I. CALL TO ORDER OF REGULAR MEETING: Chairman Shaw

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

II. 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.

III. 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 October 2, 2019 Regular Planning Commission meeting

IV. PUBLIC HEARING:

1. RESOLUTION 2019-22, RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 19-2503, ZONE CHANGE 19-3501 AND ENVIRONMENTAL ASSESSMENT 19-1505, FOR A PROPOSED AMENDMENT TO THE GENERAL PLAN LAND USE MAP AND ZONING MAP TO ELIMINATE INCONSISTENCIES WITHIN THE MAP AND PROMOTE ECONOMIC DEVELOPMENT, FINDING THE PROJECT WILL HAVE LESS THAN
SIGNIFICANT EFFECT ON THE ENVIRONMENT AND APPROVING A NEGATIVE DECLARATION.

Staff Report – Adam Rush

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Recommendation:

That the Planning Commission adopt Resolution 2019-22:

I. Recommending that the City Council, approve General Plan Amendment 19-2503, Zone Change 19-3501 and Environmental Assessment 19-1505 and,  

II. Adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof.


Staff Report – Mark de Manincor

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<td>8. Call the question (Roll call vote)</td>
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Recommendation:

That the Planning Commission adopt Resolution 2019-21:

I. Recommending that the City Council, approve Zoning Text Amendment 19-97504 amending chapters 17.04, 17.12 and 17.108 of the Banning Municipal Code and making findings in support thereof and,

II. Make a determination pursuant to Section 150606 (c) (3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a project as defined by the CEQA Guide adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof.

3. RESOLUTION 2019-20, RECOMMENDING ZONING TEXT AMENDMENT 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.

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. Recommending that the City Council, approve Zoning Text Amendment 19-97503 amending chapters 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, and

II. 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.
V.  **PLANNING COMMISSIONER COMMENTS:**

VI. **COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS:**

VII. **ADJOURNMENT:**

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of December 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

October 2, 2019

A regular meeting of the City of Banning Planning Commission was held on Wednesday, October 2, 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 Sanchez
Commissioner Schuler
Commissioner Shaw

Staff Present: Assistant City Attorney Serita R. Young
Senior Planner Sonia Pierce
Contract Planner Mark de Manincor
Recording Secretary Sandra Calderon

I. CALL TO ORDER OF REGULAR MEETING:

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

II. PUBLIC COMMENTS:

No public comments

III. CONSENT CALENDAR ITEMS:


   ACTION: Motion/Second (SCHULER/KRICK)
   (Motion Carried 5-0) passed

IV. PUBLIC HEARING:

1. REQUEST FOR CONTINUANCE TO DECEMBER 4, 2019 FOR RESOLUTION 2019-19, CONSIDERING 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 NORTH OF EAST RAMSEY STREET AND EAST OF NORTH PHILLIPS STREET, AT 1165 EAST RAMSEY STREET IN THE BUSINESS PARK
Planner Mark de Manincor presented the staff report. He said the project was brought before the Planning Commission on August 14 and the Commission requested that the location be moved. The applicant is currently working on obtaining approval from the Federal Aviation Administration (FAA) and the Airport Land Use Commission (ALUC). The ALUC meeting is scheduled for November 14th. Once the approval has been obtained, the project will be scheduled for the next Planning Commission meeting on December 4th.

Staff recommends that this item is continued to the December 4th meeting.

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

TO CONTINUE THE ITEM TO THE DECEMBER 4, 2019 REGULAR PLANNING COMMISSION MEETING.

(Motion Carried 5-0) passed

V. **PLANNING COMMISSIONER COMMENTS:**

Chairman Shaw requested an update on the recent Planning Commission approvals.

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

No comments

VII. **ADJOURNMENT:**

There being no further business, the meeting adjourned at 6:33 p.m. to the next Regular Planning Commission of November 6 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.
TO: PLANNING COMMISSION
FROM: Adam B. Rush, Community Development Director
PREPARED BY: Mark de Manincor, Contract Planner
MEETING DATE: November 6, 2019
SUBJECT: Resolution 2019-22, recommending the City Council approve General Plan Amendment 19-2503, Zone Change 19-3501 and Environmental Assessment 19-1505, for a proposed amendment to the General Plan Land Use Map and Zoning map to eliminate inconsistencies within the map and promote economic development, finding the project will have a less than significant effect on the environment and approving a Negative Declaration.

RECOMMENDED ACTION:

Staff recommends the Planning Commission

1. Adopt Resolution 2019-22 recommending the City Council approve General Plan Amendment 19-2503, Zone Change 19-3501 and Environmental Assessment 19-1505, adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof.

PROJECT / APPLICANT INFORMATION:

Project Location: Nine locations throughout the City of Banning

APN Information:
1. 532-130-008 (portion of 008)
2. 541-260-033, 035, 041, 042, 044, 047
3. 534-161-008, 009
4. 532-160-006, 007, 008, 009, 013, 014
5. 540-220-008, 009 (portion of 009)
6. 540-250-060 (portion of 060)
7. 540-250-035, 045 (portion of 035 & 045)
8. 534-172-001, 002, 003, 004, 005, 007, 008
9. 534-152-025

Project Applicant: City of Banning, Community Development Department

Property Owner: Various property owners (Citywide)
BACKGROUND:

As a precursor to the City’s comprehensive General Plan Update, City staff is recommending that multiple parcels within the Banning City limits undergo an update to their General Plan Land Use Designation (GP LUD) in order to accurately reflect the underlying and existing land use or to facilitate the economic development of the property.

A comprehensive General Plan Update is a lengthy and costly endeavor, likely requiring a Programmatic Environmental Impact Report (PEIR), public outreach scoping meetings, commission workshops and certain analyses required by state law. Altogether, this process can take an average of 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).

Given the amount of time, cost, and effort a comprehensive General Plan Update will take, 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. As such, staff is recommending that nine locations undergo a selected change in land use and zoning to facilitate their future expansion and/or development opportunities. In addition, there are properties that the City owns, in which our General Plan Land Use Element does not correctly reflect the existing use currently in operation by the Banning Electric Utility (BEU) as well as property identified for future development as a substation.

ANALYSIS:

The purpose of the proposed General Plan Amendment and its corresponding Zone Change is to correct inconsistencies within the General Plan Land Use and Zoning Maps and to promote economic development, correct obvious non-substantive mapping errors, and “pre-zone” areas for anticipate economic development. The latter exercise lowers the barrier-of-entry for future land use applications by saving them time and cost. The City of Banning uses a combined Land Use and Zoning Map; requiring, a General Plan Amendment and Zone Change to effectuate the requested changes.

General Plan Amendment

A. The General Plan is the comprehensive long-term plan for the physical development of the city and provides the basic framework for all subsequent land use actions taken by the City. Since the City Council is desirous of proper development within the City and wishes to continue to encourage the development of appropriate projects, it becomes necessary to regulate such development so that it is properly integrated into the City’s long term vision and planning process.

B. The City Council may amend the General Plan of the City of Banning whenever required by public necessity and general welfare.

C. The Commission shall make written recommendations on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings to the City Council.

D. Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings.
Amendments to the General Plan Land Use/Zoning District map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.

E. An amendment to the General Plan may be adopted only if all of the findings are made:
   
   a. That the proposed amendment is internally consistent with the General Plan.
   b. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
   c. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
   d. That in the case of an amendment to the General Plan Land Use Map, the subject parcels (s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designation(s) and the anticipated land use developments (s).

The proposed General Plan Amendment findings are made and can be found in the attached Resolution.

Zone Change

A. The City Council may amend the provisions of this Zoning Ordinance for the public health, environmental protection, safety, general welfare and the aesthetic harmony of the City.

B. 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.

C. Commission action recommending that the proposed Zoning Ordinance 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.

D. Upon receipt of the Planning Commission's recommendation for approval, approval in modified form, or denial, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance.

E. An amendment to this Zoning Ordinance may be adopted only if the following findings are made:
   a. The proposed Amendment is consistent with the goals and policies of the General Plan.
   b. The proposed Amendment is internally consistent with the Zoning Ordinance.
   c. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

The proposed Zone Change findings are made and can be found in the attached Resolution.
The parcels identified for consideration are referenced below:

It is important to note that there is no development or ground disturbance proposed with this project. Any future development of any of the identified parcels will require separate approval in accordance with the Banning Municipal Code and environmental analysis pursuant to the California Environmental Quality Act.

1. **Location One** consist of the northwestern 2.1-acre portion of Assessor’s Parcel Number 532-130-008. The northwest part of this parcel is currently zoned, Public Facilities – Airport, and is proposed to be rezoned to, Industrial, to be consistent with the remainder of the parcel. The site is surrounded by Public Facilities-Airport Zoning to the north, Industrial Zoning to the east and south and Public Facilities-Airport and Industrial Zoning to the west. See Figure 1 below.

**Figure 1, Location One, Zoning Map**

![Location 1, change northwest portion of parcel from Public Facilities - Airport to Industrial](image)

Location One is located south of the Banning Municipal Airport, north of Westward Avenue and 1,315 feet east of Hathaway Street. The vacant parcel is relatively flat with a slight downward slope from the north to the south. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site vegetation consists mainly of native and non-native plants.
and grasses. Additionally, the site has been heavily disturbed by human activities and there are signs of repeated disking for weed abatement and fire prevention. See Figures 2 and 3 below.

Figure 2, Location One, Aerial Map

Location One, change Land Use and Zoning from Public Facilities-Airport to Industrial

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
Figure 3, Location One, Vicinity Map

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
2. **Location Two** consists of six parcels which are identified as Assessor’s Parcel Number’s 541-260-033, 035, 041, 042, 044 and 047 and are all part of the City of Banning Public Works/Electric Utility Yard. The six parcels are currently zoned, Medium Density Residential (MDR), and the proposed zoning is, Public Facility – Government to be consistent with the remainder of the existing project site (Public Works/Electric Utility Yard). The site is surrounded by Public Facilities-Government Zoning to the north, Industrial Zoning to the east, Medium Density Residential Zoning to the south and Medium Density Residential Zoning and Commercial Zoning to the west. See Figure 4 below.

**Figure 4, Location Two, Zoning Map**

Location Two consists of approximately 3.81-acres located at the Northeast corner of San Gorgonio Avenue and Barbour Street. The site is relatively flat with existing pavement for storage of materials and supplies. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. There is no existing vegetation or habitat for endangered species. See Figures 5 and 6 below.
Figure 5, Location Two, Aerial Map
Location Two, change of Land Use and Zoning from Medium Density Residential to Public Facilities - Government

1" = 596 ft

541-260-033, -035, -041, -042, -044, -047

07/15/2019

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
3. **Location Three** consists of two parcels which are identified as Assessor’s Parcel Number’s 534-161-008 and 009. Location Three is currently zoned, High Density Residential (11-18 du/ac) and is currently vacant. The City proposes to rezone the two parcels to High Density Residential-20/Affordable Housing Opportunity (20-24 DU/AC) to be consistent with the adjacent parcel to the east. This will provide opportunity sites for low income housing in anticipation of the upcoming Housing Element update in 2021. The site is surrounded by Low Density Residential zoning and High Density Residential 20/Affordable Housing Opportunity (20-24 du/ac) zoning to the east, High Density Residential (11-18 du/ac) zoning to the north and west. See Figure 7 below.

**Figure 7, Location Three, Zoning Map**

The two vacant parcels consist of approximately 1.01-acres located west of North Hermosa Avenue and north of East Gilman Street. The site is relatively flat and slopes gently from the northwest corner to the southeast corner. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and has been heavily disturbed by human activities and there are signs of past diskng for weed abatement and fire prevention. See Figures 8 and 9 below.
Figure 8, Location Three, Aerial Map
4. **Location Four** consists of six parcels which are identified as Assessor’s Parcel Number’s 532-160-006, 007, 008, 009, 013, and 014. Location Four is currently zoned, Very Low Density Residential (0-2 du/ac) and has several occupied residential structures. The City proposes to rezone the six parcels to Industrial to be consistent with adjacent parcels to the east, west and north. See Figure 10 below.

**Figure 10, Location Four, Zoning Map**

![Location Four, Zoning Map](image)

The six parcels consist of approximately 9.22-acres located 660-feet east of Hathaway Street and north of Charles Street. The site is relatively flat and slopes gently downward from the Northwest corner to the Southeast corner. There are no unique landforms, rock outcroppings, drainage courses or forest. Four of the parcels have occupied residential structures, one of the parcels is industrially developed and the remainder parcel is vacant. The site has little existing vegetation and has been heavily disturbed by human activities. See Figures 11 and 12 below.
Figure 11, Location Four, Aerial Map

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
Figure 12, Location Four, Vicinity Map
5. **Location Five** consists of two parcels which are identified as Assessor’s Parcel Number’s 540-220-008 and 009. All of parcel 540-220-008 and the west half of parcel 540-220-009 are currently zoned General Commercial. The City proposes to change the General Commercial Zoning to Industrial to be consistent with the remainder of the partially developed site. See Figure 13 below.

**Figure 13, Location Five, Zoning Map**

The two parcels consist of approximately 5.92-acres located 330-feet west of South 4th Street and north of Lincoln Street. The site is a relatively flat developed property with an existing burnt out vacant structure. The site was initially developed as Industrial Condo’s but was never completed. The City is currently working with developers to either rehab and finish the development or tear it down and start over with a new project. See Figures 14 and 15 below.
Figure 14, Location Five, Aerial Map

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.
Figure 15, Location Five, Vicinity Map
6. **Location Six** consist of one parcel which is identified as Assessor’s Parcel Number 540-250-060. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Industrial zoned portion of the property to Medium Density Residential to be consistent with the remainder of the lot. See Figure 16 below.

**Figure 16, Location Six, Zoning Map**

The parcel consists of approximately 3.22-acres located west San Gorgonio Avenue and north of Barbour Street. The site is a relatively flat and gently slopes downward from the northwest to the southeast. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and appears to have been heavily disked in the past for weed abatement and fire prevention. See Figures 17 and 18 below.
Figure 17, Location Six, Aerial Map

Location Six, Aerial Map

1" = 126 ft

540-250-06Q

07/15/2019

This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
Figure 18, Location Six, Vicinity Map
7. **Location Seven** consists of two parcels which are identified as Assessor’s Parcel Number’s 540-250-035 and 045. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Medium Density Residential zoned portion of the properties to Industrial to be consistent with the remainder of the Industrial developed site. See Figure 19 below.

**Figure 19, Location Seven, Zoning Map**

The two parcels consist of approximately 6.84-acres located on the south east corner of South 4th Street and Lincoln Street. The site is a relatively flat developed property with existing structures, parking and storage areas. The site is surrounded by vacant and developed industrially zoned properties to the north and west, vacant commercial and medium density residential to the east and developed medium density residential to the south. See Figures 20 and 21 below.
Figure 21, Location Seven, Vicinity Map

This map may represent 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.
8. **Location Eight** consists of seven parcels which are identified as Assessor’s Parcel Number’s 534-172-001, 002, 003, 004, 005, 007 and 008. The site is currently zoned Low Density Residential. The City proposes to rezone the site to Medium Density Residential to allow for a higher density like the Medium Density Residential zone to the west. See Figure 22 below.

**Figure 22, Location Eight, Zoning Map**

The parcels consist of approximately 9.13-acres located east of North Alessandro Street, west of North Florida Street and north of East Hoffer Street. The site is a relatively flat partially developed property with a gentle slope downward from the northwest corner to the southeast corner. The site is surrounded by Low Density Residential zoning to the east, north and south and to the east is Medium Density Residential and Low Density Residential. See Figures 23 and 24 below.
Figure 23, Location Eight, Aerial Map

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.
Figure 24, Location Eight, Vicinity Map
9. **Location Nine** consist of one parcel which is identified as Assessor’s Parcel Number 534-152-025. The vacant site is currently zoned Low Density Residential. The City proposes to rezone the site to Public Facilities-Government to allow the future construction and operation of an Electrical Substation Facility. See Figure 25 below.

**Figure 25, Location Nine, Zoning Map**

The parcel consists of approximately 1.12-acres located east of North Hargrave Street, and north of East Theodore Street. The site is a relatively flat undeveloped property with a gentle slope downward from the northwest corner to the southeast corner that has been heavily disturbed by human activity and there are signs of disking for weed abatement and fire prevention. The site is surrounded by existing Low Density Residential zoning and development. See Figures 26 and 27 below.
Figure 26, Location Nine, Aerial Map

Location 9, Aerial Map

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.
ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The proposed General Plan Amendment 19-2503 and Zone Change 19-3501 are considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.). An Initial Study (EA 19-1505) has been prepared and made available for public review beginning on October 11, 2019 and closing on October 30, 2019.

Based upon analysis contained in the Initial Study, staff determined that all effects on the environment are less than significant level and that the preparation of a Negative Declaration (ND) was appropriate.

TRIBAL CONSULTATION:

In accordance with Senate Bill (SB) 18 and Assembly Bill (AB) 52, letters requesting consultation were sent to the Native American Heritage Commission (NAHC), all tribes listed on the NAHC list, and all tribes who contacted the City requesting notification according to AB 52. As of the date of this report, no tribes have requested consultation.
PUBLIC COMMUNICATION:

The proposed General Plan Amendment and Zone Change was advertised in the Record Gazette newspaper on October 11, 2019 and again, October 25, 2019 (Attachment 3 & 4). Additionally, notices were sent to all affected property owners and all property owners within 300 feet of the affected parcels. As of the date of this report, staff has not received any comments.

ATTACHMENTS:

1. Resolution 2019-22
2. Negative Declaration (Initial Study)
3. Public Hearing Notice/Notice of Intent
4. Public Hearing Notice
5. Exhibit Appendices

Prepared by:

Mark de Manincor
Contract Planner

Reviewed by:

Adam B. Rush, M.A., AICP
Community Development Director
RESOLUTION 2019-22


WHEREAS, an application for General Plan Amendment (GPA) 19-2503 and Zone Change (ZC) 19-3501, a proposal to correct inconsistencies within the General Plan Land Use and Zoning Map and promote economic development which include nine locations identified below, has been duly filed by:

Project Applicant: City of Banning
Community Development Department
99 East Ramsey Street/PO Box 998
Banning, CA 92220

APN's:
1. 532-130-008 (portion of 008)
2. 541-260-033, 035, 041, 042, 044, 047
3. 534-161-008, 009
4. 532-160-006, 007, 008, 009, 013, 014
5. 540-220-008, 009 (portion of 009)
6. 540-250-060 (portion of 060)
7. 540-250-035, 045 (portion of 035 & 045)
8. 534-172-001, 002, 003, 004, 005, 007, 008
9. 534-152-025

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment 19-2503 and Zone Change 19-3501; and

WHEREAS, in accordance with Government Code Sections 65353, 65090, and 65091, on October 25, 2019 the City gave public notice by advertisement in the Record Gazette newspaper, of a public hearing concerning the Project, which included GPA 19-2503, ZC 19-3501 and Environmental Assessment (EA) 19-1505 (a Negative Declaration (ND)). The public hearing notice was also mailed to the owners of the subject properties and property owners.
owners within 300-feet of the Project Locations on or before October 25, 2019. Further, in accordance with Public Resources Code Section 21165, a Notice of Availability/Notice of Intent (NOI) and Public Hearing Notice was advertised in the Record Gazette Newspaper on October 11, 2019, announcing the 20-day circulation for public review and comment of the draft ND for the proposed Project. Additionally, the NOI was mailed to government agencies, property owners within 300-feet of the Project Site Locations, the owners of the properties and the Project applicant, October 11, 2019. Copies of the draft ND were made available at Banning City Hall and Banning Public Library; and

WHEREAS, in accordance with Government Code Section 65353, on November 6, 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 GPA 19-2503, ZC 19-3501 and EA 19-1505 and at which time the Planning Commission considered the Project, each of the proposed entitlements, and the ND; and

WHEREAS, at the public hearing on November 6, 2019, the Planning Commission heard public comments and adopted this Resolution recommending that the City Council adopt the ND for the Project, and approve GPA 19-2503 and ZC 19-3501.

NOW THEREFORE, the Planning Commission of the City of Banning recommend to the City Council as follows:

SECTION 1: California Environmental Quality Act Findings and Recommendation for Adoption of a Negative Declaration. The Planning Commission of the City of Banning does hereby recommend that the City Council make the following environmental findings and determinations in connection with the approval of the project:

A. Pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City’s Local Guidelines, City Staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City Staff determined that there was no substantial evidence that the Project could have a significant effect on the environment and a Negative Declaration (ND) was prepared in full compliance with the requirements of CEQA.

B. Thereafter, City Staff provided public notice of the public comment period and of the intent to adopt the ND as required by law. The public comment period commenced on, October 11, 2019, and expired on October 31, 2019. Copies of the documents have been available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220,
and the Banning Public Library, 21 West Nicolet Street, Banning, California 92220. The City did not receive comments during the public review period.

C. The Planning Commission reviewed the ND, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the ND and, based on the whole record before it, finds that: (1) the ND was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the ND reflects the independent judgement and analysis of the Planning Commission.

D. Based on the findings set forth in this Resolution, the Planning Commission hereby recommends the City Council adopt the ND for the Project.

E. The Community Development Director is authorized to file a Notice of Determination in accordance with CEQA.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment 19-2503. The Planning Commission of the City of Banning does hereby recommend that the City Council find and determine that General Plan Amendment 19-2503 should be approved because:

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

Findings of Fact:
The proposed amendment to the General Plan Land Use Map is internally consistent with the General Plan Land Use Element Goals, Policies and Programs in accordance with the Goal where the proposed General Plan Amendment is providing a balanced, well planned community; Policy 1, by maintaining a land use map which assures a balance of residential, commercial and industrial land uses; Program 1.A; the City is monitoring land use categories and recommending changes to the City Council, and; Program 1.B, the City is providing consistency between the Zoning Ordinance and the General Plan. See Goals, Policies and Programs listed below:

Goal
A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.
Policy 1
The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

Program 1.A
The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.

Program 1.B
The City's Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.

B. Finding: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact:
The proposed Project will correct inconsistencies within the map eliminating confusion and conflicts. The project will provide continuity between land uses and provide for economic development. All of these benefits are in the public interest, health, safety, convenience, and welfare of the City.

C. Finding: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact:
The proposed project has little gain or loss of any land use category. The Project corrects inconsistencies within the Land Use Map and provides for a balance of land uses. As stated in Finding A.; the proposed General Plan Amendment is providing a balanced, well planned community; and maintains a land use map which assures a balance of residential, commercial and industrial land uses.

D. Finding: That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designation and the anticipated land use developments.

Findings of Fact:
All the properties identified in the proposed Project are physical suitable for the requested land use designation and the anticipated land use developments. The Project corrects inconsistencies within the Land Use Map and changes land use designations to correspond with adjacent land
uses no natural constraints exist on any of the Project parcels and no significant adverse environmental impacts are anticipated.

SECTION 3: Findings for Recommendation of Approval of Zone Change 19-3501. The Planning Commission of the City of Banning does hereby recommend that the City Council find and determine that Zone Change 19-3501 should be approved because:

A. Finding: The proposed Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:
The proposed amendment to the General Plan Land Use and Zoning Map is internally consistent with the General Plan Land Use Element Goals, Policies and Programs in accordance with the Goal where the proposed General Plan Amendment is providing a balanced, well planned community; Policy 1, by maintaining a land use map which assures a balance of residential, commercial and industrial land uses; Program 1.A; the City is monitoring land use categories and recommending changes to the City Council, and; Program 1.B, the City is providing consistency between the Zoning Ordinance and the General Plan. See Goals, Policies and Programs listed below:

Goal
A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.

Policy 1
The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

Program 1.A
The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.

Program 1.B
The City’s Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.
B. Finding: The proposed Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:
The proposed Project consists of rezoning multiple parcels by changing the land use of the subject parcels. Each rezoned property is consistent with the minimum development standards of the Zoning Ordinance.

C. Finding: The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:
See findings of fact in Section 1 of this Resolution.

SECTION 4: Recommendation of Approval of Project. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council approve General Plan Amendment 19-2503 and Zone Change 19-3501 to allow for the rezoning of multiple parcels as shown in the attached Exhibits.
SECTION 5: The Planning Commission of the City of Banning hereby recommends to the City Council that the Council’s approval of General Plan Amendment 19-2503 not be effective until the effective date of the City Council ordinance adopting Zone Change 19-3501.

PASSED, APPROVED AND ADOPTED this 6th day of November 2019.

_________________________________
Eric Shaw, Chairman
Banning Planning Commission

ATTEST:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California

APPROVED AS TO FORM
AND LEGAL CONTENT:

_________________________________
Serita R. Young, Assistant City Attorney
Richards, Watson & Gershon
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-22 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of November 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBITS
Locations 1 through 9
1. **Location One** consist of the northwestern 2.1-acre portion of Assessor’s Parcel Number 532-130-008. The northwest part of this parcel is currently zoned, Public Facilities – Airport, and is proposed to be rezoned to, Industrial, to be consistent with the remainder of the parcel. The site is surrounded by Public Facilities-Airport Zoning to the north, Industrial Zoning to the east and south and Public Facilities-Airport and Industrial Zoning to the west. See Figure 1 below.

**Figure 1, Location One, Zoning Map**

Location One is a 39.1-acre parcel located south of the Banning Municipal Airport, north of Westward Avenue and 1,315 feet east of Hathaway Street. The vacant parcel is relatively flat with a slight downward slope from the north to the south. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site vegetation consists mainly of native and non-native plants and grasses. Additionally, the site has been heavily disturbed by human activities and there are signs of repeated disking for weed abatement and fire prevention. See Figures 2 and 3 below.
2. **Location Two** consists of six parcels which are identified as Assessor’s Parcel Number’s 541-260-033, 035, 041, 042, 044 and 047 and are all part of the City of Banning Public Works/Electric Utility Yard. The six parcels are currently zoned, Medium Density Residential (MDR), and the proposed zoning is, Public Facility – Government to be consistent with the remainder of the existing project site (Public Works/Electric Utility Yard). The site is surrounded by Public Facilities-Government Zoning to the north, Industrial Zoning to the east, Medium Density Residential Zoning and Low Density Residential Zoning to the south and Medium Density Residential Zoning and Commercial Zoning to the west. See Figure 4 below.

**Figure 4, Location Two, Zoning Map**

Location Two consists of approximately 3.81-acres located at the Northeast corner of San Gorgonio Avenue and Barbour Street. The site is relatively flat with existing pavement for storage of materials and supplies. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. There is no existing vegetation or habitat for endangered species. See Figures 5 and 6 below.
Figure 5, Location Two, Aerial Map

Figure 6, Location Two, Vicinity Map
3. **Location Three** consists of two parcels which are identified as Assessor’s Parcel Number’s 534-161-008 and 009. Location Three is currently zoned, High Density Residential (11-18 du/ac) and is currently vacant. The City proposes to rezone the two parcels to High Density Residential-20/Affordable Housing Opportunity (20-24 DU/AC) to be consistent with the adjacent parcel to the east. This will provide opportunity sites for low income housing in anticipation of the upcoming Housing Element update in 2021. The site is surrounded by Low Density Residential zoning and High Density Residential 20/Affordable Housing Opportunity (20-24 du/ac) zoning to the east, High Density Residential (11-18 du/ac) zoning to the north and west. See Figure 7 below.

**Figure 7, Location Three, Zoning Map**

The two vacant parcels consist of approximately 1.01-acres located west of North Hermosa Avenue and north of East Gilman Street. The site is relatively flat and slopes gently from the northwest corner to the southeast corner. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and has been heavily disturbed by human activities and there are signs of past disking for weed abatement and fire prevention. See Figures 8 and 9 below.
Figure 8, Location Three, Aerial Map

Figure 9, Location Three, Vicinity Map
4. **Location Four** consists of six parcels which are identified as Assessor’s Parcel Number’s 532-160-006, 007, 008, 009, 013, and 014. Location Four is currently zoned, Very Low Density Residential (0-2 du/ac) and has several occupied residential structures. The City proposes to rezone the six parcels to Industrial to be consistent with adjacent parcels to the east, west and north. See Figure 10 below.

**Figure 10, Location Four, Zoning Map**

The six parcels consist of approximately 9.22-acres located 660 feet east of Hathaway Street and north of Charles Street. The site is relatively flat and slopes gently downward from the Northwest corner to the Southeast corner. There are no unique landforms, rock outcroppings, drainage courses or forest. Four of the parcels have occupied residential structures, one of the parcels is industrially developed and the remainder parcel is vacant. The site has little existing vegetation and has been heavily disturbed by human activities. See Figures 11 and 12 below.
Figure 11, Location Four, Aerial Map

Figure 12, Location Four, Vicinity Map
5. **Location Five** consists of two parcels which are identified as Assessor’s Parcel Number’s 540-220-008 and 009. All of parcel 540-220-008 and the west half of parcel 540-220-009 are currently zoned General Commercial. The City proposes to change the General Commercial Zoning to Industrial to be consistent with the remainder of the partially developed site. See Figure 13 below.

**Figure 13, Location Five, Zoning Map**

The two parcels consist of approximately 5.92-acres located 330 feet west of South 4th Street and north of Lincoln Street. The site is a relatively flat developed property with an existing burnt out vacant structure. The site was initially developed as Industrial Condo’s but was never completed. The City is currently working with developers to either rehab and finish the development or tear it down and start over with a new project. See Figures 14 and 15 below.
Figure 14, Location Five, Aerial Map

Figure 15, Location Five, Vicinity Map
6. **Location Six** consist of one parcel which is identified as Assessor’s Parcel Number 540-250-060. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Industrial zoned portion of the property to Medium Density Residential to be consistent with the remainder of the lot. See Figure 16 below.

**Figure 16, Location Six, Zoning Map**

The parcel consists of approximately 3.22-acres located west San Gorgonio Avenue and north of Barbour Street. The site is a relatively flat and gently slopes downward from the northwest to the southeast. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and appears to have been heavily disked in the past for weed abatement and fire prevention. See Figures 17 and 18 below.
Figure 17, Location Six, Aerial Map

Figure 18, Location Six, Vicinity Map
7. **Location Seven** consists of two parcels which are identified as Assessor’s Parcel Number’s 540-250-035 and 045. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Medium Density Residential zoned portion of the properties to Industrial to be consistent with the remainder of the Industrial developed site. See Figure 19 below.

**Figure 19, Location Seven, Zoning Map**

![Location Seven, Zoning Map](image)

The two parcels consist of approximately 6.84-acres located on the south east corner of South 4th Street and Lincoln Street. The site is a relatively flat developed property with existing structures, parking and storage areas. The site is surrounded by vacant and developed industrially zoned properties to the north and west, vacant commercial and medium density residential to the east and developed medium density residential to the south. See Figures 20 and 21 below.
Figure 20, Location Seven, Aerial Map

Figure 21, Location Seven, Vicinity Map
8. **Location Eight** consists of seven parcels which are identified as Assessor’s Parcel Number’s 534-172-001, 002, 003, 004, 005, 007 and 008. The site is currently zoned Low Density Residential. The City proposes to rezone the site to Medium Density Residential to allow for a higher density like the Medium Density Residential zone to the west. See Figure 22 below.

**Figure 22, Location Eight, Zoning Map**

The parcels consist of approximately 9.13-acres located east of North Alessandro Street, west of North Florida Street and north of East Hoffer Street. The site is a relatively flat partially developed property with a gentle slope downward from the northwest corner to the southeast corner. The site is surrounded by Low Density Residential zoning to the east, north and south and to the east is Medium Density Residential and Low Density Residential. See Figures 23 and 24 below.
Figure 23, Location Eight, Aerial Map

Figure 24, Location Eight, Vicinity Map
9. Location Nine consists of one parcel which is identified as Assessor’s Parcel Number 534-152-025. The vacant site is currently zoned Low Density Residential. The City proposes to rezone the site to Public Facilities-Government to allow the future construction and operation of an Electrical Substation Facility. See Figure 25 below.

Figure 25, Location Nine, Zoning Map

The parcel consists of approximately 1.12-acres located east of North Hargrave Street, and north of East Theodore Street. The site is a relatively flat undeveloped property with a gentle slope downward from the northwest corner to the southeast corner that has been heavily disturbed by human activity and there are signs of disking for weed abatement and fire prevention. The site is surrounded by existing Low Density Residential zoning and development. See Figures 26 and 27 below.
Figure 26, Location Nine, Aerial Map

Figure 27, Location Nine, Vicinity Map
ATTACHMENT 2
Negative Declaration (Initial Study)
INITIAL STUDY & MITIGATED NEGATIVE DECLARATION FOR

General Plan Amendment 19-2503 Zone Change 19-3501.

PREPARED FOR:
City of Banning
99 East Ramsey Street
Banning, CA 92220
Contact: Mark de Manincor, Contract Planner
(951) 922-3123

APPLICANT
City of Banning
99 East Ramsey Street/P.O. Box 998
Banning, CA 92220
951-922-3125

September 2019
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APPENDICES

The following technical studies in support of this Initial Study are available to the public for review at the Community Development Department, Planning Division.

City of Banning General Plan 2006
City of Banning Municipal Code
CITY OF BANNING INITIAL STUDY

Project Title: General Plan Land Use and Zoning Map Clean-up 2019 (GPA 19-2503, ZC 19-3501, EA 19-1505)

Lead Agency Name: City of Banning Community Development Department Planning Division
Address: 99 E. Ramsey Street Banning, CA 92220
Contact Person: Mark de Manincor Phone Number: (951) 922-3123

Project Sponsor: City of Banning Community Development Department
Address: 99 E. Ramsey Street Banning, CA 92220

Existing General Plan and Zoning Designation:
1. 532-130-008 (portion of 008) Public Facilities-Airport
2. 541-260-033, 035, 041, 042, 044, 047 Medium Density Residential
3. 534-161-008, 009 High Density Residential (11-18 DU/AC)
4. 532-160-006, 007, 008, 009, 013, 014 Very Low Density Residential
5. 540-220-008, 009 (portion of 009) General Commercial
6. 540-250-060 (portion of 060) Industrial
7. 540-250-035, 045 (portion of 035 & 045) Medium Density Residential
8. 534-172-001, 002, 003, 004, 005, 007, 008 Low Density Residential
9. 534-152-025 Low Density Residential

Proposed General Plan and Zoning Designation:
1. 532-130-008 (portion of 008) Industrial
2. 541-260-033, 035, 041, 042, 044, 047 Public Facilities-Government
3. 534-161-008, 009 High Density Residential (20-24 DU/AC)
4. 532-160-006, 007, 008, 009, 013, 014 Industrial
5. 540-220-008, 009 (portion of 009) Industrial
6. 540-250-060 (portion of 060) Medium Density Residential
7. 540-250-035, 045 (portion of 035 & 045) Industrial
8. 534-172-001, 002, 003, 004, 005, 007, 008 Medium Density Residential
9. 534-152-025 Public Facilities-Government

Project Location (Address/Nearest cross-streets): The project consists of multiple parcels located throughout the City as described in the following pages.

Project Description: The objective of the project is to correct discrepancies within the General Plan Land Use and Zoning Map, the City has identified several properties that require rezoning. There are portions of some parcels, whole parcels and multiple parcel sections that are part of this project. A total of 28 parcels within 9 locations are listed above and discussed in detail below.
It is important to note that there is no development or ground disturbance proposed with this project. Any future development of any of the identified parcels will require a separate environmental analysis in accordance with the California Environmental Quality Act.

1. **Location One** consist of the northwestern 2.1-acre portion of Assessor’s Parcel Number 532-130-008. The northwest part of this parcel is currently zoned, Public Facilities – Airport, and is proposed to be rezoned to, Industrial, to be consistent with the remainder of the parcel. The site is surrounded by Public Facilities-Airport Zoning to the north, Industrial Zoning to the east and south and Public Facilities-Airport and Industrial Zoning to the west. See Figure 1 below.

**Figure 1, Location One, Zoning Map**

Location One is a 39.1-acre parcel located south of the Banning Municipal Airport, north of Westward Avenue and 1,315 feet east of Hathaway Street. The vacant parcel is relatively flat with a slight downward slope from the north to the south. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site vegetation consists mainly of native and non-native plants and grasses. Additionally, the site has been heavily disturbed by human activities and there are signs of repeated diskng for weed abatement and fire prevention. See Figures 2 and 3 below.
Figure 2, Location One, Aerial Map

Figure 3, Location One, Vicinity Map
2. **Location Two** consists of six parcels which are identified as Assessor’s Parcel Number’s 541-260-033, 035, 041, 042, 044 and 047 and are all part of the City of Banning Public Works/Electric Utility Yard. The six parcels are currently zoned, Medium Density Residential (MDR), and the proposed zoning is, Public Facility – Government to be consistent with the remainder of the existing project site (Public Works/Electric Utility Yard). The site is surrounded by Public Facilities-Government Zoning to the north, Industrial Zoning to the east, Medium Density Residential Zoning and Low Density Residential Zoning to the south and Medium Density Residential Zoning and Commercial Zoning to the west. See Figure 4 below.

**Figure 4, Location Two, Zoning Map**

Location Two consists of approximately 3.81-acres located at the Northeast corner of San Gorgonio Avenue and Barbour Street. The site is relatively flat with existing pavement for storage of materials and supplies. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. There is no existing vegetation or habitat for endangered species. See Figures 5 and 6 below.
Figure 5, Location Two, Aerial Map

Figure 6, Location Two, Vicinity Map
3. **Location Three** consists of two parcels which are identified as Assessor’s Parcel Number’s 534-161-008 and 009. Location Three is currently zoned, High Density Residential (11-18 du/ac) and is currently vacant. The City proposes to rezone the two parcels to High Density Residential-20/Affordable Housing Opportunity (20-24 DU/AC) to be consistent with the adjacent parcel to the east. This will provide opportunity sites for low income housing in anticipation of the upcoming Housing Element update in 2021. The site is surrounded by Low Density Residential zoning and High Density Residential 20/Affordable Housing Opportunity (20-24 du/ac) zoning to the east, High Density Residential (11-18 du/ac) zoning to the north and west. See Figure 7 below.

**Figure 7, Location Three, Zoning Map**

The two vacant parcels consist of approximately 1.01-acres located west of North Hermosa Avenue and north of East Gilman Street. The site is relatively flat and slopes gently from the northwest corner to the southeast corner. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and has been heavily disturbed by human activities and there are signs of past disking for weed abatement and fire prevention. See Figures 8 and 9 below.
Figure 8, Location Three, Aerial Map

Figure 9, Location Three, Vicinity Map
4. **Location Four** consists of six parcels which are identified as Assessor’s Parcel Number’s 532-160-006, 007, 008, 009, 013, and 014. Location Four is currently zoned, Very Low Density Residential (0-2 du/ac) and has several occupied residential structures. The City proposes to rezone the six parcels to Industrial to be consistent with adjacent parcels to the east, west and north. See Figure 10 below.

**Figure 10, Location Four, Zoning Map**

The six parcels consist of approximately 9.22-acres located 660 feet east of Hathaway Street and north of Charles Street. The site is relatively flat and slopes gently downward from the Northwest corner to the Southeast corner. There are no unique landforms, rock outcroppings, drainage courses or forest. Four of the parcels have occupied residential structures, one of the parcels is industrially developed and the remainder parcel is vacant. The site has little existing vegetation and has been heavily disturbed by human activities. See Figures 11 and 12 below.
Figure 11, Location Four, Aerial Map

Figure 12, Location Four, Vicinity Map
5. **Location Five** consists of two parcels which are identified as Assessor’s Parcel Number’s 540-220-008 and 009. All of parcel 540-220-008 and the west half of parcel 540-220-009 are currently zoned General Commercial. The City proposes to change the General Commercial Zoning to Industrial to be consistent with the remainder of the partially developed site. See Figure 13 below.

**Figure 13, Location Five, Zoning Map**

The two parcels consist of approximately 5.92-acres located 330 feet west of South 4th Street and north of Lincoln Street. The site is a relatively flat developed property with an existing burnt out vacant structure. The site was initially developed as Industrial Condo’s but was never completed. The City is currently working with developers to either rehab and finish the development or tear it down and start over with a new project. See Figures 14 and 15 below.
Figure 14, Location Five, Aerial Map

![Aerial Map of Location Five]

This map may represent a visual display of modeled geographic information data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the appropriate staff for most up-to-date information.

Figure 15, Location Five, Vicinity Map

![Vicinity Map of Location Five]

This map may represent a visual display of modeled geographic information data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the appropriate staff for most up-to-date information.
6. **Location Six** consist of one parcel which is identified as Assessor’s Parcel Number 540-250-060. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Industrial zoned portion of the property to Medium Density Residential to be consistent with the remainder of the lot. See Figure 16 below.

**Figure 16, Location Six, Zoning Map**

The parcel consists of approximately 3.22-acres located west San Gorgonio Avenue and north of Barbour Street. The site is a relatively flat and gently slopes downward from the northwest to the southeast. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and appears to have been heavily disked in the past for weed abatement and fire prevention. See Figures 17 and 18 below.
Figure 17, Location Six, Aerial Map

Figure 18, Location Six, Vicinity Map
7. **Location Seven** consists of two parcels which are identified as Assessor’s Parcel Number’s 540-250-035 and 045. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Medium Density Residential zoned portion of the properties to Industrial to be consistent with the remainder of the Industrial developed site. See Figure 19 below.

**Figure 19, Location Seven, Zoning Map**

The two parcels consist of approximately 6.84-acres located on the south east corner of South 4th Street and Lincoln Street. The site is a relatively flat developed property with existing structures, parking and storage areas. The site is surrounded by vacant and developed industrially zoned properties to the north and west, vacant commercial and medium density residential to the east and developed medium density residential to the south. See Figures 20 and 21 below.
Figure 20, Location Seven, Aerial Map

Figure 21, Location Seven, Vicinity Map
8. **Location Eight** consists of seven parcels which are identified as Assessor’s Parcel Number’s 534-172-001, 002, 003, 004, 005, 007 and 008. The site is currently zoned Low Density Residential. The City proposes to rezone the site to Medium Density Residential to allow for a higher density like the Medium Density Residential zone to the west. See Figure 22 below.

**Figure 22, Location Eight, Zoning Map**

The parcels consist of approximately 9.13-acres located east of North Alessandro Street, west of North Florida Street and north of East Hoffer Street. The site is a relatively flat partially developed property with a gentle slope downward from the northwest corner to the southeast corner. The site is surrounded by Low Density Residential zoning to the east, north and south and to the east is Medium Density Residential and Low Density Residential. See Figures 23 and 24 below.
Figure 23, Location Eight, Aerial Map

Figure 24, Location Eight, Vicinity Map
9. **Location Nine** consist of one parcel which is identified as Assessor’s Parcel Number 534-152-025. The vacant site is currently zoned Low Density Residential. The City proposes to rezone the site to Public Facilities-Government to allow the future construction and operation of an Electrical Substation Facility. See Figure 25 below.

**Figure 25, Location Nine, Zoning Map**

The parcel consists of approximately 1.12-acres located east of North Hargrave Street, and north of East Theodore Street. The site is a relatively flat undeveloped property with a gentle slope downward from the northwest corner to the southeast corner that has been heavily disturbed by human activity and there are signs of disking for weed abatement and fire prevention. The site is surrounded by existing Low Density Residential zoning and development. See Figures 26 and 27 below.
Figure 26, Location Nine, Aerial Map

Figure 27, Location Nine, Vicinity Map
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agriculture and Forestry ☐ Air Quality Resources
☐ Biological Resources ☐ Cultural Resources ☐ Energy Resources
☐ Geology/Soils ☐ Greenhouse Gas Emissions ☐ Hazards & Hazardous Materials Resources
☐ Hydrology/Water Quality ☐ Land Use/Planning ☐ Mineral Resources Resources
☐ Noise ☐ Population/Housing ☐ Public Services Resources
☐ Recreation ☐ Transportation ☐ Tribal Cultural Resources Resources
☐ Utilities/Service Systems ☐ Wildfire ☐ Mandatory Findings of Significance Resources

DETERMINATION

On the basis of this initial evaluation:

(✓) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

( ) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to, by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

( ) I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

( ) I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standard and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

( ) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

Signature: ___________________________ Date: 10/31/19

Mark de Manincor, Contract Planner
EVALUATION OF ENVIRONMENTAL IMPACTS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. AESTHETICS. Would the project:</td>
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<tr>
<td>a) Have a substantial effect on a scenic vista?</td>
<td>( )</td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?</td>
<td>( )</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings?</td>
<td>( )</td>
<td>( )</td>
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<td>( )</td>
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<tr>
<td>d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td>( )</td>
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Impact Discussion:

a-d) **No Impact.** According to the City’s General Plan, none of the project locations are within a scenic vista/scenic highway view corridor. There are no designated State Scenic Highways within the vicinity of any project locations and there are no historic buildings on any locations or in the vicinity that would be impacted as a result of the Project. The project will not degrade the existing visual character or quality of public views of the site and its surroundings or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Additionally, the project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Aesthetics would result from the project as presented.
### Issues and Supporting Information Sources:

| Potential 
| Impact | Less 
| Than | Mitigation 
| Incorporated | Less 
| Than | Significant | Impact | No | Impact |
|---|---|---|---|---|---|---|---|---|---|

2. **AGRICULTURAL AND FORESTRY RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td></td>
<td></td>
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<td>(✓)</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td></td>
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<td>(✓)</td>
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<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?</td>
<td></td>
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<td>(✓)</td>
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<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td></td>
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<td>(✓)</td>
</tr>
<tr>
<td>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td></td>
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<td></td>
<td>(✓)</td>
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</table>

**Impact Discussion:**

a- e) **No Impact.** The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data that inventories agricultural land resources in the State. Agricultural land is rated according to soil quality and irrigation status; the best quality land is classified as Prime Farmland. The maps are updated every two years and the latest maps are available digitally through the FMMP interactive mapping viewer. All project locations and the nearby vicinity are identified as urban built-up land. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is
identified. The California Land Conservation (Williamson) Act of 1965 was adopted to regulate the conversion of farmland/agricultural land into non-agricultural use and control urban expansion. The Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to long term agricultural or open space use. No portion of any location is contracted under the Williamson Act. There is no farmland, agricultural use or forest located on any of the parcels proposed for rezoning. Additionally, the project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Agricultural Resources would result from the project as presented.

### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. AIR QUALITY.</strong> Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</td>
<td>( )</td>
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<td>(J)</td>
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<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>(J)</td>
</tr>
<tr>
<td>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?</td>
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<td>(J)</td>
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<tr>
<td>c) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>(J)</td>
</tr>
<tr>
<td>d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</td>
<td></td>
<td></td>
<td></td>
<td>(J)</td>
</tr>
</tbody>
</table>

### Impact Discussion:

a-d) **No Impact.** The Project Site is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the basin establishes a program of rules and regulations administered by SCAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP (2016 AQMP) was adopted by the SCAQMD on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.
Conflicts with the AQMP would arise if Project activities resulted in a substantial increase in employment or population that was not previously adopted and/or approved in a General Plan. Large population or employment increases could affect transportation control strategies, which are among the most important in the air quality plan, since transportation is a major contributor to particulates and ozone for which the SCAB is not in attainment.

Since the project does not include any development or ground disturbance, the project does not result in an increase in population or employment that was not previously adopted in the City’s General Plan, does not expose sensitive receptors to substantial pollutant concentrations, or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Additionally, any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Air Quality would result from the project as presented.
4. **BIOLOGICAL RESOURCES.** *Would the project:*  

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<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>( )</td>
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<tr>
<td>b)</td>
<td>Have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
<td>( )</td>
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<td>( )</td>
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<tr>
<td>c)</td>
<td>Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
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<tr>
<td>d)</td>
<td>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>( )</td>
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<tr>
<td>e)</td>
<td>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>( )</td>
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</tr>
<tr>
<td>f)</td>
<td>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
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</tbody>
</table>

**Impact Discussion:**

a-f) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Biological Resources would result from the project as presented.
5. CULTURAL RESOURCES. Would the project:
   a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5? ( ) ( ) ( ) (√)
   b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5? ( ) ( ) ( ) (√)
   c) Disturb any human remains, including those interred outside of formal cemeteries? ( ) ( ) ( ) (√)

Impact Discussion:

a-c) No Impact:
    The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Cultural Resources would result from the project as presented.

6. ENERGY. Would the project:
   a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? ( ) ( ) ( ) (√)
   b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ( ) ( ) ( ) (√)

Impact Discussion:

a-b) No Impact: The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Energy would result from the project as presented.
### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>7. GEOLOGY AND SOILS. Would the project:</td>
<td></td>
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<tr>
<td>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>( ) ( ) ( ) (√)</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>iv) Landslides?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
<td>( ) ( ) ( ) ( )</td>
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<tr>
<td>f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>( ) ( ) ( ) ( )</td>
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### Impact Discussion:

a-f) **No Impact.** The San Gorgonio Pass Fault is the closest Alquist-Priolo Earthquake Fault Zone to any of the Project Locations as delineated in the latest State Earthquake Fault Zone maps and in Exhibit V-3 of the General Plan. Additionally, in accordance with the California Geological Map from the California Department of Conservation web site, [https://maps.conservation.ca.gov/cgs/EQZApp/](https://maps.conservation.ca.gov/cgs/EQZApp/), there are three locations within 1/3 of a
mile of the San Gorgonio Pass Fault, locations three, eight and nine. The remaining locations are all over one mile from this Fault Zone. There is no development so there will be no impacts to soil erosion, unstable soil, expansive soil, soils incapable of handling waste or impacts to paleontological resources or unique geologic features.

Additionally, the project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. There will be no impacts to Geology and Soils which would result from the project as presented.

### Issues and Supporting Information Sources:

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<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td><strong>8. GREENHOUSE GAS EMISSIONS. Would the project:</strong></td>
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<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>( )</td>
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</table>

**Impact Discussion:**

a, b) **No Impact.** According to CEQA Guidelines Section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” In addition, CEQA Guidelines section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

The Global Warming Solutions Act of 2006 requires that by the year 2020, the Greenhouse Gas (GHG) emissions generated in California be reduced to the levels of 1990. The City of Banning has not adopted its own thresholds of significance for greenhouse gas emissions. However, the City finds persuasive and reasonable the approach to determining significance of greenhouse gas emissions established by the South Coast Air Quality Management District (SCAQMD), within which the City is located.

Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated and represent the highest concentration of GHG: Carbon dioxide (CO2), Methane (CH4), and Nitrous oxide (N2O). SCAQMD provides guidance methods and/or Emission Factors that are used for evaluating a project’s emissions in relation to the thresholds. A threshold of 3,000 MTCO2E (Metric tons of carbon dioxide equivalent) per year has been adopted by

The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Greenhouse Gas Emissions would result from the project as presented.

### Issues and Supporting Information Sources:

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<tr>
<th>HAZARDS AND HAZARDOUS MATERIALS.</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td><strong>9. Would the project:</strong></td>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>( )</td>
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<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>( )</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?</td>
<td>( )</td>
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<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>( )</td>
<td>( )</td>
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<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</td>
<td>( )</td>
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<tr>
<td>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</td>
<td>( )</td>
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</table>
Impact Discussion:

a-g) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Hazards and Hazardous Materials would result from the project as presented.

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<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>10. HYDROLOGY AND WATER QUALITY. <em>Would the project:</em></td>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</td>
<td>( )</td>
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<td>(J)</td>
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<tr>
<td>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</td>
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<td></td>
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</tr>
<tr>
<td>i. Result in substantial erosion or siltation on- or off-site;</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>iv. Impede or redirect flood flows?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
</tbody>
</table>
Impact Discussion:

a-e) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Hydrology and Water Quality would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11. LAND USE AND PLANNING. Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
</tbody>
</table>

Impact Discussion:

a-b) **No Impact.** Since there is no development with this project; the project does not physically divide an established community and does not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Land Use and Planning would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12. MINERAL RESOURCES. Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
</tbody>
</table>
Impact Discussion:

a-b) **No Impact.** The Project sites are all located within a mineral resource zone area classified as MRZ-3 as identified in Exhibit IV-8 in the City of Banning General Plan. Areas classified as MRZ-3 are defined as containing mineral deposits, the significance of which cannot be evaluated from available data. The City of Banning General Plan identifies one aggregate producer within its planning area; the Banning Quarry which is located in the eastern portion of the City. Implementation of the Proposed Project would not result in the loss of known mineral resources because the site is not locally identified as an important mineral resource recovery site.

Implementation of the Proposed Project would not result in the loss of known mineral resources because the site is not locally identified as an important mineral resource recovery site.

The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Mineral Resources would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
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<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>13. NOISE. Would the project result in:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>b) Generation of excessive ground borne vibration or ground borne noise levels?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
<tr>
<td>c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(J)</td>
</tr>
</tbody>
</table>

Impact Discussion:

a-c) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate...
environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Noise would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>14. POPULATION AND HOUSING. Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

To evaluate whether the project would induce substantial unplanned population growth either directly or indirectly, an analysis of potential opportunity sites for residential housing, gains or losses was performed that demonstrates that the project will cause an overall decrease or loss of potential opportunity sites for residential housing in the amount of 33 units. According to the California Department of Finance, Demographic Report EA-5 (2019); it is estimated that the current population in 2019 in Banning is 31,044. The report also estimates that there are 2.76 persons per household. Using this information, we can conclude that there is a potential decrease of 91 potential residents. This amount is relatively small in comparison to the projected Build-Out Population estimates of the General Plan of 80,226. This project will decrease the potential population of Banning at Build-Out to 80,135 (see the discussion and tables below).

There will be a decrease, or loss of 18 potential Single-Family Residential units in the Very Low Density Residential Zone (VLDR); a loss of 50 potential Single-Family Residential units in the Low Density Residential (LDR) Zone; a gain of 29 potential Medium Density Residential (MDR) units; a loss of 18 potential High Density Residential (HDR 11-18 du/ac) units and a gain of 24 potential High Density Residential-20/Affordable Housing Opportunity (20-24 du/ac) (HDR-AHO) units. See Tables 1 and 2 below.

a) **Less Than Significant Impact.** Since the project causes an overall loss of potential opportunity sites for 33 residential units or 91 potential residents, as stated above, there will be no impact to population growth in the area.

b) **Less Than Significant Impact.** The Project calls for the rezoning of a number of sites throughout the City. Some Medium Density Residential and Low Density Residential Zoning is lost to Public Facility-Government (PF-G) Zoning (location 2 and 9) and other Medium Density Residential Zoning is lost to Industrial (I) Zoning (location 7). Although the existing housing can remain indefinitely at location 7, no new housing will be permitted in the new Industrial Zoned site; therefore, the Proposed Project would not displace any existing housing units to accommodate the Project. Less than significant impacts would result, and no mitigation measures are necessary.
### Table 1, Residential Opportunity Site Units Gains or Losses by Location

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Gain</th>
<th>Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Industrial (I)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2.</td>
<td>MDR</td>
<td></td>
<td>38</td>
</tr>
<tr>
<td>3.</td>
<td>HDR-AHO and HDR respectively</td>
<td>24</td>
<td>18</td>
</tr>
<tr>
<td>4.</td>
<td>VLDR</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>5.</td>
<td>I</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>6.</td>
<td>MDR</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>MDR</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>8.</td>
<td>MDR and LDR respectively</td>
<td>91</td>
<td>45</td>
</tr>
<tr>
<td>9.</td>
<td>LDR</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>119</td>
<td>152</td>
</tr>
<tr>
<td>Difference</td>
<td>A total loss of 33 residential units</td>
<td></td>
<td>33</td>
</tr>
</tbody>
</table>

### Table 2, Residential Opportunity Site Units Gains or Losses by Zone

<table>
<thead>
<tr>
<th>Zone</th>
<th>Location</th>
<th>Gain</th>
<th>Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>VLDR</td>
<td>4</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>LDR</td>
<td>8</td>
<td></td>
<td>45</td>
</tr>
<tr>
<td>LDR</td>
<td>9</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>MDR</td>
<td>2</td>
<td></td>
<td>38</td>
</tr>
<tr>
<td>MDR</td>
<td>6</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>MDR</td>
<td>7</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>MDR</td>
<td>8</td>
<td></td>
<td>91</td>
</tr>
<tr>
<td>HDR</td>
<td>3</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>HDR-AHO</td>
<td>3</td>
<td></td>
<td>24</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>119</td>
<td>152</td>
</tr>
<tr>
<td>Difference</td>
<td>A total loss of 33 residential units</td>
<td></td>
<td>33</td>
</tr>
</tbody>
</table>
15. **PUBLIC SERVICES.** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Fire protection?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) Police protection?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) Schools?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Parks?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) Other public facilities? [Roads and Infrastructure]</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a-e) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Public Services would result from the project as presented.

16. **RECREATION.** *Would the project:*

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>( )</td>
<td>( )</td>
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</tbody>
</table>

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>b)</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a-b) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required.
environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Recreation would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. TRANSPORTATION. Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Result in inadequate emergency access?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
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</tbody>
</table>

**Impact Discussion:**

a-d) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Transportation would result from the project as presented.
18. TRIBAL CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>( )</td>
<td>( )</td>
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</table>

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii)</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

Impact Discussion:

a) Assembly Bill 52 (AB 52), signed into law in 2014, amended CEQA and established new requirements for tribal notification and consultation. AB 52 applies to all projects for which a notice of preparation or notice of intent to adopt a negative declaration/mitigated negative declaration is issued after July 1, 2015. AB 52 also broadly defines a new resource category of tribal cultural resources and established a more robust process for meaningful consultation that includes:

• prescribed notification and response timelines;

• consultation on alternatives, resource identification, significance determinations, impact evaluation, and mitigation measures; and

• documentation of all consultation efforts to support CEQA findings.

AB 52 notification was initiated for this Project as required for a notice of intent to adopt a negative declaration/mitigated negative declaration.

Senate Bill (SB) 18 requires local agencies to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.
process, thereby providing tribes an opportunity to participate in local land use decisions at an early planning stage. SB 18 notification was initiated for this Project as required for a General Plan Amendment and associated Change of Zone. As of the date of publishing this document, two Tribal responses have been received; one from the San Manual Band of Mission Indians and the second from Rincon Band of Luiseno Indians. Both have stated that the project is outside of their ancestral territory and have declined consultation.

The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Tribal Cultural Resources would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>19. UTILITIES AND SERVICE SYSTEMS.</strong> Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?</td>
<td>( )</td>
<td>( )</td>
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<td>( )</td>
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</table>

**Impact Discussion:**

a-e) **No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate
environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Utilities and Service Systems would result from the project as presented.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Substantially impair an adopted emergency response plan or emergency evacuation plan?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>d) Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a-d) **No Impact. No Impact.** The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Wildfire would result from the project as presented.
21. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Impact Discussion:

a) No Impact. The project consists of the rezoning of multiple parcels, and/or portions of parcels throughout the City and no development or ground disturbance is proposed. Any of the project parcels may be developed in the future and at that time a separate environmental review in accordance with the California Environmental Quality Act will be required. Therefore, no impacts to Mandatory findings of significance would result from the project as presented.
REFERENCES


City of Banning General Plan, City of Banning Community Development Department and Terra Nova Planning & Research, Inc., adopted January 31, 2006.


Profile of the City of Banning, Southern California Association of Governments (SCAG), May 2018.

LIST OF PREPARERS

City of Banning (Lead Agency)
99 East Ramsey Street, Banning, CA 92220
Community Development Department
Planning Division
Mark de Manincor, Contract Planner
951-922-3123
ATTACHMENT 3
Notice of Intent

NOI (ND) 20-day comment period: Opens, October 11, 2019 and Closes, October 31, 2019

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, November 6, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed project. The subject parcels are located within nine locations throughout the City.

Information regarding the Negative Declaration, General Plan Amendment and Zone Change can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. 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 to this item are invited to attend the hearing, or to send their written comments to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, 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 recommendation 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 65009).

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

Adam Rush
Community Development Director

Dated: October 08, 2019
Publish: October 11, 2019

NOI (ND) 30-day comment period: Opens, October 11, 2019 and Closes, October 31, 2019

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, November 6, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed project. The subject parcels are located within nine locations throughout the City.

Information regarding the Negative Declaration, General Plan Amendment and Zone Change can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125; or by visiting the City’s website at http://www.banningca.gov. All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing, or to send their written comments to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, 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 recommendation 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 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA
Adam Rush
Community Development Director
Dated: October 08, 2019
Publish: October 11, 2019
Published in
The Record Gazette
No. 109655
10/11/2019

Executed on: 10/11/2019
At Banning , CA
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

[Signature]

Virginia  Bradford
ATTACHMENT 5
Exhibit Appendices

See Attachment 2
TO: PLANNING COMMISSION
FROM: Adam Rush, Community Development Director
PREPARED BY: Mark de Manincor, Contract Planner
MEETING DATE: November 6, 2019

RECOMMENDED ACTION:
That the Planning Commission take the following actions:


2. Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) 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:
On September 17, 2018, Governor Brown signed Senate Bill 946 which limits the City’s ability to regulate sidewalk vending. The legislation defines “sidewalk vendor” as a person
who sells food or merchandise on a public sidewalk or other pedestrian path. Effective January 1, 2019, the City is prohibited from assessing criminal penalties for violations of the City’s sidewalk vending regulations, and its ability to prohibit sidewalk vendors on public sidewalks is limited.

Without an ordinance amendment that sets for the regulations on sidewalk vending, the City will not be able to adequately address mitigate the anticipate impacts to the health, safety and welfare of the general public; which includes but is not limited to the following:

1. Limiting hours of operation in a manner consistent with other businesses or uses;
2. Requiring sanitary conditions for food related vending, including proper permits from the Riverside County Department of Environmental Health; and
3. Ensuring no sidewalk vendor may place any cart or display in a manner that obstructs vehicular or pedestrian traffic.

Therefore, the City is proceeding with an amendment to the Banning Municipal Code; which includes the City’s development code (Title 17) in order to implement a permitting scheme for sidewalk vendors is required, outlining regulations that are necessary to ensure public safety and pedestrian mobility. Operational requirements include requirements that the vendors obtain a Seller's Permit and Food Handler's Permit, if food is being sold. The proposed regulations also set forth controls on the location in which stationary vendors are positioned within the public right-of-way (R/W). The proposed amendment requires all sidewalk vendors to obtain a Temporary Use Permit and business license from the City. The permit and license will have a 12-month term and must be renewed annually in order to continue operating in the City. Permits and Licenses can be denied, suspended or revoked based on a history of repeated operation in violation of the ordinance or nonpayment of administrative fines.

ANALYSIS:

Amendments to the Zoning Ordinance may be proposed by the Director, by the City Attorney, by any member of the Planning Commission or City Council, and by any land owner or his/her agent.

Upon receipt in proper form of a Zoning Ordinance Amendment application, or direction of the City Council, and following Community Development Department review, a hearing shall be set before the Planning Commission. Notice of the hearings shall be given pursuant to the requirements of Chapter 17.68, Hearings and Appeals.

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 Ordinance 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 or deny, shall be forwarded to the City Council.

Upon receipt of the Planning Commission's recommendation for approval, approval in modified form, or denial, the City Council may approve, approve with modifications, or
disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance.

An amendment to this Zoning Ordinance may be adopted only if the following findings are made:

A. The proposed Amendment is consistent with the goals and policies of the General Plan.
B. The proposed Amendment is internally consistent with the Zoning Ordinance.
C. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding have been made and can be found in the attached Planning Commission Resolution 2019-21.

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 regulation for Street Vendors. 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.

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.

PUBLIC COMMUNICATIONS:

This hearing was advertised in the Record Gazette newspaper, October 25, 2019.

ATTACHMENTS:

1. Planning Commission Resolution 2019-21
2. Zoning Text Amendment 19-97504
3. Notice of Exemption
4. Public Hearing Notice

Prepared by: Mark de Manincor, Contract Planner

Approved by: Adam Rush, Community Development Director
ATTACHMENT 1
Planning Commission Resolution 2019-21
RESOLUTION 2019-21


WHEREAS, the City of Banning has initiated a Zoning Text Amendment to amend Section 17.04.070 of ("Definitions") of Chapter 17.04 ("Basic Provisions"), Table 17.12.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.12 ("Commercial and Industrial Districts"), Section 108.020 ("Permitted Uses") and Section 17.108.070 ("Requirements and Prohibitions for Mobile Vending") of Chapter 17.108 ("Temporary Use Permits") of Title 17 ("Zoning") of the Banning Municipal Code to establish regulations for sidewalk vendors.

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, the Planning Commission has the authority per Chapter 17.116 of the Banning Municipal Code to take action on the proposed Zoning Text Amendment (ZTA) 19-97504 amending various sections of the Banning Municipal Code.
WHEREAS, on October 25, 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 19-97504 would be considered;

WHEREAS, on November 6, 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 19-97504; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed proposed Zoning Text Amendment 19-97504 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 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 19-97504:

Section 17.116.030 of the Banning Municipal Code provides that 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, approve in modified form, or deny shall be forwarded to the City Council.

**Finding A:** The proposed Amendment is consistent with the goals and policies of the General Plan.

**Findings of Fact:** Proposed Zone Text Amendment 19-97504 is consistent with the goals and policies of the General Plan.

The Commercial Goal of the Land Use Element speaks of Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities.

The Zoning Amendment allows for and regulates sidewalk vending which is a complementary commercial activity and takes place on or near City sidewalks and parks which provides for a range of employment opportunities and increases City revenues.

**Finding B:** The proposed Amendment is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment 19-97504 is internally consistent with the Zoning Ordinance.

Proposed Zone Text Amendment 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. With the approval of Zoning Text Amendment 19-97504 the amendment will be internally consistent with the Zoning Ordinance and California State Law regarding sidewalk vending.

**Finding C:** That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** With the Planning Commission’s recommendation to the City Council of Zoning Text Amendment 19-97504, the Council will review and consider the requirements of the California Environmental Quality Act.

In accordance with the requirements of the California Environmental Quality Act (“CEQA”), Staff recommends to the Planning Commission and City Council that this Ordinance is not subject to CEQA pursuant to 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.

SECTION 4. RECOMMEND APPROVAL OF PROJECT:

Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council approve Zoning Text Amendment 19-97504 to allow for the rezoning of multiple parcels as set forth in Attachment 2 to the Planning Commission staff report dated November 6, 2019.

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 19-97504, as set forth in Attachment 2 to the Planning Commission staff report dated November 6, 2019, to establish regulations for sidewalk vendors, and make a determination of exemption under CEQA Guidelines Section 15060(c)(3).

PASSED, APPROVED, AND ADOPTED this 6th day of November, 2019.

_________________________________
Eric Shaw, Chairman
City of Banning Planning Commission

ATTEST:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California

APPROVED AS TO FORM
AND LEGAL CONTENT:

_________________________________
Serita R. Young, Assistant City Attorney
Richards, Watson & Gershon
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-21, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th of November, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Zoning Text Amendment 19-97504
(Chapter 17.04 Section 17.04.070, Chapter 17.12 Table 17.12.020, Chapter 17.108 Section’s 17.108.020 and 17.108.070)
17.04.070 - Definitions.

Except where specifically defined in this chapter, all words used in this title shall carry their customary meaning, as defined and explained in any current edition of Webster's Unabridged Dictionary. Where doubt exists concerning the dictionary definition, the Planning Commission will make the final decision.

**Abutting (Adjacent)** Two or more parcels sharing a common boundary of at least 1 point.

**Abandoned Activity** is a business or activity with no reported sales or business activity for a period of at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

**Accent Paving** is any concrete paving material texturized, colored or stamped to provide definition to an entry, intersection, roadway or driveway.

**Access** is the safe, adequate, and usable ingress or egress to a property or use. This also means access to public roadways and the road system.

**Accessory Dwelling Unit/Second Unit** is a fully self-contained residential dwelling unit located on the same lot as a single family residence, which meets all the development standards for such a structure as enumerated in Section 17.08.050.

**Accessory or Ancillary Use or Structure** is a detached, subordinate use or structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, which is located on the same lot as that of the principal structure or use, and which is not intended for human habitation.

**Action** is the decision made by the review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

**Adult-Entertainment Facilities** are all of the uses and facilities enumerated in the Banning Municipal Code.

**Affordable Housing Unit** means a unit which contains a low income household as defined by the California Department of Housing and Community Development. In addition, the rent for this type of unit shall not exceed thirty percent of the gross income of the eligible low income household.

**Agricultural Employee Housing** is a residential occupancy of single or multiple dwelling units with individual, shared, or no kitchen facilities to provide housing for the employees and their families engaged in agricultural activities. Any employee housing which has qualified, or is intended to qualify, for a permit to operate pursuant to Section 17021.5 of the California Health and Safety Code providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation.

**Agriculture** is the use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to storage, harvesting, feeding or maintenance of equipment excluding stockyards, slaughtering or commercial food processing.

**Alley** is a public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting properties.
Alteration is a change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another.

Animal Hospital is a place where animals or pets are given medical or surgical treatment and are boarded and cared for during the time of such treatment for remuneration.

Antenna is a device for transmitting or receiving radio, television, telephone or any other transmitted signal.

Apartment is a dwelling unit in a multi-family building.

Applicant is the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this zoning ordinance, or the agent(s) of such persons.

Attached is any structure that has an interior wall or roof in common with another structure.

Automobile Sales Lot is an open area used for display, sale and/or rental of new or used automobiles.

Automobile Service Station is an area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automobile Wrecking is the wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

Average Building Elevation is the average elevation of the highest and lowest vertical structures of a building or structure from finished grade.

Average Ground Elevation is the average elevation of the topography, prior to any development activity.

Average Lot Elevation is the average elevation of all corners of a lot as measured from natural or existing topography.

Average Parcel Width is the average of the distance measured along the front and rear property lines.

Average Slope is the average grade of a site within each land area representing a distinct topographic change.

Awning is a roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Basement is a story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than one-half of its height above grade.

Bearing Capacity means the ability of a soil to support a structure, as measured in pounds per square foot.

Bed and Breakfast is a lodging establishment in which no more than ten rooms are provided to the general public for lodging on a transient basis, and which may provide meals to the extent otherwise permitted by law.

Berm is a mound or embankment of earth.

Block means a parcel of land surrounded by public streets, highways, creeks, streams, rivers or unsubdivided acreage or any combination thereof.
**Boarding House** is a dwelling unit, or part thereof, wherein a room or rooms, with or without individual or group cooking facilities, are rented, leased or subleased under two or more separate written or oral rental agreements, leases or subleases, whether or not the owner, agent or rental manager resides within the dwelling unit.

**Body Piercing Studio** means any business or premises dedicated to the piercing, puncture or perforation of human skin or tissue, or the insertion of jewelry or other objects into or under the skin or tissue, for decorative, nonmedical purposes; the term "body piercing studio" does not include businesses that offer ear-only piercing as a service that is secondary to other business services, or acupuncture clinics.

**Bond** See Performance Bond.

**Building** means any structure having a roof supported by columns or walls.

**Buildable Area** is the net portion of the lot remaining after deducting all required setbacks, slopes, and other sensitive areas from the gross area of the lot.

**Building Coverage** means the percentage of lot area which may be covered by all the footprints of buildings or structures on any lot.

**Building Height** is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in item 1 above is more than ten feet above lowest grade.
3. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Building Site** is the ground area of a building together with all open spaces and setbacks required by the zoning ordinance, regardless of whether the area comprises one lot, a combination of lots or combination of lots and fraction of lots.

**Caliper** shall mean the diameter of any tree trunk six inches above ground level.

**Cannabis Commercial Indoor Cultivation** means the indoor planting, growing, harvesting, drying, curing, grading, or trimming of one or more cannabis plants or any part thereof for commercial purposes. The canopy space within a Cannabis Commercial Indoor Cultivation facility shall not be less than 10,000 square feet nor exceed 22,000 square feet per Cannabis Conditional Use Permit holder, and shall be licensed by a state licensing authority.
Cannabis Manufacturing Level 1 means a commercial cannabis manufacturing facility where a State licensed cannabis manufacturer engages in the manufacture (compounding, blending, extracting, infusing, or otherwise making or preparing) of cannabis products using nonvolatile solvents, or no solvents.

Cannabis Personal Cultivation means the planting, growing, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof. Cannabis Personal Cultivation shall not exceed six (6) cannabis plants per primary residence, and shall comply with the regulations set forth in Chapter 5.34.

Cannabis Retailer means a cannabis business that engages in the retail sale and delivery of cannabis or cannabis products to customers.

Cannabis Testing Laboratory means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and is licensed by the Bureau of Cannabis Control.

Canopy space means a cultivation facility, manufacturing facility, or a testing laboratory facility.

Carport is a permanent roofed structure not completely enclosed, to be used for vehicle parking.

Certificate of Occupancy is that term as defined in the Uniform Building Code as adopted in Chapter 15.08 of the Banning Municipal Code.

Certified Farmers’ Market means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

Church means an establishment, the principal purpose of which is religious worship, and for which the principal building or other structure contains the sanctuary or principal place of worship, and which includes related accessory uses.

City means the City of Banning.

Clinic means a place for outpatient medical services to human patients.

Clubhouse is a building owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Clustered Development is the grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot by lot development at a given density.

Club is an association of persons (whether or not incorporated) organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

Combination Residence/Commercial Use (Mixed Use) is a structure used for a residence and an office or retail use where no major external structural alteration or additions are made and no advertising is permitted except for up to a three square foot attached sign identifying the name of the occupant or business (see also Home Occupation).
Commercial Cannabis Activity includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products, or engaging in any other cannabis activity that requires a State license issued by a licensing authority.

Commercial Recreation Area and Use is an area and use operated for profit, with private facilities, equipment or services for recreational purposes, including swimming pools, bowling alleys, tennis courts, playgrounds, amusement facilities and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.

Commission is the Planning Commission of the City of Banning.

Community Garden means an area of land used to grow and harvest food crops by individuals or collectively by members of a group for non-commercial purposes.

Community Recreation Area or Clubhouse is an area devoted to facilities and equipment for recreational purposes including swimming pools, tennis courts, playgrounds, amusement facilities and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within a specified geographic area.

Compatible Uses are uses similar in physical characteristics (height, bulk, building style), but not necessarily identical, with a mass or scale that would not cause them to be inharmonious. They have characteristics that enhance adjacent uses and minimize external impacts on them through careful design, and are incorporated into a site with attention to significant natural features. They do not interfere with use of adjacent properties or cause nuisances.

Conditional Use Permit is a discretionary entitlement which may be granted under the provisions of this zoning ordinance and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium means a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a building on the parcel.

Condominium means a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a building on the parcel.

Compatible Uses are uses similar in physical characteristics (height, bulk, building style), but not necessarily identical, with a mass or scale that would not cause them to be inharmonious. They have characteristics that enhance adjacent uses and minimize external impacts on them through careful design, and are incorporated into a site with attention to significant natural features. They do not interfere with use of adjacent properties or cause nuisances.

Construction Commencement is the start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the director.

Construction Sign is an informational sign which identifies the architect, engineer, contractor and any other individual or corporation involved with the construction of a building or use, and which remains on a building site only until a certificate of occupancy has been issued.

Contour Line means the interconnection of points having the same height above sea level.

Convenience Store means a general retail outlet offering a variety of grocery and general merchandise products and not exceeding two thousand five hundred square feet of gross floor area.

Corner Lot is a lot at the junction of and having frontage on two or more intersecting streets or roads.

Council is the city council of the City of Banning.

County is the County of Riverside.

Culvert is an open-ended cylindrical structure generally used for the conveyance of storm waters.

Day Care Center is a facility which provides nonresidential, nonmedical care to twelve or more children under eighteen years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. The definition of day care center includes infant centers, pre-schools, and extended day care facilities, but does not include day care homes.

Day Care Home is a single-family dwelling where an occupant of the residence provides nonresidential, nonmedical care to children that are under eighteen years of age and in need of personal
services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis.

**Day Care Home, Large** is a day care home where care is provided to up to twelve children, or up to fourteen children if allowed by state law, and which is not a small day care home.

**Day Care Home, Small** is a day care home where care is provided to up to six children, or up to eight children if allowed by state law.

**Days** shall always be consecutive calendar days unless otherwise stated.

**Dedication** means the deliberate appropriation of land by an owner for public use or purpose, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.

**Density** is the number of dwelling units per gross acre, unless otherwise stated, for residential uses.

**Department** means the Banning planning department.

**Design** includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

**Detached** means any building or structure that does not have a wall or roof in common with any other building or structure.

**Detention of Stormwater** is the physical entrapment of water occurring as a result of precipitation and the mechanically controlled release of the entrapped waters into the public storm drainage systems or into a stream or other body of water.

**Developed Single-Family Residential Lot** shall mean a legally subdivided lot upon which a single-family habitable dwelling exists.

**Development** means the placement or erection of any solid material or structure; grading, removing, dredging, mining or extraction of any soil or material; change in the density or intensity of use of land, including, but not limited to, subdivision, and any other division of land, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. As used in the zoning ordinance, "structure" includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Director** means the Community Development Director director of the planning department, or his/her designee.

**Distribution Lines** are utility lines and related transformers that deliver electrical, natural gas, telephone or other utility from a distribution substation to points of use, such as homes and businesses.

**Distribution Substation** means a facility which transforms or lessens pressure of electrical, natural gas, telephone or other utility to a level suitable for points of use.

**Domestic Animal** is an animal which can be and is continually kept or raised in a home or on a farm.

**Dormitory** is a building owned or operated by a public or educational institution which provides private or semi-private sleeping quarters, common cooking facilities and common restrooms for its residents.

**Drip irrigation** is the slow application of water at the base of plants without watering the open space between plants.
Driveway is an area of a property designed to provide vehicular access to a parking area or structure contained on the subject property.

Duplex means a structure containing not more than two attached dwelling units.

Dwelling Unit is one or more rooms or structures providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation, not including hotels or motels.

Dwelling Unit, Accessory means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Dwelling Unit, Attached is a dwelling unit that has one or more walls in common with or attached to one or more other dwelling units or other uses.

Dwelling Unit, Multiple is a structure containing two or more dwelling units or a combination of two or more separate single-family dwelling units.

Easement is land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.

Educational Institution is a school, college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Emergency Shelter means housing with minimal supportive services for homeless persons that limits occupancy to six months or less and that does not deny emergency shelter due to a person's inability to pay.

Equestrian means pertaining to horses and riders.

Erosion and Deposition is the removal of soils and the placement of these removed soils elsewhere by the natural forces of wind or water.

Established landscape means the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.

Excavate(tion) means the mechanical removal of soils and/or underlying strata.

Family is a single housekeeping unit.

Fast Food Restaurant is an establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers.

Fence is a man-made wall or barrier, or vegetation installed or planted for the purpose of enclosing space or separating parcels of land.

Fill Material is dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.

Finished Grade is the final contour of the land surface prior to landscaping.

Fortune-Telling means the telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, facility or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, psychometry, phrenology, spirits, tea leaves, or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy, or other craft, art, science, cards,
talisman, charm, potion, magnetism, magnetized article, or substance, crystal gazing, oriental mysteries or magic, of any kind or nature.

**Frontage** is the side of a lot abutting a street (the front lot line), except the side of a corner lot.

**Front wall** means the nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishments.

**Front Yard** See Yard, Front.

**Fuel Service Station** is an establishment which provides gasoline, diesel fuel, propane gas or similar fuel to the retail market.

**Garage** is an enclosed building, or a portion of an enclosed building used for the parking of vehicles.

**Garden Apartments** (Please see Apartments)

**General Plan** is the General Plan of the City of Banning.

**Glare** is the reflection of harsh, bright light, or "the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view."

**Golf Course** is a large tract of land laid out for golf.

**Government Facility** means a use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.

**Grade** is the degree of rise or descent of a sloping surface (See Slope).

**Gross Acreage** is the total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.

**Gross Floor Area** is the total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area.

**Ground Floor** means the floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.

**Grubbing** shall mean the act of removing vegetation by the roots.

**Guest Houses** are living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guest or persons permanently employed on the premises.

**Half Story** is a story under a gable, hip or gambrel roof, parts of which are not more that two feet above the floor of such story.

**Hazardous Waste** is all dangerous waste material, including substances composed of radioactive and hazardous components regulated by the county, state or federal government.

**Hazardous Waste Storage** is the holding of hazardous waste for a temporary period.

**Hazardous Waste Treatment** means the physical, chemical, or biological processing of hazardous wastes to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

**Historic Landmark(s)** is any structure or location over fifty years of age which meets the standards set forth in the city's General Plan and Municipal Code.

**Home Occupation** is an occupation, enterprise, activity, or profession which is incidental to a residential use, which is carried on for profit or customarily carried on for profit, which is not an otherwise permitted use in the zone in which it is pursued, which will not occupy more than twenty-five percent of the residence in which it is to be located, and which:
1. Will require clients, students or customers to come onto the premises where the home occupation is located; or

2. Will require commercial deliveries to be made to or from such premises.

**Hospital** is an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, extended care facilities or training facilities.

**Hotel** means eleven or more guest rooms or suites occupied on a transient basis, with most rooms gaining access from an interior hallway.

**Improvement** is any structure or man-made feature.

**Infill development** means any development that occurs on up to four contiguous vacant lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable sites for development.

**Inn** See Hotel.

**Interior Lot** (See Lot, Interior)

**Junk and Salvage Facility** means a primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort.

**Kennel** is any lot where four or more dogs, cats, or other small animals over the age of four months are kept, whether such keeping is for profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale or hire.

**Kitchen** means any room, all or part of which is designated and/or used for storage, refrigeration, cooking and preparation of food.

**Land Surface Modification** is the clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Title 8 of the Banning Municipal Code, shall not be deemed to be land surface modifications.

**Landscaped area** is the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

**Landscaping** is an area devoted to, or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading or storage areas) and sculptural elements.

**Living area** means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

**Lot** is a parcel, tract or area of land established by subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are:

1. **Corner**: A lot located at the intersection of two or more streets at an angle of not more than one hundred thirty-five degrees. If the angle is greater than one hundred thirty-five degrees, the lot shall be considered an "interior lot."

2. **Flag**: A lot having access or an easement to a public or private street by a narrow, private right-of-way or access easement.

3. **Interior**: A lot abutting only one street.

4. **Key**: A lot with a side line that abuts the rear line of any one or more adjoining lots.

5. **Reverse Corner**: A corner lot, the rear of which abuts the side of another lot.
6. **Through**: A lot having frontage on two generally parallel streets, with only one primary access.

![Diagram of lot types](image)

**Lot Area** is the total horizontal area included within the boundary lines of a lot, exclusive of private and public streets, tidelands and shorelines.

**Lot Coverage** means the percentage of lot area which may be covered by any impervious surface, including structures, parking lots and storage areas.

**Lot Depth** is the average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

**Lot Frontage** is the portion of the lot contiguous to the street.

**Lot Line** means any boundary of a lot. The classifications of lot lines are:

1. **Front**: On an interior lot, the line separating the parcel from the street. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, the lot line abutting the street providing the primary access to the lot.

2. **Interior**: Any lot line not abutting a street.

3. **Rear**: A lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this zoning ordinance.

4. **Side**: Any lot line which not a front or rear lot line.

**Lot Width** is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.

**Low Income Household** is a household whose total gross income is less than or equal to eighty percent of the median household income in Riverside County.

**Manufactured Home** is a dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process.

**Manufacturing Facilities, Light** are those uses conducted entirely within an enclosed building which do not emit fumes or odors, and do not use or produce any chemical, hazardous material, acid or similar product in their processes.

**Manufacturing Facilities, Heavy** are those uses conducted entirely within an enclosed building which may emit fumes or odors, or use any chemical, hazardous material, acid or similar product in their processes.
processes. Heavy manufacturing facilities may also produce materials which require special permitting or handling, including hazardous materials.

**Marijuana** means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

**Maximum Lot Coverage** means the maximum percentage of the surface of the subject property that may be covered with materials which will not allow for the percolation of water into the underlying soils.

**Median** is a paved or planted area separating a street or highway into two or more lanes of opposing directions of travel.

**Mobile Home** is a structure, transportable in one or more sections, which is thirty-two body-feet or more in length and is eight body-feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, air conditioning and electrical system contained therein. The term mobile home does not include a commercial coach, recreational vehicle, motor home, manufactured home, or modular home.

**Mobile Home Park** is a tract of land developed and operated as a unit with lots, roads, utilities, recreational areas and facilities to accommodate mobile homes as occupied residential dwellings.

**Mobile Home Subdivision** is a subdivision where the residents own the lot on which the unit is located, their mobile home unit, and an interest in any common areas, roads, utilities, recreational areas and facilities.

**Mobile Vending Vehicle** shall mean any vehicle, as that term is defined in the California Vehicle Code, which is equipped or primarily used for retail sales of fruits, vegetables or produce, and/or prepared, prepackaged, or unpackaged food of any kind on any public street, alley or highway or private street or alley within the city limits. The inventory of these vehicles is not necessarily limited to edible items and may include nonfood sundries. A human-powered cart for such vending also qualifies as a mobile vending vehicle.

**Modular Homes** are homes that are built off site but are built to the UBC standards rather than the Federal Manufactured Home Construction and Safety Standards.

**Motel** means guest rooms or suites occupied on a transient basis, with most rooms gaining access from an exterior walkway.

**Multi-Family Dwelling** is a building containing two or more dwelling units.

**Natural Features** are physical characteristics of the subject property that are not man-made.

**Net Site Area** is the total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated, sensitive areas, slopes and lands reserved for public use are deducted from such lot or parcel.

**Nonconforming, Illegal** means a structure, lot or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this zoning ordinance.

**Nonconforming Lot** is a lot, the area, frontage or dimensions of which conformed to applicable laws when created, but does not conform to provisions of this zoning ordinance. See Chapter 17.88, Non-Conforming Structures and Uses, of this zoning ordinance.

**Nonconforming Structure** is a structure which conformed to applicable laws when constructed but does not conform to provisions of this zoning ordinance. See Chapter 17.88, Non-Conforming Structures and Uses, of this zoning ordinance.
Nonconforming Use is a use complying with applicable laws when established but which does not conform to the provisions of this zoning ordinance.

Nonvolatile Solvent means any solvent used in the extraction process that is not a volatile solvent. For purposes of this Chapter only, nonvolatile solvents include carbon dioxide and ethanol.

Office is a place of employment providing services other than production, distribution or sale or repair of goods or commodities. The following is a non-exclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar personnel services; sales offices where no inventories or goods are available on the premises, real estate, insurance, travel agent, brokerage or other similar services. The following uses are specifically excluded from the definition of office: banks, loan companies and similar financial institutions.

Open Space includes undisturbed wilderness areas, parks, or that part of a development dedicated to undisturbed or landscaped area that is available for passive or active recreation.

Other Cannabis Uses means any location where commercial cannabis activity occurs that does not fall under the definition of Cannabis Commercial Indoor Cultivation, Cannabis Manufacturing Level 1, Cannabis Testing Laboratory, or Cannabis Personal Cultivation.

Outdoor Paging System is a permanently installed outdoor loudspeaker system capable of making announcements and/or playing recorded or live music.

Outdoor Storage means any material, including items for storage or sale, lease, processing and repair (including vehicles) not in an enclosed structure.

Owner means, in reference to property, the person listed at the county assessor's office as paying the property taxes on the subject property.

Parcel is a parcel of land under one ownership that has been legally subdivided or combined and is shown as a single legal parcel.

Park is any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Area means any area designed and/or used for parking vehicles.

Parking Space is an area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.

Performance Bond is a written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the city has recourse to an identified fund from which to secure performance of specified work.

Person means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Permitted Use is any use allowed in a zoning district and subject to the provisions applicable to that district.

Planned Unit Development Permit (PUD) is a type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities of the zone.

Planning Department is the planning department of the City of Banning.

Planning Director is the director of the planning department of the City of Banning or his/her designee.

Planning Official is the director of the planning department or his/her designee.
Plot Plan means a detailed drawing of the total property described in an application, showing to scale the location of all present or proposed buildings and structures. The plan will also show the location of parking areas, number of stalls, access point(s) to city streets and landscaping proposed.

Primary Residence is the owner occupied structure on a legal lot which also contains an accessory dwelling unit.

Primary Unit shall mean a single-family residential unit constructed and intended as the principal building on a lot.

Primary Vehicular Access means the major street from which the majority of vehicles enter the subject property.

Principal Use is the primary or predominant use of any lot, building or structure.

Property Line (See Lot Line)

Public Access means a portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.

Public Park is a park, playground, swimming pool, beach, pier, golf course or athletic field within the city which is under the control, operation or management of the city, the county, the state or other governmental entity.

Public Right-of-Way is a strip of land acquired by reservation, dedication, or other legal means and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Public Works Director means the director of the department of public works.

Quarry is a place where rock, ore, stone and similar materials are excavated, processed for sale or for off-site use.

Rear Yard (See Yard, Rear)

Recreational Vehicle means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or licensed for temporary living quarters for recreational sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Recreational Vehicle Park means a tract of land developed or operated as a unit with roads, utilities and community facilities to accommodate recreational vehicles on a transient, space rental basis.

Recycling is the process by which waste products, including automobiles, are reduced to raw materials and transformed into new products.

Religious Institution means a structure which is used primarily for religious worship and related religious activities.

Replacement Cost is the current cost to reconstruct a structure or part of the structure in a manner similar to its previous condition.

Residential Care Facility is a building or group of buildings that provide temporary or permanent housing to children or individuals with a disability, as defined by state or federal law, where the residents do not live together as a single housekeeping unit, and where every person residing in the facility (excluding the operator of the facility, the operator's family, and the facility's staff) is a child or an individual with a disability. A residential care facility shall not be considered a boarding house.

Residential Care Facility, Large is a residential care facility in which seven or more children or individuals with a disability reside, which is either licensed by the state or unlicensed and not required by law to be licensed by the state.

Residential Care Facility, Small, Licensed is a state-licensed residential care facility in which six or fewer children or individuals with a disability reside, and which is required by state law to be treated as a residential use of property for zoning purposes. Licensed small residential care facilities that are required to be licensed under state law are subject to applicable state law regarding the operation of such facilities. This definition includes facilities licensed by the state as residential care facilities.

Recreational Vehicle Park means a tract of land developed or operated as a unit with roads, utilities and community facilities to accommodate recreational vehicles on a transient, space rental basis.

Recycling is the process by which waste products, including automobiles, are reduced to raw materials and transformed into new products.

Religious Institution means a structure which is used primarily for religious worship and related religious activities.

Replacement Cost is the current cost to reconstruct a structure or part of the structure in a manner similar to its previous condition.

Residential Care Facility is a building or group of buildings that provide temporary or permanent housing to children or individuals with a disability, as defined by state or federal law, where the residents do not live together as a single housekeeping unit, and where every person residing in the facility (excluding the operator of the facility, the operator's family, and the facility's staff) is a child or an individual with a disability. A residential care facility shall not be considered a boarding house.
by state law to be treated as a residential use of property include, without limitation: Intermediate care facilities for the developmentally disabled (Health and Safety Code Section 1267.8(c)); Congregate living health facilities (Health and Safety Code Sections 1267.8(c), 1267.16(a)); Residential community care facilities, including foster family homes, small family homes, social rehabilitation facilities, community treatment facilities, and transitional shelter care facilities (Health and Safety Code Sections 1502, 1566.3); Residential care facilities for persons with chronic life-threatening illness (Health and Safety Code Section 1568.0831); Residential care facilities for the elderly (Health and Safety Code Section 1569.85); Pediatric day health and respite care facilities (Health and Safety Code Section 1761.4).

**Residential Care Facility, Small, Unlicensed** is a residential care facility in which six or fewer children or individuals with a disability reside, and which is not licensed by the state and is not required by law to be licensed by the state.

**Rest Home** is a structure used for the housing of and assisted caring for the aged and infirm. There shall be only incidental convalescent care not involving either a nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities.

**Restaurant** means a use providing preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out, and similar uses, and may include licensed “on-site” provision of alcoholic beverage for consumption on the premises when accessory to such food service.

**Restaurant, Drive-Thru** means a use providing preparation and retail sale of food and/or beverages, as defined under "Restaurant" with the added provision of one or more drive thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

**Retail Establishment** is a commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not conducted within an office use.

**Retention of Storm Water** is the collection of water due to precipitation in a given area, and the dispersement of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream or other body of water.

**Review Authority** is the person, committee, commission or council responsible for the review and/or final action on a land use entitlement.

**Right-of-Way** is land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publicly owned devices.

**Roaming Sidewalk Vendor** means a sidewalk vendor who moves from place to place; making irregular but frequent stops only to complete a transaction(s).

**Roofline** is the line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.

**Rounding of Quantities** is the consideration of distances, unit density, density bonus, density transfer calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers. The numbers are to be rounded to the nearest highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5.

**Runoff** is the overland or subsurface flow of water.

**Satellite Dish Antenna** is an apparatus capable of receiving or transmitting communications to or from a satellite.

**School** means an institution of learning, whether public or private, which offers instruction in those courses of study required by the California Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, vocational or professional institution of higher education, including a community or junior college, college or university, or any special institution of education.
**Second Dwelling Unit** See, Dwelling Unit, Accessory.

**Senior Citizen Household** means a household which consists of people, all of whom are age fifty-five or older.

**Senior Congregate Care Housing** is a structure(s) providing residence for a group of senior citizens (fifty-five years of age or older) with central or private kitchen, dining, and recreational facilities with separate bedrooms and/or living quarters.

**Setback** means the minimum distance that a building or use must be removed from its lot lines.

**Sidewalk Vendor** means a person who sells food or goods from a vending cart or from and upon one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

**Side Yard** See Yard, Side.

**Sidewalk/Parking Lot Sale** is a promotional sales event conducted by one or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s).

**Sign** is any communication device, structure, or fixture which is intended: to identify a building, use, business, or event, or to promote the sale of a product, goods, or service, using graphics, letters, figures, symbols, trademarks or written copy, and as further defined in this section. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs.

**Silt or Sediment** means the soil particles mobilized and deposited by the processes of erosion and deposition.

**Single-Family Dwelling** is a building containing one dwelling unit.

**Single Housekeeping Unit** is one or more individuals, whether related by blood, marriage, legal adoption or not, jointly occupying a dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

**Single-Occupant Vehicle** or **SOV** means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

**Single Room Occupancy Facility** is a building or group of buildings with one or more guest rooms without kitchen and/or sanitary facilities in individual guest rooms, and which is also the primary residence of the guests.

**Single Use Building** is a building which contains only one use.

**Site Plans** are plans prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

**Slope** means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
Slope Percentage = \[ \frac{\text{Rise}}{\text{Run}} \times 100 = \% \]

Slope Ratio = \[ \text{Run} = (x) \text{ feet run to one foot rise} = x:1 \]

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**Small Animals** are dogs, cats, birds, small exotic animals (snakes, tortoises, gerbils, mice, guinea pigs, etc.).

**Smoking Lounge** means any establishment or location that is dedicated, in whole or in part, to the smoking or use of tobacco cigarettes, cigars, chewing tobacco, and dipping tobacco, or other tobacco substances which under state law may only be legally sold to persons age eighteen and older. "Smoking lounges" include, without limitation, establishments referred to as cigar bars or loungers, hookah cafes, tobacco clubs or tobacco bars. A smoking lounge does not include grocery or convenience store establishments that sell tobacco products where (i) such tobacco products are not the establishment's primary merchandise, and (ii) the establishment has no area dedicated to the smoking or use of tobacco products.

**Specific Plan** is a complete development plan for the subject property which conforms to the requirements of Chapter 17.96 of this zoning ordinance.

**Stable, Private** is an accessory structure for the keeping of horses or ponies for the use of occupants of the premises.

**Stable, Commercial** is a facility for the keeping of horses or ponies for compensation.

**Stationary Sidewalk Vendor** means a sidewalk vendor who vends from a fixed location.

**Stock in trade** for the purposes of this section shall mean all books, magazines, posters, pictures, periodicals or other printed material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

**Storage** is a space or place where goods, materials and/or personal property is put for more than twenty-four hours.

**Storm Drainage** is the movement of water, due to precipitation, either surficially or subsurficially.

**Story** is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling above
it. If the floor surface is on average not more than six feet above the finished grade, the area between the
floor surface and the ceiling above is not a story.

**Street** is any public or private thoroughfare, which affords a primary means of access to abutting
property.

**Structural Alterations** means any change in the supporting member of a building or structure.

**Structure** is anything constructed or erected, the use of which requires location on the ground or
attachment to something having location on the ground, including but not limited to any building, road,
pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution
line.

**Subject Property** means the entire lot, series of lots or parcels on which a development or use is or
will locate and that is otherwise subject to the provision of this Code.

**Supportive Housing** is housing occupied by a specified target population defined in Section 50675.14 of the California Health and Safety Code that has no limit on length of stay, and that is linked to
onsite or offsite services that assist the resident in retaining the housing, improving his or her health
status, maximizing his or her ability to live, and - when possible - work in the community. Supportive
housing is a residential use subject to the same regulations and procedures that apply to other residential
uses of the same type in the same zone.

**Swap Meet** means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the
Business and Professions Code, and any regulations adopted pursuant to that article.

**Tattoo Studio** means any business or premises dedicated to the act or process of marking or
coloring the skin of any person by the insertion of pigment under or in the skin or by the production of
scars. The term "tattoo studio" does not include businesses that offer permanent make-up as a service
that is secondary to other business services.

**Temporary Use** is a use established for a specified period of time, with the intent to discontinue the
use at the end of the designated time period.

**Temporary Use Permit** means a permit issued by the City for the temporary use of, or
encroachment into or upon, the sidewalk or any other public or private area, issues as a single permit or
in conjunction with, an encroachment permit, special event permit, or temporary event permit, for
purposes of conducting private or public commercial transactions, events, and displays.

**Therapeutic Massage Establishment** is a commercial establishment in which massage or other
touching of the human body is provided for a fee.

**Through Lot** (See Lot, Through).

**Topsoil** means the uppermost strata of soil containing a large percentage of organic materials and
which is capable of providing suitable nourishment for vegetation.

**Traffic Control Devices** are signs, signals, stripes and other mechanical or graphic items which
control the flow or direction of vehicular and pedestrian traffic.

**Traffic Safety Sight Area** is a space that is set aside on a corner lot in which all visual obstructions,
such as structures and plantings, that inhibit visibility and thus cause a hazard to traffic and pedestrian
safety, are prohibited.

**Trail** is a beaten track typically used by pedestrians or equestrians for many years.

**Transient Basis** means a continuous period of twenty-nine days or less.

**Transitional Housing** is rental housing operated under program requirements that terminate
assistance to residents and recirculate the assisted unit to another eligible program recipient at some
predetermined future point in time, which shall be no less that six months from the initial occupancy date
of the recipient. Transitional housing is a residential use subject to the same regulations and procedures
that apply to other residential uses of the same type in the same zone.
**Transmission Line** is a line that carries electrical power, natural gas, telephone or other utility service and delivers it to a distribution substation.

**Travel Trailer** (See Recreational Vehicle)

**Tree** means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk at least three inches in diameter at a height of four and one-half feet above the ground, or a multi-stemmed trunk system with a definitely formed crown.

**Tree Removal** is the actual removal or causing the effective removal through damaging, poisoning, or other direct or indirect actions resulting in the death of the tree.

**Tree Worthy of Preservation** is any tree with a diameter of six inches or more which is determined by the city to be unique by reason of age, size, rarity or status as a landmark or indigenous species specimen.


**Use** means the nature of the activities taking place on private property or within structures thereon. Each separate listing under the "Use" column in Sections 9102 through 9105 this Ordinance is a separate use.

**Utility** means a private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: electric power, telephone, cable television, gas and transportation for persons and freight.

**Utility Facility** is a physical improvement through which a utility supplies services, including but not limited to telephone transmission lines and substations, electrical transmission lines and substations, electric generating facilities, natural gas transmission lines and substations, cable related facilities, and storage or equipment yards for any utility. Distribution lines and administrative or customer service office facilities which do not include a utility facility are not included in this definition.

**Variance** is a discretionary entitlement which permits the departure from the strict application of the standards contained in this zoning ordinance.

**Vehicle Storage Area** means an outside area which is used for the storage of operational vehicles.

**Vehicular Access Easement** is a privately owned right-of-way.

**Vend or Vending** means to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

**Vending Cart** means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

**View Corridor** or **Viewshed** means an open area that provides an unobstructed view across the subject property.

**Vista** See View Corridor.

**Volatile Solvent** means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

**Wholesale Trade** means a commercial establishment which sells to retail establishments.

**Wild Animals** are those animals not considered pets, cattle, equine or domestic, what normally occur in the wild.
**Xeriscape** or **Xeriscaping** is a landscaping technique which uses efficient design and irrigation as well as mulches, limited turf areas, improved soils, and drought tolerant or native plants to help conserve water.

**Yard** is an open space on a parcel of land unobstructed and unoccupied from the ground upward, except for projections permitted by this zoning ordinance.

![Diagram of yard areas](image)

**Yard, Front** is an area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential zoning districts, while the longest street frontage shall be the front yard in commercial/industrial zoning districts.

**Yard, Interior Side** is an area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

**Yard, Rear** means an area extending across the full width of the lot between the rear lot line and a setback line parallel thereto. On flat lots, the rear yard location shall be determined through project review.

**Yard, Side of Street** is an area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to a structural setback line parallel thereto.

**Zero Lot Line** means the location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

**Zoning District** is a portion of the city within which certain uses of land and structures are defined, and regulations are specified.

**Zoning Map** means the map designated as such and adopted by the city showing the geographical location of use zones within the municipal boundaries.

(Zoning Ord. dated 1/31/06, § 9101.07; Ord. No. 1392, § 1.)

(Ord. No. 1434, § 3, 2-8-11; Ord. No. 1467, § 3, 8-13-13; Ord. No. 1509, § 3, 4-11-17; Ord. No. 1507, § 3.2.1, 3-14-17; Ord. No. 1512, § 6, 10-10-17; Ord. No. 1535, § 4A, 11-13-18; Ord. No. 1523, § 3A, 7-10-18; Ord. No. 1531, § 3A, 11-13-18)
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>
<th>IMR</th>
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<tr>
<td><strong>Resource and Open Space Uses</strong></td>
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<td>Plant nurseries, with on-site sales</td>
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<td>X</td>
<td>X</td>
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<td>Surface mining</td>
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<td>X</td>
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<td>C</td>
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<td><strong>Recreation, Education and Public Assembly</strong></td>
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<td>Adult entertainment</td>
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<td>Billiard parlors/pool halls</td>
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<td>Health/fitness facilities</td>
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<td>P</td>
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<td>Indoor recreation centers</td>
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<td>Libraries</td>
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<td>Membership organization facilities</td>
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<td>C</td>
<td>C</td>
<td>P</td>
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<td>Outdoor commercial recreation</td>
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<td>C</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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<tr>
<td>Schools</td>
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<td>X</td>
<td>C</td>
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<td>Sport facilities and outdoor public assembly</td>
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<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Studios for dance, art, music, photography, etc.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
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<td>Theatres and meeting halls</td>
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<td>C</td>
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<td>Accessory retail uses</td>
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<tr>
<td>Alcoholic beverage sales, on- or off-site</td>
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<td>Antique stores</td>
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<td>Art galleries</td>
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<tr>
<td>Auto, mobile home, and motor vehicle sales, with or without part sales, new and/or used</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Auto, mobile home, and motor vehicle part sales</td>
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<td>P</td>
<td>X</td>
<td>P</td>
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<td>Bars and drinking establishments</td>
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<td>X</td>
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<tr>
<td>Convenience stores</td>
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<td>C</td>
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<td>C</td>
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<td>Convenience stores, no liquor sales</td>
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<td>Department stores</td>
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<td>Drive-in/drive-through sales</td>
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<td>Farm and ranch supply stores</td>
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<td>Furniture, furnishings, home equipment stores</td>
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<td>Grocery stores, retail butchers and green grocers</td>
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<td>Hardware/lumber stores</td>
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<td>Breweries and distilleries</td>
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<td>Residential Uses</td>
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<td><strong>Caretaker/watchperson’s dwelling</strong></td>
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<td><strong>Residential accessory uses and structures</strong></td>
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<td><strong>Residential care facility, large</strong></td>
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<td><strong>Residential care facility, small, unlicensed</strong></td>
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<td><strong>Single-family dwellings, existing</strong></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, §, 4-11-17; 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)
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 Development 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 display 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 501 C(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 the 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 Director are compatible with the land use district and surrounding land uses.

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

J. Temporary farmers’ 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 including any non-self-propelled or non-motorized vehicle or similar vending device and a cart propelled by human power.

L. Sidewalk Vending of food, beverages, merchandise, goods, or services from a vending cart or upon or on one’s person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians. Sidewalk Vending also includes; Mobile Vendor, Roaming Sidewalk Vendor and Stationary Sidewalk Vendor as defined.

(Zoning Ord. dated 1/31/06, § 9127.02.)
(Ord. No. 1434, § 11, 2-8-11)
Permit Required. No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit (Temporary Use Permit) pursuant to this chapter.

Permit Application. To apply for a sidewalk vending permit, an applicant, owner, or business must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

A. The legal name and current address and telephone number of the applicant;
B. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
C. A description of the food or merchandise offered for sale;
D. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
E. A copy of a valid business license issued pursuant to Chapter 5 of the Banning Municipal Code;
F. A California seller’s permit number pursuant to Section 5057 of the Revenue and Taxation Code;
G. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
H. If a vendor of food or food products is including within the application, then the City will require certified completion of a food handler course and proof of all required approvals from the Riverside County Department of Environmental Health; and
I. Any other reasonable information regarding the time, place, and manner of the proposed vending.

Criteria for Approval or Denial of Permit. The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or
C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in the “operating requirements” section below.

If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.
Permit Expiration and Renewal. A sidewalk vending permit shall be valid for twelve (12) months from the date of issuance and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her active sidewalk vending permit.

Permit Rescission. The Director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this Chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

Appeals. Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the Planning Commission. The appeal shall be filed with the City Clerk within fifteen (15) days following the date of the Director’s decision.

Permits Nontransferable. No permit granted pursuant to this chapter shall be transferable.

Operating Requirements. Sidewalk vendors shall comply with the following:

A. No sidewalk vendor shall vend in the following locations:
   1. Within fifteen (30) feet of any street intersection;
   2. Within ten (20) feet of any fire hydrant, fire call box, electric transformer, or other facility dedicated to the emergency and public infrastructure functions of the City.
   3. Within Ten (20) feet of any driveway or driveway apron;
   4. Upon or within any roadway, median strip, or dividing section;
   5. Within 200-feet of a permitted certified farmers’ market, a swap meet, or an area designated for a temporary special event. This prohibition shall be limited to the operating hours of the farmers’ market or swap meet, or the limited duration of the temporary special event.

B. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. No sidewalk vendor shall vend in a manner that blocks or obstructs the required Americans with Disabilities Access (ADA) standards for free movement of persons with disabilities. Sidewalk vendors must always provide a clearance of not less than three (3) feet on all sidewalks or pedestrian areas to enable persons to freely pass while walking, running, or using mobility assistance devices;

C. Sidewalk vending is permitted one half hour after sunrise to one half hour before sunset daily, except as follows:
   1. In residential areas, sidewalk vending shall be permitted one hour after sunrise to one hour before sunset.
   2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.

D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.
E. Stationary sidewalk vendors shall not vend at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.

F. Sidewalk vendors shall provide for trash and recycling receptacles for customers and ensure proper disposal of customer trash and recyclables. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor’s customers within a fifteen (15) foot radius of the vending location.

G. Vendors of food or food products shall possess and display in plain view on the vending cart a valid health permit from Riverside County Department of Public Health.

H. Sidewalk vendors shall always possess while vending a valid permit issued pursuant to this chapter, as well as any other permit or license required by the City and any other appropriate governmental agency.

I. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

J. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

**Administrative Citations.**

A. A violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative citation pursuant to Chapter 1.20, in amounts not to exceed the following:

1. One hundred dollars ($100) for a first violation.
2. Two hundred dollars ($200) for a second violation within one year of the first violation.
3. Five hundred dollars ($500) for each additional violation within one year of the first violation.

B. A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative citation pursuant to Chapter 1.20 in amounts not to exceed the following, in lieu of the amounts set forth in paragraph A:

1. Two hundred fifty dollars ($250) for a first violation.
2. Five hundred dollars ($500) for a second violation within one year of the first violation.
3. One thousand dollars ($1,000) for each additional violation within one year of the first violation.
4. Upon proof of a valid sidewalk vending permit issued by the City, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in paragraph A.
C. A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

E. When assessing administrative citations pursuant to this section, the hearing officer shall take into consideration the person’s ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

F. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty (20) percent of an administrative citation imposed pursuant to this chapter.

G. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.

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, beverages, 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 7:00 a.m. and 4:00 p.m. 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 or 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)
Notice of Exemption

To:  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. 19-97504 – Amending Chapter’s 17.04, 17.12 and 17.108

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

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:

Amending Zoning Code to regulate sidewalk vendors in accordance with SB 946

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:  1-14-2020  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.
NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF PUBLIC HEARING FOR ZONING TEXT AMENDMENT (ZTA) 19-97504 AMENDING SECTION 17.04.070 ("DEFINITIONS") OF CHAPTER 17.04 ("BASIC PROVISIONS"), AMENDING TABLE 17.12.020 ("PERMITTED, CONDITIONAL AND PROHIBITED USES") OF CHAPTER 17.12 ("COMMERCIAL AND INDUSTRIAL DISTRICTS"), AMENDING SECTION 17.108.020 ("PERMITTED USES") AND SECTION 17.108.070 ("REQUIREMENTS AND PROHIBITIONS FOR MOBILE VENDING") OF CHAP-TER 17.108 ("TEMPORARY USE PERMITS"), OF TITLE 17 ("ZONING") OF THE BANNING MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR SIDEWALK VENDORS.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission to be held on Wednesday, November 6, 2019, at 8:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Zoning Text Amendment (ZTA) 19-97504 to amend Chapters 17.04 "Basic Provisions" of Chapter 17.12 "Commercial and Industrial Districts," and 17.108 "Temporary Use Permits," of the Banning Municipal Code (BMC) to establish regulations for sidewalk vendors.

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 15065(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.

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: 10/22/2019
Publish: 10/25/2019

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:

October 25, 2019

Executed on: 10/25/2019
At Banning , CA

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

Signature
TO:      PLANNING COMMISSION

FROM:    Adam B. Rush, Community Development Director

MEETING DATE:  November 6, 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:

September 10, 2019:
Subsequent from the August 14th Planning Commission the Zoning Text Amendment was scheduled before the Banning City Council at a Public Hearing advertised for September 10th. The City Council opened the public hearing, accepted testimony from residents and constituents on the item. Following the acceptance of public comments, the Mayor solicited questions from the Council.
Several members of the City Council expressed concerns that only one commercial cargo/storage containers are authorized for residential property within the proposed Amendment. Staff responded that a minimalist approach is preferred and that future updates could be brought forth as the need arises. However, the Council requested additional deliberation on this matter. As such, the item was referred back to the Planning Commission for further discussion.

August 14, 2019:

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:

September 10, 2019:
The City Council requested additional input and analysis, from the Planning Commission, in regards to the authorization of more than one commercial cargo/storage containers on residentially zoned property as function of lot size.
While no specific minimum lot size was mentioned, a general consensus that residential lots in excess of approximately one (1) acres (zoning classifications RR and RR/H) is a starting point for these discussions. In addition, the Council requested the Commission’s direction on the number of commercial cargo/storage containers as possibly a “sliding-scale” from approximately one (1) acres to approximately ten (10) acres (R/A and R/A/H; which is the largest minimum lot size reflected in the Banning Municipal Code (BMC)).

**August 14, 2019:**

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.
CITY OF BANNING
PLANNING COMMISSION
STAFF REPORT

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.

PUBLIC COMMUNICATION:

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

PREPARED BY:

Adam B. Rush, M.A., 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 November 6, 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 6th day of November 2019.

_________________________________
Eric Shaw, Chairman
Banning Planning Commission

ATTEST:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California

APPROVED AS TO FORM
AND LEGAL CONTENT:

_________________________________
Serita R. Young, Assistant City Attorney
Richards, Watson & Gershon
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 a regular meeting thereof held on the 6th day of November 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. An application for approval of a temporary use permit is required, and shall be submitted to the Community Development Director pursuant to Chapter 17.48, Applications and Fees.

B. A Temporary Use Permit may be approved, modified, conditioned, or denied by the Community Development Director. Decisions of the Community Development Director may be appealed to the Planning Commission, pursuant to Chapter 17.68, Hearings and Appeals.

(Zoning Ord. dated 1/31/06) §9127.03.)
17.108.40 – Conditions of approval.

In approving an application for a Temporary Use Permit, the Community Development Director may impose conditions deemed necessary to ensure that the permit takes into account any pertinent factors affecting the operation of such temporary event, or use, which may include but not be limited to, the following:

A. Provision for a fixed period not to exceed 60 days, plus one 30 day extension, or for a shorter period of time as determined by the Community Development Directory.
B. Arrangements for temporary parking facilities, including vehicular ingress and egress.
C. Regulation of 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 of 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 the 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 limitation 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 be 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>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
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<tr>
<td>Resource and Open Space Uses</td>
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<td>Plant nurseries, with on-site sales</td>
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<td>Plant nurseries, without on-site sales</td>
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<td>Cannabis Commercial Indoor Cultivation</td>
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<td>Recreation, Education and Public Assembly</td>
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<td>Churches</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, §, 4-11-17; 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)
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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 commercial cargo/storage containers in the residential, commercial, and industrial zoning districts. 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 commercial cargo/containers shall be subject to the following limitations:

1. Temporary use of commercial cargo/storage containers, for a period not to exceed 60 days, is permitted in any zoning district, unless the commercial cargo/storage 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 zoning district.

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, as an accessory use, is 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 for a commercial cargo/storage container from all property lines shall be a minimum of twenty (20) feet;
   c. 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. Commercial cargo/storage containers shall be neutral color and compatible with the surrounding architectural theme of the immediately surrounding community; and
   e. Commercial cargo/storage containers shall comply with all related Building Code requirements.
   f. Commercial cargo/storage containers shall be unaltered from their original manufacturing specifications, as determined by the Community Development Director and the City’s Building Official.
   g. Commercial cargo/storage containers shall remain as an uninhabitable occupancy type.
   h. Commercial cargo/storage containers shall be no larger than eight (8’) feet in width, by eight (8’) feet in height, by fifty-three (53’) feet in length.

5. In residential zones, placement of commercial cargo/storage containers is allowed as an accessory use subject to the following development standards:
   a. Commercial cargo/storage containers are permitted on lots with a minimum lot size of 20,000 square feet;
   b. Commercial cargo/storage containers are permitted in the following zoning districts: 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 for a commercial cargo/storage container from all property lines shall be a minimum of twenty (20) feet;
e. Placement of commercial cargo/storage containers shall be to the rear of the main building on the rear-half of the property;
f. Commercial cargo/storage containers shall comply with all related Building Code requirements;
g. Commercial cargo/storage containers shall be unaltered from their original manufacturing specifications, as determined by the Community Development Director and the City’s Building Official.
h. Commercial cargo/storage containers shall remain as an uninhabitable occupancy type.
i. Commercial cargo/storage containers shall be no larger than eight (8’) feet in width, by eight (8’) feet in height, by fifty-three (53’) feet in length.
j. 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; and
k. 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, November 6, 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

Date 10/22/2019
Publish 10/25/2019
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:

October 25, 2019

Executed on: 10/25/2019
At Banning, CA

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

[Signature] Ana Rivera