CALL TO ORDER OF REGULAR MEETING: Chairman Shaw

- Pledge of Allegiance: Commissioner Schuler
- Roll Call: Commissioners Brosious, Krick, Schuler, Commissioner Alberto Sanchez

New Commissioner Introduction: Commissioner Alberto Sanchez

SELECTION OF VICE-CHAIRMAN:

Procedure for the election of officers...

PUBLIC COMMENTS - On Items Not on the Agenda

PUBLIC COMMENTS - On Items Not on the Agenda

CONSSENT 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 August 14, 2019 Adjourned Planning Commission meeting....
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

<table>
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<th>Order of Procedure:</th>
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<td>1. Staff report presentation</td>
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<td>2. Motion and Second to continue the item to the October 2, 2019 Regular Planning Commission Meeting.</td>
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<td>3. Roll call vote</td>
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Recommendation:

That the Planning Commission continue the item to the October 2, 2019 Regular Planning Commission Meeting.

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of October 2, 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].
PROCEDURE FOR THE ELECTION OF OFFICERS

Chairperson: Nominations for the office of Vice-Chairperson are now open. A second to the nominations is required.

(Commissioners shall nominate the person of their choice)

Chairperson: Are there any further nominations? If not, I will entertain a motion that the nominations be closed.

(Motion is made)

Is there a second?

All those in favor say aye, those opposed no.

Chairperson: I will take a roll call vote. Please signify your choice for Vice-Chairperson when your name is called. The roll call will be in alphabetical order.

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<tr>
<th>ROLL CALL VOTE</th>
<th>Commissioner Brosious</th>
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<td>Commissioner Krick</td>
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<td>Commissioner Shaw</td>
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Chairperson: The vote is in favor of Commissioner ________________ who is our newly elected Vice-Chairperson.
City of Banning

PLANNING COMMISSION MINUTES

August 14, 2019

An adjourned regular meeting of the City of Banning Planning Commission was held on Wednesday, August 14, 2019 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Commissioner Brosious
Commissioner Krick
Commissioner Schuler

Commissioners Absent: Commissioner Shaw

Staff Present: Community Development Director Adam Rush
Assistant City Attorney Serita R. Young
Roger Halverson, Electrical Engineering Manager
Senior Planner Sonia Pierce
Contract Planner Mark de Manincor
Recording Secretary Sandra Calderon

I. CALL TO ORDER OF ADJOURNED REGULAR MEETING:

The meeting was called to order at 6:30 p.m. by Commissioner Krick.

II. PUBLIC COMMENTS:

No Comments

III. CONSENT CALENDAR ITEMS:


ACTION: Motion/Second (SCHULER/BROSIOUS)
(Motion Carried 3-0)
Shaw Absent

IV. REVIEW AND DISCUSSION ITEMS:

1. FINDINGS OF GENERAL PLAN CONFORMITY OF REAL PROPERTY ACQUISITION OF APPROXIMATELY 1.21 ACRES
Director Rush presented the staff report. He said this is a general plan conformity requirement for property acquisition for a new substation. It is being proposed by the Banning Electric Utility. The project will be accessed through Hargrave Street.

Commissioner Krick opened public comments

No public comments

Commissioner Krick closed public comments

Commissioner Brosious asked to go over the aesthetics features of this proposed building.

Director Rush said here will be a 6’ block wall. This site was chosen over upgrading an existing substation.

This new substation will be primarily on the easterly portion of the project site, adjacent to Hargrave Street.

Utility General Manager, Roger Halverson said the intent is to have all utilities underground, and a three-wire transmission will go overhead.

Commissioner Krick requested anti-graffiti paint on the block wall to easily be removed. This recommendation was agreed to.

Mr. Halverson said cameras will be installed in the sub-station. He said part of the reason this location was chosen is for future growth.

**ACTION: Motion/Second (BROSIOUS/SHAW)**

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.

(Motion Carried 3-0)
Shaw- Absent

V. **PUBLIC HEARINGS:**

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 AND EAST OF NORTH PHILLIPS STREET, AT 1165 EAST RAMSEY STREET IN THE BUSINESS PARK (BP) ZONING DISTRICT.**

Contract Planner Mark de Manincor presented the staff report. He said this item is for consideration of a 70-foot tall monopine telecommunications antennae and related equipment. The property is
located west of Hathaway Street, adjacent to the existing Cruz Tires business. The area is currently vacant land and the site is a 2.18-acre. The proposed project is a permitted use in Business Park (BP) Zoning District, contingent upon Planning Commission approval of a Design Review and Conditional Use Permit (CUP) Application.

Will Kazimi, Real Estate Specialist with Smart Link, LLC (AT&T) was present to answer any questions from the Commission.

Commissioner Brosious asked if the rest of the site will be used for future development.

Mr. Kazimi said they are only developing that site for the antennae.

Director Rush said there are no active plans under that location. It is a narrow parcel and there is not much that can be done there.

Commissioner Krick said he’s fine with the proposed project but does not like the location of the tower. He feels that we need to protect the commercial corridor. By installing an artificial tree that will not generate tax dollars for this town, it needs to be located further back on the parcel and the front should stay clear for future development and for aesthetics.

Mr. Kazimi said he would like to avoid the residential areas if the antennae is relocated further to the north from E. Ramsey St.

Commissioner Krick said he would prefer it moved to the middle of the parcel.

Director Rush said he would like for the applicant to go back to the property owner and obtain permission to relocate the antennae.

Commissioner Krick opened public comments.

No public comments.

Commissioner Krick closed public comments.

**ACTION:** Motion/Second (SCHULER/BROSIOUS) to continue the public hearing to the next regular Planning Commission meeting of September 4, 2019

(Motion Carried 3-0)

Shaw Absent

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.

Director Rush presented the staff report. He said changes to the staff report were distributed to the Commissioners that included modifications (Attachment 1).
A workshop was done in the month of June and comments were incorporated.

Commercial cargo storage containers are generally used to transfer goods, the overall abundance of those has created a resale market for those to be purchased for commercial and residential uses.

Currently the code does not allow for permanent storage, it is allowed with a construction project with a temporary use permit. With the new proposed changes, this item will be removed from the temporary use section, and a new section will be created.

Storage containers will be permitted in the Commercial and Industrial Zoning Districts subject to Planning Commission approval of a Conditional Use Permit (CUP) Application. Commercial Cargo/Storage containers will also be authorized in the following residential zoning districts, with a minimum lot size of 20,000 square feet.

Residential Zoning Districts authorizing Commercial Cargo/Storage Containers:
R/A; R/A/H; RR; RR/H; and VLDR.

One storage container will be authorized in a residential zone, as an ancillary use, and provided the lot has a minimum lot size of 20,000 square feet and the container must be placed in the back of the lot, with a minimum setback of 20-feet from all property lines within the lot. The applicant must also go through a site plan review process approval that meets all the new design regulations.

Commissioner Brosious asked if you would need to have a 20,000 SF lot to allow a smaller shed in the back of your property.

Director Rush said small pod container would be allowed for a maximum of 60 days only and there will not be a minimum size to the container being used, on a temporary basis.

The adopted Building Code regulations must be followed when a storage container ceases to have that use.

Director Rush said there is no specific limitation on the number of storage containers on a Commercial or Industrial zone; however, they will be required to go through a design review process and the number of containers will be regulated through this staff review process.

A Temporary Use Permit would be required for a trailer used on a subdivision while the development is in process with a maximum of 365 days.

Commissioner Krick opened public comments.

Robert Ybarra, resident of Banning asked if someone already has containers at their property, would they be able to keep them, or is the City going to ask they be moved even if they have been there for a decade.

Director Rush said currently any storage containers at any property would be in violation of the code but will not send Code Enforcement out to start looking for these. If there are existing storage containers at any property they could be removed or be satisfied through this process.
Laura Leindecker, representing the 700 S. Hathaway Street property said he appreciates staff and Commission for considering this item, and would like to see an approval tonight.

Commissioner Krick closed public comments.

Commissioner Schuler said she’s glad to see some of the discussion items that came up were added to this report. She believes there will be some individual applications that would be looked at more closely based on the lot size.

Commissioner Krick thanked staff for bringing this forward because it has been a problem throughout the community.

**ACTION: Motion/Second (SCHULER/BROSIOUS)**

Staff recommends that the Planning Commission adopt Resolution 2019-20, recommending to the City Council approval of the following actions:

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.


*(Motion Carried 3-0)*

Shaw Absent

VI. **PLANNING COMMISSIONER COMMENTS:**

No comments.

VII. **COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:**

The Planning Commission vacancy application process has been closed, and a staff report has been prepared and submitted to the City Clerk for the August 27th meeting if the City Council chooses to have interviews that evening.

Director Rush, City Manager and Economic Development Manager met with the three top winners of the cannabis lottery and they all have selected a location for their future business.

A preliminary review application was received for a cannabis facility for the SWC of Lincoln and 8th Street lot.
A Finance Director will start on September 9th. She has significant experience in the financial side of cannabis.

VIII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:06 p.m. to the next Regular Planning Commission of September 4th at 6:30 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.
Attachment 1

CITY OF BANNING
 PLANNING COMMISSION
 STAFF REPORT

TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

MEETING DATE: August 14, 2019

SUBJECT: Zoning Text Amendment No. 19-97503 amending Section 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 add a new Section 17.24.180, "Commercial
 cargo/storage containers" and establishing design standards for
 commercial cargo/storage containers.

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.

2. Approval of Zoning Text Amendment (ZTA) No. 19-97503 amending Section 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 add a new Section 17.24.180, "Commercial cargo/storage containers"
 and establishing design standards for commercial cargo/storage containers.

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.
CITY OF BANNING
PLANNING COMMISSION
STAFF REPORT

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.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.
PUBLIC COMMUNICATION:

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

PREPARED BY:

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>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
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<td>Resource and Open Space Uses</td>
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<tr>
<td>Plant nurseries, with on-site sales</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Plant nurseries, without on-site sales</td>
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<td>X</td>
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<td>Surface mining 1</td>
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<tr>
<td>Cannabis Commercial Indoor Cultivation</td>
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<td>X</td>
<td>X</td>
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<td>Present</td>
<td>Present</td>
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<td>Cannabis Personal Cultivation ⁸</td>
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<td>Cannabis Retailer</td>
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<td>C ⁹</td>
<td>X</td>
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<td>Cargo/storage containers ²</td>
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<td>Recreation, Education and Public Assembly</td>
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<td>C</td>
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<td>X</td>
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<td>C</td>
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<td>X</td>
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<td>C</td>
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<tr>
<td>Community centers</td>
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<td>Outdoor commercial recreation</td>
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<td>Public parks and playgrounds</td>
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<td>Recreational vehicle (RV) parks</td>
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<td>X</td>
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<td>X</td>
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<td>Schools</td>
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<td>C</td>
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<td>Studios for dance, art, music, photography, etc.</td>
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<td>P</td>
<td>P</td>
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<td>C</td>
<td>C</td>
<td>X</td>
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<td>Retail Uses</td>
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<td>Accessory retail uses</td>
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<td>Alcoholic beverage sales, on- or off-site</td>
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<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>
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<td>Auto, mobile home, and motor vehicle part sales</td>
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<td>Bakeries, retail</td>
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<td>Bars and drinking establishments</td>
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<td>X</td>
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<td>Building material stores</td>
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<td>Certified farmers' markets</td>
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<td>X</td>
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<tr>
<td>Convenience stores</td>
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<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
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<td>Department stores</td>
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<td>X</td>
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32
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<tbody>
<tr>
<td>Drive-in/drive-through sales</td>
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<td>P</td>
<td>C</td>
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<td>P</td>
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<td>Repair Maintenance of consumer products.(^3)</td>
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<td>Repair and maintenance of motor vehicles, including auto body.(^3)</td>
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<td>Mixed-use offices/industrial</td>
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<td>X</td>
<td>X</td>
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<td>X</td>
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<td>C</td>
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<td>C</td>
<td>P</td>
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<td>X</td>
<td>P</td>
<td>X</td>
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<td>Recycling—Reverse vending machines</td>
<td>P</td>
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<td>P</td>
<td>X</td>
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<td>Sheet metal shops</td>
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<td>X</td>
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<td>Stone and granite storage and sales</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<td>Storage yard</td>
<td>X</td>
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<td>X</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Tire recapping, retreading and storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<td>Truck (commercial) repair, towing, storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
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<td>Trucking yard or terminal</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<td>X</td>
<td>X</td>
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<td>Wholesaling</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Residential Uses</td>
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<tr>
<td>Caretaker/watchperson's dwelling</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Guest house</td>
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<td>X</td>
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<td>Residential accessory uses and structures</td>
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<td>X</td>
<td>X</td>
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<td>Residential care facility, large</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</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>
<td>X</td>
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<td>Congregate care housing</td>
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<td>X</td>
<td>C</td>
<td>X</td>
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<td>Single room occupancy facility</td>
<td>C</td>
<td>X</td>
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<td>X</td>
<td>X</td>
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<td>Single-family dwellings, existing</td>
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<td>X</td>
<td>X</td>
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<td>Accessory Dwelling Unit</td>
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<tr>
<td>Commercial or</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>telecommunications antennae</td>
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<td>Public utility facilities</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Emergency shelters</td>
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<td>X</td>
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<td>P</td>
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</table>

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, § 4-11-17; 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.
ATTACHMENT 5
Public Hearing Notice
NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF PUBLIC HEARING FOR ZONING TEXT AMENDMENT (ZTA) 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 STANDARDS FOR COMMERCIAL CARGO/STORAGE CONTAINERS.

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, 99 East Ramsey Street, Banning, California, to consider proposed Zoning Text Amendment (ZTA) No. 19-97503 to amend 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 standards for commercial cargo/storage containers.

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. Approval of the proposed 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 Amendments will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

Information regarding the Notice of Exemption (NOE), Zoning Text Amendment, and all relevant materials can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at http://www.banningca.gov.

All parties interested in speaking either in support of or in opposition of this item are invited to attend the 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, that 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 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam B. Rush, M.A., AICP
Community Development Director

Dated: 07/30/2019
Publish: 08/02/2019
CITY OF BANNING
PLANNING COMMISSION
STAFF REPORT

TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

MEETING DATE: September 4, 2019


RECOMMENDED ACTION:

Staff recommends that the Planning Commission continue the public hearing for the project to the October 2, 2019 meeting.

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

BACKGROUND:

At the Planning Commission meeting of March 14, 2019, the Commission considered the project. At that meeting the Planning Commission directed the applicant to determine
the feasibility of moving the location of the Telecommunications facility back to the center of the lot away from the street frontage. The Planning Commission felt the proposed location near the property frontage would inhibit future commercial development. The applicant agreed to look into the matter by discussing it with his telecommunications engineers and the property owner.

At this time, the applicant has gained owner approval and is working on revising the plans. Additionally, he will need to get the amended plans approved by the Riverside County Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA). This could take several weeks. Therefore, the applicant is requesting a continuance to the October 2, 2019 Planning Commission meeting to allow time to prepare the revised plans and gain approval from the ALUC and FAA.

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.

Prepared by: 

Mark de Manincor
Contract Planner

Reviewed by: 

Adam B. Rush
Community Development Director