banning, CA

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

[Signature]