AGENDA

PLANNING COMMISSION - REGULAR MEETING
CITY OF BANNING, CALIFORNIA

November 4, 2026
5:30 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

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Dial in: +1 669 900 9128

Meeting ID: 891 2947 6843
Password: 92220

1. CALL TO ORDER

1.1 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

1.3 APPROVAL OF THE AGENDA AS PRESENTED

The Planning Commission to approve the agenda as herein presented, or the Planning Commission (or Staff) may request the agenda to to be reordered or have items tabled at this time.

2. PUBLIC COMMENTS

A three (3) minute limitation shall apply to each member of the public who wishes to address the Commission on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. PLEASE STATE YOUR NAME FOR THE RECORD.

3. CONSENT AGENDA

3.1 **Planning Commission Minutes - October 7, 2026 Planning Commission Meeting**
Recommendation: The Planning Department recommends the Planning Commission approve the October 7, 2026 meeting minutes as presented.

4. PUBLIC HEARINGS

4.1 **Zoning Text Amendment No. 26-0002 (PTZA 26-0002)** - A City initiated amendment to the Banning Municipal Code related to Care Facilities
Recommendation:

The Planning Department recommends the Planning Commission take the following actions:

1. Determine that Zoning Text Amendment No. PZTA 26-0002 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and recommend City Council adoption; and

2. Adopt a Resolution entitled:

PC Resolution No. 2026-08:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THE CITY COUNCIL DETERMINE THAT ZONING TEXT AMENDMENT NO. PZTA 26-0002 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES PURSUANT TO SECTION 15061(b)(3) AND ADOPT AN ORDINANCE AMENDING SECTIONS 17.04.070, 17.08.020, 17.08.040, 17.08.060, 17.08.180, 17.08.201, 17.12.020, 17.12.050, AND 17.28.040 OF THE BANNING MUNICIPAL CODE RELATING TO FAMILY

4.2 **Zoning Text Amendment No. 26-0007 (PTZA 26-0007)** - A City initiated zoning text amendment to modify Chapters 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) of the Banning Municipal Code related to public hearing notification standards and procedures.
Recommendation: Staff recommends the Planning Commission take the following actions:

1. Find and determine that Zoning Text Amendment No. ZTA 26-0007 is not subject to the California Environmental Quality Act Guidelines (CEQA) pursuant Section 15061(b)(3) of CEQA; and

2. Adopt a Resolution entitled:

PC RESOLUTION 2026-09
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) AND APPROVAL OF ZONE TEXT AMENDMENT NO. 26-0007 TO AMEND CHAPTERS 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) OF THE BANNING MUNICPAL CODE TO MODIFY THE PUBLIC HEARING NOTIFICATION (NOPH) PROCEDURES AND STANDARDS FOR PROJECTS REQUIRING A PUBLIC HEARING

5. DISCUSSION / GENERAL BUSINESS ITEMS

5.1 Fiscal Year 2026/27 City of Banning 5-Year Capital Improvement Plan General Plan Consistency Determination Guideline Section 15306 (Information Collection)
Recommendation: Staff recommends the Planning Commission take the following actions:

1. Find that the determination of General Plan Consistency for the FY 2026/27 5-Year CIP

Plan is not subject to the California Environmental Quality Act (CEQA) Guidelines in accordance with Section 15036 (Information Collection).

2. Adopt a Resolution entitled:

PC RESOLUTION 2026-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15306 (INFORMATION COLLECTION) AND MAKING A DETERMINATION OF CONFORMITY AND CONSISTENCY WITH THE BANNING GENERAL PLAN FOR THE FY 2026/27 CITY'S CAPITAL IMPROVEMENT PLAN

6. ANNOUNCEMENTS AND REPORTS

6.1. DIRECTOR'S REPORT

6.2. PLANNING COMMISSION COMMUNICATIONS

7. ITEMS FOR FUTURE AGENDAS

8. ADJOURN THE MEETING

Adjourn to the next regular meeting of December 2, 2026

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IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, at least 72 hours in advance of the meeting.

Vickie Sellers, Elected City Clerk
Secretaria Municipal Electa

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Public Comment

Agenda Items

Any member of the public may address this meeting of the Commission on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Non-Agenda Items

Any member of the public may address this meeting of the Commission on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Commission may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the Commission, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

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In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the City Clerk's Office. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

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CONTACT • CONTACTO

City Clerk's Office | 951-922-3102 | CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220

CITY OF BANNING
STAFF REPORT

TO:	**PLANNING COMMISSION**
FROM:	**Matthew Bassi, Senior Project Manager**
PREPARED BY:	**Sandra Calderon, Deputy City Clerk**
MEETING DATE:	**November 4, 2026**
SUBJECT:	**Planning Commission Minutes - October 7, 2026 Planning Commission Meeting**

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Commission approve the October 7, 2026 meeting minutes as presented.

PROJECT APPLICANT:

Planning Department

BACKGROUND:

The Planning Commission Secretary prepares meeting minutes for each Planning Commission meeting. The Planning Commission reviews and approves these meeting minutes as presented or with minor modifications. The attached minutes from the October 7, 2026 meeting (Attachment 1) has been prepared in accordance with City Council Resolution 2025-22 and Government Code Section 36814, 4801, and 54953 (c)(2).

DESCRIPTION:

n/a

PROJECT ANALYSIS/FINDINGS OF FACTS:

n/a

ENVIRONMENTAL DETERMINATION:

n/a

PUBLIC COMMUNICATION:

n/a

ATTACHMENTS:

1. October 7 2026 PC Meeting Minutes-final draft.pdf

MINUTES

PLANNING COMMISSION - REGULAR MEETING
October 7, 2026 - 5:30 PM

1. CALL TO ORDER - 5:31 p.m.

1.1 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

COMMISSIONERS PRESENT:	Chair Chris Castorena Commissioner Leslie Evans Vice Chair Al Marshall Commissioner Light-Allende Commissioner Tia Valdiserri
COMMISSIONERS ABSENT:	None
OTHERS PRESENT:	Matt Bassi, Senior Project Manager Nate Smith, Deputy Director of Public Works/City Engineer Mary Yaryan, Senior Planner Phaedra Norton, City Attorney Sandra Calderon, Deputy City Clerk

1.3 APPROVAL OF THE AGENDA AS PRESENTED

Motion to approve the agenda as presented was made by Commissioner Marshall and seconded by Commissioner Valdiserri. The motion carried 5-0.

2. PUBLIC COMMENTS

Kathleen Dale, a Banning resident, said that additional CEQA applications on this evening's agenda contained inaccurate or incomplete information about the Multiple Species Habitat Conservation Plan (MSHCP). She suggested that the Commission, City Council and City management receive training on CEQA and the MSHCP, and said representatives of the Western Riverside County Regional Conservation Authority would likely be willing to hold a workshop. She stated that only limited elements of the plan apply to Banning and that the City routinely overlooks them.

3. CONSENT AGENDA

3.1 **Planning Commission Minutes - September 2, 2026 Planning Commission Meeting**
Recommendation: The Planning Department recommends the Planning Commission approve the September 2, 2026 meeting minutes as presented.

Motion to approve the September 2, 2026 Planning Commission meeting minutes as presented was made by Commissioner Marshall and seconded by Commissioner Evans. The motion carried 5-0.

4. PUBLIC HEARINGS

4.1 **Design Review PDR 25-0016 / Environmental Assessment PEA 26-0001 (Seefried Industrial Project)**
Recommendation:

Staff recommends that the Planning Commission take the following actions:

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2026-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, ADOPTING AN ADDENDUM (SCH NO. 2005011039/PEA 26-0001) TO THE ENVIRONMENTAL IMPACT REPORT CERTIFIED FOR THE CITY OF BANNING COMPREHENSIVE GENERAL PLAN UPDATE (GPA 03-2501) FOR THE PROPOSED SEEFRIED INDUSTRIAL PROJECT (DESIGN REVIEW NO. PDR25-0016) LOCATED AT 1899 EAST RAMSEY STREET (APN 532-110-004; 532-120-001, -002, -008, -009, AND -010)

2. Adopt a Resolution entitled:

PC RESOLUTION NO. 2026-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, APPROVING DESIGN REVIEW NO. PDR25-0016, SUBJECT TO CONDITIONS FOR THE DEVELOPMENT OF AN APPROXIMATELY 367,845-SQUARE-FOOT INDUSTRIAL WAREHOUSE AND OFFICE BUILDING LOCATED AT 1899 EAST RAMSEY STREET (APN 532-110-004; 532-120-001, -002, -008, -009, AND -010)

Mary Yaryan, Senior Planner presented the project. It is an approximately 367,845-square-foot industrial warehouse and office building at 1899 East Ramsey Street, on the north side of Ramsey Street and east of Hathaway Street, in an area planned for business park development.

The building sits in the central portion of the site. Employee parking and the main entrance face Ramsey Street, and truck courts and trailer parking are behind secure, screened areas. Separate access points distribute passenger and truck traffic.

The project complies with applicable business park standards. The one item needing additional review was the height of the security walls and fencing. The code allows additional height for security purposes, and the proposed height was found appropriate. The walls are eight feet high, but portions sit atop retaining walls, which produces a greater visible height from the lower side.

The Airport Land Use Commission found the project consistent with the applicable compatibility plan, subject to conditions that have been incorporated.

The CEQA addendum concluded that none of the conditions requiring a subsequent or supplemental EIR had occurred. The addendum is supported by 11 technical studies. Required mailed and published notice was completed, and one public comment had been received.

Staff revised several conditions of approval after the agenda packet was published. The revised electric utility condition clarifies undergrounding of the existing 34.5 kV and 12.47 kV facilities along Hathaway Street, the required crossing at Jacinto View Road, and possible additional circuit work along Ramsey Street. The airport conditions were revised to reference the updated FAA aeronautical study and to address maximum building and temporary construction equipment height. A clerical correction replaced the reference to French Valley Airport with Banning Municipal Airport.

City Engineer Nathan Smith stated that Hathaway Street and Ramsey Street are City-designated truck routes. Trucks to and from the east would use the Ramsey ramps. Trucks to and from the west would use the Eighth Street ramps or other approved routes. Staff did not evaluate a Ramsey-only access scenario because Hathaway is an approved truck route.

Chair Castorena noted that homes on Williams Street, Jacinto View, Nicolette and nearby streets lie across from the site. He asked about the notification radius, noting that last year the Commission directed outreach to renters and a 1,000-foot radius rather than the 300-foot property-owner requirement. Mr. Bassi explained that the direction was never codified. The City must comply with the current code, which requires a 300-foot radius and notice in the Record Gazette. He said an update to the public hearing notice chapter of the zoning code would come to the Commission and Council in the coming months. He attributed the delay to staffing shortages. Chair Castora offered the Commission's help as a "thought partner" on such items.

Chair Castorena asked about consultation with the Morongo Band, Mr. Bassi said tribes were notified and consulted under state law (AB 52 and SB 18), and that the mitigation monitoring and reporting program includes cultural mitigation measures with further coordination before grading.

Mr. Smith noted that the traffic analysis for this project was a focused local analysis rather than a full traffic impact analysis, and that cumulative effects with neighboring industrial projects were not studied.

Chair Castorena opened the public hearing at 5:53 p.m.

Applicant. Dan Bick of Seefried Industrial Properties thanked staff and introduced the consultant team. In response to commissioners:

Brenda Dugan of Urban Crossroads, the traffic consultant, reported approximately 252 daily truck trips (inbound and outbound combined), with about nine in the morning peak hour and 12 in the afternoon peak hour. About 25 percent of trucks would enter via the Hathaway driveway, a right-in-only entrance south of the nearby homes, so they would not pass those residences. All trucks would exit via Ramsey Street. About 65 to 70 percent of trips would come from the west and 25 to 30 percent from the east. A Ramsey-only reanalysis would take roughly three to four weeks.

Mr. Bick said the facility is expected to operate 24 hours a day, seven days a week, and that 39 neighboring property owners were notified.

The project is speculative with no tenant identified. No project conditions address local hiring, wages or benefits. Mr. Bick said the developer has a history of working with the Laborers union.

Juan Serrano of Laborers International Union of North America spoke in support, citing the developer's record of working with union labor, local construction jobs and career opportunities in the trades.

Frank Connolly, a Banning resident asked which square footage figure was correct, citing earlier reports of a larger building. He recommended against using Ramsey Street for truck access because of its proximity to the freeway on- and off-ramps and the sharp curve, which he said invites accidents. He suggested that ingress and egress occur on Hathaway and that any westbound exit

be right turn only. He also objected to charging developers for airport review while the City is moving toward closing the airport.

Kathleen Dale, a Banning resident said the location is acceptable for warehouses only once the planned Cottonwood interchange provides truck access from the east. She urged an interim access arrangement across the three adjacent projects, so trucks avoid passing homes on Hathaway. She argued that the addendum is not legitimate because cumulative development exceeds the General Plan EIR's business park and industrial assumptions (177,771 square feet for business park). She called the MSHCP findings inadequate, citing the burrowing owl and nesting bird measures and the special linkage and Criteria Cell issues. She argued that a variance, not a director's technical staff review determination, was the appropriate mechanism for the wall height. She also argued that CEQA Guidelines Section 15164 requires consideration of the final EIR, which was not made available.

Larry Bustos, a Laborers Union member of 22 years, spoke via Zoom in support, citing apprenticeship opportunities for veterans, certified training and safety.

Chair Castorena closed the public hearing at 6:19 p.m.

Staff provide responses to public comments.

Mr. Bassi also stated that the proposed building was reduced from the original size during design review and that conditions reflect the smaller building.

Cecilia of First Carbon Solutions, the Applicant’s CEQA consultant, responded to the CEQA question as follows:

- MSHCP, burrowing owl and nesting bird requirements are addressed in conditions COA BIO-1A through BIO-4, which cover pre-construction surveys, a burrowing owl mitigation plan, bumblebee nesting, bird nest avoidance and MSHCP best management practices.
- CEQA Guidelines Sections 15162 to 15164 establish whether subsequent or supplemental review is needed. The analysis found no new or more severe impacts, and staff reached the same conclusion.
- In January 2023, outreach was made through the Native American Heritage Commission to approximately 23 tribes. Two responded, and Morongo was not among them. SB 18 does not apply, so nothing further was required.
- The Hathaway driveway lies before the first residences, so it would not produce noise impacts on them. Hathaway is already a truck route.
- Michael Tyrone of Urban Crossroads stated that the air quality analysis and health risk assessment modeled residential receptors along Hathaway. Under South Coast Air Quality Management District guidelines, the results indicated less-than-significant health risk impacts.

Commissioner Marshall called the project well thought out, noted that it respects the neighbors and is well screened, and said he believed the ingress and egress arrangement was the best possible for the site.

Chair Castorena raised concerns about safety on Ramsey Street, past fatalities, exposure of Hathaway residents (including renters who were not reached by outreach), particulate matter and high local asthma rates, and the lack of resolution of issues discussed a year earlier. He said Commissioners have not been formally trained on the MSHCP.

Chair Castorena proposed a motion to continue the agenda item to allow an analysis of Cottonwood as a truck route and to mitigate collision risk on Ramsey and housing exposure on Hathaway.

There was not a second to the motion by Chair Castorena to continue the agenda item.

The City Attorney asked that the CEQA action be taken first, followed by the project action. Mr. Bassi advised that the motion on the design review must include the revised conditions of approval presented by staff.

Therefore, a motion to adopt PC Resolution No. 2026-04, adopting the CEQA addendum (SCH No. 2005011039/PEA 26-0001), was made by Commissioner Marshall and seconded by Commissioner Valdiserri. The motion carried 4-1, with Chair Castorena voting no.

A motion to adopt PC Resolution No. 2026-05, approving Design Review No. PDR25-0016 with the revised conditions of approval presented by staff, was then made by Commissioner Marshall and seconded by Commissioner Evans. The motion carried 4-1, with Chair Castorena voting no.

4.2 Specific Plan Amendment No. 26-0003 – An Amendment to the Butterfield Specific Plan Updating Table 5-13

Recommendation:
Staff recommends the Planning Commission take the following actions:

1. Determine that Specific Plan Amendment No. 26-0003 does not require further environmental review in accordance with Section 15183 of the California Environmental Quality Act (CEQA) Guidelines; and

2. Adopt a Resolution entitled:

PC RESOLUTION NO. 2026-06
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 26-0003 TO AMEND TABLE 5-13 OF THE BUTTERFIELD SPECIFIC PLAN (ATWELL DEVELOPMENT) AND MAKE A DETERMINATION THAT SPECIFIC PLAN AMENDMENT NO. 26-0003 DOES NOT REQUIRE FURTHER ENVIRONMENTAL REVIEW IN ACCORDANCE WITH SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

Mr. Bassi presented on behalf of Mark Staples, Planning Manager. The applicant (Atwell Development) requested a minor amendment to Table 5-13 of the Butterfield Specific Plan. It applies only to commercial Planning Areas 17 and 18 and does not affect residential areas. The amendment changes the processing determination (permitted, conditional use permit or prohibited) for 11 land use types and revises one use description from "membership organization facilities" to "service club/organizations." Staff reviewed the required findings of consistency with the General Plan, no detriment to public welfare, physical suitability for commercial development, and maintenance of the specific plan's character. Staff recommended a CEQA Section 15183 determination, since the specific plan EIR already analyzed these uses and changing their processing status does not create additional impacts.

Chair Castorena identified a discrepancy: the mailed notice stated that drive-in and takeout restaurants would require a conditional use permit, while Table 5-13 showed them as permitted (they are currently prohibited). Mr. Bassi acknowledged the notice error. The City Attorney advised that the Commission could conform the table to the notice, making the use conditional, and could bring back another action later to change it to permitted.

Chair Castorena asked about traffic, air quality and noise, City Engineer Nathan Smith stated that the Atwell specific plan requires a traffic verification memo for each development phase. This would be project-specific and could not be answered without a project before the Commission.

Regarding noticing beyond 300 feet, Mr. Bassi stated that all properties within 300 feet were noticed. Questions about site planning, car queuing and pedestrian safety were not relevant to this table amendment.

Commissioner Marshall commended staff for the revisions.

Chair Castorena opened the public hearing at 6:39 p.m.

Steve Luoma, a Banning resident thanked the City for the notice. He said the amendment's presentation did not make clear that drive-through restaurants were being added. He cited pedestrian safety, near-fatal accidents, traffic signal outages, trash and traffic on the nearby streets, and asked that drive-throughs not be allowed.

Kathleen Dale, a Banning resident said that allowing drive-throughs introduces environmental impacts (traffic patterns, idling, queuing) that must be addressed at this stage. She argued that the Section 15183 finding is not an appropriate vehicle and that a memorandum documenting the analysis is needed. She noted that the City is in litigation over a prior Tri Point-related approval that used the same mechanism.

Chair Castorena closed public hearing again at 6:54 p.m.

Mr. Bassi stated that the maker of the motion should include the amendment to the table to make fast food, drive-in and take-out restaurants a conditional use permit and that recommendation will be provided to the City Council. A CUP would require individual proposals to be approved by the Commission as part of the CUP process. He said staff stands by the Section 15183 findings and conclusions.

Commissioner Marshall noted that each building would return for design review, where stacking and similar issues would be evaluated, as would any conditional use permit.

Chair Castorena asked about avoiding car-centric development and whether the use should remain prohibited. The City Attorney confirmed the Commission has discretion not to make the change.

Commissioner Evans asked whether items would be voted on individually. Mr. Bassi explained that the resolution adopts the table as a whole, with drive-throughs either permitted or allowed with a CUP.

Chair Castorena reopened the public hearing at 6:59 p.m.

Michael Titus, an attorney representing Tri Point, said most cities treat drive-throughs as conditionally permitted uses so that conditions such as stacking can be applied. He urged adopting the staff recommendation of a CUP, noting that prohibiting the use would eliminate any review and could jeopardize the sale of the site, which includes a market.

Chair Castorena called for an eight-minute recess, with the meeting to resume at 7:10 p.m.

The Commission returned from recess at 7:10 p.m. and reopened the public hearing on this item.

Michael Titus, attorney for Tri Point, asked to correct an earlier statement. Having rechecked his emails, he clarified that the party's position was that drive-through restaurants were acceptable as a permitted use, not as a conditionally permitted use. He had misread the email earlier. He said the distinction mattered because the owner was trying to sell the property. He made no further statements.

Chair Castorena asked whether the correction was appropriate. City Attorney Norton advised that Mr. Titus was correcting the record, not making new statements, and that an accurate record was desirable.

Chair Castorena then asked about procedure for reopening the hearing when new information is disclosed.

City Attorney Norton cited Section 7.3 of the Rules of Procedure. Under subsection D, each speaker may speak only once during a public hearing, unless the legislative body asks for clarification later in the process. Under subsection E, once a hearing is closed, no further public testimony may be received without reopening it. The body may reopen the hearing only if it receives relevant new evidence that may affect its motion or vote. The Chair concluded that a speaker could not be asked to speak a second time.

Commissioner Valdiserri said it was better to keep options open and to have items return for review each time.

With no further discussion, Commissioner Valdiserri made a motion to adopt PC Resolution No. 2026-06 and to determine that Specific Plan Amendment No. 26-0003 did not require further environmental review, with the wording to keep drive-through restaurants as a CUP to conform to the public notice that was issued.. The motion was seconded by Commissioner Marshall. The motion carried 5-0.

4.3 **Conditional Use Permit No. 26-0003 - A Proposed Modification to Conditional Use Permit No. 24-0107 to Revise COA #32**

Recommendation: Staff is recommending that the Planning Commission recommend the City Council NOT support amending Condition of Approval #32 as requested by the Applicant and keep the approved COA #32 language as approved in Council Resolution No. 2025-135 adopted on October 14, 2025.

Nate Smith, Deputy Director of Public Works/City Engineer, presented on behalf of Mark Staples. He explained that the request would revise a condition of approval adopted by the City Council for a cannabis project originally addressed as 200 John Street and now addressed as 301 Gallagher. Condition of Approval #32, adopted in Council Resolution No. 2025-135, requires the owner to secure the necessary easement rights across the adjacent property at 313 Gallagher before the City issues any permit, including building, grading, and encroachment permits. The parcel has no direct access to Gallagher Street.

The applicant had been unable to obtain a permanent, non-revocable easement from the owner of 313 Gallagher. The applicant cited hardship from being unable to begin tenant improvements. The applicant proposed revised language that would allow building permits to be issued before a certificate of occupancy, with occupancy withheld until the easement was granted. It also proposed an annual City review of the easement.

Staff did not support the proposal. Mr. Smith said it could result in a completed building that cannot be occupied. He added that staff lacks the time to enforce a private easement agreement between two private owners, and that the easement is a private access easement, not a City roadway easement.

Using maps and records, Mr. Smith explained that the parcel appears to be landlocked. The last mapping activity dates to 1880, when the area was in San Bernardino County, and the parcel was omitted from the later map that dedicated Gallagher Street. Commissioner Marshall asked whether the situation left the property inaccessible, and Mr. Smith confirmed that the parcel appears to be landlocked. Mr. Smith also confirmed, in response to Commissioner Marshall, that this was the cannabis facility previously approved contingent on securing access, and that the Council had added comments on odor mitigation.

Chair Castorena opened the public hearing at 7:25 p.m.

Mr. Freeman, on behalf of the Applicant, spoke remotely explaining that he was not present because of a conflict with his role as a high school football coach. His main points were:

- The parcel was purchased when John Street provided access, and he contended that City action afterward landlocked it.
- The applicant agreed that no business should operate without legal access and did not ask to change that. The request was to "bifurcate" the condition so that the easement would not be a gatekeeper to the building permit process.
- The Commission had historically allowed interior and temporary improvements before operation began.
- The adjacent owner's price for the easement was not economically reasonable for an empty, landlocked lot. It would become reasonable once the property was improved and its value increased.
- The applicant had paid Banning professionals and engineers for permit work. The planned improvements included plumbing, fire hydrants and water service, rebuilding the shed, relocating the fence, and an odor mitigation system with charcoal filters (about $200,000 plus $100,000 in labor).
- The original planning commission had not imposed the irrevocable easement requirement. It came from the prior planning staff through the City Council.
- The cannabis ordinance's annual renewal process places the burden of proving compliance with all conditions on the applicant, so staff would not have to enforce the easement.
- The applicant had run facilities elsewhere in the state with no violations in ten years.

Frank Connelly, a Banning resident, urged the Commission to follow the staff recommendation. He said he had worked in the area for 30 years and described Gallagher Way as a half street with difficult truck access and emergency access. He warned that if the neighboring owner later refused access, the property would be locked in.

Steve Luoma, a Banning resident supported the applicant. He described the applicant as well prepared and invested, and he argued the property should not be "gate kept" by an outdated map.

Chair Castorena closed the public hearing at 7:41 p.m.

City Engineer, Nathan Smith noted that he is a professional engineer, not a land surveyor, and could not render an official survey opinion. He reported that a record of survey on file shows a 50-foot dedication from the railroad centerline and a northern property line within the Southern Pacific Railroad right-of-way. John Street appears to have always been a paper street and never a public right-of-way, and the City did not revoke any access. City water lines in John Street exist under a lease with Union Pacific. If the applicant could produce survey documentation proving public access, staff would consider it. Staff maintained that the parcel was always landlocked, that legal access would be from Gallagher Street, and that a revocable easement could leave the owner partway through construction with no legal access.

Commissioner Marshall said it was not the City’s position to take sides or to change the law, and that the City could not be liable for the public taking of someone else’s land. He said he would follow the staff recommendation.

With no further discussion, Commissioner Marshall moved to recommend that the City Council not support amending the language of Condition of Approval #32 and keep the language as approved in Council Resolution No. 2025-135. The motion was seconded by Commissioner Evans. The motion carried 5-0.

4.4 **Zone Text Amendment 26-0004 (PZTA 26-0004) - A City Initiated Code Amendment Related to Storage Yards**

Recommendation:

Staff recommends the Planning Commission take the following actions:

1. Find that Zone Text Amendment PZTA 26-0004 is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3); and

2. Adopt a Resolution entitled:

PC RESOLUTION NO. 2026-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) AND ADOPTION OF AN ORDINANCE APPROVING ZONE TEXT AMENDMENT PZTA 26-0004, AMENDING BANNING MUNICIPAL CODE SECTION 17.12.020, TABLE 17.12.020 RELATED TO STORAGE USES.

Senior Planner Mary Yaryan presented a City-initiated amendment to Table 17.12.020 of the zoning ordinance. It would change construction storage in the industrial zone, and contractor storage yards in the industrial and industrial mineral resource zones, from permitted to conditionally permitted. It would also remove the general "storage yard" row, which overlaps with the more specific storage categories already in the table. The amendment does not rezone property or approve a development project. Its purpose is to let the City review storage operations before they begin and attach conditions such as screening, access, and hours. Staff found the amendment consistent with the General Plan and zoning ordinance and exempt from CEQA under the commonsense exemption (Guidelines Section 15061(b)(3)). Staff also found it consistent with the MSHCP because it involves no physical disturbance.

Chair Castorena asked where a storage business that does not qualify as a contractor's yard would fall under the proposed regulations if the general storage yard category were removed. He also asked whether that distinction was clearly defined.

In response to Chair Castorena, staff said:

- Other storage categories remain in the table, including accessory storage (under 50% of an operation) and self-storage facilities.
- Existing businesses are unaffected, since the amendment applies only to future uses and expansions. For that reason, no outreach was conducted.
- Temporary construction-site storage with an active building permit would continue under a temporary use permit limited to 365 days.
- CUP costs vary with complexity, from roughly $6,000–$7,000 for a base permit up to $20,000–$40,000 for projects requiring multiple studies.
- The amendment was prompted by vacant properties where vehicles and large equipment were stored without permits, and by interest from parties wanting to store trucks or modular units with no affiliated business. Both City Council and Code Enforcement served as catalysts. Without a CUP, enforcement is slow and goes through the lengthy code enforcement process.

Commissioner Marshall said he disliked adding red tape and cost, and he asked about alternatives.

Staff replied that a CUP gives the City authority to impose conditions on screening, paving, and water quality, and to avoid multi-year code cases. Staff noted that industrial zones currently allow these uses by right, including along high-visibility corridors.

Commissioner Evans asked whether yards would be reviewed case by case, and staff confirmed they would, with staff review and conditions brought to the Commission for action. Mr. Bassi added that the CUP process lets the Commission mitigate impacts and protect surrounding uses, with findings addressing public health, safety, and welfare.

In answer to Commissioner Marshall, staff said that an existing approved use may continue if a new use is similar, but a CUP would be required for expansion onto another lot, for a new use after the prior use leaves, or for any new proposal on a vacant lot.

Chair Castorena opened the public hearing at 7:57 p.m.

No members of the public spoke in person or on Zoom, and the Chair closed the public hearing at 7:58 p.m.

Commissioner Marshall said that because the properties are in industrial areas, additional layers of review did not seem warranted. He said a contractor should be able to use his storage yard as needed, and he distinguished this from public storage.

Chair Castorena said he wished there could be more back-and-forth with staff on the alternatives.

City Engineer Smith responded that the same zoning applies to both remote and highly visible industrial sites, and that the CUP lets the City apply consistent standards.

With no further discussion, Commissioner Valdiserri made a motion to adopt PC Resolution No. 2026-07 and to find that Zone Text Amendment PZTA 26-0004 is exempt from CEQA. The motion was seconded by Commissioner Evans. The motion carried 5-0.

5. GENERAL BUSINESS/DISCUSSION ITEMS

None

6. ANNOUNCEMENTS AND REPORTS

6.1. DIRECTOR'S REPORT

Mr. Bassi introduced Nathan Smith, City Engineer as the incoming Development Services Director.

Mr. Smith reported that, with the adopted budget, the City had reorganized and created a Development Services Department. As proposed, the department will house planning, building, fire, engineering, and capital improvements. Future actions are still needed to determine staffing. The budget also eliminated a number of vacant positions, and a formal presentation will be made at an upcoming meeting.

Mr. Bassi reminded the Commission that the next regular meeting is November 4, 2026 with a further meeting on the first Wednesday in December. He asked commissioners to give advance notice of any absence and said a busy agenda was expected.

6.2. PLANNING COMMISSION COMMUNICATIONS

Chair Castorena announced the following community events:

- A free drive-through produce distribution on Thursday, October 8 at 9:00 a.m. across from City Hall.
- Community Day at Lions Park on Saturday, October 10, 11:00 a.m.–2:00 p.m., at 955 South Hargrave Street.
- Gilman Ranch events: a nature walk on October 10, a migrating bird walk on October 17, and a wellness hike on October 24, each from 10:00 a.m. to noon. A Día de los Muertos and Halloween event takes place on October 31, 10:00 a.m.–2:00 p.m., at 1901 West Wilson Street. Information is available at (951) 922-9200.
- Election information: City Hall at 99 East Ramsey Street is accepting completed mail ballots during regular hours. In-person voting in the Council Chambers runs October 31 through November 2, 9:00 a.m.–5:00 p.m.. Election Day is Tuesday, November 3, 7:00 a.m.–8:00 p.m. The voter registration deadline is October 19, with same-day registration available afterward.

7. FUTURE AGENDA ITEMS

None

8. ADJOURN THE MEETING

Commissioner Valdiserri moved to adjourn the meeting at 8:10 p.m. The motion was seconded by Commissioner Evans. The motion carried 5-0. The next regular meeting is on November 4, 2026.
Minutes prepared by:

Sandra Calderon

Sandra B. Calderon
Deputy City Clerk

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banninglive.viebit.com/watch?hash=zegJJBHXk2O0rxVN

All document related to this meeting are available here:
https://granicus_production_attachments.s3.amazonaws.com/banningca/1501596a881ab31933cb64be2b9061650.html

CITY OF BANNING
STAFF REPORT

TO:	**PLANNING COMMISSION**
FROM:	**Matthew Bassi, Senior Project Manager**
PREPARED BY:	**Mary Yaryan, Senior Planner**
MEETING DATE:	**November 4, 2026**
SUBJECT:	**Zoning Text Amendment No. 26-0002 (PTZA 26-0002) - A City initiated amendment to the Banning Municipal Code related to Care Facilities**

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Commission take the following actions:

1. Determine that Zoning Text Amendment No. PZTA 26-0002 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and recommend City Council adoption; and

2. Adopt a Resolution entitled:

PC Resolution No. 2026-08:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THE CITY COUNCIL DETERMINE THAT ZONING TEXT AMENDMENT NO. PZTA 26-0002 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES PURSUANT TO SECTION 15061(b)(3) AND ADOPT AN ORDINANCE AMENDING SECTIONS 17.04.070, 17.08.020, 17.08.040, 17.08.060, 17.08.180, 17.08.201, 17.12.020, 17.12.050, AND 17.28.040 OF THE BANNING MUNICIPAL CODE RELATING TO FAMILY

PROJECT APPLICANT:
City of Banning

BACKGROUND:

The City initiated Zoning Text Amendment No. PZTA 26-0002 to address inconsistencies between portions of Title 17 and applicable State and federal requirements concerning family day care homes, residential care facilities, and related residential uses.

The Consortium for Early Learning Services contacted the City while preparing a start-up guide for family child care providers. Following communication regarding the City's zoning and licensing requirements, the organization identified concerns regarding consistency with Senate Bill 234, the Keeping Kids Close to Home Act, which became effective January 1, 2020.

Health and Safety Code Section 1597.45 establishes small and large family day care homes as

residential uses of property and uses by right for purposes of local ordinances. It also prohibits a local business license, fee, or tax for the privilege of operating such homes. The City's existing Section 17.08.060 contains older capacity descriptions and separation requirements that do not reflect this framework.

The proposed amendment distinguishes family day care homes from day care centers and replaces the existing day care standards with provisions addressing their different regulatory treatment. The amendment also coordinates definitions, use tables, development standards, and parking requirements for residential care and related residential uses. These provisions clarify that local requirements shall not be imposed where prohibited by applicable State or federal law.

The amendment is citywide and legislative in nature. It does not approve a specific project, site plan, or physical development and does not change General Plan land use designations or zoning district boundaries.

The application and scope of the Planning Commission's review are as follows:

1. Zoning Text Amendment No. PZTA26-0002 to amend Sections 17.04.070, 17.08.020, 17.08.040, 17.08.180, 17.08.201, 17.12.020, 17.12.050, and 17.28.040, and repeal and replace Section 17.08.060 of the Banning Municipal Code.
2. Review of the proposed amendment for conformance with the findings in BMC Section 17.116.050 and a recommendation to the City Council.

The existing code contains outdated family day care provisions and regulations that do not clearly distinguish between uses subject to local discretionary review and residential uses entitled to protections under applicable law.

The proposed amendment addresses these issues by:

- Distinguishing small and large family day care homes from day care centers.
- Removing outdated family day care spacing requirements and prohibiting local approvals and special standards where prohibited by State law.
- Clarifying the treatment of residential care facilities, state-licensed group homes, supportive housing, transitional housing, and other protected residential uses.
- Limiting conditional use permit requirements and related operational standards to uses lawfully subject to those requirements.
- Coordinating development standards and parking provisions with applicable exemptions and reasonable accommodation requirements.
- Correcting the residential use-specific standards table and subsection lettering.

DESCRIPTION:

This is a citywide, non-site-specific legislative amendment to Title 17 of the Banning Municipal Code. The proposed changes are summarized below.

Code Sections Proposed for Amendment:

1. Section 17.04.070 — Definitions
The amendment adds or revises definitions for boarding houses, congregate care facilities, day care centers, small and large family day care homes, emergency shelters, licensed group homes, low-barrier navigation centers, residential care facilities, rest homes, senior congregate care housing, single housekeeping units, supportive housing, and transitional housing.

The revised definitions distinguish State licensing categories from local land-use classifications and clarify that protected residential households shall not be assigned a different land-use classification solely because occupants have disabilities, receive supportive services, or have separate rental

agreements.

The residential care facility definition also clarifies that state-licensed group homes follow their separate classification where listed in the applicable use table and otherwise follow the applicable residential care facility classification, subject to State and federal law.

2. Section 17.08.020 — Permitted, Conditional and Prohibited Uses

The amendment updates residential use-table entries and footnotes addressing small and large family day care homes, emergency shelters, state-licensed group homes, residential care facilities, and supportive/transitional housing.

The proposed table identifies small and large family day care homes as permitted uses in all listed residential districts. It also identifies state-licensed group homes as permitted uses in the listed residential districts, with Footnote 8 clarifying that this designation is not limited to facilities serving six or fewer residents.

The revised footnotes preserve the zoning treatment required for small licensed residential care facilities, supportive and transitional housing, and residential households that do not provide services requiring State licensing. The footnotes qualify the table designations so that a conditional use permit or other zoning approval is not required where prohibited by applicable law.

3. Section 17.08.040 — Use Specific Standards

The amendment replaces Table 17.08.040 to incorporate the Very High Density Residential (VHDR) district column, update accessory dwelling unit terminology, and coordinate the applicable development-standard designations.

Footnote 1 clarifies that the day care center standards do not apply to small or large family day care homes. Footnote 2 excludes residential care facilities and other residential uses from the senior citizen/congregate care standards where applicable law requires the same treatment as a family dwelling.

4. Section 17.08.060 — Family Day Care Homes and Day Care Centers

The amendment repeals the existing “Day care center design standards” section in its entirety and replaces it with a section entitled “Family day care homes and day care centers.”

The replacement section establishes small and large family day care homes as residential uses and uses by right. It recognizes qualifying dwellings permitted under State law and prohibits conditional use permits, zoning clearances, discretionary review, separation requirements, special parking requirements, and other local zoning approvals for family day care homes.

The replacement section also prohibits a business license, fee, or tax for the privilege of operating a small or large family day care home and clarifies that the use does not constitute a change of occupancy under State Housing Law or local building codes.

Day care centers remain subject to the applicable use table, underlying district development standards, applicable State licensing and safety requirements, and generally applicable City standards. These day care center provisions expressly exclude small and large family day care homes.

5. Section 17.08.180 — Senior Citizen/Congregate Care Housing Design Standards

The amendment clarifies that this section shall not impose different requirements on residential care facilities or other residential uses entitled to the same treatment as a family dwelling.

The amendment also coordinates the senior housing age provision with the definition in Section

17.04.070 and applicable senior housing requirements. The parking provision is revised to reference the applicable parking tables, subject to State-law exemptions, reductions, and reasonable accommodation requirements.

6. Section 17.08.201 — Boarding Houses, Single Room Occupancies and Residential Care Facilities

The amendment clarifies that a conditional use permit is required only where lawfully applicable under the use tables and controlling law.

The revised section protects residential-use treatment, prohibits reclassification of protected uses to impose preempted requirements, and clarifies that ambulatory status does not independently create a separate zoning entitlement requirement where residential treatment is required.

The amendment revises CUP findings and operational standards, removes the existing conviction-based eligibility finding, and requires decisions to be supported by substantial evidence rather than stereotypes or generalized fears concerning residents.

The revised section also prohibits locally imposed separation distances for residential care facilities and group homes while preserving applicable State licensing separation requirements, exceptions, and waiver provisions.

Revocation, nonconforming use, and reasonable accommodation provisions are updated to preserve applicable legal protections. The existing reasonable accommodation findings are replaced with a reference to Chapter 17.42, subject to applicable State and federal requirements.

7. Section 17.12.020 — Permitted, Conditional and Prohibited Commercial and Industrial Uses

The amendment adds Footnote 13 to the residential care facility rows, Footnote 14 to the congregate care housing row, and Footnote 15 to the single room occupancy facility row.

These footnotes preserve the treatment required for protected residential uses, including qualifying uses that do not provide services requiring State licensing. They also clarify that protected uses shall not be classified as congregate care housing or single room occupancy facilities to impose requirements prohibited by applicable law.

Footnote 13 further addresses supportive housing, transitional housing, and qualifying low-barrier navigation centers.

The amendment does not add a separate group home row or change the P, C, or X designations in these commercial and industrial table rows.

8. Section 17.12.050 — Use Specific Development Standards

The amendment deletes the separate “Boarding Houses and Single Room Occupancies” provision directing compliance with Section 17.08.201.

The subsequent subsections are relettered Q through AA to correspond with Table 17.12.050. The emergency shelter parking provision, identified as Subsection T.3, is revised to reference the emergency shelter parking requirements in Table 17.28.040A.

Section 17.28.040 — Number of Required Parking Spaces

The amendment adds residential parking provisions for small and large family day care homes and State- or federally protected residential uses.

Family day care homes require no parking spaces beyond those required for a dwelling of the same type

in the same zoning district. Protected residential uses receive the parking treatment applicable to a family dwelling of the same type in the same zone, subject to applicable exemptions, reductions, and reasonable accommodations.

The emergency shelter parking row and associated footnote are revised to reference the requirements authorized by Government Code Section 65583(a)(4), including the limitation on employee parking requirements.

PROJECT ANALYSIS/FINDINGS OF FACTS:

In accordance with the provisions of Chapter 17.116 of the Banning Municipal Code, the Planning Commission hereby recommends the City Council make the following findings for approval of Zone Text Amendment PZTA26-0002.

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

Evidence: The proposed amendment supports the General Plan's residential goals of preserving and enhancing neighborhoods and providing housing opportunities for current and future residents. It clarifies the treatment of residential care and related residential uses and removes local barriers to family day care homes where prohibited by State law, supporting access to care within residential communities. The amendment does not change General Plan land use designations or the zoning map. Accordingly, the amendment is consistent with these General Plan objectives.

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

Evidence: The amendment coordinates definitions, residential and commercial/industrial use tables, use-specific standards, and parking provisions within Title 17. The repeal and replacement of Section 17.08.060 distinguishes family day care homes from day care centers, while related amendments clarify the application of local requirements to residential care and other protected uses. These coordinated provisions support orderly regulation of land uses and protection of public health, safety, and welfare, subject to applicable State and federal law.

C. The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act ("CEQA").

Evidence: Zoning Text Amendment No. PZTA 26-0002 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the common-sense exemption. The amendment updates definitions, use tables, and related standards to implement applicable law and clarify regulation of child care, residential care, and related residential uses. It does not approve a specific development project, authorize construction, or change the General Plan land use designations or zoning map. Based on the nature and limited scope of these regulatory amendments and the record before it, the Planning Commission determines that it can be seen with certainty that there is no possibility that adoption of Zoning Text Amendment No. PZTA 26-0002 will have a significant effect on the environment, and hereby recommends the City Council adopt this general rule exemption in accordance with CEQA law.

ENVIRONMENTAL DETERMINATION:

The Planning Commission of the City of Banning recommends the City Council determine that Zoning Text Amendment No. PZTA 26-0002 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the common-sense exemption. The amendment updates definitions, use tables, and related standards to implement applicable law and clarify regulation of child care, residential care, and related

residential uses. Further, the amendment does not approve a specific development project, authorize construction, or change the General Plan land use designations or zoning map. Based on the nature and limited scope of these regulatory amendments to be consistent with State law, the Planning Commission determines that it can be seen with certainty that there is no possibility that adoption of Zoning Text Amendment No. PZTA 26-0002 will have a significant effect on the environment. Therefore, the Planning Commission has independently reviewed and considered the proposed amendment and hereby recommends the City Council adopt this general rule common-sense exemption in accordance with Section 15061(b)(3).

PUBLIC COMMUNICATION:

In accordance with BMC Section 17.68 of the BMC and Government Code Sections 65090 and 65091, the City on October 9, 2026, published a public hearing notice in the Record Gazette, a newspaper of general circulation within the City of Banning, notifying the general public of a public hearing at which time the proposed Zoning Text Amendment No. PZTA No. 26-0002 would be considered by the Planning Commission.

ATTACHMENTS:

1. Attach 1 PC Resolution 26-08 PZTA26-0002 [Care].pdf
2. Exhibit A Draft Ordinance No. ____ [Care Facilities] PZTA26-0002.pdf
3. Attach 2 Redlines Combined.pdf
4. column_affidavit_2ImPVLn44a9X3ORTVzR1.pdf

PC RESOLUTION 2026-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THE CITY COUNCIL DETERMINE THAT ZONING TEXT AMENDMENT NO. PZTA 26-0002 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES PURSUANT TO SECTION 15061(b)(3) AND ADOPT AN ORDINANCE AMENDING SECTIONS 17.04.070, 17.08.020, 17.08.040, 17.08.060, 17.08.180, 17.08.201, 17.12.020, 17.12.050, AND 17.28.040 OF THE BANNING MUNICIPAL CODE RELATING TO FAMILY DAY CARE HOMES, DAY CARE CENTERS, RESIDENTIAL CARE FACILITIES, AND RELATED RESIDENTIAL USES

WHEREAS, BMC Section 17.116.020 further provides that amendments to the Zoning Ordinance may be proposed by the Community Development Director, the City Attorney, members of the Planning Commission or City Council, and any landowner or his or her agent; and

WHEREAS, Section 17.116.010 ("Purpose") of the Banning Municipal Code ("BMC") provides that the City Council may amend the provisions of the Zoning Ordinance (BMC Title 17) for the public health, environmental protection, safety, general welfare, and the aesthetic harmony of the City; and

WHEREAS, the Consortium for Early Learning Services contacted the City regarding its requirements for family child care homes and identified concerns regarding consistency with Senate Bill 234, the “Keeping Kids Close to Home Act” (Chapter 244, Statutes of 2019), that became effective on January 1, 2020; and

WHEREAS, Health and Safety Code Section 1597.45 provides that small and large family day care homes are considered residential uses of property and these uses are permitted by right for purposes of local ordinances and it prohibits imposing a local business license, fee, or tax for the privilege of operating such large family day care homes; and

WHEREAS, the City has initiated Zoning Text Amendment No. PZTA 26-0002 to update Title 17 of the BMC to distinguish family day care homes from day care centers and conform local regulations to applicable State law; and

WHEREAS, the proposed Ordinance No. 16XX repeals existing code Section 17.08.060 and replaces it with new provisions addressing family day care homes and day care centers, including the prohibition on local zoning approvals and special standards for family day care homes consistent with Senate Bill 234; and

WHEREAS, the proposed amendments to Section 17.04.070 update definitions relating to day care, residential care, and related residential uses to coordinate terminology with the amended use regulations; and

WHEREAS, the proposed amendments to Sections 17.08.020, 17.08.040, 17.12.020, and 17.12.050 coordinate use tables, footnotes, and use-specific standards with the distinctions between family day care homes, day care centers, and protected residential uses; and

WHEREAS, the proposed amendments to Sections 17.08.180 and 17.08.201 clarify the applicability of development standards and conditional use permit requirements and preserve residential-use treatment, reasonable accommodation, and other protections required by applicable State and federal law; and

WHEREAS, the proposed amendments to Section 17.28.040 coordinate parking provisions for the affected uses with applicable State-law exemptions and residential-use protections; and

WHEREAS, the proposed amendments also include corrective updates to the residential use-specific development standards table, including addition of the Very High Density Residential (VHDR) district column and revisions to accessory dwelling unit terminology, together with related table formatting and consistency corrections; and

WHEREAS, the Planning Commission finds that the amendments promote internal consistency within Title 17, improves access to child care and residential care, and facilitate implementation of applicable State law; and

WHEREAS, in accordance with BMC Section 17.68 and 17.116.020 of the BMC and Government Code Sections 65090 and 65091, the City on October 9, 2026, published a public hearing notice in the Record Gazette, a newspaper of general circulation within the City of Banning, notifying the general public of a public hearing at which time the proposed Zoning Text Amendment No. PZTA No. 26-0002 would be considered by the Planning Commission; and

WHEREAS, on November 4, 2026, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, proposed Zoning Text Amendment No. PZTA 26-0002, and, at the conclusion of the public hearing adopted PC Resolution No. 2026-08, recommending City Council approval of Zoning Text Amendment No. PZTA 26-0002; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BANNING DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DETERMINATION.

The Planning Commission of the City of Banning recommends the City Council determine that Zoning Text Amendment No. PZTA 26-0002 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the common-sense exemption. The amendment updates definitions, use tables, and related standards to implement

applicable law and clarify regulation of child care, residential care, and related residential uses. Further, the amendment does not approve a specific development project, authorize construction, or change the General Plan land use designations or zoning map. Based on the nature and limited scope of these regulatory amendments to be consistent with State law, the Planning Commission determines that it can be seen with certainty that there is no possibility that adoption of Zoning Text Amendment No. PZTA 26-0002 will have a significant effect on the environment. Therefore, the Planning Commission has independently reviewed and considered the proposed amendment and hereby recommends the City Council adopt this general rule common-sense exemption in accordance with Section 15061(b)(3).

SECTION 2. REQUIRED ZTA FINDINGS.

In accordance with the provisions of Chapter 17.116 of the Banning Municipal Code, the Planning Commission hereby recommends the City Council make the following findings for approval of Zone Text Amendment PZTA26-0002.

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

Evidence: The proposed amendment supports the General Plan's residential goals of preserving and enhancing neighborhoods and providing housing opportunities for current and future residents. It clarifies the treatment of residential care and related residential uses and removes local barriers to family day care homes where prohibited by State law, supporting access to care within residential communities. The amendment does not change General Plan land use designations or the zoning map. Accordingly, the amendment is consistent with these General Plan objectives.

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

Evidence: The amendment coordinates definitions, residential and commercial/industrial use tables, use-specific standards, and parking provisions within Title 17. The repeal and replacement of Section 17.08.060 distinguishes family day care homes from day care centers, while related amendments clarify the application of local requirements to residential care and other protected uses. These coordinated provisions support orderly regulation of land uses and protection of public health, safety, and welfare, subject to applicable State and federal law.

C. The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act ("CEQA").

Evidence: Zoning Text Amendment No. PZTA 26-0002 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the common-sense exemption. The amendment updates definitions, use tables, and related standards to implement applicable law and clarify regulation of child care, residential care, and related residential uses. It does not approve a specific development project, authorize construction, or change the General Plan land use designations or zoning map. Based on the nature and limited scope of these regulatory amendments and the

record before it, the Planning Commission determines that it can be seen with certainty that there is no possibility that adoption of Zoning Text Amendment No. PZTA 26-0002 will have a significant effect on the environment, and hereby recommends the City Council adopt this general rule exemption in accordance with CEQA law.

SECTION 3. PLANNING COMMISSION ACTION.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution No. 2026-08, recommending the City Council adopt an Ordinance, attached hereto and incorporated herein by reference as Exhibit A, approving Zone Text Amendment PZTA 26-0002.

PASSED, APPROVED AND ADOPTED this 4th day of November 2026

_____

Chris Castorena,
Planning Commission Chair
City of Banning

ATTEST:

_____

Sandra Calderon
Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

_____

Robert L. Patterson, Assistant City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Recording Secretary for the City of Banning Planning Commission, do hereby certify that the foregoing PC Resolution No. 2026-08 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of November 2026, by the following, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California

EXHIBIT A

Draft City Council Ordinance
Zone Text Amendment PZTA 26-0002

ATTACHMENT A

Draft City Council Ordinance No. _____

ORDINANCE NO. 16XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DETERMINING THAT ZONING TEXT AMENDMENT NO. PZTA 26-0002 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES PURSUANT TO SECTION 15061(b)(3) AND AN AMENDMENT TO SECTIONS 17.04.070, 17.08.020, 17.08.040, 17.08.060, 17.08.180, 17.08.201, 17.12.020, 17.12.050, AND 17.28.040 OF THE BANNING MUNICIPAL CODE RELATING TO FAMILY DAY CARE HOMES, DAY CARE CENTERS, RESIDENTIAL CARE FACILITIES, AND RELATED RESIDENTIAL USES

WHEREAS, BMC Section 17.116.020 further provides that amendments to the Zoning Ordinance may be proposed by the Community Development Director, the City Attorney, members of the Planning Commission or City Council, and any landowner or his or her agent; and

WHEREAS, Section 17.116.010 ("Purpose") of the Banning Municipal Code ("BMC") provides that the City Council may amend the provisions of the Zoning Ordinance (BMC Title 17) for the public health, environmental protection, safety, general welfare, and the aesthetic harmony of the City; and

WHEREAS, the Consortium for Early Learning Services contacted the City regarding its requirements for family child care homes and identified concerns regarding consistency with Senate Bill 234, the “Keeping Kids Close to Home Act” (Chapter 244, Statutes of 2019), that became effective on January 1, 2020; and

WHEREAS, Health and Safety Code Section 1597.45 provides that small and large family day care homes are considered residential uses of property and these uses are permitted by right for purposes of local ordinances and it prohibits imposing a local business license, fee, or tax for the privilege of operating such large family day care homes; and

WHEREAS, the City has initiated Zoning Text Amendment No. PZTA 26-0002 to update Title 17 of the BMC to distinguish family day care homes from day care centers and conform local regulations to applicable State law; and

WHEREAS, the proposed Ordinance No. ____ repeals existing code Section 17.08.060 and replaces it with new provisions addressing family day care homes and day care centers, including the prohibition on local zoning approvals and special standards for family day care homes consistent with Senate Bill 234; and

WHEREAS, the proposed amendments to Section 17.04.070 update definitions relating to day care, residential care, and related residential uses to coordinate terminology with the amended use regulations; and

WHEREAS, the proposed amendments to Sections 17.08.020, 17.08.040, 17.12.020, and 17.12.050 coordinate use tables, footnotes, and use-specific standards with the distinctions between family day care homes, day care centers, and protected residential uses; and

WHEREAS, the proposed amendments to Sections 17.08.180 and 17.08.201 clarify the applicability of development standards and conditional use permit requirements and preserve residential-use treatment, reasonable accommodation, and other protections required by applicable State and federal law; and

WHEREAS, the proposed amendments to Section 17.28.040 coordinate parking provisions for the affected uses with applicable State-law exemptions and residential-use protections; and

WHEREAS, the proposed amendments also include corrective updates to the residential use-specific development standards table, including addition of the Very High Density Residential (VHDR) district column and revisions to accessory dwelling unit terminology, together with related table formatting and consistency corrections; and

WHEREAS, the City Council finds that the amendments promote internal consistency within Title 17, improves access to child care and residential care, and facilitate implementation of applicable State law; and

WHEREAS, in accordance with BMC Section 17.68 and 17.116.020 of the BMC and Government Code Sections 65090 and 65091, the City on October 9, 2026, published a public hearing notice in the Record Gazette, a newspaper of general circulation within the City of Banning, notifying the general public of a public hearing at which time the proposed Zoning Text Amendment No. PZTA No. 26-0002 would be considered by the Planning Commission; and

WHEREAS, on November 4, 2026, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, proposed Zoning Text Amendment No. PZTA 26-0002, and, at the conclusion of the public hearing adopted PC Resolution No. 2026-08, recommending City Council approval of Zoning Text Amendment No. PZTA 26-0002;and

WHEREAS, in accordance with BMC Section 17.68 and 17.116.020 of the BMC and Government Code Sections 65090 and 65091, the City on _____, 2026, published a public hearing notice in the Record Gazette, a newspaper of general circulation within the City of Banning, notifying the general public of a public hearing at which time the proposed Zoning Text Amendment No. PZTA No. 26-0002 would be considered by the City Council; and

WHEREAS, on _____, 2026, the City Council held a duly noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Zoning Text Amendment No. PZTA 26-0002.

NOW THERFORE BE IT ORDAINED by the City Council of the City of Banning, Riverside County, State of California as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION

The City Council of the City of Banning, based upon the recommendation of the Planning Commission has determined that Zoning Text Amendment No. PZTA 26-0002 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the common-sense exemption. The amendment updates definitions, use tables, and related standards to implement applicable law and clarify regulation of child care, residential care, and related residential uses. Further, the amendment does not approve a specific development project, authorize construction, or change the General Plan land use designations or zoning map. Based on the nature and limited scope of these regulatory amendments to be consistent with state law , the City Council determines that it can be seen with certainty that there is no possibility that adoption of Zoning Text Amendment No. PZTA 26-0002 will have a significant effect on the environment. Therefore, the City Council has independently reviewed and considered the Planning Commission's recommendation and hereby adopt this general rule common sense exemption in accordance with Section 15061(B)(3) and directs the Planning Department to file a Notice of Exemption (NOE) with the Riverside County Clerk and State Clearinghouse within five (5) working days of adoption of this Ordinance.

SECTION 2. FINDINGS

In accordance with Section 17.116.050 of the BMC, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, finds and determines as follows:

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

Evidence: The proposed amendment supports the General Plan's residential goals of preserving and enhancing neighborhoods and providing housing opportunities for current and future residents. It clarifies the treatment of residential care and related residential uses and removes local barriers to family day care homes where prohibited by State law, supporting access to care within residential communities. The amendment does not change General Plan land use designations or the zoning map. Accordingly, the amendment is consistent with these General Plan objectives.

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

Evidence: The amendment coordinates definitions, residential and commercial/industrial use tables, use-specific standards, and parking provisions

within Title 17. The repeal and replacement of Section 17.08.060 distinguishes family day care homes from day care centers, while related amendments clarify the application of local requirements to residential care and other protected uses. These coordinated provisions support orderly regulation of land uses and protection of public health, safety, and welfare, subject to applicable State and federal law.

C. The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act ("CEQA").

Evidence: Zoning Text Amendment No. PZTA 26-0002 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the common-sense exemption. The amendment updates definitions, use tables, and related standards to implement applicable law and clarify regulation of child care, residential care, and related residential uses. It does not approve a specific development project, authorize construction, or change the General Plan land use designations or zoning map. Based on the nature and limited scope of these regulatory amendments and the record before it, the City Council determines that it can be seen with certainty that there is no possibility that adoption of Zoning Text Amendment No. PZTA 26-0002 will have a significant effect on the environment, and hereby adopts this general rule exemption in accordance with CEQA law.

SECTION 3. MUNICIPAL CODE AMENDMENT

Section 17.04.070 ("Definitions") of the Banning Municipal Code is hereby amended to add and/or revise only the following definitions to read as follows.

Boarding House means a dwelling or portion of a dwelling operated to provide individual lodging accommodations, with or without meals, to occupants who do not occupy the dwelling as a single housekeeping unit. The existence of separate rental agreements shall not, by itself, establish a boarding house use. This classification shall not include a residential facility, shared residential household, supportive housing, transitional housing, or other use that applicable state or federal law requires to be treated as a residential use of the same dwelling type.

Congregate Care Facility (see Senior Congregate Care Housing). This term does not include a residential care facility or other residential use that applicable state law requires to be regulated in the same manner as a family dwelling.

Day Care Center means a child day care facility other than a family day care home and includes infant centers, preschools, extended day care facilities, school-age child care centers, and child care centers licensed pursuant to Health and Safety Code Section 1596.951. For purposes of this title, a day care center is distinct from a small or large family day care home and is subject to the use regulations and development standards applicable to day care centers.

Day Care Home, Family or Family Day Care Home means a facility that regularly provides care, protection, and supervision for fourteen or fewer children in the provider's own home for periods of less than twenty-four hours per day while the parents or guardians are away and that is either a large family day care home or a small family day care home. A family day care home includes a detached single-family dwelling, townhouse, dwelling unit within a dwelling, or dwelling unit within a covered multifamily dwelling in which the underlying zone allows residential uses. The family day care home shall be the residence of the day care provider and may be rented, leased, or owned. For the purposes of this title, a family day care home is a residential use of the dwelling in which it is operated and shall be regulated in accordance with applicable state law.

Day Care Home, Large Family or Large Family Day Care Home means a family day care home that provides care, protection, and supervision for seven to fourteen children, inclusive, including children under ten years of age who reside at the home, as set forth in Health and Safety Code Section 1597.465 and as defined in state regulations. For purposes of this title, a large family day care home is a residential use and is not a day care center.

Day Care Home, Small Family or Small Family Day Care Home means a family day care home that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Health and Safety Code Section 1597.44 and as defined in state regulations. For purposes of this title, a small family day care home is a residential use and is not a day care center.

Emergency Shelter means housing with minimal supportive services for persons experiencing homelessness that is limited to occupancy of six months or less by an individual experiencing homelessness and does not deny emergency shelter because of an inability to pay. The term includes other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care, consistent with Government Code Section 65582. For purposes of this title, an emergency shelter shall be permitted and reviewed in accordance with Government Code Section 65583 and other applicable state law.

Group Home, Licensed means a residential facility that provides twenty-four-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law, consistent with Health and Safety Code Section 1502(a)(13). For purposes of this title, this term identifies the state licensing category and does not encompass every form of shared residential housing. Its separate identification in the use table does not alter the facility's status or protections under applicable state or federal law.

Low-Barrier Navigation Center means a Housing-First, low-barrier, service-enriched shelter focused on moving persons into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as provided in Government Code

Section 65660. For purposes of this title, a qualifying low-barrier navigation center shall be permitted as a use by right in all locations required by Government Code Sections 65660 through 65666.

Residential Care Facility means, for purposes of this title, a facility providing nonmedical residential care, supervision, or assistance to persons who require such services. This is a local land-use classification and does not establish or alter a state licensing category. State-licensed group homes shall be regulated under their separate classification where listed in the applicable use table; otherwise, the applicable residential care facility classification shall apply, subject to state and federal law. An ordinary residential household shall not be classified as a residential care facility solely because its occupants have disabilities, receive supportive services, or participate in a recovery program. Facilities and households entitled to residential-use treatment under applicable state or federal law shall receive that treatment.

Residential Care Facility, Large means, for purposes of this title, a residential care facility serving seven or more residents. A shared residential household providing no services that require state licensing shall not be classified as a large residential care facility solely because seven or more persons reside there. A facility entitled to different zoning treatment under applicable state or federal law shall receive that treatment.

Residential Care Facility, Small, Licensed means, for purposes of this title, a residential care facility licensed by the State of California and serving six or fewer residents. A facility that applicable state law requires to be considered a residential use shall be permitted and regulated in the same manner as the type of family dwelling specified by that law.

Residential Care Facility, Small, Unlicensed means, for purposes of this title, a residential care facility serving six or fewer residents that is not licensed by the State of California and is not required by law to be licensed. A residential household providing no services that require state licensing shall be classified and regulated according to the underlying dwelling type. This classification shall not authorize an operation that requires a state license to operate without that license.

Rest Home means a structure used for housing and providing assisted care to aged or infirm persons. Care shall be limited to incidental convalescent care that does not involve a nurse or physician residing on the premises. Surgery, physical therapy, and similar activities are prohibited. This term does not include a residential care facility that applicable state law requires to be treated as a residential use.

Senior Congregate Care Housing means a housing development intended for persons fifty-five years of age or older, with central or private kitchen, dining, and recreational facilities and separate bedrooms or living quarters. Age and occupancy restrictions shall comply with applicable state and federal requirements for senior housing, including California Civil Code Section 51.11, as applicable.

Single Housekeeping Unit means one or more persons, whether related or unrelated, occupying a dwelling as a common household with shared use of its living areas. A common household does not require a single lease, joint financial obligations, shared meals, or resident control over the selection of other occupants. Separate rental agreements, the provision of supportive services, or assistance from an owner, operator, or paid staff shall not, by themselves, disqualify a residential household from treatment as a single housekeeping unit. This definition shall be interpreted and applied consistently with applicable state and federal housing laws.

Supportive Housing means housing with no limit on the length of stay that is occupied by the target population, as defined in Government Code Section 65582 and linked to onsite or offsite services that assist residents in retaining housing, improving health, and maximizing the ability to live and, when possible, work in the community. For purposes of this title, supportive housing is a residential use and shall be permitted and regulated in the same manner as other residential dwellings of the same type in the same zoning district. A supportive housing development qualifying under Government Code Sections 65650 through 65656 shall be processed ministerially as required by those sections.

Transitional Housing means buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future time that is not less than six months from the beginning of the assistance. For purposes of this title, transitional housing is a residential use and shall be permitted and regulated in the same manner as other residential dwellings of the same type in the same zoning district.

SECTION 4. MUNICIPAL CODE AMENDEMENT

Section 17.08.020 (“Permitted, conditional and prohibited uses”) of the Banning Municipal Code is hereby amended to add and/or revise the only following rows of Table 17.08.020 and add the following footnotes to read as follows:

Residential Uses	**R/A**	**R/A/H**	**RR**	**RR/H**	**VLDR**	**LDR**	**MDR**	**HDR**	**MHP**	**VHDR**
Day Care Home, Small Family[1]	P	P	P	P	P	P	P	P	P	P
Day Care Home, Large Family[1]	P	P	P	P	P	P	P	P	P	P
Emergency Shelter	X	X	X	X	X	X	X	C	C	C
Group Home, State Licensed[8]	P	P	P	P	P	P	P	P	P	P
Residential Care Facility, Large	X	X	X	X	X	X	C	C	X	C

Residential Care Facility, Small, Licensed[2]	P	P	P	P	P	P	P	P	P	P
Residential Care Facility, Small, Unlicensed[10]	C	C	C	C	C	C	C	C	C	C
Supportive/Transitional Housing[9]	P	P	P	P	P	P	P	P	P	P

[1] Small and large family day care homes are residential uses and uses by right and shall be permitted and regulated in accordance with Section 17.08.060 and applicable state law.

[2] A small, licensed residential care facility that applicable state law requires to be treated as a residential use shall be permitted and regulated in the same manner as a family dwelling of the same type in the same zoning district. No conditional use permit, variance, zoning clearance, or other zoning requirement shall be imposed unless the same requirement applies to a family dwelling of the same type in the same zone.

[8] State-licensed group homes, as defined in Section 17.04.070, are permitted in the residential districts identified in this table. The permitted designation is not limited to facilities serving six or fewer residents. A facility serving six or fewer persons and subject to Health and Safety Code Section 1566.3 shall be regulated in the same manner as a family dwelling of the same type in the same zoning district, without any additional conditional use permit, zoning variance, or zoning clearance. Required state licensing and otherwise applicable building, fire, and health and safety requirements remain applicable, subject to state law.

[9] Supportive housing and transitional housing are residential uses and shall be permitted and regulated in the same manner as other residential dwellings of the same type in the same zoning district. A qualifying supportive housing development shall be permitted as a use by right where required by Government Code Sections 65650 through 65656.

[10] Residential households providing no services that require state licensing shall be permitted and regulated according to the underlying dwelling type in the same zoning district. No additional conditional use permit or other zoning approval shall be required solely because the household is unlicensed, its residents have disabilities, or its residents receive supportive services. Applicable reasonable accommodation requirements remain in effect. This provision does not authorize the provision of services requiring a state license without that license.

SECTION 5. MUNICIPAL CODE AMENDEMENT

Section 17.08.040 (“Use specific standards”) of the Banning Municipal Code is hereby amended to only replace Table 17.08.040 to read as follows and to only add Footnotes 1 and 2

Use Specific Development Standards	**R/A**	**R/A/H**	**RR**	**RR/H**	**VLDR**	**LDR**	**MDR**	**HDR**	**MHP**	**VHDR**
A. Accessory Structures	*	*	*	*	*	*	*	*	*	*
B. Day Care Center[1]	*	*				*	*	*	*	*
C. Density Bonus	*	*	*	*	*	*	*	*	*	*

D. Density Transfers	*	*	*	*						
E. Golf Course and related facilities	*		*		*	*	*	*	*	
F. Accessory Dwelling Unit	*	*	*	*	*	*	*	*	*	*
G. Minimum Dwelling Size	*	*	*	*	*	*	*	*	*	*
H. Mobile Home and Manufactured Housing	*	*	*	*	*	*	*		*	
I. Mobile Home Park or Subdivision									*	
J. Multi-Family Housing							*	*	*	*
K. Existing Multi-Family Housing						*	*	*	*	*
L. Neighborhood-Oriented Retail							*			
M. Planned Unit Development	*		*		*	*	*	*	*	*
N. Senior Citizen/Congregate Care Housing[2]						*	*	*		*
O. Existing Single Family Housing	*	*	*	*	*	*	*	*	*	*
P. Hillside Development		*		*						
Q. Community Gardens	*	*	*	*	*	*	*	*	*	*

[1] Excluding small and large family day care homes.
[2] Excluding residential care facilities and other residential uses that applicable state or federal law requires to be regulated in the same manner as a family dwelling.

SECTION 6. MUNICIPAL CODE AMENDMENT

Section 17.08.060 ("Day care center design standards") of the Banning Municipal Code is hereby repealed in its entirety and replaced with a new section to read as follows:

17.08.060 Family day care homes and day care centers.

A. Purpose and Applicability

This section distinguishes family day care homes from day care centers and implements applicable state law. If a provision of this section conflicts with state law, state law controls.

B. Family Day Care Homes

1. Small and large family day care homes are residential uses of property and uses by right for purposes of all local ordinances.
2. A family day care home may operate in any legally established dwelling that qualifies as the provider's own home under state law, including a single-family dwelling, a unit in a multifamily dwelling, a mobilehome, condominium, townhouse, cooperative, or planned unit development.
3. The City shall not require a conditional use permit, variance, zoning clearance, administrative permit, discretionary review, spacing or concentration requirement, special parking requirement, or other local zoning approval for a small or large family day care home.
4. The City shall not impose a business license, fee, or tax for the privilege of operating a small or large family day care home.
5. Use of a home as a small or large family day care home does not constitute a change of occupancy for purposes of the State Housing Law or local building codes.

C. Day Care Centers

1. Day care centers are allowed only as identified in the applicable use table.
2. A day care center shall comply with the development standards of the underlying zoning district; applicable state licensing, building, and fire and life-safety requirements; and generally applicable City standards governing parking and loading, lighting, signs, refuse, landscaping, and site design.
3. The standards in this subsection apply only to day care centers and do not apply to small or large family day care homes.

SECTION 7. MUNICIPAL CODE AMENDMENT

Section 17.08.180 (“Senior citizen/congregate care housing design standards”) of the Banning Municipal Code is hereby amended as follows: l

A. The introductory paragraph is amended to read as follows:

> Senior citizen/congregate care housing developments are subject to development standards contained in this section, as well as to the development permit review process. This section shall not impose requirements on a residential care facility or other residential use that applicable state or federal law requires to be regulated in the same manner as a family dwelling of the

same type in the same zoning district, unless the same requirements apply to that dwelling type. These shall be constructed in the following manner:

B. Subsection C.2 is amended to read as follows:

2. Senior citizen/congregate care housing shall be intended for persons fifty-five years of age or older, consistent with Section 17.04.070. Age and occupancy restrictions shall comply with applicable state and federal requirements for senior housing, including California Civil Code Section 51.11, as applicable.

C. The parking-space requirement in Subsection I is amended to read as follows:

The number of required parking spaces shall be determined pursuant to Table 17.28.040A in residential districts and Table 17.28.040C in commercial districts, subject to applicable state-law exemptions, reductions, and reasonable accommodation requirements.

SECTION 8. MUNICIPAL CODE AMENDMENT

Section 17.08.201 ("Boarding houses, single room occupancies and residential care facilities") of the Banning Municipal Code is hereby amended to read as follows:

A. Applicability and State-Law Protected Residential Care Uses.

Any person who seeks to own, manage, or operate a boarding house, single room occupancy (SRO), or residential care facility not otherwise protected by state-law residential-use/family-use treatment shall obtain a conditional use permit (CUP) from the City where required by Sections 17.08.020 and 17.12.020.

Where applicable state or federal law requires a residential care facility, group home, or other residential use to receive the same zoning treatment as a family dwelling of the same type in the same zoning district, the use shall receive that treatment. This includes qualifying residential uses that do not provide services requiring a state license. No additional permitting requirement or development standard shall be imposed where prohibited by applicable law.

Residents and operators of a protected residential facility serving six (6) or fewer persons shall be treated as a family for zoning laws concerning residential use, to the extent required by law.

Protected residential care uses shall not be reclassified as a boarding house, rooming house, SRO, or similar use solely to impose standards preempted by state law.

Ambulatory or non-ambulatory resident status shall not, by itself, create a separate zoning entitlement requirement where state law requires residential treatment.

Licensed family care homes, foster homes, and group homes serving six (6) or fewer persons identified in Welfare and Institutions Code section 5116 shall be permitted in residential zones as required by state law.

B. Application for a Conditional Use Permit.

For a use lawfully subject to a conditional use permit, and in addition to the findings required by Section 17.52.050 to the extent consistent with applicable state and federal law, no conditional use permit for a boarding house, single room occupancy, or residential care use not subject to state-law preemption shall be granted unless all of the following findings are made:

1. The proposed use, as conditioned, will comply with applicable fire, building, life-safety, and occupancy requirements, subject to applicable exemptions and reasonable accommodations.

2. The proposed use complies with the operational standards in subsection C, as applicable.

3. The proposed use complies with parking requirements in Tables 17.28.040(A) through (C), as applicable.

Findings, conditions, and decisions shall be supported by substantial evidence and shall not be based on stereotypes, generalized fears, or opposition concerning the disability or other legally protected characteristics of existing or prospective residents.

C. Operational Standards.

The following standards apply only to uses lawfully subject to local discretionary review under this section and do not apply to protected uses to the extent preempted by state law:

1. The use shall not result in adverse effects to the health, welfare, peace, or safety of persons in the surrounding area;

2. The use shall not jeopardize or endanger the public health, safety, or welfare of persons in the surrounding area;

3. The use shall not adversely affect the livability of the surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics;

4. The use shall not create or maintain a public nuisance. Enforcement shall be based on documented violations of applicable law and shall comply with state and federal fair housing requirements. A police detention or arrest, standing alone, shall not establish a violation of this standard.

5. The use shall not result in violation of any applicable provision of any other city, state, or federal law;

6. Residential care facilities and group homes shall not be subject to a locally imposed minimum separation distance from other residential care facilities, group homes, boarding houses, single room occupancies, schools, or day care centers. Any separation requirements applicable under state licensing law, including Health and Safety Code Section 1267.9, shall remain applicable according to their terms, including applicable exceptions and waiver provisions.

7. The use shall comply with the parking requirements in Tables 17.28.040(A) through (C).

D. Revocation of Conditional Use Permit.

Violations of any of the provisions of this section shall be grounds for revocation of the conditional use permit authorizing the use. Conduct of an individual boarder, tenant, or occupant, standing alone, shall not constitute grounds for revocation unless it establishes a violation of a lawful permit condition or applicable requirement attributable to the owner or operator. Revocation or modification shall follow Section 17.52.100, subject to the limitations and protections of this section and applicable state and federal law. Revocation shall be supported by substantial evidence and shall comply with applicable state and federal law, including reasonable accommodation requirements. This subsection shall not authorize a conditional use permit requirement for an otherwise exempt use.

E. Nonconforming Uses.

All boarding houses, single room occupancies, large residential care facilities and small, unlicensed residential care facilities existing illegally prior to the effective date of the ordinance creating this section shall be required to comply with the requirements of this section within six months of the effective date. All boarding houses, single room occupancies, large residential care facilities and small, unlicensed residential care facilities existing legally prior to the effective date of the ordinance creating this section shall comply with Chapter 17.88 of the zoning ordinance.

A use shall not be deemed unlawful solely for lacking a permit or approval that applicable state or federal law prohibits the City from requiring. Chapter 17.88, including its discontinuance and abatement provisions, shall not be applied to terminate or restrict a residential use where prohibited by applicable state or federal law. A residential care facility, group home, or other residential use entitled to the same zoning treatment as a family dwelling shall not be deemed nonconforming solely because of that protected use. Applicable reasonable accommodation requirements shall be considered before requiring discontinuance.

F. Reasonable Accommodation.

Requests for reasonable accommodation shall be processed pursuant to Chapter 17.42 to the extent consistent with applicable state and federal law. Where a provision of Chapter 17.42 conflicts with applicable state or federal reasonable accommodation requirements, those requirements shall control. A request for reasonable accommodation shall not, by itself, trigger a conditional use permit requirement. Nothing in this section precludes modification or waiver of a permitting requirement or development standard when required as a reasonable accommodation under applicable law.

SECTION 9. MUNICIPAL CODE AMENDMENT

Section 17.12.020 ("Permitted, conditional, prohibited commercial and industrial uses") of the Banning Municipal Code is hereby amended to revise only the following row references in Table 17.12.020 and to only add Footnotes 13 through 15 to read as follows.

Use	DC	GC	HSC	PO	I	AI	BP	IMR
Residential care facility, large[13]	X	X	C	X	X	X	X	X
Residential care facility, small, licensed[13]	P	P	C	C	X	X	X	X
Residential care facility, small, unlicensed[13]	X	X	C	X	X	X	X	X
Congregate care housing[14]	C	X	X	C	X	X	C	X
Single room occupancy facility[15]	C	X	C	X	X	X	X	X

[13] Notwithstanding the P, C, or X designation in this table, a residential care facility, group home, or other residential use that applicable state or federal law requires to receive the same zoning treatment as a family dwelling of the same type in the same zoning district shall receive that treatment. This includes qualifying residential uses that do not provide services requiring a state license. No conditional use permit or other zoning requirement shall be imposed unless permitted by applicable law. Section 17.08.201 shall apply only to the extent consistent with these protections. Notwithstanding the designations in this table, supportive housing, transitional housing, and qualifying low-barrier navigation centers shall be permitted and processed as required by applicable state law.

[14] Residential care facilities and other residential uses entitled under applicable state or federal law to the same zoning treatment as a family dwelling shall not be classified as a Congregate Care Facility for purposes of imposing different zoning requirements.

[15] A residential care facility, group home, or other protected residential use shall not be classified as a single room occupancy facility for purposes of imposing zoning requirements prohibited by applicable state or federal law.

SECTION 10. MUNICIPAL CODE AMENDMENT

Section 17.12.050 ("Use Specific Development Standards") of the Banning Municipal Code is hereby amended as follows. All other provisions remain unchanged:

A. The provision entitled "Boarding Houses and Single Room Occupancies," including its requirement that all requirements outlined in Section 17.08.201 be complied with, is hereby deleted.

B. The subsequent subsections are re-lettered to correspond with Table 17.12.050 as follows:

Subsection	Title
Q	Tattoo and Body Piercing Studios
R	Hookah and Smoking Lounge
S	Fortune-Telling
T	Emergency Shelters
U	Community Gardens
V	Cannabis Commercial Indoor Cultivation
W	Cannabis Manufacturing Level 1
X	Cannabis Testing Laboratory
Y	Cannabis Retailer
Z	Cannabis Distribution Facility
AA	Cannabis Microbusiness

C. The off-street parking requirement in Subsection T.3 ("Emergency Shelters") is hereby amended to read as follows:

3. Off-street parking shall comply with the emergency shelter parking requirements in Table 17.28.040A.

SECTION 11. MUNICIPAL CODE AMENDMENT

Section 17.28.040 ("Number of required parking spaces") of the Banning Municipal Code is hereby amended to add or revise the following rows of Table 17.28.040A and Footnote 1 to read as follows. All other provisions remain unchanged:

Residential Use	Required Parking
Small and large family day care	No parking spaces in addition to those required for the dwelling of the same type in the same zoning district.
Residential uses, State- or federally protected	Same as a family dwelling of the same type in the same zone, subject to applicable exemptions, reductions, and reasonable accommodations.
Emergency Shelter[1]	Subject to the parking requirements authorized by Government Code Section 65583(a)(4).

[1] Including parking sufficient for employees working in the shelter, provided that the requirement shall not exceed the parking required for other residential or commercial uses in the same zone.

SECTION 12. EFFECTIVE DATE AND PUBLICATION

The Mayor shall sign, and the City Clerk shall certify to the passage of this Ordinance and cause the same, or a summary thereof, to be published within fifteen (15) days after adoption in accordance with Government Code Section 36933. This Ordinance

shall take effect thirty (30) days after adoption in accordance with Government Code Section 36937.

SECTION 13. SEVERABILITY

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

SECTION 14. PROSECUTION OF PRIOR ORDINANCE

Neither the adoption of this Ordinance nor the repeal or amendment of any prior ordinance of the City shall affect the prosecution of any violation of the Banning Municipal Code committed prior to the effective date of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Banning, California, approves an amendment to the City of Banning Municipal Code.

Introduced and Read for the first time and ordered posted at a regular meeting of the City Council of the City of Banning, California, held on the _____day of _____, 2026.

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2026.

_____
Richard Royce, Mayor
City of Banning

ATTEST:

_____
Sandra Calderon, Deputy City Clerk,
City of Banning

APPROVED AS TO FORM:

_____

Phaedra Norton, City Attorney
Slovak, Baron, Empey, Murphy & Pinkney,
LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 16XX was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _____ day of _____2026, and was duly adopted at a regular meeting of said City Council on the _____day of _____, 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Sandra Calderon, Deputy City Clerk
City of Banning, California

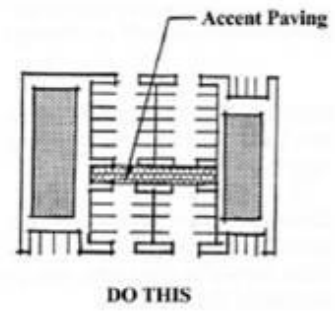
17.04.070 Definitions.

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 or ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is located on the same lot as a proposed or existing primary dwelling. An accessory dwelling unit shall not be considered to exceed the allowable density for the lot and shall be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot. An accessory dwelling unit may include an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Accessory or Ancillary Use or Structure is a 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. Accessory structures are not dwelling units and are not intended for independent living facilities.

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.~~ means a dwelling or portion of a dwelling operated to provide individual lodging accommodations, with or without meals, to occupants who do not occupy the dwelling as a single housekeeping unit. The existence of separate rental agreements shall not, by itself, establish a boarding house use. This classification shall not include a residential facility, shared residential household, supportive housing, transitional housing, or other use that applicable state or federal law requires to be treated as a residential use of the same dwelling type.

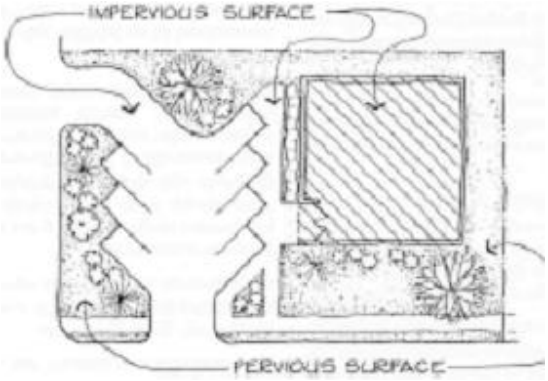
Body Piercing Studio means any business or premises dedicated to the piercing, puncture or perforation of human skin or tissue, or the insertion of jewelry or other objects into or under the skin or tissue, for decorative, nonmedical purposes; the term "body piercing studio" does not include businesses 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 Distribution Facility means a facility that transports cannabis goods between state licensed cannabis retailers, cannabis manufacturing level 1 facilities, cannabis commercial indoor cultivation facilities, cannabis testing laboratories, and cannabis microbusiness.

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 microbusiness means a commercial cannabis business that is comprised of at least three out of the following four uses on the same premises: (1) a cannabis retailer, (2) a cannabis manufacturing level 1 facility, (3) a cannabis cultivation facility (as that term is defined in 17.53.010) with canopy space of less than ten thousand square feet, and (4) a cannabis distribution facility.

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 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.

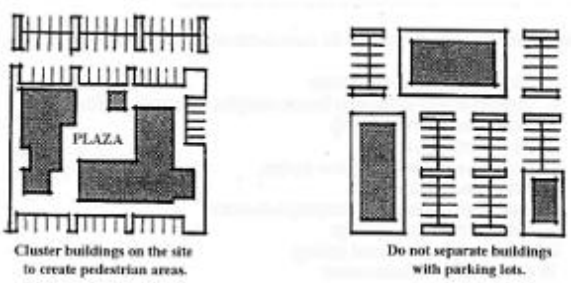
Church means an establishment, the principal purpose of which is religious worship, and for which the principal building or other structure contains the sanctuary or principal place of worship, and which includes related accessory uses.

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 Cargo/Storage Container is a portable shipping or cargo container made of metal that is used for the onsite storage of property, equipment, documents, or goods associated with the primary use contained in an enclosed building on the property, or construction site. A commercial cargo/shipping container is considered to be a maximum of eight feet wide, and extend to a maximum of fifty-three feet long.

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, community club houses 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.

Congregate Care Facility (see Senior Congregate Care Housing). This term does not include a residential care facility or other residential use that applicable state law requires to be regulated in the same manner as a family dwelling.

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.~~ means a child day care facility other than a family day care home and includes infant centers, preschools, extended day care facilities, school-age child care centers, and child care centers licensed pursuant to Health and Safety Code Section 1596.951. For purposes of this title, a day care center is distinct from a small or large family day care home and is subject to the use regulations and development standards applicable to day care centers.

Day Care Home, Family or Family 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.~~ means a facility that regularly provides care, protection, and supervision for fourteen or fewer children in the provider's own home for periods of less than twenty-four hours per day while the parents or guardians are away and that is either a large family day care home or a small family day care home. A family day care home includes a detached single-family dwelling, townhouse, dwelling unit within a dwelling, or dwelling unit within a covered multifamily dwelling in which the underlying zone allows residential uses. The family day care home shall be the residence of the day care provider and may be rented, leased, or owned. For the purposes of this title, a family day care home is a residential use of the dwelling in which it is operated and shall be regulated in accordance with applicable state law.

Day Care Home, Large Family or Large Family Day Care Home ~~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.~~ means a family day care home that provides care, protection, and supervision for seven to fourteen children, inclusive, including children under ten years of age who reside at the home, as set forth in Health and Safety Code Section 1597.465 and as defined in state regulations. For purposes of this title, a large family day care home is a residential use and is not a day care center.

Day Care Home, Small Family or Small Family Day Care Home ~~is a day care home where care is provided to up to six children, or up to eight children if allowed by state law.~~ means a family day care home that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Health and Safety Code Section 1597.44 and as defined in state regulations. For purposes of this title, a small family day care home is a residential use and is not a day care center.

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 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 (Accessory Dwelling Unit/ADU) shall have the same meaning as "Accessory Dwelling Unit" above. Where inconsistent, the definition set forth in Government Code Section 66313 shall control.

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.~~ housing with minimal supportive services for persons experiencing homelessness that is limited to occupancy of six months or less by an individual experiencing homelessness and does not deny emergency shelter because of an inability to pay. The term includes other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care, consistent with Government Code Section 65582. For purposes of this title, an emergency shelter shall be permitted and reviewed in accordance with Government Code Section 65583 and other applicable state law.

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.

Existing Primary Dwelling is a legally permitted and existing primary dwelling on a lot, including a single-family dwelling or a multifamily dwelling.

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.

Group Home, Licensed means a residential facility that provides twenty-four-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law, consistent with Health and Safety Code Section 1502(a)(13). For purposes of this title, this term identifies the state licensing category and does not encompass every form of shared residential housing. Its separate identification in the use table does not alter the facility's status or protections under applicable state or federal law.

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, amendable 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)

Junior Accessory Dwelling Unit or JADU is a unit that is no more than five hundred square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

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.

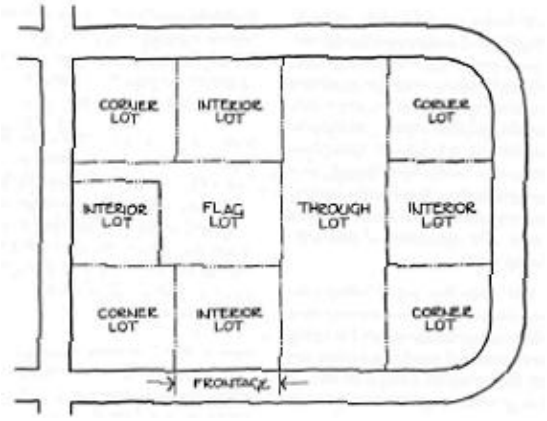
Landscaping is an area devoted to, or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces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

Livable space is a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

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.



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-Barrier Navigation Center means a Housing-First, low-barrier, service-enriched shelter focused on moving persons into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as provided in Government Code Section 65660. For purposes of this title, a qualifying low-barrier navigation center shall be permitted as a use by right in all locations required by Government Code Sections 65660 through 65666.

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. 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 unprepared, 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, Nonconforming 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, Cannabis Distribution Facility, Cannabis Microbusiness 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 or dwelling is the principal proposed or existing residential dwelling on a lot and may consist of a single-family dwelling or a multifamily dwelling.

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)

Proposed dwelling means the principal proposed or existing residential dwelling on a lot and may consist of a single-family dwelling or a multifamily dwelling.

Proposed primary dwelling is a proposed primary dwelling on a lot that is the subject of an active building permit application, or that has received building permit approval but has not yet received a certificate of occupancy and may consist of a single-family dwelling or a multifamily dwelling.

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.~~ means, for purposes of this title, a facility providing nonmedical residential care, supervision, or assistance to persons who require such services. This is a local land-use classification and does not establish or alter a state licensing category. State-licensed group homes shall be regulated under their separate classification where listed in the applicable use table; otherwise, the applicable residential care facility classification shall apply, subject to state and federal law. An ordinary residential household shall not be classified as a residential care facility solely because its occupants have disabilities, receive supportive services, or participate in a recovery program. Facilities and households entitled to residential-use treatment under applicable state or federal law shall receive that treatment.

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.~~ means, for purposes of this title, a residential care facility serving seven or more residents. A shared residential household providing no services that require state licensing shall not be classified as a large residential care facility solely because seven or more persons reside there. A facility entitled to different zoning treatment under applicable state or federal law shall receive that treatment.

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 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).~~ means, for purposes of this title, a residential care facility licensed by the State of California and

serving six or fewer residents. A facility that applicable state law requires to be considered a residential use shall be permitted and regulated in the same manner as the type of family dwelling specified by that law.

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.~~ means, for purposes of this title, a residential care facility serving six or fewer residents that is not licensed by the State of California and is not required by law to be licensed. A residential household providing no services that require state licensing shall be classified and regulated according to the underlying dwelling type. This classification shall not authorize an operation that requires a state license to operate without that license.

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.~~ means a structure used for housing and providing assisted care to aged or infirm persons. Care shall be limited to incidental convalescent care that does not involve a nurse or physician residing on the premises. Surgery, physical therapy, and similar activities are prohibited. This term does not include a residential care facility that applicable state law requires to be treated as a residential use.

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.

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.

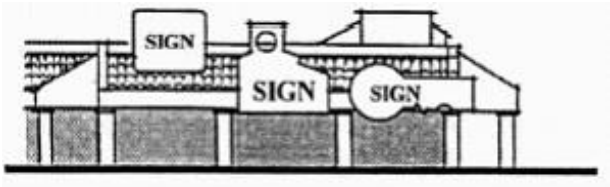
Senior Congregate Care Housing ~~is a structure(s) providing residence for a group of senior citizens (fifty-five years of age or older) with central or private kitchen, dining, and recreational facilities with separate bedrooms and/or living quarters.~~ means a housing development intended for persons fifty-five years of age or older, with central or private kitchen, dining, and recreational facilities and separate bedrooms or living quarters. Age and occupancy restrictions shall comply with applicable state and federal requirements for senior housing, including California Civil Code Section 51.11, as applicable.

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

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.~~ means one or more persons, whether related or unrelated, occupying a dwelling as a common household with shared use of its living areas. A common household does not require a single lease, joint financial obligations, shared meals, or resident control over the selection of other occupants. Separate rental agreements, the provision of supportive services, or assistance from an owner, operator, or paid staff shall not, by themselves, disqualify a residential household from treatment as a single housekeeping unit. This definition shall be interpreted and applied consistently with applicable state and federal housing laws.

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 = Rise / Run X 100 = %

Slope Ratio = Run = (x) feet run to one foot rise = x:1

Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

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.

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.~~ means housing with no limit on the length of stay that is occupied by the target population, as defined in Government Code Section 65582 and linked to onsite or offsite services that assist residents in retaining housing, improving health, and maximizing the ability to live and, when possible, work in the community. For purposes of this title, supportive housing is a residential use and shall be permitted and regulated in the same manner as other residential dwellings of the same type in the same zoning district. A supportive housing development qualifying under Government Code Sections 65650 through 65656 shall be processed ministerially as required by those sections.

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.

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.~~ means buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future time that is not less than six months from the beginning of the assistance. For purposes of this title, transitional housing is a residential use and shall be permitted and regulated in the same manner as other residential dwellings of the same type in the same zoning district.

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 multistemmed 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.

Uniform Building Code is the Uniform Building Code as amended and adopted in Chapter 6 of the Banning Municipal Code.

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.

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

Vista See View Corridor.

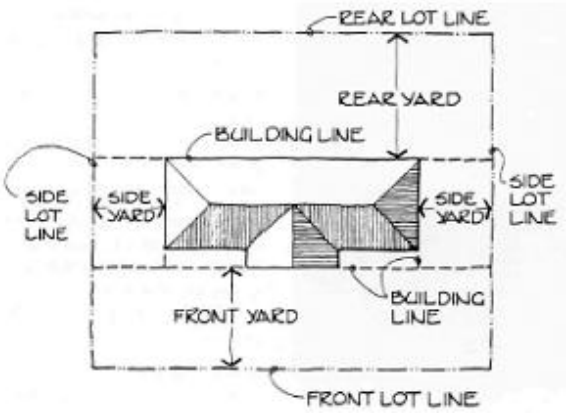
Volatile Solvent means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

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.



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; Ord. No. 1552, § 4, 1-28-20; Ord. No. 1559, § 4, 5, 3-24-20; Ord. No. 1577, § 12, 9-28-21; Ord. No. 1624, § 3, 7-14-26)

17.08.020 Permitted, conditional and prohibited uses.

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

Table 17.08.020

Permitted, Conditional and Prohibited Residential Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP	VHDR
Residential Uses										
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P
Cannabis Commercial Indoor Cultivation	X	X	X	X	X	X	X	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X	X	X	X	X	X	X
Cannabis Distribution Facility	X	X	X	X	X	X	X	X	X	X
Cannabis Microbusiness	X	X	X	X	X	X	X	X	X	X
Cannabis Personal Cultivation[6]	P	P	P	P	P	P	P	P	P	P
Cannabis Retailer	X	X	X	X	X	X	X	X	X	X
Cannabis Testing Laboratory	X	X	X	X	X	X	X	X	X	X
Other Cannabis Uses	X	X	X	X	X	X	X	X	X	X
Commercial cargo/storage container	P	P	P	P	P	X	X	X	X	X
Community Gardens	P	P	P	P	P	P	P	P	P	P
Condominiums and Townhomes	X	X	X	X	C	C	P	P	X	P
Congregate Care Facility	X	X	X	X	X	P	P	P	X	P
Day Care Center	P	P	X	X	X	C	C	C	C	C
Day Care Home, Small Family[1]	P	P	P	P	P	P	P	P	P	P
Day Care Home, Large Family[1]	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P
Dormitory	X	X	X	X	X	C	C	C	X	C
Emergency Shelter	X	X	X	X	X	X	X	C	C	C
Farmworker Housing	P	P	P	P	X	X	X	X	X	X
~~Homeless Shelter~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~	~~C~~	~~C~~

Group Home, State Licensed[8]	P	P	P	P	P	P	P	P	P	P
Mobile Home Parks or Subdivisions	X	X	X	X	X	X	C	C	P	X
Multi-Family Residential Dwelling	X	X	X	X	X	C	P	P	X	P
Multiple-Family Affordable Housing (min. 20% lower income, by non-discretionary action)[7]	X	X	X	X	X	C	P	P	P	P
Planned Unit Development	X	X	X	P	P	P	P	P	X	P
Residential Care Facility~~/Group Home~~, Large	X	X	X	X	X	X	C	C	X	C
Residential Care Facility~~/Group Home~~, Small, Licensed[2]	P	P	P	P	P	P	P	P	P	P
Residential Care Facility~~/Group Home~~, Small, Unlicensed[10]	~~X~~ C	~~X~~C	~~X~~ C	~~X~~ C	~~X~~ C	~~X~~ C	C	C	~~X~~ C	C
Second Dwelling Unit	P	P	P	P	P	P	P	P	X	P
Single Family Dwelling	P	P	P	P	P	P	P	C	X	X
Single Room Occupancy	X	X	X	X	X	X	X	C	X	P
Supportive/Transitional Housing[9]	~~X~~ P	~~X~~ P	~~X~~ P	~~X~~ P	~~X~~ P	~~X~~ P	P	P	~~X~~ P	P
Equestrian Uses										
Stables, Private	P	P	P	P	P	X	X	X	X	X
Stables, Commercial	P	C	P	C	C	X	X	X	X	X
Tack and Feed Stores	C	C	C	X	X	X	X	X	X	X
Veterinary Offices and Hospitals	C	X	C	X	C	X	X	X	X	X
Agricultural Uses										
Grazing of Animals	P	P	P	P	P	P	X	X	X	X
Kennels and Catteries, commercial	C	C	C	C	C	C	X	X	X	X
Locally Adaptive Farming	P[5]	P[5]	C	C	X	X	X	X	X	X
Factory Farms with Genetic Monocultures	X	X	X	X	X	X	X	X	X	X
Ranching	P	P	C	C	X	X	X	X	X	X
Recreational Uses										X

Clubhouses	C	X	C	X	C	C	C	C	C	X
Golf Courses and Related Facilities	C	X	C	X	C	C	C	C	C	X
Swimming Pool/Sports Club	X	X	X	X	C	C	C	C	C	X
Sports Courts and Fields	C	X	C	X	C	C	C	C	X	X
Accessory Uses										
Telecommunications Antennae	C	X	X	X	X	X	X	X	X	X
Garages (for storage of vehicles only, in excess to that required under Chapter 17.28 (Parking Regulations)	C	X	C	X	C	C	X	X	X	X
Other Uses										
Bed and Breakfast	C	C	C	C	C	C	C	X	X	X
Boarding House	X	X	X	X	X	X	X	X	X	C
Cemeteries	C	X	C	X	C	C	X	X	X	X
Churches	C	X	C	X	C	C	C	C	C	X
Utility Facilities	C	C	C	C	C	C	C	C	C	X
Private Schools	C	C	C	C	C	C	C	C	C	X
Neighborhood Oriented Retail Stores[3]	X	X	X	X	X	X	C	X	X	X
Temporary Uses[4]	T	T	T	T	T	T	T	T	T	T

[1] ~~Small family day care homes are permitted by right in single-family residences located in any residential zone. Small family day care homes are not permitted in multiple-family residences.~~ Small and large family day care homes are residential uses and uses by right and shall be permitted and regulated in accordance with Section 17.08.060 and applicable state law.

[2] ~~Large family day care homes are conditionally permitted in single-family residences located in any residential zone. Large family day care homes are not permitted in multiple-family residences.~~ A small, licensed residential care facility that applicable state law requires to be treated as a residential use shall be permitted and regulated in the same manner as a family dwelling of the same type in the same zoning district. No conditional use permit, variance, zoning clearance, or other zoning requirement shall be imposed unless the same requirement applies to a family dwelling of the same type in the same zone.

[3] Neighborhood-oriented retail stores, as defined in the General Plan, consist of "corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses, less than five thousand square feet in total square footage.

[4] Temporary uses require temporary use permit. See Chapter 17.108 for provisions.

[5] Agricultural employee housing allowed with up to twelve units or thirty-six persons, and/or up to six workers as a single-family use.

[6] Cannabis Personal Cultivation must comply with the provisions of Chapter 5.34.

[7] Affordable housing developments pursuant to Government Code Section 65583.2 and located within the multi-family housing zoning districts are permitted by right without a public hearing or discretionary action and, in the VHDR district, are permitted at a minimum density of 24 dwelling units to 30 dwelling units per acre.

[8] State-licensed group homes, as defined in Section 17.04.070, are permitted in the residential districts identified in this table. The permitted designation is not limited to facilities serving six or fewer residents. A facility serving six or fewer persons and subject to Health and Safety Code Section 1566.3 shall be regulated in the same manner as a family dwelling of the same type in the same zoning district, without any additional conditional use permit, zoning variance, or zoning clearance. Required state licensing and otherwise applicable building, fire, and health and safety requirements remain applicable, subject to state law.

[9] Supportive housing and transitional housing are residential uses and shall be permitted and regulated in the same manner as other residential dwellings of the same type in the same zoning district. A qualifying supportive housing development shall be permitted as a use by right where required by Government Code Sections 65650 through 65656.

[10] Residential households providing no services that require state licensing shall be permitted and regulated according to the underlying dwelling type in the same zoning district. No additional conditional use permit or other zoning approval shall be required solely because the household is unlicensed, its residents have disabilities, or its residents receive supportive services. Applicable reasonable accommodation requirements remain in effect. This provision does not authorize the provision of services requiring a state license without that license.

(Zoning Ord. dated 1/31/06, § 9102.02; Ord. No. 1392, § 2.)

(Ord. No. 1466, § 3(4), (6), 8-13-13; Ord. No. 1467, §§ 4, 6, 8-13-13; Ord. No. 1482, § 3(2), 1-13-15; Ord. No. 1496, § 3(2), 5-10-16; Ord. No. 1507, § 3.2.2, 3-14-17; Ord. No. 1509, § 3, 4-11-17; Ord. No. 1510, § 3(2), 9-11-17; Ord. No. 1512, § 6, 10-10-17; Ord. No. 1523, § 3B, 7-10-18; Ord. No. 1531, § 3B, 11-13-18; Ord. No. 1552, § 5, 1-28-20; Ord. No. 1577, § 13, 9-28-21; Ord. No. 1583, §§ 3,4, 10-11-22; Ord. No. 1600, § 3, 2-27-24; Ord. No. 1605, § 2, 7-9-24)

17.08.040 Use specific standards.

In addition to development standards contained in other sections of this Ordinance, the following use-specific development standards shall apply to the City's residential districts:

Table 17.08.040

Use Specific Development Standards

	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP	VHDR
A. Accessory Structures	*	*	*	*	*	*	*	*	*	*
B. Day Care Center [1]	*	*				*	*	*	*	*
C. Density Bonus	*	*	*	*	*	*	*	*	*	*
D. Density Transfers	*	*	*	*						
E. Golf Course and related facilities	*		*		*	*	*	*	*	
F. Accessory Dwelling Unit	*	*	*	*	*	*	*	*	*	*
G. Minimum Dwelling Size	*	*	*	*	*	*	*	*	*	*
H. Mobile Home and Manufactured Housing	*	*	*	*	*	*	*		*	
I. Mobile Home Park or Subdivision									*	
J. Multi-Family Housing							*	*	*	*
K. Existing Multi-Family Housing						*	*	*	*	*
L. Neighborhood-Oriented Retail							*			
M. Planned Unit Development	*		*		*	*	*	*	*	*
N. Senior Citizen/Congregate Care Housing [2]						*	*	*	*	*
O. Existing Single Family Housing	*	*	*	*	*	*	*	*	*	*
P. Hillside Development		*		*						
Q. Community Gardens	*	*	*	*	*	*	*	*	*	*

[1] Excluding small and large family day care homes.

[2] Excluding residential care facilities and other residential uses that applicable state or federal law requires to be regulated in the same manner as a family dwelling.

(Zoning Ord. dated 1/31/06, § 9102.03(2).)

(Ord. No. 1509, § 3, 4-11-17; Ord. No. 1512, § 6, 10-10-17)

17.08.180 Senior citizen/congregate care housing design standards

Senior citizen/congregate care ~~group~~ housing developments are subject to development standards contained in this section, as well as to the development permit review process. This section shall not impose requirements on a residential care facility or other residential use that applicable state or federal law requires to be regulated in the same manner as a family dwelling of the same type in the same zoning district, unless the same requirements apply to that dwelling type. These shall be constructed in the following manner:

A. Public Transit.

1. Dial-a-ride transportation shuttles shall be provided, and the number of these shall be determined during the development permit review process. A bus turn-out and shelter on the on-site arterial frontage shall be dedicated if the senior citizen housing development is located on a bus route as determined by the director.

2. A minimum of one comfortable, well constructed benches shall be provided adjacent to shuttle bus stops. Paved areas for shuttle parking shall be adequate in size and condition, and shall be suitably striped.

B. Handicapped Accessibility. The primary pedestrian entrance to the development, to the common areas, and to the parking facility, and to each unit, shall be provided with legal, handicapped access. Indoor common areas and living units shall be handicap adaptable, and be provided with all necessary safety equipment such as safety bars, as well as with emergency signal intercom systems as determined by the Director.

C. Regulations.

1. Senior group housing including, but not limited to independent living, assisted living and congregate housing, shall conform with all local, state, and federal requirements. The senior group housing facility must conform to all standards of the underlying zoning district in all matters. This includes the number of dwelling units per development which is governed by the underlying zone and is specified earlier in this chapter. This also includes all landscaping and open requirements, as well as all other requirements.

2. ~~Residential occupancy shall be limited to single persons over 60 years of age, and to married couples or domestic partners of which one spouse or partner is over 60 years of age.~~ Senior citizen/congregate care housing shall be intended for persons fifty-five years of age or older, consistent with Section 17.04.070. Age and occupancy restrictions shall comply with applicable state and federal requirements for senior housing, including California Civil Code Section 51.11, as applicable.

D. Minimum Floor Area. The minimum floor for each residential unit is as follows:

Studio	500 square feet
One bedroom	600 square feet
Two bedroom	750 square feet

E. Lighting. Sufficient internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, the light source shall not be visible, it shall be stationary, deflected away from adjacent properties and public rights of way to minimize overspill, and of an intensity appropriate for the residential neighborhood.

F. Laundry Facilities. Each residential unit shall be plumbed and wired for a washing machine and dryer. In addition, common laundry facilities of sufficient number and accessibility shall also be provided. The facilities shall have keyed access for tenants only.

G. Recreation and Entertainment Activities. Common recreation and entertainment activities shall be provide, and shall be of a scale consistent with the number of living units. The minimum size shall equal 100 square feet for each living unit.

H. Conveniences. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:

1. Beauty and barber shops;
2. Central cooking and dining room;
3. Movie theatre, stage or auditorium;
4. Community garden;
5. Gym, exercise facility, massage room, or aerobics room;
6. Small scale drug store not to exceed 1,500 square feet;
7. Small scale variety store not to exceed 1,500 square feet.

I. Off Street Parking. Off street parking shall be provided in the following manner:

1. ~~Independent Living: One parking space for each dwelling unit for the exclusive use of the independent living residents, plus one space for every five units for guest parking Congregate Care: Three spaces for every four dwelling units for employee and guest use for congregate care residents.~~ The number of required parking spaces shall be determined pursuant to Table 17.28.040A in residential districts and Table 17.28.040C in commercial districts, subject to applicable state-law exemptions, reductions, and reasonable accommodation requirements.
2. All off-street parking shall be located within 150 feet of the front door of the main entrance.
3. Design standards related to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional and other requirements shall be consistent with the standards outlined elsewhere in these Zoning Ordinances.

J. Fire and Safety. The project shall be designed to provide maximum security for residents, guests, and employees. For convenience and for fire safety, all parts of all structures shall be within 150 feet of paved access for single-story buildings, and within 50 feet of any multi-story buildings.

K. Trash Receptacles.

1. Trash receptacles shall be provided on the premises. Trash receptacles shall comply with the adopted Public Works Department Standards for Banning, and shall be of sufficient size to accommodate the trash generated. The receptacles shall be screened from public view on at least three sides by a solid wall six feet in height, and on the fourth side by a gate of not less than five feet in height.
2. The gate shall be maintained in good order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacles shall be located within close proximity to the residential units which they are intended to serve.

(Zoning Ord. dated 1/31/06, § 9102.03(2)(N).)

17.08.201 Boarding houses, single room occupancies and residential care facilities.

A. Applicability and State-Law Protected Residential Care Uses. Any person who seeks to own, manage, or operate a boarding house, single room occupancy (SRO), or residential care facility not otherwise protected by state-law residential-use/family-use treatment shall obtain a conditional use permit (CUP) from the City where required by Sections 17.08.020 and 17.12.020.

1. Where applicable state or federal law requires a residential care facility, group home, or other residential use to receive the same zoning treatment as a family dwelling of the same type in the same zoning district, the use shall receive that treatment. This includes qualifying residential uses that do not provide services requiring a state license. No additional permitting requirement or development standard shall be imposed where prohibited by applicable law.

2. Residents and operators of a protected residential facility serving six (6) or fewer persons shall be treated as a family for zoning laws concerning residential use, to the extent required by law.

3. Protected residential care uses shall not be reclassified as a boarding house, rooming house, SRO, or similar use solely to impose standards preempted by state law.

4. Ambulatory or nonambulatory resident status shall not, by itself, create a separate zoning entitlement requirement where state law requires residential treatment.

5. Licensed family care homes, foster homes, and group homes serving six (6) or fewer persons identified in Welfare and Institutions Code section 5116 shall be permitted in residential zones as required by state law.

~~A.~~B. Application for a Conditional Use Permit. ~~In addition to the findings for a conditional use permit required by Section 17.52.050 of this zoning ordinance,~~ For a use lawfully subject to a conditional use permit, and in addition to the findings required by Section 17.52.050 to the extent consistent with applicable state and federal law, no conditional use permit for a boarding house, single room occupancy, ~~large residential care facility or small, unlicensed~~ or residential care ~~facility shall be granted unless the following findings are made:~~ use not subject to state-law preemption shall be granted unless all of the following findings are made:

~~1. The fire chief and building official have determined that the premises complies with all applicable laws, ordinances and regulations.~~

~~2. All persons directly or indirectly interested in use as an owner, partner officer, manager, employee or other person to be in charge of the use have not been convicted of a felony or any crime of moral turpitude.~~

1. The proposed use, as conditioned, will comply with applicable fire, building, life-safety, and occupancy requirements, subject to applicable exemptions and reasonable accommodations.

2. The proposed use complies with the operational standards in subsection C, as applicable.

3. The proposed use complies with parking requirements in Tables 17.28.040(A) through (C), as applicable.

Findings, conditions, and decisions shall be supported by substantial evidence and shall not be based on stereotypes, generalized fears, or opposition concerning the disability or other legally protected characteristics of existing or prospective residents.

~~B.~~C. Operational Standards. The following standards apply only to uses lawfully subject to local discretionary review under this section and do not apply to protected uses to the extent preempted by

state law: ~~The following standards shall apply to boarding houses, single room occupancies, large residential care facilities and small, unlicensed residential care facilities:~~

1. The use shall not result in adverse effects to the health, welfare, peace, or safety of persons in the surrounding area;
2. The use shall not jeopardize or endanger the public health, safety, or welfare of persons in the surrounding area;
3. The use shall not adversely affect the livability of the surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics;
4. ~~The use shall not result in nuisance activities, including, without limitation, disturbance of the peace, illegal drug activity, public drunkenness, public consumption of alcohol, harassment of passers-by, gambling, public urination, theft, assault, battery, vandalism, littering, loitering, illegal parking, loud noises, lewd conduct, or police detentions and/or arrests;~~ The use shall not create or maintain a public nuisance. Enforcement shall be based on documented violations of applicable law and shall comply with state and federal fair housing requirements. A police detention or arrest, standing alone, shall not establish a violation of this standard.
5. The use shall not result in violation of any applicable provision of any other city, state, or federal law;
6. ~~The use shall not be located within three hundred feet, measured from the property lines, of any other boarding house, single room occupancy, large residential care facility or small, unlicensed residential care facility, or within three hundred feet of any elementary or secondary school, or any day care center. However, boarding houses and unlicensed residential care facilities shall not be located with one thousand feet, measured from the property lines, of any other boarding house, single room occupancy, large residential care facility or small, unlicensed residential care facility, or within one thousand feet of any elementary or secondary school, or any day care center;~~ Residential care facilities and group homes shall not be subject to a locally imposed minimum separation distance from other residential care facilities, group homes, boarding houses, single room occupancies, schools, or day care centers. Any separation requirements applicable under state licensing law, including Health and Safety Code Section 1267.9, shall remain applicable according to their terms, including applicable exceptions and waiver provisions.
7. The use shall comply with the parking requirements in Tables 17.28.040(A) through (C).

~~C.~~D. Revocation of Conditional Use Permit. Violations of any of the provisions of this section shall be grounds for revocation of the conditional use permit authorizing the use. ~~Violation of any local, state or federal laws by individual boarder, tenant or occupant while on the premises of the boarding house, single room occupancy or residential care facility shall be grounds for revocation of the permit.~~ Conduct of an individual boarder, tenant, or occupant, standing alone, shall not constitute grounds for revocation unless it establishes a violation of a lawful permit condition or applicable requirement attributable to the owner or operator. ~~The revocation procedures contained in Section 17.52.100 of this zoning ordinance shall be followed.~~ Revocation or modification shall follow Section 17.52.100, subject to the limitations and protections of this section and applicable state and federal law. Revocation shall be supported by substantial evidence and shall comply with applicable state and federal law, including reasonable accommodation requirements. This subsection shall not authorize a conditional use permit requirement for an otherwise exempt use.

~~D.~~E. Nonconforming Uses. All boarding houses, single room occupancies, large residential care facilities and small, unlicensed residential care facilities existing illegally prior to the effective date of the ordinance creating this section shall be required to comply with the requirements of this section within six

months of the effective date. All boarding houses, single room occupancies, large residential care facilities and small, unlicensed residential care facilities existing legally prior to the effective date of the ordinance creating this section shall comply with Chapter 17.88 of the zoning ordinance. A use shall not be deemed unlawful solely for lacking a permit or approval that applicable state or federal law prohibits the City from requiring. Chapter 17.88, including its discontinuance and abatement provisions, shall not be applied to terminate or restrict a residential use where prohibited by applicable state or federal law. A residential care facility, group home, or other residential use entitled to the same zoning treatment as a family dwelling shall not be deemed nonconforming solely because of that protected use. Applicable reasonable accommodation requirements shall be considered before requiring discontinuance.

~~E.~~F. Reasonable Accommodation. ~~Any person who seeks to operate a residential care facility in a zone where such use is not permitted, either by right or subject to conditional use permit pursuant to Sections 17.08.020 and 17.12.020 of this zoning ordinance, may request that the city allow the residential care facility to locate in such a zone as a reasonable accommodation under the federal Fair Housing Act by applying for a conditional use permit. The city shall grant the conditional use permit as a reasonable accommodation if it finds:~~ Requests for reasonable accommodation shall be processed pursuant to Chapter 17.42 to the extent consistent with applicable state and federal law. Where a provision of Chapter 17.42 conflicts with applicable state or federal reasonable accommodation requirements, those requirements shall control. A request for reasonable accommodation shall not, by itself, trigger a conditional use permit requirement. Nothing in this section precludes modification or waiver of a permitting requirement or development standard when required as a reasonable accommodation under applicable law.

~~1. The request for a reasonable accommodation will not impose an undue burden or expense on the city; and~~

~~2. The proposed use will not create a fundamental alteration in the city's zoning scheme. The factors that shall be considered in making this determination include, but are not limited to, the following:~~

~~a. Whether the proposed use is in accord with the operational standards identified in subsection B of this section,~~

~~b. Whether the proposed location of the use is in accord with the requirements of the zone in which the site is located and complies with other relevant city regulations, policies, and guidelines,~~

~~c. Whether the proposed location of the use and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or to existing land uses, the operation of established sensitive land uses as defined in this chapter, the character of established neighborhood, or planned residential development in the vicinity,~~

~~d. Whether the proposed use is consistent with the General Plan,~~

~~e. Whether the type, intensity, sensitivity, and operating characteristics of the proposed use, and the manner in which it is located on its site, are compatible with existing land uses, the character of established neighborhoods, or planned residential development in the vicinity,~~

~~f. Whether the site is physically suitable for the type, sensitivity, and intensity of the use as proposed, including access, utilities and absence of physical constraints.~~

(Ord. No. 1392, § 5.)

17.12.020 Permitted, Conditional, Prohibited Commercial and Industrial Uses.

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

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Resource and Open Space Uses								
Plant nurseries, with on-site sales	X	P	X	X	X	X	C	C
Plant nurseries, without on-site sales	X	C	X	X	X	X	X	C
Surface mining[1]	X	X	X	X	C	X	X	C
Commercial cargo/storage containers	C	C	C	C	P	P	P	P
Community Gardens	P	P	P	P	P	P	P	P
Recreation, Education and Public Assembly								
Adult entertainment	X	X	X	X	C	X	X	X
Adult day care facilities	X	C	C	C	X	X	C	X
Arcade/Internet Cafe	P	X	X	X	X	X	X	X
Automobile race track	X	X	X	X	C	C	X	X
Billiard parlors/pool halls	P	C	C	X	X	C	C	X
Churches	C	C	C	C	C	X	C	C
Community centers	P	P	C	C	X	X	X	X
Convention facilities	P	P	P	X	X	P	X	X
Day care centers	C	C	C	C	X	X	C	X
Health/fitness facilities	P	P	P	P	X	X	C	X
Indoor recreation centers	P	P	P	X	X	C	X	X
Libraries	P	P	P	P	X	P	X	X
Membership organization facilities	X	X	X	C	C	P	C	X
Museums	P	P	P	P	X	P	X	X
Outdoor commercial recreation	P	P	P	C	X	C	C	X
Outdoor Entertainment/Amphitheater	P	X	X	X	X	X	X	X
Pocket Park, Tot Lot, Splash Pad	P	X	X	X	X	X	X	X
Private Education/Learning Institution	P	X	X	X	X	X	X	X
Private Park, Sports Courts for rent\hourly	P	X	X	X	X	X	X	X
Public Art/Street Furn./Chess Checker Tables	P	X	X	X	X	X	X	X
Public parks and playgrounds	P	P	P	P	X	P	P	X
Recreational vehicle (RV) parks	X	X	C	X	X	X	X	X
Recreational vehicle (RV) storage	X	X	X	X	C	X	C	X
Schools	X	X	X	C	X	P	X	X
Sport facilities and outdoor public assembly	C	C	C	C	X	C	C	X
Studios for dance, art, music, photography, etc.	P	P	P	P	C	X	C	X

Theatres and meeting halls	C	C	C	C	C	X	C	C
Retail Uses								
Accessory retail uses	P	P	P	P	P	P	P	X
Alcoholic beverage sales, on- or off-site	C	C	C	C	X	X	X	X
Antique stores	P	P	P	X	X	X	P	X
Art galleries	P	P	C	C	X	P	P	X
Auction services/Auction house	C	X	X	X	X	X	X	X
Auto, mobile home, and motor vehicle sales, with or without part sales, new and/or used[3]	X	P	P	X	P	P	C	X
Auto, mobile home, and motor vehicle part sales[3]	C	P	P	X	P	P	C	X
Bakeries, retail	P	P	P	P	X	X	P	X
Bars and drinking establishments	C	C	C	X	X	C	X	X
Building material stores	X	P	P	X	X	X	P	X
Certified farmers' markets	P	P	P	X	X	X	X	X
Convenience stores	C	P	P	C	X	C	X	X
Convenience stores, no liquor sales	P	P	P	X	X	X	P	X
Department stores	P	P	P	X	X	X	P	X
Drive-in/drive-through sales	X	P	P	C	X	X	C	X
Drug stores	P	P	P	C	X	X	C	X
Electronic Message Center	C							
Factory outlet centers	X	P	P	X	X	X	C	X
Farm and ranch supply stores	X	P	P	X	X	X	X	X
Florist	P	X	X	X	X	X	X	X
Furniture, furnishings, home equipment stores	P	P	P	X	X	X	P	X
Gift shops	P	P	P	P	X	P	P	X
Grocery stores, retail butchers and green grocers	P	P	P	X	X	X	C	X
Hardware/lumber stores	C	P	P	X	P	X	P	X
Hobby Shop	P	X	X	X	X	X	X	X
Jeweler/Jewelry Repair/Lapidary	P	X	X	X	X	X	X	X
Liquor stores (off-site consumption)	X	C	C	C	X	X	X	X
Music/Musical Instrument Sales/Instruction	P	X	X	X	X	X	X	X
Office Supply/Printing	P	X	X	X	X	X	X	X
Private Park, Sports Courts for rent\hourly	P	X	X	X	X	X	X	X
Outdoor Food Court/Food & Beverage Kiosk	P	X	X	X	X	X	X	X
Outdoor retail merchandise display and activities	P	C	C	C	X	X	C	X
Outdoor retail sales, temporary	T	T	T	T	X	T	T	X
Pawn shops	X	C	C	X	X	X	C	X
Pet stores and grooming	P	P	P	X	X	X	P	X
Restaurants, no beer, wine or liquor sales	P	P	P	P	C	C	P	C

Restaurants, serving beer, wine or liquor	P	P	P	P	C	C	P	C
Restaurants, drive-in, take-out, fast food	C	P	P	C	X	X	C	X
Retail stores, general merchandise	P	P	P	X	X	X	P	X
Second hand/thrift stores	X	C	C	X	X	X	X	X
Shopping centers, 15,000 square feet or more	C	P	P	X	X	X	C	X
Video rental stores	X	P	P	X	X	X	P	X
Warehouse or club stores (i.e., "Big box stores")	X	P	P	P	X	X	P	X
Services								
Automatic teller machine (ATM), not at a bank	P	P	P	P	X	P	P	X
Banks and financial establishments/services	P	P	P	P	X	X	P	X
Barber shops and beauty shops	P	P	P	X	X	X	P	X
Bed and breakfast establishments	P	C	C	X	X	X	X	X
Boarding house	X	X	C	X	X	X	X	X
Business support/secretarial services	X	P	P	P	X	P	P	X
Car wash	X	P	P	X	X	X	C	X
Columbarium's and mortuaries	X	C	C	X	X	X	C	X
Construction storage (indoor and/or outdoor)	X	X	X	X	P	X	C	C
Drive-in and drive-through services	X	P	P	C	X	X	C	X
Dry cleaning, retail	C	P	P	C	X	X	P	X
Equipment rental yards	X	X	C	X	P	C	C	X
Fortune-Telling	X	C	C	C	C	C	C	X
Government offices	P	C	C	P	X	P	P	X
Hookah and Smoking Lounges	P	C	C	C	C	C	C	X
Hotels and motels	P	P	P	X	X	X	C	X
Interior Design Studio	P	X	X	X	X	X	X	X
Laundry, coin operated	C	P	P	X	X	X	X	X
Massage Establishment	P	P	P	P	X	P	P	X
Medical services, clinics and labs	C	C	C	P	X	X	C	X
Mobile Vending	T	T	T	T	T	T	T	T
Transit Stop/Multi-Modal	P	X	X	X	X	X	X	X
Professional offices	P	P	P	P	X	P	P	X
Public parking	P	P	P	P	P	P	P	X
Public utility and safety facilities	P	P	P	P	P	P	P	P
Real estate offices	P	P	P	P	X	X	P	X
Repair and maintenance of consumer products[2]	P	P	P	C	X	X	P	X
Repair and maintenance of motor vehicles, including auto body	X	C	P	X	P	P	P	X
Research and development facilities	X	X	X	C	C	C	P	X
Storage, accessory, including self-storage	X	X	X	X	C	X	C	X
Tailor/Clothier/Tuxedo Rental	P	X	X	X	X	X	X	X
Tattoo and Body Piercing Studios	C	C	C	C	C	C	X	X

Vehicle fueling/service stations	X	P	P	P	X	P	P	X
Veterinary clinics, animal hospitals, grooming	C	P	P	P	X	X	P	X
Wine Tasting Room	P	X	X	X	X	X	X	X
Manufacturing and Processing Uses								
Assembly from prefabricated parts or products	X	C[3]	X	X	P	P	P	X
Auto wrecking/parts salvaging	X	X	X	X	C	X	X	X
Bakeries, wholesale	X	X	X	X	P	X	P	X
Breweries and distilleries	P	C	C	X	C	X	C	X
Breweries and distilleries, ancillary to a bar or restaurant	P	C	C	X	X	P	C	X
Cabinet shops, carpentry, furniture manufacturing and assembly	X	X	X	X	P	X	P	X
Ceramics manufacturing and assembly	X	X	X	X	P	X	P	X
Cleaning and dyeing plants	X	X	X	X	P	X	X	X
Contractor's storage yards	X	X	X	X	P	C	C	P
Creameries and dairies	X	X	X	X	C	X	X	X
Distribution	X	X	X	X	P	P	P	X
Food products manufacturing	X	X	X	X	P	X	C	X
Furniture and fixtures	X	X	X	X	P	X	P	X
Garment and shoe manufacturing	X	X	X	X	P	X	P	X
Ice and cold storage	X	X	X	X	P	P	P	X
Laundries and dry cleaning plants	C	C	C	C	P	X	C	X
Lumber yards	X	X	X	X	P	X	C	X
Machining, welding and blacksmithing	X	X	X	X	P	P	C	C
Manufacturing facilities, light	X	X	X	X	P	C	P	X
Manufacturing facilities, heavy	X	X	X	X	P	C	X	X
Metal plating shops	X	X	X	X	C	X	X	X
Mixed-use office/industrial	X	X	X	X	P	C	P	C
Mixed-use industrial/commercial	X	X	X	X	P	X	C	X
Packing plant	X	X	X	X	P	X	P	X
Printing/publishing	C	C	C	C	P	X	P	X
Recycling facilities	X	X	X	X	P	X	C	X
Recycling—Reverse vending machines	P	P	P	X	P	X	P	X
Sheet metal shops	X	X	X	X	P	P	C	C
Stone and granite storage and sales	X	X	X	X	P	X	C	P
Storage yard	X	X	X	X	P	C	C	P
Studios for Film, Motion Picture, Sound Engr.	P	X	X	X	X	X	X	X
Tire recapping, retreading and storage	X	X	X	X	C	C	C	X
Truck (commercial) repair, towing, storage and service	X	X	X	X	P	P	C	C
Trucking yard or terminal	X	X	X	X	C	C	C	X
Warehousing	X	X	X	X	P	P	P	C
Wholesaling	X	X	X	X	P	C	P	X
Residential Uses								

Caretaker/watchperson's dwelling	P	X	X	X	C	C	C	C
Guest house	X	X	X	X	X	X	X	X
Home occupations	P	X	X	X	X	X	X	X
Live/Work Units	P	X	X	X	X	X	X	X
Mixed-use, residential/commercial[6]	P	P	C	C	X	C	C	X
Multi-Family Dwellings, new	P	X	X	X	X	X	X	X
Residential accessory uses and structures	C	X	X	X	X	X	X	X
Residential care facility, large[13]	X	X	C	X	X	X	X	X
Residential care facility, small, licensed[13]	P	P	C	C	X	X	X	X
Residential care facility, small, unlicensed[13]	X	X	C	X	X	X	X	X
Congregate care housing[14]	C	X	X	C	X	X	C	X
Single room occupancy facility[15]	C	X	C	X	X	X	X	X
Single-family dwellings, existing	P	X	X	X	X	X	X	X
Single-family dwellings, new[12]	P	X	X	X	X	X	X	X
Accessory Dwelling Unit	P	X	X	X	X	X	X	X
Other Uses								
Commercial or telecommunications antennae	X	C	C	C	C	C	C	C
Public utility facilities	X	P	P	P	P	P	P	P
Emergency shelters	X	X	X	X	X	P	X	X
Cannabis Commercial Indoor Cultivation[9]	X	X	X	X	C	X	C	X
Cannabis Personal Cultivation[7]	X	X	X	X	X	X	X	X
Cannabis Manufacturing Level 1[9]	X	X	X	X	C	X	X	X
Cannabis Retailer	X	X	C[8]	X	X	X	X	X
Cannabis Testing Laboratory[9]	X	X	X	X	C	X	X	X
Cannabis Distribution Facility[10]	X	X	X	X	C	X	X	X
Cannabis Microbusiness[11]	X	X	X	X	C	X	C	X
Other Cannabis Uses	X	X	X	X	X	X	X	X

[1] Surface mining permit required. See Chapter 17.100.

[2] Mobile phones, televisions, video, audio systems, and digital cameras.

[3] Refer to Section 17.12.050(B) for conditional use permit requirements.

[4] 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.

[5] When undertaken in conjunction with on-site retail as a primary use.

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

[7] 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.

[8] 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.

[9] Cannabis Commercial Indoor Cultivation, Cannabis Manufacturing Level 1, and Cannabis Testing Laboratory uses 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 17.53.

[10] A Cannabis Distribution Facility 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 17.53.

[11] A Cannabis Microbusiness 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 17.53.

[12] New Single-Family Residential Dwellings shall be prohibited on (East/West) Ramsey Street and (North/South) San Gorgonio Avenue.

[13] Notwithstanding the P, C, or X designation in this table, a residential care facility, group home, or other residential use that applicable state or federal law requires to receive the same zoning treatment as a family dwelling of the same type in the same zoning district shall receive that treatment. This includes qualifying residential uses that do not provide services requiring a state license. No conditional use permit or other zoning requirement shall be imposed unless permitted by applicable law. Section 17.08.201 shall apply only to the extent consistent with these protections. Notwithstanding the designations in this table, supportive housing, transitional housing, and qualifying low-barrier navigation centers shall be permitted and processed as required by applicable state law.

[14] Residential care facilities and other residential uses entitled under applicable state or federal law to the same zoning treatment as a family dwelling shall not be classified as a Congregate Care Facility for purposes of imposing different zoning requirements.

[15] A residential care facility, group home, or other protected residential use shall not be classified as a single room occupancy facility for purposes of imposing zoning requirements prohibited by applicable state or federal law.

(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; Ord. No. 1547, § 3(Exh. A), 6-25-19; Ord. No. 1552, § 6—9, 1-28-20; Ord. No. 1565, §§ 9—11, 7-14-20; Ord. No. 1577, § 14, 9-28-21; Ord. No. 1596, § 2, 10-24-23; Ord. No. 1600, § 5, 2-27-24)

17.12.050 Use Specific Development Standards.

The following standards apply to specific uses in the commercial and industrial districts. For residential uses in commercial districts, see Table 17.08.030, and the use specific standards contained in Section 17.08.030.

Table 17.12.050

Use Specific Development Standards

	DC	GC	HSC	PO	I	AI	BP	IMR
A. Adult Entertainment					*			
B. Alcohol Beverage License	*	*	*			*		
C. Automobile Dismantling					*			
D. Automobile Sales		*	*		*		*	
E. Business Parks on Ramsey							*	
F. Business Parks not on Ramsey								
G. Day Care Centers	*	*	*	*			*	
H. Downtown Commercial Standards	*							
I. Drive-Through restaurants	*	*	*	*				
J. Massage Parlors	*	*	*	*				
K. Mini-Storage	*				*			
L. Senior Citizen and Congregate Care Housing	*			*			*	
M. Service Stations		*	*			*		
N. Service Station Conversions	*	*	*	*	*	*	*	
O. Single Family, Existing	*	*	*	*	*	*		
P. Single Family Office Conversions	*	*	*	*				
Q. Tattoo and Body Piercing Studios	*	*	*	*	*	*		
R. Hookah and Smoking Lounge		*	*	*	*	*	*	
S. Fortune-Telling		*	*	*	*	*	*	
T. Emergency Shelters						*		
U. Community Gardens	*	*	*	*	*	*	*	*
V. Cannabis Commercial Indoor Cultivation					*			
W. Cannabis Manufacturing Level 1					*			
X. Cannabis Testing Laboratory					*			
Y. Cannabis Retailer			*					
Z. Cannabis Distribution Facility					*			
AA. Cannabis Microbusiness					*		*	

A. Adult Entertainment. See Municipal Code.

B. Alcohol Beverage Control "ABC" License.

1. Alcoholic Beverage Control Board licenses are required for any business wishing to sell such beverages on- or off-site. These licenses are issued by the State of California. As indicated in Table 17.12.020, a Conditional Use Permit is required by the City in addition to the State license, except for sit-down restaurants where the on-site sale of alcoholic beverages is secondary to the primary function of the service of food. These businesses are exempt from the requirement for a Conditional Use Permit.

2. In addition to any conditions of approval imposed by the Planning Commission, the following standards shall apply:

    a. Establishments shall not be located within 500 feet of any school or public park within the City.

    b. The license application shall be reviewed by the police department prior to planning commission approval.

3. A bar or lounge is permitted in sit-down restaurants for the convenience of patrons. (Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.)

C. Automobile Dismantling. As indicated in Table 17.12.020, a conditional use permit is required for automobile wrecking/parts salvaging businesses. The following standards shall apply:

1. The minimum site area shall be twenty thousand square feet.

2. With the exception of structures or required landscaping areas, the site shall be entirely paved.

3. All vehicles, parts of vehicles or vehicle parts shall be fully screened from view from adjacent properties, the public right of way, or the Interstate 10 corridor.

4. No activity, including dismantling, service, loading or unloading shall be permitted on the adjacent public right-of-way. All such activities shall be conducted entirely within the property boundaries.

5. Any service bays shall be oriented so as not to face the public right-of-way.

6. Storage, use and removal of toxic substances, solid waste, and flammable liquids shall conform to all applicable federal, state and local regulations. All required licensing shall be maintained in good order at all times. Lapse or revocation of any required license shall result in the voiding of the conditional use permit.

7. A trash enclosure shall be constructed to the standards established by the public works department, and sufficient in size to accommodate the trash generated by the business. The trash enclosure shall include three walls and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

8. All exterior lighting shall be approved by the community development department. Lighting shall be limited to that necessary to light the project site. No lighting source shall be visible, or shall be permitted to spill over to adjacent properties.

9. Outdoor hoists shall be prohibited.

10. Exterior noise generated by the use shall not exceed 65 dBA at the property line.

11. All signage shall comply with the provisions of Chapter 17.36 (Sign Standards).

12. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.32 (Landscaping Standards).

13. All parking shall comply with the provisions of Chapter 17.28 (Parking and Loading Standards).

14. The entry shall be offset to minimize the view into the site.

D. Automobiles Sales. Technical Staff Review shall be required for all businesses selling new or used vehicles, and all dealerships must be constructed in the following manner:

1. The minimum site area shall be fifteen thousand square feet, except where a larger minimum area is required.
2. All parts, accessories, etc., shall be stored within a fully enclosed building.
3. Service and associated car storage areas shall be screened from public view.
4. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys.
5. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
6. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces.
7. No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.
8. All exterior lighting shall be approved by the community development department. Lighting shall be limited to that necessary to light the project site. No lighting source shall be visible, or shall be permitted to spill over to adjacent properties.
9. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.32 (Landscaping Standards).
10. All on-site signage shall comply with the provisions of Chapter 17.36 (Sign Standards).
11. All on-site parking shall comply with provisions of Chapter 17.28 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
12. A trash enclosure shall be constructed to the standards established by the public works department, and sufficient in size to accommodate the trash generated by the business. The trash enclosure shall include three walls and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.
13. Automobile display area shall be paved.
14. Chain link fence or chains are prohibited; wrought iron or decorative block walls are encouraged.

E. Business Park Development on Ramsey Street. Development in the Business Park district which has a property line adjacent to Ramsey Street shall conform to the following criteria:

1. At least fifty percent of the lineal frontage on Ramsey Street shall be occupied by retail commercial land uses.
2. A minimum landscaped setback of twenty-five feet shall be provided for all property lines adjacent to, or across a street or alley from, residentially designated properties.
3. Walls and fences may be provided in the front, sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in subsection 2, above.
4. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.

5. Loading areas and loading docks shall be located on the side of the lot to the greatest extent possible.

6. Manufacturing activities shall be prohibited before 7:00 A.M. or after 7:00 P.M., on Saturdays and Sundays, and legal holidays.

7. All projects which include a manufacturing component shall be required to complete an Initial Study under the California Environmental Quality Act, and may be required to prepare specialized air quality or other analyses, as determined necessary by the Director.

8. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the Design Review application.

F. Business Park Development Not on Ramsey Street. Development in the Business Park district shall conform to the following criteria:

1. A minimum landscaped setback of twenty-five feet shall be provided for all property lines adjacent to, or across a street or alley from, residentially designated properties.

2. Walls and fences may be provided in the front, sides and rear yards. Wall, fences, and gates that are to be used for screening purposes shall be decorative solid block walls, or stucco block walls, or wrought iron (open fencing shall be backed by solid or perforated metal colored to match the fence or gate) or a combination of decorative block wall and wrought iron grill work. Colors and materials for the walls and fences shall be compatible with the building architecture. The wall shall be located at the interior boundary of the landscaped setback if required in subsection 1, above.

3. Outdoor storage, outdoor fabrication or manufacturing activities shall be completely screened from view.

4. Loading areas and loading docks shall be located on the side of the lot, away from residentially designated property, to the greatest extent possible.

5. Hours of operation shall be determined during project review.

6. All projects which include a manufacturing component shall be required to complete an Initial Study under the California Environmental Quality Act, and may be required to prepare specialized air quality or other analyses, as determined necessary by the Director.

7. Exterior lighting shall not spill onto adjacent properties. Lighting plans, including lighting levels at property lines, shall be submitted as part of the Design Review application.

G. Day Care Centers. Refer to Section 17.08.060.

H. Downtown Commercial Development. The Downtown Commercial zoning district applies to a clearly defined and limited area of the City which represents its core and its history. The following standards shall apply to all structures and land uses in the Downtown Commercial district. Design guidelines shall be utilized in concert with these standards.

1. All land uses permitted by right in Table 17.12.020 in the Downtown Commercial district, and proposed for an existing structure, without expanding that structure, shall require a business license. No Design Review shall be required.

2. Multi-family/High Density residential uses shall be permitted at a density of up to 30 dwelling units per acre. Multi-family residential uses are prohibited on the ground floor on Ramsey Street and San Gorgonio within the Downtown Commercial district. Multi-family uses on Ramsey Street and San Gorgonio must occur above commercial uses. In the balance of the district, multi-family uses may occur on any level.

3. Multi-family residential uses shall be subject to the following Design Standards:

    a. Minimum front for Multi-family/High Density Units: 15-feet

    b. Minimum interior side: 4-ft.

    c. Minimum street side: 4-ft.

    d. Minimum rear setback: 15-ft.

4. Multi-family residential uses, for lots smaller than 3,000 sf. Or less than 35-ft. wide, shall be subject to the following Design Standards:

    a. Minimum interior side: 3-feet

    b. Minimum street side:3-feet

    c. Height Regulations

    d. Maximum height for accessory structures: 15 ft.

5. Multi-family residential uses shall provide the following outdoor space for each unit:

    a. Private Outdoor Space. A minimum private outdoor space of forty (40) square feet shall be provided for each dwelling unit. Such private outdoor space shall be designed as a patio, deck, or balcony and shall have a minimum length or width of four (4) feet and shall be directly accessible and an integral part of the dwelling unit which it serves.

    b. Common Outdoor Space. A minimum common outdoor space of two hundred (200) square feet shall be provided per dwelling unit for the first twenty-five (25) dwelling units on a lot; a minimum common outdoor space of one hundred fifty (150) square feet shall be provided per dwelling unit for each additional dwelling unit above fifty (50) on a lot. Any common outdoor space shall have a minimum level surface dimension of ten (10) feet and a minimum area of two hundred (200) square feet. Landscaping and seating shall be permanently integrated into all required common outdoor spaces. No street front setback area of street side setback area shall be used for common outdoor space.

I. Drive-Through Restaurants. The following standards shall apply for all drive-through restaurants.

    1. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.

    2. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections. Drive-through aisles shall be constructed with (PCC) concrete.

    3. Drive-through aisles shall provide sufficient stacking area behind menu board to accommodate a minimum of 6 cars.

    4. No drive-through aisles shall exit directly onto a public right-of-way.

    5. Parking areas and the drive-through aisle and structure shall be setback from the ultimate curb face a minimum of 25 feet.

    6. Landscaping, berming, and/or decorative walls shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of readerboard signs and directional signs. Screening shall be combined to total 6 feet in height.

    7. Menu boards shall be a maximum of 30 square feet, with a maximum height of 7 feet, and shall face away from the public right-of-way.

8. The architectural style of a drive-through restaurant proposed within an existing shopping center shall be consistent with the architecture of that center in form, materials, colors, scale, etc. Articulation of building surfaces through the use of openings, recesses and high-relief mouldings which create texture and shadow patterns is required.

9. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.32 (Landscaping Standards).

10. All on-site signage shall comply with the provisions of Chapter 17.36 (Sign Standards).

11. All on-site parking shall comply with provisions of Chapter 17.28 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.

12. A trash enclosure shall be required, constructed to the standards established by the Public Works Department, and sufficient in size to accommodate the trash generated by the business. The trash enclosure shall include three walls and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

J. Massage Parlors. See Banning Municipal Code.

K. Mini-Storage. Mini-storage facilities shall meet the following standards:

1. The minimum site area shall be 20,000 square feet.

2. The site shall be entirely paved, except for structures and landscaping.

3. All on-site lighting shall be energy efficient, the light source shall not be visible, shall be stationary and directed away from adjoining properties and public rights-of-way.

4. The site shall be completely surrounded by a 6 foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gates(s) shall be maintained in good working order and shall remain closed except when in use.

5. Aisle width shall be a minimum of 24 feet between buildings to provide unobstructed and safe circulation.

6. All storage shall be located within a fully enclosed structure(s), except for vehicle storage, if permitted.

7. No flammable or otherwise hazardous materials shall be stored on-site.

8. Residential quarters for a manager or caretaker must be provided.

9. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.32 (Landscaping Standards).

10. All on-site signage shall comply with the provisions of Chapter 17.36 (Sign Standards).

11. All parking shall comply with the provisions of Chapter 17.28 (Parking Standards).

12. All structures shall include a trash enclosure, constructed to the standards established by the Public Works Department, and sufficient in size to accommodate the trash generated by the business. The trash enclosure shall include three walls and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

13. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to 7:00 AM to 9:00 PM, Monday through Saturday, and 9:00 AM to 9:00 PM on Sundays.

L. Senior Citizen/Congregate Care Housing Standards. Refer to Section 17.08.180.

M. Service Station Standards. Service stations shall comply with the following standards:

1. New service stations shall be permitted only at the intersections of arterials and secondary roadways.

2. The minimum parcel size shall be 15,000 square feet.

3. All operations shall be conducted entirely within an enclosed structure, except as follows:

   a. The dispensing of petroleum products, water and air from pump islands.

   b. The provision of emergency service of a minor nature.

4. Pump islands shall be located whenever possible behind the main structure and have a minimum of 20 feet from a street property line. A canopy or roof structure shall be required over a pump island, and may extend up to 10 feet from the street property line.

5. The cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.

6. There shall be no more than 2 points of access provided on each street, which shall be a minimum distance of 30 feet apart.

7. No driveway may be located closer than 40 feet to the curb return.

8. The width of a driveway may not exceed 30 feet at the sidewalk.

9. Outside storage of motor vehicles is prohibited.

10. No vehicles may be parked on sidewalks, parkways, driveways or alleys.

11. No vehicle may be parked on the premises for the purpose of offering same for sale.

12. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure.

13. All lighting, including canopy, perimeter, and flood lights shall be energy efficient, stationary and shielded or recessed within the roof canopy. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties.

14. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.32 (Landscaping Standards).

15. All on-site signage shall comply with the provisions of Chapter 17.36 (Sign Standards).

16. All parking shall comply with the provisions of Chapter 17.28 (Parking Standards).

17. All structures shall include a trash enclosure, constructed to the standards established by the Public Works Department, and sufficient in size to accommodate the trash generated by the business. The trash enclosure shall include three walls and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

18. Restroom entrances visible from adjacent properties or public-rights-of-way shall be prohibited.

19. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

N. Service Station Conversions. A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of

pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling, and any additional standards as required by this Zoning Ordinance.

O. Single Family Housing, Existing. Maintenance of non-conforming single-family units which legally existed in the commercial and industrial districts prior to the adoption of this Zoning Ordinance, shall comply with the LDR District Standards. Additions, alteration, and expansions will not be permitted.

P. Single Family/Office Conversions. A structure constructed as a family residence and proposed for conversion to an office use shall require the following:

1. The character of the building facade and landscaping in the front yard shall be maintained.
2. Parking shall be provided on the side or rear of the structure. Access may be permitted from the original driveway if there is a minimum width of ten feet.
3. If the rear property line abuts an alley, access to parking shall be provided from the alley whenever possible.
4. Where two or more single-family residences adjacent to one another are converted to office uses, reciprocal access and parking may be required.
5. Landscaping requirements may be reduced to five percent of the parking area to provide adequate parking.
6. Loading spaces are not required.
7. The structure shall conform to the provisions of the Uniform Fire Code and the Uniform Building Code for commercial structures in effect at the time the structure is converted.
8. Trash receptacles should be placed to the rear of the structure and screened from view. Location and size of receptacles will be determined at project review.

~~Q. Boarding Houses and Single Room Occupancies.~~

~~. All requirements outlined in Section 17.08.201 shall be complied with.~~

~~S.~~Q. Tattoo and Body Piercing Studios. As indicated in table 17.12.020, a conditional use permit is required for tattoo and/or body piercing businesses. The following standards shall apply:

1. The business shall maintain in a sanitary condition at all times both the facilities and employees of the business. All walls, ceilings, floors, furnishings, and instruments used for tattoo and piercing shall be kept in good repair, and maintained in a clean and sanitary condition. Employees shall be required to wash their hands prior to any contact with customers.
2. Officers of the police department, code enforcement division, and the fire department shall have the right to enter any tattoo and body piercing businesses during regular business hours to make reasonable inspection to ascertain whether the provisions of this chapter are being complied with, provided reasonable and normal business operations shall not be interfered with by said inspection.
3. The hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.
4. All activities shall be located indoors.

~~T.~~R. Hookah and Smoking Lounge. As indicated in Table 17.12.020, a conditional use permit is required for all hookah and smoking lounge businesses. The following standards shall apply:

1. The business shall not be located within one thousand feet of any other hookah and smoking lounge as measured from any point from the outer boundaries of the property containing the business.
2. The business shall not be located within five hundred feet of any adult-oriented business as measured from any point from the outer boundaries of the property containing the business.
3. The business shall not be located within one hundred feet of any residential use as measured from any point between the outer boundaries of the property containing the business and the nearest property line of a residentially occupied property.
4. The business shall not be located within six hundred feet of a school, park or day care center/family day care home as measured from any point between the outer boundaries of the property containing the business to the nearest property line of the school, park or day care center/family day care home.
5. An outdoor patio shall be required together with any proposed or existing hookah or smoking lounge use.
6. The hours of operation shall be no earlier than 7:00 a.m. and no later than 11:00 p.m.

~~U.~~S. Fortune-Telling. As indicated in Table 17.12.020, a conditional use permit is required for fortune-telling businesses. The following standards shall apply:

1. The business shall not be located within one thousand feet of any other fortune-telling businesses as measured from any point from the outer boundaries of the property containing the business.
2. The business shall not be located within five hundred feet of any adult-oriented business as measured from any point from the outer boundaries of the building lease space containing the business.
3. The business shall not be located within one hundred feet of any residential use as measured from any point between the outer boundaries of the property containing the business and the nearest property line of a residentially occupied property.
4. The business shall not be located within six hundred feet of any school, park or day care center/family day care home as measured from any point between the outer boundaries of the property containing the business and the nearest property line of the school, park or day care center/family day care home.
5. The hours of operations shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.

~~V.~~T. [Emergency Shelters.] In addition to the development standards of the base district provided in Sections 17.12.030 and 17.12.040, emergency shelters shall comply with the following use-specific standards:

1. Maximum of twenty-five beds.
2. Minimum separation of three hundred feet between emergency shelters.
3. ~~Off-street parking ratio of one space per four beds plus one space for each staff member on duty.~~Off-street parking shall comply with the emergency shelter parking requirements in Table 17.28.040A.
4. Management and operations plan required specifying hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, house rules regarding use of alcohol and drugs, on-site and off-site security

procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.

~~W.~~U. Community Gardens. Community Gardens in all zones shall meet the requirements of 17.08.202 Community Gardens.

~~X.~~V. Commercial Cannabis Indoor Cultivation uses 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 17.53.

~~Y.~~W. Commercial Cannabis Manufacturing Level 1 uses 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 17.53.

~~Z.~~X. Commercial Cannabis Testing Laboratory uses 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 17.53.

~~AA.~~Y. 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.

~~BB.~~Z. A Cannabis Distribution Facility 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 requirement of Chapter 17.53.

~~CC.~~AA. A Cannabis Microbusiness 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 requirement of Chapter 17.53.

(Zoning Ord. dated 1/31/06, § 9103.03; Ord. No. 1392, § 6.; Ord. No. 1434, §§ 5—10, 2-8-11; Ord. No. 1448, §§ 4, 6, 5-8-12; Ord. No. 1467, § 5, 8-13-13; Ord. No. 1470, §§ 3, 4, 12-10-13; Ord. No. 1509, §, 4-11-17; Ord. No. 1530, § 4A, 9-25-18; Ord. No. 1535, §§ 4C, 4D, 11-13-18; Ord. No. 1523, § 3D, 7-10-18; Ord. No. 1531, § 3D, 11-13-18; Ord. No. 1577, §§ 15, 16, 9-28-21; Ord. No. 1596, § 2, 10-24-23)

17.28.040 Number of required parking spaces.

Table 17.28.040A

Residential Parking Requirements

Use	Number of Required Parking Spaces
Single family dwellings	Two covered spaces within an enclosed garage
Multi-family residential:	
Studio and one bedroom	One covered parking space per unit, plus one uncovered guest parking space for every 4 units
Two bedrooms	Two covered parking spaces per unit, plus one uncovered guest parking space for every 4 units
Three or more bedrooms	Three covered parking spaces per unit, plus one uncovered guest parking space for every 4 units
Planned unit developments including single family dwellings and condominiums	Two covered spaces within an enclosed garage per unit, and one uncovered off street guest parking space for every five units
~~Residential day care~~ Small and large family day care	~~Two spaces in addition to those required for the primary residence~~ No parking spaces in addition to those required for the dwelling of the same type in the same zoning district.
Residential uses, State- or federally protected	Same as a family dwelling of the same type in the same zone, subject to applicable exemptions, reductions, and reasonable accommodations.
Senior citizen apartments	One covered space for each unit, plus one uncovered space for each three units for guest parking
Senior congregate care	One covered space for each unit
Mobile Home Parks	Two covered parking spaces within an enclosed Garage, which may be tandem, and one uncovered guest space for each unit
Emergency Shelter[1]	Subject to the parking requirements authorized by Government Code Section 65583(a)(4)

[1]Including parking sufficient for employees working in the shelter, provided that the requirement shall not exceed the parking required for other residential or commercial uses in the same zone.

Table 17.28.040B

Commercial and Industrial Parking Requirements

Use	Number of Required Parking Spaces
Adult businesses	One space for each 200 square feet of gross floor area, plus one space for each employee
Bowling Alley	Three spaces per lane, plus any spaces required for incidental uses such as pro shops, coffee shops, arcades, bars, etc.)
Driving range	Four spaces, plus one space per tee.
Golf course	Six spaces per hole, plus any spaces required for incidental uses such as pro shops, bars, banquet rooms, etc.
Miniature golf	Three spaces per hole, plus any spaces required for incidental uses such as game rooms, food services, etc.
Tennis/ racquetball courts	Three spaces per court, plus any spaces required for incidental uses.

RV parks	One space for each recreational vehicle space, unless more are required by the Director as a result of the development review process.
Commercial Recreation Facilities: Amusement parks/ recreation parks/theme parks/ drag strips and skating rinks	One space per three persons at maximum capacity
Video arcades/ go carts	One space per 200 square feet of enclosed space, plus one space per three persons at maximum capacity.
Art/ dance studio	One space per employee, plus one space per two students at maximum capacity, unless revised by the Director as a result of the development review process.
Banks and financial offices	One space for each 200 square feet of gross floor area, plus one free, unimpeded lane able to accommodate six vehicles for each drive up window.
Barber shop	Two spaces for each barber chair
Beauty parlor	Three spaces for each beautician station
Business/ professional/ trade schools	Two spaces for each three students.
Carwash, self-service	Two spaces per stall, plus queuing lanes in front of each stall which are able to accommodate two vehicles
Carwash, full service	One space per every two employees on the maximum shift, plus one space for every 200 square feet of commercial or office area, plus queuing lanes in front of each stall which are able to accommodate two vehicles
Commercial stables	One space for each four horses boarded on-site
Furniture/ appliance stores	One space for each 500 square feet of gross floor area of sale floor display area, plus one space for each 2500 square feet of gross floor area of warehouse storage
Health clubs	One space for each 200 square feet of gross floor area
Hotels/motels	1 space for each bedroom, plus requirements for related commercial uses, plus two spaces for manager's unit if any. For facilities visible from any freeway, on-site parking for "big rigs" shall be generous, and shall be determined by the Director as a result of the development review process.
Indoor retail concession mall	One space for each 200 square feet of gross floor area, plus one space for each vendor.
Oil change and tune up facilities	One space per bay, plus one space for each employee on the maximum shift, plus two queuing lanes in front of each bay which are able to accommodate two vehicles
Multi tenant auto related facilities	One space for each 200 square feet of gross floor area, plus one space for each employee on the maximum shift.
General Offices	For up to 2000 square feet of gross floor area, one space for each 200 sq. ft. For 2001 to 7500 square feet of gross floor area, one space for each 250 sq ft. For over 7500 square feet of gross floor area, one space for each 300 sq ft.
Medical/ dental offices	Ten spaces for the first 2000 sq, plus one space for each additional 175 sq. ft. (or fraction thereof) above 2000
Restaurants, cafes, bars and other eating and drinking facilities (gross floor area includes any outdoor seating, drinking and eating areas)	One space for each 35 sq feet of public seating area, plus one space for each 200 sq. ft. of all other gross floor area, with a minimum of ten spaces.

Drive up or drive thru restaurants	One space for each 100 sq. ft. of gross floor area, plus one lane for each drive up window with stacking space for six vehicles before the menu board.
Deli/ doughnut shop	One space for each 100 square feet of gross floor area.
Retail commercial	One space for each 250 square feet of gross floor area
Retail plant nursery/ garden shop	One space for each 500 sq. ft. of indoor display area, plus one space for each 2000 sq. ft. of outdoor display area.
Service Stations	One space for each service bay, plus one for each employee, plus requirements for related commercial uses
Shopping centers	One space for each 250 sq. ft. of gross floor area for tenants within the main structure and in stand alone buildings. One space for each 225 sq. ft. of gross floor area for single tenants with over 15,000 square feet.
Swap meet	One space for each 200 square feet of gross floor area, plus one space for each vendor space
Vehicle repair/ garage	Five spaces plus one space for each 200 square feet of gross floor area
Vehicle sales	One space for each 400 sq. ft. of gross floor area for the showroom and office, plus one space for each 2000 sq. ft. of outdoor display area, plus one space for each 500 sq. ft. of gross floor area for vehicle repair, plus one space for each 300 square feet of gross floor area for the parts department, plus one space for each employee on the largest shift.
All other commercial uses not listed	One space for each 200 sq. ft. of gross floor area.
Parking studies	Required parking for commercial uses may be adjusted with approval of a parking study by the Planning Commission, subject to a finding by the Planning Commission that the parking requirements of the specific use are unique and that the adjustment is therefore warranted.
Junk yards/auto dismantling/recycling center	One space for each 300 sq. ft. of gross building area plus one space for every 5,000 sq. ft. of gross yard area.
Mini-storage	Eight spaces.
Industrial warehousing	For each structure:
1—20,000 sq ft	Minimum of two spaces plus one space for each 1,000 sq. ft. of gross floor area
Over 20,000 sq ft	22 spaces plus one space per 2,000 sq. ft. for portion over 20,000 sq ft
Trucks	One tractor trailer space per 4 high dock doors
Manufacturing uses	Minimum of two spaces plus one space per 600 sq. ft. of gross floor area
Trucks	One tractor trailer space per 4 high dock doors

Table 17.28.040C

Institutional Parking Requirements

Use	Number of Required Parking Spaces
Boarding houses, dormitories, single room occupancies and similar facilities	One (1) space per room, or one (1) space per two (2) beds, whichever is greater.
Churches, conference/meeting facilities, mortuaries, theaters, auditoriums	One (1) space for each four (4) fixed seats, or one space for each thirty-five (35) square feet of non-fixed seating area in the principal sanctuary, conference space or auditorium, whichever is greater.

Community college/university	Twelve (12) spaces for each classroom.
Day care centers	One (1) space for each staff member, plus one (1) space for each eight (8) children.
Elementary school/junior high	Three (3) spaces for each classroom.
High school	Eight (8) spaces for each classroom.
Hospitals	Three (3) spaces for each two (2) patient beds, or as determined in the development review process.
Libraries, museums, art galleries	One (1) space for each three hundred (300) sq. ft. of gross floor area, or as determined in the development review process.
Sanitariums/nursing homes	One (1) space for each five (5) beds, plus one (1) space for each employee on the largest shift, plus one (1) space for each staff doctor.
Senior congregate care housing	Two (2) spaces for each three (3) living units.

(Zoning Ord. dated 1/31/06, § 9107.04; Ord. No. 1355, § 3 (part); Ord. No. 1392, § 4.)

(Ord. No. 1407, § 3, 5-26-09; Ord. No. 1530, § 4E, 9-25-18)

~~17.08.060 Day care center design standards.~~

~~A. Day Care Homes for up to six (6) children are allowed in all residential zones.~~

~~B. Large day care homes taking care of 7 to 12 children may be located no closer than 500 feet in any direction from an existing large family day care home, measured from property line to property line, except that they may be located no closer than 250 feet measured from property line to property line from any existing large family day care home fronting on a different street.~~

~~C. Day Care Centers are those uses with more than twelve children, and are considered a specific land use regulated by the City's zoning code. These are permitted in certain residential districts, are a conditional use in other residential districts, and are prohibited in the remaining group of residential districts. In zones where Day Care Centers are permitted or can obtain a Conditional Use Permit, these centers shall adhere to the following standards:~~

~~1. The facility must conform to all property development standards of the land use district in which it is located.~~

~~2. Large facilities may not be located within 500 feet of another day care center.~~

~~3. An outdoor recreation area of 75 square feet per child is required. The outdoor play area shall be located in the rear area. Stationary play equipment shall not be located in the front yard, or in the required side yards.~~

~~4. A six-foot high solid decorative fence or wall shall be constructed on all property lines with the exception of the front yard. No fences shall be allowed in the front yard. Materials, textures, colors and design of the fence or wall shall be compatible with on-site development and with adjacent properties. All fences or walls shall provide for safety with controlled points of entry. In cases where day care is located on a property larger than one acre, it is excessive to require as much fencing and walls as are indicated above, therefore, the this design standard may be adjusted by the Community Development Director with the approval of the Planning Commission.~~

~~5. Landscaping of the lot consistent with that prevailing in the neighborhood, or shall be of a higher quality, and must be installed and maintained pursuant to the Landscaping Standards shown in Chapter 17.32 of the City's Zoning Ordinances.~~

~~6. All on-site parking shall be provided pursuant to the provisions of Parking Standards shown in Chapter 17.28 of the City's Zoning Ordinances. On site vehicle turnaround or separate entrance and exit points, as well as adequate passenger loading spaces, must be provided.~~

~~7. All on site lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity appropriate to the permitted use of the property.~~

~~8. All on-site signage shall comply with the provisions of the City's Zoning Ordinances.~~

~~9. The center shall contain a fire extinguisher and smoke detector devices and shall meet all standards established by the City Fire Marshall.~~

~~10. A center within a residential land use district may operate up to 14 hours a day.~~

~~D. Large day care homes taking care of 7 to 12 children (as opposed to Day Care Centers taking care of 13 or more children), may be located no closer than 500 feet in any direction from an existing large family day care home, measured from property line to property line, except that they may be located no closer than 250 feet measured from property line to property line from any existing large family day care home fronting on a different street.~~

~~(Zoning Ord. dated 1/31/06, § 9102.03(2)(B).)~~

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AFFIDAVIT OF PUBLICATION

Record Gazette

218 N. Murray St., Banning, CA 92220

Proof of Publication
(2015.5 C.C.P.)

PHN PC PZTA26-0002 11-04-2026

State of New Jersey, County of Camden, ss:

I, Tiffannie Wrobel, of lawful age, being duly sworn upon oath depose and say that I am a citizen of the United States, I am over the age of eighteen years, and not party or interested in the above entitled matter. I am the Agent 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:

Publication Dates:
- Oct 9, 2026

Notice ID: 2ImPVLn44a9X3ORTVzR1
Notice Name: PHN PC PZTA26-0002 11-04-2026
Publication Fee: $329.15

Tiffannie Wrobel
Agent

VERIFICATION
State of New Jersey
County of Camden

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

Signed or attested before me on this: 10/20/2026

Notary Public
Notarized remotely online using communication technology via Proof.

CITY OF BANNING
NOTICE OF A PUBLIC HEARING AND CEQA ENVIRONMENTAL DETERMINATION

NOTICE IS HEREBY GIVEN that a Public Hearing has been scheduled before the Planning Commission of the City of Banning on Wednesday, November 4, 2026, beginning at 5:30 PM in the Banning City Council Chambers located at 99 East Ramsey Street, Banning, CA 92220 to consider the proposed project described below. To observe the public meeting live through your personal computer or smart phone, you may click on the following link: https://banninglive.viebit.com or view the meeting on the Banning Government Channel on Cable Television.

Project Case Type(s) and Number(s): Zone Text Amendment PZTA 26-0002
Applicant's Name/Address: City of Banning
Project Location/APN No(s): Citywide
Project Description: The Planning Commission will consider and make a recommendation to the City Council regarding a zone text amendment to update provisions of Title 17 of the Banning Municipal Code concerning family day care homes, day care centers, residential care facilities, boarding houses, single room occupancy facilities, senior citizen/congregate care housing, and other state-protected residential uses. The amendment would update applicable definitions and permitted-use classifications; remove or revise local permitting, separation, parking, and operational requirements that conflict with state law; distinguish family day care homes from day care centers; and update related use-specific standards, development standards, and parking requirements.
CEQA Environmental Determination: The Planning Commission will consider and make a recommendation to the City Council to adopt a General Rule ("Common Sense") Exemption in accordance with Section 15061(b)(3) of the California Environmental Quality Act ("CEQA").

Review of Project Information: The November 4, 2026 Planning Commission agenda packet, including applicable development plans, applicable technical studies and related environmental documents, may be viewed on the City's website after it is has been published by the Secretary of the Planning Commission (tentatively set for 10/28/26) by clicking on the following web address link: http://www.banning.ca.us/906/Agendas-and-Minutes---2024-to-Present . For additional information about the proposed project, please contact the Development Services Department during regular business hours (Monday – Friday; 8:00 a.m. to 5:00 p.m.) at (951) 922-3125. You may also email the Planning Division at planning2@banningca.gov for additional information.

Written/Oral Comments on this Project: Written and/or oral comments to the Planning Commission on the proposed project described in this notice may be made verbally at the hearing and/or in writing before the hearing. Written comments may be also submitted to the Planning Commission electronically by sending an email to csantello@banningca.gov , or may be mailed/delivered directly to City Hall, Attention: Planning Division, at 99 E. Ramsey Street, Banning, CA 92220 or PO Box 998 Banning, CA 92220. Transmittal of any comments is required to be made prior to the start of the Planning Commission meeting. Any correspondence received during or after the meeting will be distributed to the Planning Commission as soon as practicable and retained for the official record. Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing (Government Code Section 65009[b][2]).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at 951-922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Banning y puede hablar con Cheryl Santello, teléfono (951) 922-3125.

Publishing Date: October 9, 2026
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CITY OF BANNING
STAFF REPORT

TO:	**PLANNING COMMISSION**
FROM:	**Matthew Bassi, Senior Project Manager**
PREPARED BY:	**Matthew Bassi, Senior Project Manager**
MEETING DATE:	**November 4, 2026**
SUBJECT:	**Zoning Text Amendment No. 26-0007 (PTZA 26-0007) - A City initiated zoning text amendment to modify Chapters 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) of the Banning Municipal Code related to public hearing notification standards and procedures.**

STAFF RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

1. Find and determine that Zoning Text Amendment No. ZTA 26-0007 is not subject to the California Environmental Quality Act Guidelines (CEQA) pursuant Section 15061(b)(3) of CEQA; and

2. Adopt a Resolution entitled:

PC RESOLUTION 2026-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) AND APPROVAL OF ZONE TEXT AMENDMENT NO. 26-0007 TO AMEND CHAPTERS 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) OF THE BANNING MUNICPAL CODE TO MODIFY THE PUBLIC HEARING NOTIFICATION (NOPH) PROCEDURES AND STANDARDS FOR PROJECTS REQUIRING A PUBLIC HEARING

PROJECT APPLICANT:

City of Banning, Planning Department.

BACKGROUND:

In May and June of 2025, the Planning Department brought forward to the Planning Commission and City Council a presentation to discuss expanding upon the city's current public hearing noticing requirements and procedures. A copy of the May 7th PC report packet and June 10th CC report packet is provided for Commission review (Attachment 3 & 4, respectively). Both the Planning Commission and City Council provided feedback from these study sessions and ultimately provided direction to Staff to prepare a code amendment with the goal of expanding public awareness of the city's land use applications so more residents could get involved (if they choose) in the hearing process.

Zoning Text Amendment No. 26-0007 has been prepared to address the direction provided to Staff by the Planning Commission and City Council. It is Staff's opinion that the proposed standards for

expanded public noticing has been achieved as requested. A copy of the draft ordinance is provided for Commission review and consideration in Exhibit A of PC Resolution No. 2026-09 (Attachment 1).

DESCRIPTION:

The current public noticing regulations for public hearings are outlined in Chapter 17.68 of the Banning Municipal Code. A copy of this chapter is provided for Commission review in Attachment 6. Only Section 17.68.020 (highlighted in yellow in Attachment 6) is proposed to be amended with ZTA No. 26-0007 while the remaining subsections of the chapter are not applicable to this code amendment.

The Planning applications reviewed by the Planning Commission and City Council that are subject to the public noticing requirements of Section 17.68.020 are as outlined below. Staff is proposing to amend each of these sections only to reference the new noticing standards proposed for Section 17.68.020.

- Conditional Use Permit (CUP) – Chapter 17.52
- Design Review (DR) – Chapter 17.56
- Development Agreement (DA) – Chapter 17.60
- General Plan Amendments (GPA) & Zone Changes (ZC) – Chapter 17.64
- Specific Plans (SP) – Chapter 17.96
- Specific Plan Amendments (SPA) – Chapter 17.96
- Variance – Chapter 17.112
- Zoning Ordinance Amendment– Chapter 17.116

The current regulations for public noticing on the planning applications noted above are limited in scope and are summarized as follows:

- Public hearing notices must be mailed to residents and published in a local newspaper of general circulation (i.e., Record Gazette or Press Enterprise) only 10 days prior to a Planning Commission and/or City Council hearings.
- Public hearing notices must also be mailed to property owners that fall within a 300-foot radius of the subject site. For properties zoned R/A, R/A/H, RR, RR/H, the public hearing notice shall be mailed to property owners within a 1,200-foot radius of the subject site.
- If the number of public hearing notices to be mailed is greater than 1000, state law (Government Code Section 65091) allows the public hearing notice to be published as a "display advertisement" in a local newspaper of general circulation (i.e., Record Gazette or Press Enterprise) that is at least 1/8 page in size.
- The list of property owners addresses for mailers must be typed on gummed labels, together with required postage, and the list shall be prepared and certified by a title insurance company, civil engineer or surveyor licensed to practice in California.
- All public hearing notices shall state the nature of the proposed request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body.

The changes Staff is proposing with ZTA No. 26-0007 for public noticing on the planning applications are begin expanded as requested by the Planning Commission and City Council during the May 7, 2025 and June 10, 2025 study sessions meetings. The proposed changes are summarized below and are highlighted in red font. Please refer to Attachment 1 of PC Resolution No. 2026-09 for greater detail on these changes.

- Public hearing notices must be mailed to property owners and published in a local newspaper of general circulation (i.e., Record Gazette or Press Enterprise) only 20 days prior to a Planning Commission and/or City Council hearings.
- Public hearing notices must also be mailed to property owners that fall within a 600-foot radius of the subject site. For properties zoned R/A, R/A/H, RR, RR/H, the public hearing notice shall be mailed to property owners within a 1,200-foot radius of the subject site.
- If the subject property is located within 600 feet of a multi-family use (e.g.; apartments,

townhomes, etc.) or located adjacent to an HDR or VHDR multi-family zone district, then a written notice (with a diagram of the subject property site) shall also be mailed to each owner and/or tenant of the multi-family use at least twenty (20) days prior to the scheduled public hearing date. (this a new subsection)

- Notice for a public hearing requiring a general plan amendment, zone change specific plan, specific plan amendment, development agreement or similar legislative application, shall be mailed to the property owners within a 1,200-foot radius of the subject site at least twenty (20) days prior to the scheduled public hearing date. (this a new subsection)
- For properties zoned R/A, R/A/H, RR, RR/H, the public hearing notice shall be mailed to property owners within a 1,200-foot radius of the subject site. (this remains the same)
- The applicant/proponent for which a public hearing is required shall provide to the planning department (at least 14 days prior to the notice publication date), a list of the real property owners with associated assessor radius maps prepared by a certified title insurance company. The applicant/proponent shall also provide for each required hearing one (1) set of mailing envelopes to include the name and address of each surrounding property owner, required USPS postage stamp and city return address affixed to each envelope. (this a new subsection)
- If the number of public hearing notices to be mailed is greater than 1000, state law (Government Code Section 65091) allows the public hearing notice to be published as a "display advertisement" in a local newspaper of general circulation (i.e., Record Gazette or Press Enterprise) that is at least 1/8 page in size. (this remains the same)
- Staff has provided a new subsection that establishes regulations for the posting/placement of "on-site public hearing notifications signage" for new residential, commercial and industrial development projects requiring approval by the Planning Commission and/or City Council. The specifics are outlined in the attached Ordinance – refer to Section 7, subsection 17.68.020.C (1 – 6). Also refer to Attachment 2 to review a sample sign board complying with this new subsection.

Summary:
Staff believes the proposed changes address (and exceed) the recommended direction provided by Planning Commission and City Council. Implementation of the new public hearing notification regulations will meet the goal of expanding public awareness of the city's land use applications scheduled for Commission and Council review, as well as increasing the opportunities for residents to get more involved on these projects.

PROJECT ANALYSIS/FINDINGS OF FACTS:

In accordance with the provisions of Chapter 17.116.050 of the Banning Zoning Ordinance, the Planning Commission hereby makes the following findings in support of a recommendation to the City Council for approval of Zone Text Amendment No. 26-0007.

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

Finding of Fact: Zone Text Amendment No. 26-0007 is consistent with the goals and policies of the General Plan in that proposed changes outlined in this Ordinance, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, applies to the various land use designations and land uses permitted within those designations will have consistent public hearing standards that will improve the notification procedures for the general public and will enhance their opportunities to participate in the public hearing process.

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

Finding of Fact: Zone Text Amendment No. 26-0007 is internally consistent with the Zoning Ordinance since the proposed changes outlined in this Ordinance, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, will be consistently applied to all the appropriate planning applications listed in the Zoning Ordinance that require a public hearing.

C. That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding of Fact: Zone Text Amendment No. 26-0007 is exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of CEQA. As stated in this CEQA section, the activity is covered by the "common sense rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since the proposed zone text amendment, which only proposes changes to the city's public hearing notification procedures to enhance and improve notification opportunities on developer projects and city initiated projects, the Planning Commission has determined that approval of ZTA No. 26-0007 will not have a significant effect on the environment.

ENVIRONMENTAL DETERMINATION:

The Planning Commission has reviewed the proposed code amendment as it relates to the California Environmental Quality Act (CEQA) Guidelines. Based on this analysis, the Planning Commission has determined that Zone Text Amendment ZTA 26-0007 is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3). As stated in this CEQA section, the activity is covered by the "common sense rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Since the proposed zone text amendment, which only proposes changes to the city's public hearing notification procedures to enhance and improve notification opportunities on developer projects and city initiated projects, the Planning Commission has determined that approval of ZTA No. 26-0007 will not have a significant effect on the environment. Therefore, the Planning Commission hereby recommends the City Council determine that that ZTA No. 26-0007 is not subject to CEQA in accordance with Section 15061(b)(3) of CEQA.

PUBLIC COMMUNICATION:

In accordance with Section 17.68.020 of the Banning Municipal Code and Government Code Sections 65090 and 65091, the Planning Department published a legal notice in the Record Gazette, a newspaper of general circulation, on October 9, 2026 notifying the general public of the Planning Commission public hearing scheduled for November 4, 2026 to consider Zone Text Amendment No. 26-0007. As this code amendment is not a development application, no further notification is required

ATTACHMENTS:

1. Attach 1 - PCReso 2026-09 (Ex. A-Draft CC Ord] 11-4-26].pdf
2. Attach 2 - NOPH Sample Sign Board.pdf
3. Attach 3 - May 7 2025 PC Workshop Report Packet.pdf
4. Attach 4 - June 10 2025 CC Workshop Report Packet.pdf
5. Attach 5 - NOPH Affidavit of Publishing.pdf
6. Attach 6 - BMC Chapter 17.68 Text.pdf

PC RESOLUTION 2026-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) AND APPROVAL OF ZONE TEXT AMENDMENT NO. 26-0007 TO AMEND CHAPTERS 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) OF THE BANNING MUNICPAL CODE TO MODIFY THE PUBLIC HEARING NOTIFICATION (NOPH) PROCEDURES AND STANDARDS FOR PROJECTS REQUIRING A PUBLIC HEARING

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Banning may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City of Banning proposes Zone Text Amendment No. 26-0007 to amend Chapters 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) of the Banning Municipal Code to modify the public hearing notification (NOPH) procedures and standards for all projects requiring a public hearing; and

WHEREAS, pursuant to Section 17.116.020 of the Banning Zoning Ordinance, the Director is authorized to initiate proceedings and recommend amendments to the Zoning Ordinance; and

WHEREAS, the proposed Amendment does not change the zoning designation of any property, does not approve a specific development project, and does not authorize construction; and

WHEREAS, the Planning Commission has the authority to take action on, and make a recommendation to the City Council regarding Zone Text Amendment No. 26-0007; and

WHEREAS, in accordance with Section 17.68.020 of the Banning Municipal Code, the Planning Department published a legal notice in the Record Gazette, a newspaper of general circulation, on October 9, 2026 notifying the general public of the Planning Commission public hearing scheduled for November 4, 2026 to consider Zone Text Amendment No. 26-0007; and

WHEREAS, in accordance with Section 17.116.030 of the Banning Municipal Code, the Planning Commission conducted a duly noticed public hearing on November 4, 2026 to consider Zone Text Amendment No. 26-0007, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed code amendment

and at which time the Planning Commission made a recommendation to the City Council regarding Zone Text Amendment No. 26-0007.

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

SECTION 1. ENVIRONMENTAL DETERMINATION.

The Planning Commission has reviewed the proposed code amendment as it relates to the California Environmental Quality Act (CEQA) Guidelines. Based on this analysis, the Planning Commission has determined that Zone Text Amendment ZTA 26-0007 is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3). As stated in this CEQA section, the activity is covered by the "common sense rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since the proposed zone text amendment, which only proposes changes to the city's public hearing notification procedures to enhance and improve notification opportunities on developer projects and city initiated projects, the Planning Commission has determined that approval of ZTA No. 26-0007 will not have a significant effect on the environment. Therefore, the Planning Commission hereby recommends the City Council adopt this CEQA exemption based on Section 15061(b)(3) of CEQA.

SECTION 2. REQUIRED ZTA FINDINGS.

In accordance with the provisions of Chapter 17.116.050 of the Banning Zoning Ordinance, the Planning Commission hereby makes the following findings in support of a recommendation to the City Council for approval of Zone Text Amendment No. 26-0007.

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

Finding of Fact: Zone Text Amendment No. 26-0007 is consistent with the goals and policies of the General Plan in that proposed changes outlined in this Ordinance, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, applies to the various land use designations and land uses permitted within those designations will have consistent public hearing standards that will improve the notification procedures for the general public and will enhance their opportunities to participate in the public hearing process.

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

Finding of Fact: Zone Text Amendment No. 26-0007 is internally consistent with the Zoning Ordinance since the proposed changes outlined in this Ordinance, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, will be consistently applied to all the

appropriate planning applications listed in the Zoning Ordinance that require a public hearing.

C. That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding of Fact: Zone Text Amendment No. 26-0007 is exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of CEQA. As stated in this CEQA section, the activity is covered by the "common sense rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since the proposed zone text amendment, which only proposes changes to the city's public hearing notification procedures to enhance and improve notification opportunities on developer projects and city initiated projects, the Planning Commission has determined that approval of ZTA No. 26-0007 will not have a significant effect on the environment.

SECTION 3. PLANNING COMMISSION ACTION.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution 2026-07, recommending that the City Council adopt an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zone Text Amendment No. 26-0007.

PASSED, APPROVED AND ADOPTED this 4th day of November, 2026:

_____
Chris Castorena
Planning Commission Chair
City of Banning

ATTEST:

_____
Sandra Calderon, Deputy City Clerk
Planning Commission
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

_____
Robert L. Patterson, Assistant City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning Planning Commission, do hereby certify that the foregoing PC Resolution No. 2026-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of November, 2026 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Sandra Calderon, Deputy City Clerk
Planning Commission
City of Banning

EXHIBIT 1

Draft City Council Ordinance No. ____

(ZTA No. 26-0007)

DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ADOPTING A GENERAL RULE EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) AND APPROVING ZONE TEXT AMENDMENT NO. 26-0007 TO AMEND CHAPTERS 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) OF THE BANNING MUNICPAL CODE TO MODIFY THE PUBLIC HEARING NOTIFICATION (NOPH) PROCEDURES AND STANDARDS FOR PROJECTS REQUIRING A PUBLIC HEARING

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Banning may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City of Banning proposes Zone Text Amendment No. 26-0007 to amend Chapters 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) of the Banning Municipal Code to modify the public hearing notification (NOPH) procedures and standards for all projects requiring a public hearing; and

WHEREAS, pursuant to Section 17.116.020 of the Banning Zoning Ordinance, the Director is authorized to initiate proceedings and recommend amendments to the Zoning Ordinance; and

WHEREAS, the proposed Amendment does not change the zoning designation of any property, does not approve a specific development project, and does not authorize construction; and

WHEREAS, the City Council has the authority to take action on Zone Text Amendment No. 26-0007; and

WHEREAS, in accordance with Section 17.116.030 of the Banning Municipal Code, the Planning Commission conducted a duly noticed public hearing on November 4, 2026 to consider Zone Text Amendment No. 26-0007, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed code amendment and at which time the Planning Commission made a recommendation via PC Resolution No. 2026-09 to the City Council regarding Zone Text Amendment No. 26-0007; and

WHEREAS, in accordance with Section 17.68.020 of the Banning Municipal Code, the Planning Department published a legal notice on November 13, 2026 in the Record Gazette, a newspaper of general circulation, notifying the general public of the City Council public hearing scheduled for December 8, 2026 to consider Zone Text Amendment No. 26-0007; and

WHEREAS, in accordance with Section 17.116.040 of the Banning Municipal Code, the City Council conducted a duly noticed public hearing on December 8, 2026 to consider the Planning Commission's recommendation on Zone Text Amendment No. 26-0007, and at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed code amendment.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Banning, Riverside County, State of California as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION

The City Council, based upon the recommendation of the Planning Commission, hereby finds and determines that Zone Text Amendment No. 26-0007 is exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of CEQA. As stated in this CEQA section, the approval of the code amendment is covered by the "common sense exemption" that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since the proposed zone text amendment, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, approval of Zone Text Amendment No. 26-0007 will not have a significant effect on the environment. Therefore, the City Council hereby adopts this CEQA "common sense exemption" based on the analysis herein.

SECTION 2. REQUIRED ZTA FINDINGS

In accordance with Section 17.116.050 of the Banning Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, finds and determines as follows:

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

Evidence: Zone Text Amendment No. 26-0007 is consistent with the goals and policies of the General Plan in that proposed changes outlined in this Ordinance, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, applies to the various land use designations and land uses permitted within those designations will have consistent public hearing standards that will improve the notification procedures for the general public and will enhance their opportunities to participate in the public hearing process.

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

Evidence: Zone Text Amendment No. 26-0007 is internally consistent with the Zoning Ordinance since the proposed changes outlined in this Ordinance, which enhances the procedures and increases the minimum radius for notifying the general public about public hearings, will be consistently applied to all the appropriate planning applications listed in the Zoning Ordinance that require a public hearing.

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

Evidence: Zone Text Amendment No. 26-0007 is exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of CEQA. As stated in this CEQA section, the activity is covered by the "common sense rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since the proposed zone text amendment, which only proposes changes to the city's public hearing notification procedures to enhance and improve notification opportunities on developer projects and city initiated projects, the City Council has determined that approval of ZTA No. 26-0007 will not have a significant effect on the environment.

SECTION 3. AMENDMENT TO THE MUNICIPAL CODE

Section 17.52.040 (Hearing and notice) of the Banning Municipal Code is hereby deleted in its entirety and replaced to read as follows:

17.52.040 - Public Hearing Noticing.

A. Upon receipt in proper form of a Conditional Use Permit (CUP) application, the Development Services Director, or his/her designee, shall schedule and notice the application for review by the Planning Commission as a public hearing item on the next available Planning Commission meeting agenda.

B. The public hearing notice for which a CUP application has been scheduled for review by the Planning Commission shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 4. AMENDMENT TO THE MUNICIPAL CODE

Section 17.56.040 (Public meetings, public hearings and notice) of the Banning Municipal Code is hereby deleted in its entirety and replaced to read as follows:

17.56.040 - Public Hearing Noticing.

A. Upon receipt in proper form of a Design Review (DR) application, the Development Services Director, or his/her designee, shall schedule and notice the application for review by the Planning Commission as a public hearing item on the next available Planning Commission meeting agenda.

B. The public hearing notice for which a DR application has been scheduled for review by the Planning Commission shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 5. AMENDMENT TO THE MUNICIPAL CODE

Section 17.60.030.A (Public hearings) of the Banning Municipal Code is hereby amended and replaced to read as follows:

17.60.030.A

A. Upon receipt in proper form of a Development Agreement (DA) application, the Development Services Director, or his/her designee, shall schedule the application as a public hearing on the next available Planning Commission meeting agenda for review and recommendation to the City Council.

1. The public hearing notice for which a DA application has been scheduled for Planning Commission review and recommendation to the City Council shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 6. AMENDMENT TO THE MUNICIPAL CODE

Section 17.64.040 (Hearing and procedure) of the Banning Municipal Code is hereby amended in its entirety and replaced to read as follows:

17.64.040 - Public Hearing Noticing.

A. Upon receipt in proper form of a General Plan Amendment (GPA) application, the Development Services Director, or his/her designee, shall schedule the application as a public hearing on the next available Planning Commission meeting agenda for review and recommendation to the City Council.

B. The public hearing notice for which a GPA application has been scheduled for Planning Commission review and recommendation to the City Council shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 7. AMENDMENT TO THE MUNICIPAL CODE

Section 17.68 (Hearings and Appeals) of the Banning Municipal Code is hereby amended to revise Subsection 17.68.020 in its entirety to read as follows:

17.68.020 – Application Processing

A. Applications shall be reviewed and processed in a manner consistent with the provisions of the California Government Code Sections 65090, 65091, and 66451.3 and Title 17 of the Banning Municipal Code, as applicable.

B. When an application requires a public hearing before the Planning Commission and/or City Council, a public hearing shall be scheduled, and a notice of the hearing shall be given by each of the following methods:

1. A public hearing notice shall be published once in a newspaper of general circulation within the City, and shall state the nature of the request, location of the property, and the date, time, and place of the scheduled hearing. Said notice shall be published a minimum of twenty (20) days prior to the scheduled hearing date. For purposes of this subsection, the twenty (20) day timeframe does not include the publishing date or hearing date.

2. A public hearing notice shall also be provided at least twenty (20) days prior to the scheduled public hearing date by mailing a written notice (with a diagram of the subject property site) to the owners of real property within a 600-foot radius of the exterior boundaries of the subject property using the last known name and address of such owners as shown upon the current tax rolls of the Riverside County Tax Assessor.

   a. If the subject property is located within 600 feet of a multi-family use (e.g.; apartments, townhomes, etc.) or located adjacent to an HDR or VHDR multi-family zone district, then a written notice (with a diagram of the subject property site) shall also be mailed to each owner and/or tenant of the multi-family use at least twenty (20) days prior to the scheduled public hearing date.

   b. If the application for a public hearing requires a general plan amendment, zone change zone, specific plan, specific plan amendment, development agreement or similar legislative application, the notice shall be mailed to the owners of real property within a 1,200-foot radius of the exterior boundaries of the subject property using the last known name and address of such owners as shown upon the current tax rolls of the Riverside County Tax Assessor at least twenty (20) days prior to the scheduled public hearing date.

c. If the subject property is located within the R/A, R/A/H, RR, RR/H, VLDR zone districts, the public hearing notice shall also be mailed to the owners of real property within a 1,200-foot radius of the subject site at least twenty (20) days prior to the scheduled public hearing date.

d. The applicant/proponent for which a public hearing is required shall provide to the planning department (at least 14 days prior to the notice publication date), a list of the real property owners with associated assessor radius maps prepared by a certified title insurance company. The applicant/proponent shall also provide for each required hearing one (1) set of mailing envelopes to include the name and address of each surrounding property owner, required USPS postage stamp and city return address affixed to each envelope.

e. If the number of property owners, residents or tenants to be provided a notice of a public hearing exceeds 1,000, the City in lieu of mailing out public hearing notices, may provide notice by placing a display advertisement at least 1/8 page in at least one newspaper of general circulation within the City in accordance with Government Code Section 65091.

C. On-site Sign for Public Hearing Notifications. It is the intent of this subsection to establish regulations for posting on-site signs that display public hearing information for new residential, commercial and industrial development projects requiring approval by the Planning Commission and/or City Council. Placement and cost of the required on-site sign is the responsibility of the applicant/proponent and shall comply with the following standards:

1. One non-illuminated sign board shall be required per development site, except that if the site has two or more street frontages, one additional sign shall be required on the other street frontage.

2. The sign board(s) shall be placed along the street frontage(s) no more than ten feet (10) behind the right-of-way line.

3. The size of the sign board shall be 4 feet high x 6 feet wide (24 square feet total) made of wood or similar durable material and mounted with two vertical 4" x 4" posts made of wood or similar durable material. The total height of the sign board shall not exceed eight (8) feet from the ground and include the city logo in the upper left corner of the sign board. The noticing information shall include the case number, applicant name and contact information, proposal information, public hearing date and time, and meeting location.

4. The sign board(s) shall be posted on the subject property 20 days prior to the scheduled public hearing date with the Planning Commission and/or City Council. Said sign board shall be removed within ten days after the final public hearing.

5. The applicant/proponent shall provide certification/evidence to the City within 24 hours that the sign board(s) has been installed in accordance with these provisions.

6. The public notice sign board(s) shall be adequately maintained by the applicant/proponent and remain in place on the subject property until the final decision on the application has been made, or the application has been withdrawn. The sign board(s) shall be removed by the applicant within 14 calendar days of the final decision or date of withdrawal. Failure to remove the sign board(s) within the prescribed period of time may result in removal and forfeiture of the sign to the City, with the cost of removal and storage to be paid by the applicant/proponent.

SECTION 8. AMENDMENT TO THE MUNICIPAL CODE

Section 17.96.030 (Hearings and notice) of the Banning Municipal Code is hereby amended in its entirety and replaced to read as follows:

17.96.030 - Public Hearing Noticing.

A. Upon receipt in proper form of a Specific Plan (SP) application, the Development Services Director, or his/her designee, shall schedule the application as a public hearing on the next available Planning Commission meeting agenda for review and recommendation to the City Council.

B. The public hearing notice for which an SP application has been scheduled for Planning Commission review and recommendation to the City Council shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 9. AMENDMENT TO THE MUNICIPAL CODE

Section 17.112.040 (Hearing and notice) of the Banning Municipal Code is hereby deleted in its entirety and replaced to read as follows:

17.112.040 - Public Hearing Noticing.

A. Upon receipt in proper form of a Variance (VAR) application, the Development Services Director, or his/her designee, shall schedule and notice the application for review by the Planning Commission as a public hearing item on the next available Planning Commission meeting agenda.

B. The public hearing notice for which a VAR application has been scheduled for review by the Planning Commission shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 10. AMENDMENT TO THE MUNICIPAL CODE

Section 17.116.020 (Procedures, hearings and notice) of the Banning Municipal Code is hereby deleted in its entirety and replaced to read as follows:

17.116.020 - Public Hearing Noticing.

A. Zoning ordinance amendments may be proposed by the Development Services Director, by the City Attorney, by any member of the Planning Commission or City Council, and by any land owner or his/her agent.

B. Upon receipt in proper form of a Zoning Ordinance Amendment (ZOA) application, the Development Services Director, or his/her designee, shall schedule the application as a public hearing on the next available Planning Commission meeting agenda for review and recommendation to the City Council.

C. The public hearing notice for which a ZOA application has been scheduled for Planning Commission review and recommendation to the City Council shall be given in a manner consistent with the requirements outlined in Section 17.68.020 of this code.

SECTION 11. EFFECTIVE DATE AND PUBLICATION

The Mayor shall sign, and the City Clerk shall certify to the passage of this Ordinance and cause the same, or a summary thereof, to be published within fifteen (15) days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect thirty (30) days after adoption in accordance with Government Code Section 36937.

SECTION 12. SEVERABILITY

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

SECTION 13. PROSECUTION OF PRIOR ORDINANCE

Neither the adoption of this Ordinance nor the repeal or amendment of any prior ordinance of the City shall affect the prosecution of any violation of the Banning Municipal Code committed prior to the effective date of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Banning, California, approves an amendment to the City of Banning Municipal Code.

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk,
City of Banning

APPROVED AS TO FORM:

Phaedra Norton, City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _____ day of _____, 2026, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Sandra Calderon, Deputy City Clerk
City of Banning, California

Sample Sign Board (to be placed on the subject property by the Applicant)

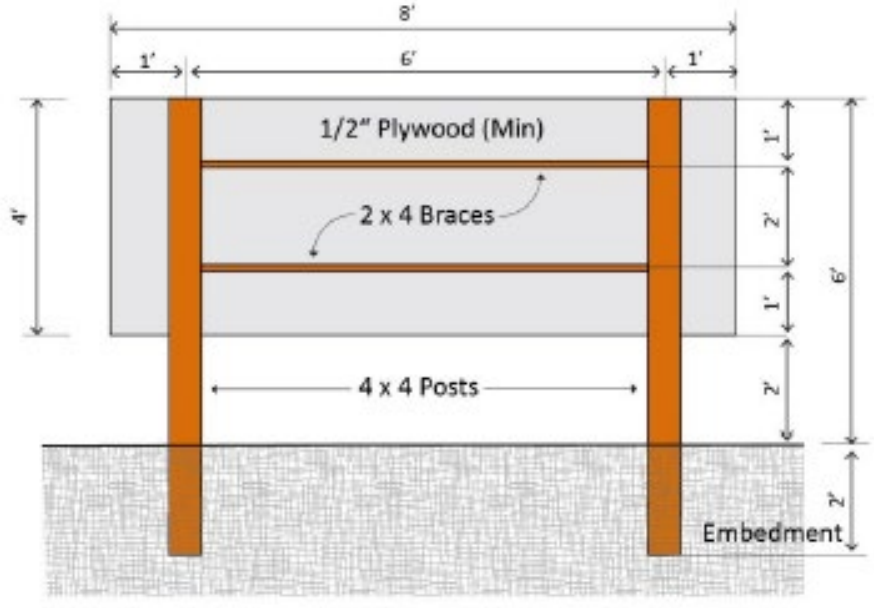
CITY OF BANNING

NOTICE OF PUBLIC HEARING AFFECTING THIS PROPERTY

DATE/TIME: CITY COUNCIL MEETING ON AUGUST 22, 2023 (5:00 PM)
CASE NO.: GENERAL PLAN AMENDMENT (GPA) 23-2501 AND ZONE CHANGE (ZC) 23-3501).
APPLICANT: CITY OF BANNING
PROPOSAL: CHANGE THE LAND USE AND ZONING FROM LOW DENSITY RESIDENTIAL (LDR) (0-5 DU/AC) TO PUBLIC FACILITIES—GOVERNMENT (PF-G)
MEETING LOCATION: CITY OF BANNING CITY COUNCIL CHAMBERS, 99 E. RAMSEY STREET, BANNING, CA, 92220

FOR ADDITIONAL INFORMATION CONTACT
THE COMMUNITY DEVELOPMENT DEPARTMENT AT (951) 922-3131
OR COMMUNITYDEV@BANNINGCA.GOV
WWW.BANNINGCA.GOV

Figure 17.20.020-1 Installation Requirements for Public Notice Signs



CITY OF BANNING
STAFF REPORT

TO:	**PLANNING COMMISSION**
FROM:	**David Newell, Community Development Director**
PREPARED BY:	**David Newell, Community Development Director**
MEETING DATE:	**May 7, 2025**
SUBJECT:	**Discussion on Expanding Public Notification Requirements in Banning Zoning Ordinance Related to Land Use Development Applications.**

PROJECT APPLICANT:

City of Banning
99 E. Ramsey
Banning, CA 92220

BACKGROUND:

At recent Planning Commission meetings, there were some comments made by Commissioners expressing frustration with the City's current public hearing noticing requirements and it was requested that staff bring forward opportunities to expand public awareness of land use applications being processed by the City. The purpose of this report is to identify the existing requirements locally and under state law and provide information on what other jurisdictions are currently requiring that the City might consider for increasing public awareness.

DESCRIPTION:

The City currently requires public hearing notices for the following application types:

- Conditional Use Permit (17.52.040)
- Design Review (17.56.040)
- Development Agreement (17.60.030)
- General Plan Amendment (17.64.040)
- Planned Unit Development (17.92)
- Specific Plan (17.96.030)
- Tentative Tract or Parcel Maps (16.14.030)
- Variance (17.112.040)
- Zoning Code Amendment (17.116.020)

Several of the code sections for the above applications refer to Chapter 17.68 (Hearings and Appeals) of the Banning Zoning Ordinance (BZO), to define the process for public noticing and hearings for land use applications. Section 17.68.020 of this Chapter generally requires that public hearing notices be published in a newspaper of general circulation and mailed to property owners within 300 feet of a project site, both of which are to occur 10 days before the public hearing. There is one exception, however, for Conditional Use Permit applications, which requires that owners within 1,200 feet receive notice if use is within a rural residential zoning district. Attached is a summary of the criteria for each application type that is reviewed by the Planning Commission.

State law provides minimum criteria for land use decisions requiring a public hearing. California

Government Code, Section 65090, et. seq., requires notice be provided similar to the City's current regulations that are described above. While currently compliant with State law, the City does have the ability to expand its noticing requirements to increase public awareness of land use applications, which has been done by other local jurisdictions. Below is summary of other jurisdictions that have expanded requirements.

City	Mailed Notification Recipient	Mailed Notification Radius	Additional Requirements
Moreno Valley	- Owners - If project involves conversion, residents within development	600 feet	None
Palm Desert	Owners	- 500 feet - 1,000 feet for sites of 5 acres+	- Community Engagement Plan requiring 2 meetings - On-site sign (4'x4') notifying of hearing
Palm Springs	Owners, lessees and apartment residents	500 feet	- On-site sign (3'x4') notifying of project under consideration - Email notice to recognized neighborhood organizations - Neighborhood meetings "strongly recommended" but not required
Rancho Mirage	Owners	- 500 feet - 1,000 feet if mailing is otherwise less than 25 owners	None

Of the above cities, Palm Desert made the most recent changes to improving public awareness of proposed projects and has the most robust notification systems for engaging and informing the community. Attached are the Palm Desert ordinances that provide requirements on public hearing notification, on-site signage and required Community Engagement Plan. Also attached is Palm Springs' Developer Neighborhood Outreach Procedures. Other cities provide good examples of expanding the mailed notification radius beyond the 300-foot minimum.

After reviewing the information provided, staff recommends the Planning Commission provide direction on amending the City's ordinances as follows:

1. Notification Recipients - expand to occupants of apartments and/or commercial tenants;
2. Notification Radius - expand to 500 feet minimum; expand to 1,000 feet if notification list is less than 25 recipients or if project site is 5 acres or larger;
3. Additional Requirements, Signage - require on-site sign posting for new developments; if so, require additional signs for larger sites and/or sites with multiple-frontage lots; if so, require for certain application types or developments (i.e. Zoning or General Plan Amendments, Specific Plans, Design Review, Conditional Use Permits involving certain uses, such as cannabis and new construction) but not all application types (exclude Historic Resources, Tentative Tract/Parcel Maps, Variances); if so, identify content (Project Under Consideration or Notice of Upcoming Hearing) and timing of sign installation (i.e. within 30 days of formal application or 10 days prior to hearing);

4. Additional Requirements, Neighborhood Meetings - require or strongly recommend neighborhood outreach meetings; if so, identify application types or developments that require outreach; if so, identify quantity of desired meetings.

With direction on the above, staff can prepare revisions to the city's ordinances and schedule this matter for a future Planning Commission hearing, in accordance with BZO Chapter 17.116.

FINDINGS:

None at this time, due to staff seeking direction. If the Commission directs staff to return with an amendment to the Zoning Code, findings will be prepared in accordance with Section 17.116.050.

ENVIRONMENTAL DETERMINATION:

Direction of City's policy and regulations is not deemed to be a Project under the California Environment Quality Act (CEQA). Pursuant to Section 15378(b)(5) of the CEQA Guidelines, a "Project" does not include "Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment." No further analysis is required.

PUBLIC COMMUNICATION:

None

ATTACHMENTS:

1. Summary of Hearing Notice Requirements for Various Applications Reviewed by the Planning Commission
2. Palm Desert Ordinances - Public Hearing Notice and Community Engagement Plan
3. Palm Springs - Developer Neighborhood Outreach Procedures

Summary of Hearing Notice Requirements for Various Applications Reviewed by the Planning Commission in the Banning Zoning Ordinance (BZO)

Application Type	BZO Section	Hearing Notice Criteria
Conditional Use Permit (CUP)	17.52.040	Refers to Chapter 17.68 (Hearings and Appeals) - Notices to be in at least one publication in a newspaper 10 days before hearing - Notices to be mailed to owners of property within 300 ft., except R/A, R/A/H, RR, RR/H, and VLDR zones require notice to owners within 1,200 ft
CUP, Cannabis	17.53.060	Refers to Chapter 17.52 (Conditional Use Permits)
CUP, Cannabis Retailer	17.54.060	Refers to Chapter 17.52 (Conditional Use Permits)
CUP, Surface Mining	17.100.100	Refers to Chapter 17.68 (Hearings and Appeals)
Design Review	17.56.040	Refers to Chapter 17.68 (Hearings and Appeals)
Development Agreement	17.60.030	Refers to Chapter 17.68 (Hearings and Appeals)
General Plan Amendment	17.64.040	Refers to Chapter 17.68 (Hearings and Appeals)
Planned Unit Development	17.92	No reference
Specific Plan	17.96.030	Refers to Chapter 17.68 (Hearings and Appeals)
Tentative Tract or Parcel Map	16.14.010	Refers to Chapter 17.68 (Hearings and Appeals)
Variance	17.112.040	Refers to Chapter 17.68 (Hearings and Appeals)
Zoning Code Amendment	17.116.020	Refers to Chapter 17.68 (Hearings and Appeals)

§ 25.60.060. Public Hearing and Public Notice.

A. **Public hearing required.** The following procedures shall govern the notice and public hearing, where required pursuant to this title. The designated approving authority shall hold a public hearing to consider all applications for a conditional use permit, variance, architectural review, precise plan, planned development, specific plan, zoning code and/or map amendment, pre-zoning, development agreement, and General Plan amendment considered by the Commission or Council.

B. **Notice of hearing.** Pursuant to California Government Code Sections 65090 to 65094, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general description of the matter to be considered and the real property which is the subject of the hearing.

1. Notice of public hearing shall be published in at least 1 newspaper of general circulation in the City.

2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of real property, inclusive of any association governing a common interest development (as defined in Part 5 of Division 4 of the California Civil Code), within a radius of 500 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners, or the name of any association of a common interest development, as applicable, as shown upon the current Tax Assessor's records of Riverside County or the Official Records of Riverside County. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project. If the number of owners exceeds 1,000, the City may, in lieu of mailed notice, provide notice by placing notice in 1 newspaper of general circulation within the City.

    i. Public notification for projects 5 acres or more shall be 1,000 feet for public notifications related to development projects and to ensure adequate community engagement efforts are achieved pursuant to requirements in Section 25.60.160.

    ii. Public notification for Hillside Development Plans shall comply with Section 25.78.020(C) of this title.

    iii. Hearings before the Architectural Review Commission for Design Review associated with an application requiring approval by the Planning Commission and/or City Council will be noticed in accordance with the requirements of this section.

3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.

4. Notice of the public hearing shall be posted at City Hall.

5. Notice of the public hearing shall be mailed to any person who has filed a written

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request for notice.

6. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.

C. **Notice of Zoning Administrator decision.**

1. Notice. The notice of decision shall be provided, in writing, to the applicant, interested parties, neighborhood associations within proximity of the subject site, and properties within 500 feet of the property. The notice shall include:

i. A brief statement explaining the criteria and standards considered relevant to the decision.

ii. A statement of the standards and facts relied upon in rendering the decision.

iii. Findings as listed for each entitlement or justification for the decision based on the criteria, standards, and facts set forth.

iv. An explanation of appeal rights and appeal deadlines.

2. Decision. The ZA may approve, approve with conditions, or deny the application. Decisions shall be based on standards and criteria set forth within this code and shall be accompanied by brief, written findings, and a determination.

3. Appeal. A ZA determination may be appealed to the Commission for a final determination according to Section 25.60.080.

D. **Requests for notification.** Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the Department. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

E. **Receipt of notice.** Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.

F. **Hearing procedure.** Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

G. **On-site public notice signs.**

1. Applicability. All projects requiring a public hearing before the Planning Commission and/or City Council shall be required to post 1 or more public notice signs on the property, which is the subject of the proposed development, in accordance with the requirements of this subsection.

2. Public Notice Sign Requirements.

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i. The applicant shall post informational signs on the property that is the subject of the proposed development. The signs shall be unilluminated, 4 feet by 4 feet in size, and shall include a description of the proposed development, the date, time, and location of the public hearing, and the location where further information can be obtained.

ii. The sign shall be placed in an area of the property most visible to the public, not more than 5 feet from the front property line in residential areas, and not more than 3 feet from the front property line in commercial and industrial areas. Placement of the sign shall not be permitted to cause traffic sight obstructions.

iii. For properties less than 5 acres in size, 1 sign per street frontage shall be posted on site.

iv. For properties greater than 5 acres in size, 1 sign per 500 feet of street frontage shall be posted on site. For properties that are unusually shaped or within a unique location, the Planning Director may determine the location for sign posting or require additional notice of the proposed project.

v. For projects that may change or intensify the existing use or zoning, the Planning Director may require supplemental or larger signs or both.

3. Sign Posting Acknowledgement. A completed Sign Posting Acknowledgment form prepared and signed and dated by the applicant or an authorized representative of the applicant, which shall contain photographic evidence of the installed signs, shall be submitted to the Development Services Department no later than 10 calendar days prior to the scheduled public hearing. This document shall be mailed or dropped off or emailed to the assigned project planner.

4. Timing of Sign Installation.

i. Signs shall be installed no later than 10 days prior to the scheduled date of the public hearing.

ii. Posted signs must remain visible on the property until the last decision-making action specified by the Development Services Department.

5. Maintenance. The applicant and owner shall be responsible for maintaining the noticeboard such that it is readable during the period it is required to be in place. If the sign or structure is damaged, defaced or otherwise made illegible, the applicant/owner shall replace the sign in accordance with the standards of this subsection. The applicant shall pay the replacement cost of such board.

6. Removal. The applicant shall remove the sign(s) from the project site no later than 10 calendar days following the end of the appeal period for the project.

(Ord. 1259 § 1, 2013; Ord. 1279 § 10, 2015; Ord. 1303 § 6, 2016; Ord. 1375 § 2, 2022; Ord. 1425, 2/13/2025)

§ 25.60.160. Community Engagement.

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A. **Intent and purpose.** It is the intent of this chapter that each project applicant prepare and submit to the City a "Community Engagement Plan" to implement requirements for public notice, community engagement, and public outreach. The intent is to present project information and engage in public outreach meetings early in the development review process of new projects and address concerns of the public prior to an action of the approving body. The Community Engagement Plan shall provide residents within the required notification radius with an opportunity to actively participate in the City's development review procedures for discretionary projects to help shape the direction of the City's development.

B. **Scope of regulations.** This chapter shall be applied pursuant to the adopted "Resolution of the City Council of the City of Palm Desert Establishing Policies related to Community Engagement (Resolution No. 2021-50)."

Requirements related to community engagement for new projects are as follows:

1. Developers must prepare and submit a Community Engagement Plan to the Development Services Department at the same time a development application is submitted for any project that is located on a project site of 5 acres, or greater, and requires discretionary approval, including, but not limited to, any request for a discretionary approval of a Precise Plan, Tentative Map, Specific Plan, General Plan Amendment, Change of Zone, Development Agreement, Variance, or combination thereof. The Director of Development Services may require a Community Engagement Plan for any project when due to extraordinary or exceptional factors.

2. Comply with the public notification requirements of Section 25.60.060 of this title.

3. The Community Engagement Plan must contain the following:

    a. Developer's method(s) of communication with the public. Proposed location(s) of public outreach shall be provided;

    b. Samples of the written publications distributed to the public that include any informational items of the project. Written publications and invitations should comply with the following:

        i. The written publication should include the date, time, and location of the scheduled community meeting.

        ii. The invitation to community meetings should include as much information about the project and request in the application as possible to inform attendees of what is being proposed.

        iii. Community meetings should be located in the City of Palm Desert and as close to the subject property as is practical to minimize the distance that attendees need to travel to participate.

        iv. Community meetings should be scheduled to avoid, to the extent feasible, any conflict with other publicly scheduled meetings.

        v. Community meetings should be scheduled during non-business hours and at reasonable times to allow attendees who work during the day an opportunity

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to attend.

vi. Applicants may also, in addition to the in-person meeting, provide an option for participating by teleconference.

4. For any application that requires a Community Engagement Plan, the applicant shall host a minimum of 2 community meetings to provide information and receive feedback about the project. Follow-up meetings may be required by the Director of Development Services.

   a. The first community meeting shall occur not more than 30 days prior to, and not later than 20 days after, the date when the project application is submitted to the City. To the extent practical, the first community meeting should occur prior to application submittal to the City.

   b. The second community meeting shall occur within 30 days after the date when the project is deemed or determined to be complete.

   c. There shall be at least 1 day between the required community meetings in subsections (B)(4)(a) and (b), above.

   d. The Director of Development Services may approve alternative scheduling of the required community meetings as reasonably necessary.

   e. The applicant is solely and exclusively responsible for holding the community meetings in accordance with this section. The community meetings shall not be considered a public hearing or meeting on the project.

5. The applicant shall prepare a Community Engagement Report summarizing the outcome of the community meetings required by this section, and submit the Community Engagement Report to the City prior to the first public hearing or other public meeting for the project held by the City. The Community Engagement Report will be included as an exhibit as a part of the agenda report that is published prior to the public hearing. The Community Engagement Report shall include the following:

   a. Dates, times, and locations of all meetings that attendees were invited to attend to discuss the project and the subject request.

   b. The names and affiliation of those that attended that represent the applicant.

   c. The names and department of staff that attended the meeting.

   d. A sign-in sheet listing the names of the attendees that participated in the process.

   e. The applicant shall provide any written comments and/or a written summary of any significant issues or concerns raised by attendees during the community engagement meetings.

6. The applicant shall coordinate with staff for the notification of community meetings with property owners, including any association for a common interest development, within 1,000 feet of the proposed project.

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7. City staff is to be present at the meeting to observe, collect information, and provide answers, as needed, related to the General Plan, and applicable codes and ordinances of the City.

    a. The applicant shall coordinate the scheduling of all community meetings required under this section with the City's project planner and include City staff in all notices of meetings.

8. The entitlements will include a condition of approval on residential and/or owner-occupied projects, that the applicant will disclose, as part of any closing documents, the City's General Plan and Housing Element sites adjacent to the project.

(Ord. 1375 § 2, 2022; Ord. 1425, 2/13/2025)

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CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

DEVELOPER NEIGHBORHOOD PROCEDURES

The City of Palm Springs strongly recommends that project applicants meet with surrounding property owners and Neighborhood Organizations located in or near the project to solicit input in the beginning stage of the design and development process.

Some of the benefits that can result from early consultation with the neighbors:

- Neighborhood feedback can strengthen projects and add value to final results.
- Neighborhood feedback may prevent problems at a later stage in the development process, often avoiding expensive delays.
- The Planning Commission and the City Council prefer to know that development applicants have contacted Neighborhood Organizations and sought their input.

APPLICANT'S STEPS TO TAKE FOR ANY NEIGHBORHOOD MEETING:

SETTING UP

- Meeting should be held at least 7 days prior to the Architectural Advisory Committee or Planning Commission meeting (whichever comes first).
- Determine a place and time for your meeting, within the following guidelines:

  Time: Start between 5:30 p.m. – 6:30 p.m.

  Days: Monday, Tuesday, or Thursday only.

  Place: Use a commercial or public location (not a private residence), as close as possible to the project location, and located within the city.

- Prepare notice with contents:

  a. Thorough description of proposed project. Include "From . . . To . . .," street address and / or Assessor Parcel Number.
  b. Date of meeting.
  c. Time of meeting: Provide a start time, but do not list an end time.

d. Place of meeting: Include room number / name and directions.
e. Contact name and phone number for night of meeting for directions / questions (contact number must be available up to and during the time of the meeting).
f. Tentative date of Architectural Advisory Committee or Planning Commission meeting.

- Fax or E-notice meeting information to the Department of Planning Services 760-322-8360. City staff will assess for suitability of time and location. Approval or corrections to notice will be faxed back within 1-2 working days.

MAILING

- Approved notices are to be mailed to all property owners and Lessees and Sub-Lessees (as recorded with the Riverside County Assessor's office) within five hundred (500') of subject property and electronically mailed to City of Palm Springs registered Neighborhood Organizations within one half mile of subject property.

- Notices should be postmarked at least 10 days prior to the neighborhood meeting date.

MEETING

- Applicant and/or representative(s) to conduct the meeting, answer questions and open and close the facility. City staff will attend, but only to monitor.

- Applicant to have someone available to answer the phone number given at least one half (1/2) hour before and after the start time regardless of attendance.

- Applicant to remain on-site at least one half (1/2) hour after the start time regardless of attendance.

STAFFING

- City staff will attend the meeting to observe only. They will be available to answer technical questions as necessary

FILING

- Applicant to complete the Neighborhood Meeting Affidavit indicating time and date of meeting and attach the mailing list used along with a copy of the notice.

- Deliver affidavit and mailing list to the Department of Planning Services, at least seventy-two (72) hours prior to the Architectural Advisory Committee or Planning Commission meeting (whichever comes first).

PLANNING COMMISSION - REGULAR MEETING

Council Chambers, 99 E Ramsey Street, Banning, CA

Wednesday, May 7, 2025 - 5:30 PM

MINUTES

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1. CALL TO ORDER at 5:32 p.m.

1.1 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

COMMISSIONERS	PRESENT	ABSENT
Castorena, Chris	X	
Dale, Kathleen	X	
Rodriguez, Nathaniel	X	

2. ELECTION OF OFFICERS

2.1 Planning Commission Selection of Presiding Officers.

A. Nominations for Chairperson

Commissioner Rodriguez nominated Commissioner Dale to serve as Chairperson, which was second by Commissioner Castorena.

ACTION: Motion/Second (Dale/Castorena); Motion Carried 3-0 to select Dale for Chair.

B. Nominations for Vice-Chairperson

Commissioner Castorena nominated Commissioner Rodriguez to serve as Vice-Chairperson, which was second by Commissioner Rodriguez.

ACTION: Motion/Second (Dale/Rodriguez); Motion Carried 3-0 to select Rodriguez for Vice-Chair.

3. PUBLIC COMMENTS

No public comments

4. CONSENT AGENDA

4.1 Approval of the meeting minutes for March 5, 2025, Regular Planning Commission meeting.

Chair Dale noted revised meeting minutes were provided by staff. Chair Dale opened public comment for the consent agenda and seeing none, the Chair closed public comments.

ACTION: Motion/Second (Castorena/Rodriguez) to approve the revised minutes.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Rodriguez	*X*				

(Motion Carried 3-0-0) passed.

5. PUBLIC HEARINGS

5.1 Consideration of Design Review (DR) application, Case PLN 24-0149 and DR 23-7007, by WEKA Inc. to allow the development of a 14,800 SF building for warehouse and office use with a storage yard on 4.4-acres of land located at 2300 E. Westward Ave., in the Industrial (I) Zoning District (APN: 532-130-021)
Recommendation: Adopt Resolution 2025-05, Approving design Review Permit, Case PLN 24-0149 and DR 23-7007, Subject to Conditions of Approval.

Mary Yaryan, Associate Planner, provided the staff report.

Gary Miller, from Miller Architects presented a proposed new facility for WEKA, a second-generation trenching and underground utility company relocating to Banning. The project includes an office building with an attached equipment storage and maintenance area. The site features enhanced landscaping, including trees, perimeter planting, and a decorative concrete block wall exceeding City fencing requirements. The representative addressed concerns about metal paneling, explaining that the design uses modern, high-quality panels similar to those on the Toyota dealership, reflecting a professional and contemporary appearance. The building materials align with WEKA's advanced equipment and operations. All equipment will be stored within the enclosed yard. The representative emphasized the project's architectural quality and job creation benefits for Banning and requested project approval.

Ed Bonadiman, Civil Engineer for the project raised concerns about several draft conditions of approval – specifically, a requirement for right-of-way on Westward Ave. He explained that this change would negatively impact driveway grades on the small project site, which were carefully designed to match the Estes improvements along Westward and Scott. He asked for revisions to approximately four conditions to align with plans that had been prepared with a narrower right-of-way on Westward.

Nate Smith, Deputy Director of Public Works and City Engineer for the City of Banning, responded to concerns raised by the applicant regarding the required street dedication and curb alignment along Westward Ave. He explained that the 39' half-width right-of-way requirement is based on the City's circulation element and the 1-10 Bypass Project Environmental Impact report (EIR), which designates Westward Ave. as a future divided collector road connecting Banning and Cabazon. While construction drawings do not yet exist, the adopted EIR supports forward-planning for the road classification.

He noted that although some existing dedications are at 30', the City is conditioning new projects along Westward Ave. for 39' to align with future infrastructure needs.

He confirmed that frontage improvement costs are the responsibility of the developer and had not yet calculated the specific financial impact. However, he advised that deferring improvements could result in higher costs for the project or City in the future.

Nate answered clarifying questions of the Commission.

He confirmed that the 6' street dedication is based on current standards. Septic system use is allowed, with a sewer lateral required for future connection. Gravel yard areas will be reviewed under stormwater regulations. Grading, haul routes, and wall placements were discussed. MSHCP compliance and right-of-way dedications were also clarified.

Jared Himle, Owner of WEKA Inc. said Weka, Inc. is a non-union, prevailing wage pipeline contractor bringing 12 on-site jobs to a new local facility, with 93 employees total and $50M annual revenue.

Chair Dale opened public comments at 6:26 p.m.

Ed Bonadiman emphasized the importance of the requested narrower street width on Westward, moving the curb back 6' doesn't make sense and would harm the project. This change would also reduce usable yard space. He requested the Commission to keep Westward Ave. at 33' half-width and 22' from curb to centerline. He asked to revise the PW.Map.07 from 39' to 33'. He mentioned Scott Rd. has 40' right-of way but only 30' is needed and suggested the extra 10' may be vacated in the future.

He asked to revise PW.Street.08. The current plan shows 36' to 34' since the street is a dead end. He asked to strike PW.Street.09. He said sight distance calculations aren't needed, there are no curves, and the condition adds unnecessary costs. He asked to keep Westward and Scott as shown in the map.

Gary Miller said a biologist's report confirmed the property is not habitat for endangered species and no further county review is deemed necessary.

Green building code requirements will be met (EV charging).

A proposed compromise on street widening: grant right-of way to City but keep curb/sidewalk as planned to avoid hardship on property owner.

Chair Dale Closed Public Comments: 6:34 p.m.

Nate Smith clarified Public Works Conditions:

- PW.Map.07 (Right-of-Way): Still under discussion; relates to Westward Ave.
- Street Width (PW.Street.08): Commission supports 34' of asphalt meets fire access standards.
- Vertical Curve (PW.Street.09): No extra submittal needed if street is straight; curve details to follow Caltrans standards if applicable.
- Street Classification (PW.Street.19): Corrected from "local collector" to "local."
- Westward Ave: Public Works supports keeping current condition as written.

Chair Dale raised concerns that MSHCP consultation with RCA and Wildlife Agencies hasn't occurred as required prior to the CEQA determination. Key conditions from the bio study (e.g. surveys for burrowing owls and nesting birds and the urban-wildlands interface provision) are missing from current conditions of approval and there are no MSHCP consistency findings in

the draft resolution.

Chair Dale cannot support project approval based on the record before the Commission. She motioned to continue item for one month to complete required steps.

ACTION: Motion/Second (Dale/Castorena) to continue the item to the June 4th Regular Planning Commission Meeting.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Rodriguez	*X*				

(Motion Carried 3-0-0) passed.

6. DISCUSSION ITEMS

6.1 Discussion on Expanding Public Notification Requirements in Banning Zoning Ordinance Related to Land Use Development Applications.
Recommendation: Provide direction to staff for Zoning Ordinance Amendment to be scheduled at a future meeting of the Planning Commission.

David Newell, Community Development Director, provided the staff report.

He said application types covered by Planning Commission are: Conditional Use Permits, Design Review, Development Agreements, General Plan Amendments, Zone Changes, Planned Developments, Specific Plans, Subdivision Maps, and Variances.

The Current Noticing Standards, per State Law and Local Code: Public hearing notices must be mailed to property owners within 300' of the project site at least 10 days prior to the hearing. Notice must be published in a newspaper of general circulation. The one exception is CUP applications in certain rural residential zones, which require 1200' radius notification.

Staff examined local practices in Moreno Valley, Palm Desert, Palm Springs, and Rancho Mirage: All exceed the 300' minimum, with most requiring 500' to 1,000' notice for projects over 5-acres.

Rancho Mirage uses a tiered approach if fewer than 25 owners fall within 500'.

Other methods used by other cities: On-site signage, community meetings, community engagement plans submitted by applicants.

Staff seek direction from the Commission on whether to expand public notice requirements beyond state minimums. Based on Commission input, staff will return with draft ordinance changes for formal review and recommendation to City Council.

Chair Dale opened public comments.

Frank Connelly said he would like to see cities with similar populations (e.g. Beaumont, Redlands). He understands community outreach but would not like to overburden developers.

Chair Dale closed public comments.

Commissioner Castorena supports expanding public outreach, especially for larger projects, to rebuild community trust. He emphasized not overburdening small developers but suggested measures like larger notification radius, community engagement plans, on site-signage, bilingual notices, and inclusive outreach to renters and Spanish-speaking residents. He also recommended early-stage engagement and clear accessible communication.

Commissioner Rodriguez shared that his current job follows practices similar to Palm Desert and Palm Springs, including 500' notifications, outreach to renters, and posting on-site signage. He supports a 1,000' notification radius for projects over five acres, especially in rural areas like Banning, to ensure residents are well informed about upcoming developments.

Chair Dale supported adopting early and transparent public outreach practices modeled after Palm Desert and Carlsbad, including early signage, flexible placement, bilingual and occupant mailings, and neighborhood meetings for larger or high-impact projects. She suggested requiring community engagement plans, staff review of outreach materials, HOA notifications, and re-engagement if a project changes. She also recommended considering the CEQA- "whole of the action" concept in defining the boundary for public notifications. For smaller projects, she supported more limited outreach to avoid being overly burdensome.

6.2 Consider Formation of Industrial Project Review Ad-hoc Subcommittee.
Recommendation: Appoint two members to serve on an Industrial Project Review Ad-hoc Subcommittee.

David Newell, Director said staff proposes to create a one-year ad-hoc subcommittee to help Planning Commissioners review land development projects-especially those with Environmental Impact Reports – before official hearings. The goal is to improve understanding and communication by allowing early review, developer/staff Q&A, and clarification sharing with the full Commission. The subcommittee would follow the Brown Act rules and avoid biased statements.

Chair Dale opened public comments.

Paul Loubet, First Industrial, supports the use of ad hoc meetings, noting they help.

Chair Dale closed public comments.

ACTION: Motion/Second (Castorena/Dale) to appoint two members of the Planning Commission; Castorena and Dale to serve on the Land Development Project Review Ad-hoc subcommittee.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Rodriguez	*X*				

(Motion Carried 3-0-0) passed.

7. ANNOUNCEMENTS AND REPORTS

7.1 DIRECTOR'S REPORT

Director Newell announced two open Planning Commission seats. Applications are available

on the City website and must be submitted by May 30.

7.2 COMMISSIONER REPORTS

Commissioner Castorena shared Planning Commission openings on social media and received some interest. He met with David, Community Development Director to discuss a community benefits checklist and justification statement for large projects to clearly outline public benefits. He submitted a PDF with policy ideas for consideration in the City's General Plan update.

8. ANNOUNCEMENTS FROM COMMISSION MEMEMBERS

9. ITEMS FOR FUTURE AGENDAS

10. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

Minutes prepared by:

Sandra Calderon

Sandra B. Calderon
Planning Commission Secretary

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banningca.granicus.com/player/clip/194?view_id=1&redirect=true

All documents related to this meeting are available here:
https://d3n9y02raazwpg.cloudfront.net/banningca/6d80bb7e-76d8-11ef-9b71-005056a89546-38305488-93fe-4918-9dd7-c67857e7b6c7-1746131841.pdf

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Robert Fisher, Acting City Manager**
PREPARED BY:	**David Newell, Community Development Director**
MEETING DATE:	**June 10, 2025**
SUBJECT:	**Discussion on Expanding Public Notification Requirements in Banning Zoning Ordinance Related to Land Use Development Applications**

RECOMMENDATION:

Provide direction to staff for a Zoning Ordinance Amendment to be scheduled at a future meeting of the Planning Commission and City Council.

BACKGROUND:

At recent Planning Commission meetings, there were some comments made by Commissioners expressing frustration with the City's current public hearing noticing requirements and it was requested that staff bring forward opportunities to expand public awareness of land use applications being processed by the City. The purpose of this report is to identify the existing requirements locally and under state law and provide information on what other jurisdictions are currently requiring that the City might consider for increasing public awareness.

The City currently requires public hearing notices for the following application types:

- Conditional Use Permit (17.52.040)
- Design Review (17.56.040)
- Development Agreement (17.60.030)
- General Plan Amendment (17.64.040)
- Planned Unit Development (17.92) Specific Plan (17.96.030)
- Tentative Tract or Parcel Maps (16.14.030)
- Variance (17.112.040)
- Zoning Code Amendment (17.116.020)

Several of the code sections for the above applications refer to Chapter 17.68 (Hearings and Appeals) of the Banning Zoning Ordinance (BZO), to define the process for public noticing and hearings for land use applications. Section 17.68.020 of this Chapter generally requires that public hearing notices be published in a newspaper of general circulation and mailed to property owners within 300 feet of a project site, both of which are to occur 10 days before the public hearing. There is one exception, however, for Conditional Use Permit applications, which requires that owners within 1,200 feet receive notice if use is within a rural residential zoning district. Attached is a summary of the criteria for each application type that is reviewed by the Planning Commission.

State law provides minimum criteria for land use decisions requiring a public hearing. California Government Code, Section 65090, et. seq., requires notice be provided similar to the City's current regulations that are described above. While currently compliant with State law, the City does have the ability to expand its noticing requirements to increase public awareness of land use applications, which

has been done by other local jurisdictions. Below is summary of other jurisdictions that have expanded requirements.

City	Mailed Notification Recipient	Mailed Notification Radius	Additional Requirements
Moreno Valley	- Owners - If project involves conversion, residents within development	600 feet	None
Palm Desert	Owners	- 500 feet - 1000 feet	- Community Engagement Plan requiring 2 meetings - On-site sign (4'x4') notifying of hearing
Palm Springs	Owners, lessees and apartment residents	500 feet	- On-site sign (3'x4') notifying of project under consideration - Email notice to recognized neighborhood organizations - Neighborhood meetings "strongly encouraged" but not required
Rancho Mirage	Owners	- 500 feet - 1,00 feet	None

Of the above cities, Palm Desert made the most recent changes to improving public awareness of proposed projects and has the most robust notification systems for engaging and informing the community. Attached are the Palm Desert ordinances that provide requirements on public hearing notification, on-site signage and required Community Engagement Plan. Also attached is Palm Springs' Developer Neighborhood Outreach Procedures. Other cities provide good examples of expanding the mailed notification radius beyond the 300-foot minimum.

Under a City Council policy, Carlsbad provides another option for noticing the public of proposed applications. Within thirty days of submitting an application, applicants are required to notify nearby residents (property owners within 600 ft. and occupants within 100 ft. of a project site) of the newly submitted project application, as well as install a project notification sign on the project site. Certain application types are required to do community engagement and maintain a project website. The Carlsbad policy is included as an attachment to this report.

After reviewing the information provided, staff recommends the City Council provide direction on amending the City's ordinances as follows:

1. Notification Recipients - expand to occupants of apartments and/or commercial tenants;
2. Notification Radius - expand to 500 feet minimum; expand to 1,000 feet if notification list is less than 25 recipients or if project site is 5 acres or larger;
3. Additional Requirements, Signage - require on-site sign posting for new developments; if so, require additional signs for larger sites and/or sites with multiple-frontage lots; if so, require for certain application types or developments (i.e. Zoning or General Plan Amendments, Specific Plans, Design Review, Conditional Use Permits involving certain uses, such as cannabis and new construction) but not all application types (exclude Historic Resources, Tentative Tract/Parcel

Maps, Variances); if so, identify content (Project Under Consideration or Notice of Upcoming Hearing) and timing of sign installation (i.e. within 30 days of formal application or 10 days prior to hearing);

4. Additional Requirements, Neighborhood Meetings - require or strongly recommend neighborhood outreach meetings; if so, identify application types or developments that require outreach; if so, identify quantity of desired meetings.

On May 7, 2025, the Planning Commission considered this matter and were generally supportive of increasing notification to include apartments/tenants, expanding radius notification to 500' (or 1000' for sites over five acres), requiring on-site signage and mandating community engagement plans for larger projects. There was also support for providing bilingual notices.

After receiving direction from City Council, staff can prepare revisions to the City's ordinances and schedule this matter for future hearings by the Planning Commission and City Council, in accordance with BZO Chapter 17.116.

JUSTIFICATION:

The proposed ordinance revisions are anticipated to improve transparency, community engagement, and trust in the land use process. Current practices meet State minimums but may not adequately inform all affected parties. Including tenants and expanding the radius to 500 or 1,000 feet ensures broader awareness, especially for larger or impactful projects. On-site signage and community meetings, as modeled by other cities, provide tangible, accessible ways to inform residents and gather input.

FISCAL IMPACT:

In addition to staff and city attorney's time to prepare ordinance amendments, fiscal impacts will vary and depend on direction received from City Council. Below are some initial considerations:

- Expanded recipients. There will be additional costs to notice tenants, as such information is not readily available without subscription services to a third-party vendor and/or establishing an internal system for creating tenant notices for every public hearing notice.
- Expanded radius. Should Council direct that the City expand the notification radius, there will be increased postage costs and staff time to print, prepare and mail notices.
- Additional requirements, signage. No fiscal impacts, as the signage would be installed by the applicant.
- Additional requirements, neighborhood meetings. This would require staff to attend meetings after normal business hours and may involve overtime costs per event.
- Bilingual notices. This would require additional staff time or hiring a third-party vendor to translate notices for every public hearing notice.

ALTERNATIVES:

Direct staff to not pursue changes to the current requirements.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Summary of Hearing Notice Requirements for Various Applications Reviewed by the Planning Commission
2. Palm Desert Ordinances - Public Hearing Notice and Community Engagement Plan
3. Palm Springs - Developer Neighborhood Outreach Procedures
4. Carlsbad Early Public Participation Policy

5. May 7 2025 PC Meeting Minutes_6.3.2025_Final.pdf

Summary of Hearing Notice Requirements for Various Applications Reviewed by the Planning Commission in the Banning Zoning Ordinance (BZO)

Application Type	BZO Section	Hearing Notice Criteria
Conditional Use Permit (CUP)	17.52.040	Refers to Chapter 17.68 (Hearings and Appeals) - Notices to be in at least one publication in a newspaper 10 days before hearing - Notices to be mailed to owners of property within 300 ft., except R/A, R/A/H, RR, RR/H, and VLDR zones require notice to owners within 1,200 ft
CUP, Cannabis	17.53.060	Refers to Chapter 17.52 (Conditional Use Permits)
CUP, Cannabis Retailer	17.54.060	Refers to Chapter 17.52 (Conditional Use Permits)
CUP, Surface Mining	17.100.100	Refers to Chapter 17.68 (Hearings and Appeals)
Design Review	17.56.040	Refers to Chapter 17.68 (Hearings and Appeals)
Development Agreement	17.60.030	Refers to Chapter 17.68 (Hearings and Appeals)
General Plan Amendment	17.64.040	Refers to Chapter 17.68 (Hearings and Appeals)
Planned Unit Development	17.92	No reference
Specific Plan	17.96.030	Refers to Chapter 17.68 (Hearings and Appeals)
Tentative Tract or Parcel Map	16.14.010	Refers to Chapter 17.68 (Hearings and Appeals)
Variance	17.112.040	Refers to Chapter 17.68 (Hearings and Appeals)
Zoning Code Amendment	17.116.020	Refers to Chapter 17.68 (Hearings and Appeals)

§ 25.60.060. Public Hearing and Public Notice.

A. **Public hearing required.** The following procedures shall govern the notice and public hearing, where required pursuant to this title. The designated approving authority shall hold a public hearing to consider all applications for a conditional use permit, variance, architectural review, precise plan, planned development, specific plan, zoning code and/or map amendment, pre-zoning, development agreement, and General Plan amendment considered by the Commission or Council.

B. **Notice of hearing.** Pursuant to California Government Code Sections 65090 to 65094, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general description of the matter to be considered and the real property which is the subject of the hearing.

1. Notice of public hearing shall be published in at least 1 newspaper of general circulation in the City.

2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of real property, inclusive of any association governing a common interest development (as defined in Part 5 of Division 4 of the California Civil Code), within a radius of 500 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners, or the name of any association of a common interest development, as applicable, as shown upon the current Tax Assessor's records of Riverside County or the Official Records of Riverside County. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project. If the number of owners exceeds 1,000, the City may, in lieu of mailed notice, provide notice by placing notice in 1 newspaper of general circulation within the City.

    i. Public notification for projects 5 acres or more shall be 1,000 feet for public notifications related to development projects and to ensure adequate community engagement efforts are achieved pursuant to requirements in Section 25.60.160.

    ii. Public notification for Hillside Development Plans shall comply with Section 25.78.020(C) of this title.

    iii. Hearings before the Architectural Review Commission for Design Review associated with an application requiring approval by the Planning Commission and/or City Council will be noticed in accordance with the requirements of this section.

3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.

4. Notice of the public hearing shall be posted at City Hall.

5. Notice of the public hearing shall be mailed to any person who has filed a written

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request for notice.

6. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.

C. **Notice of Zoning Administrator decision.**

1. Notice. The notice of decision shall be provided, in writing, to the applicant, interested parties, neighborhood associations within proximity of the subject site, and properties within 500 feet of the property. The notice shall include:

i. A brief statement explaining the criteria and standards considered relevant to the decision.

ii. A statement of the standards and facts relied upon in rendering the decision.

iii. Findings as listed for each entitlement or justification for the decision based on the criteria, standards, and facts set forth.

iv. An explanation of appeal rights and appeal deadlines.

2. Decision. The ZA may approve, approve with conditions, or deny the application. Decisions shall be based on standards and criteria set forth within this code and shall be accompanied by brief, written findings, and a determination.

3. Appeal. A ZA determination may be appealed to the Commission for a final determination according to Section 25.60.080.

D. **Requests for notification.** Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the Department. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

E. **Receipt of notice.** Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.

F. **Hearing procedure.** Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

G. **On-site public notice signs.**

1. Applicability. All projects requiring a public hearing before the Planning Commission and/or City Council shall be required to post 1 or more public notice signs on the property, which is the subject of the proposed development, in accordance with the requirements of this subsection.

2. Public Notice Sign Requirements.

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i. The applicant shall post informational signs on the property that is the subject of the proposed development. The signs shall be unilluminated, 4 feet by 4 feet in size, and shall include a description of the proposed development, the date, time, and location of the public hearing, and the location where further information can be obtained.

ii. The sign shall be placed in an area of the property most visible to the public, not more than 5 feet from the front property line in residential areas, and not more than 3 feet from the front property line in commercial and industrial areas. Placement of the sign shall not be permitted to cause traffic sight obstructions.

iii. For properties less than 5 acres in size, 1 sign per street frontage shall be posted on site.

iv. For properties greater than 5 acres in size, 1 sign per 500 feet of street frontage shall be posted on site. For properties that are unusually shaped or within a unique location, the Planning Director may determine the location for sign posting or require additional notice of the proposed project.

v. For projects that may change or intensify the existing use or zoning, the Planning Director may require supplemental or larger signs or both.

3. Sign Posting Acknowledgement. A completed Sign Posting Acknowledgment form prepared and signed and dated by the applicant or an authorized representative of the applicant, which shall contain photographic evidence of the installed signs, shall be submitted to the Development Services Department no later than 10 calendar days prior to the scheduled public hearing. This document shall be mailed or dropped off or emailed to the assigned project planner.

4. Timing of Sign Installation.

i. Signs shall be installed no later than 10 days prior to the scheduled date of the public hearing.

ii. Posted signs must remain visible on the property until the last decision-making action specified by the Development Services Department.

5. Maintenance. The applicant and owner shall be responsible for maintaining the noticeboard such that it is readable during the period it is required to be in place. If the sign or structure is damaged, defaced or otherwise made illegible, the applicant/owner shall replace the sign in accordance with the standards of this subsection. The applicant shall pay the replacement cost of such board.

6. Removal. The applicant shall remove the sign(s) from the project site no later than 10 calendar days following the end of the appeal period for the project.

(Ord. 1259 § 1, 2013; Ord. 1279 § 10, 2015; Ord. 1303 § 6, 2016; Ord. 1375 § 2, 2022; Ord. 1425, 2/13/2025)

§ 25.60.160. Community Engagement.

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A. **Intent and purpose.** It is the intent of this chapter that each project applicant prepare and submit to the City a "Community Engagement Plan" to implement requirements for public notice, community engagement, and public outreach. The intent is to present project information and engage in public outreach meetings early in the development review process of new projects and address concerns of the public prior to an action of the approving body. The Community Engagement Plan shall provide residents within the required notification radius with an opportunity to actively participate in the City's development review procedures for discretionary projects to help shape the direction of the City's development.

B. **Scope of regulations.** This chapter shall be applied pursuant to the adopted "Resolution of the City Council of the City of Palm Desert Establishing Policies related to Community Engagement (Resolution No. 2021-50)."

Requirements related to community engagement for new projects are as follows:

1. Developers must prepare and submit a Community Engagement Plan to the Development Services Department at the same time a development application is submitted for any project that is located on a project site of 5 acres, or greater, and requires discretionary approval, including, but not limited to, any request for a discretionary approval of a Precise Plan, Tentative Map, Specific Plan, General Plan Amendment, Change of Zone, Development Agreement, Variance, or combination thereof. The Director of Development Services may require a Community Engagement Plan for any project when due to extraordinary or exceptional factors.

2. Comply with the public notification requirements of Section 25.60.060 of this title.

3. The Community Engagement Plan must contain the following:

    a. Developer's method(s) of communication with the public. Proposed location(s) of public outreach shall be provided;

    b. Samples of the written publications distributed to the public that include any informational items of the project. Written publications and invitations should comply with the following:

        i. The written publication should include the date, time, and location of the scheduled community meeting.

        ii. The invitation to community meetings should include as much information about the project and request in the application as possible to inform attendees of what is being proposed.

        iii. Community meetings should be located in the City of Palm Desert and as close to the subject property as is practical to minimize the distance that attendees need to travel to participate.

        iv. Community meetings should be scheduled to avoid, to the extent feasible, any conflict with other publicly scheduled meetings.

        v. Community meetings should be scheduled during non-business hours and at reasonable times to allow attendees who work during the day an opportunity

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to attend.

vi. Applicants may also, in addition to the in-person meeting, provide an option for participating by teleconference.

4. For any application that requires a Community Engagement Plan, the applicant shall host a minimum of 2 community meetings to provide information and receive feedback about the project. Follow-up meetings may be required by the Director of Development Services.

   a. The first community meeting shall occur not more than 30 days prior to, and not later than 20 days after, the date when the project application is submitted to the City. To the extent practical, the first community meeting should occur prior to application submittal to the City.

   b. The second community meeting shall occur within 30 days after the date when the project is deemed or determined to be complete.

   c. There shall be at least 1 day between the required community meetings in subsections (B)(4)(a) and (b), above.

   d. The Director of Development Services may approve alternative scheduling of the required community meetings as reasonably necessary.

   e. The applicant is solely and exclusively responsible for holding the community meetings in accordance with this section. The community meetings shall not be considered a public hearing or meeting on the project.

5. The applicant shall prepare a Community Engagement Report summarizing the outcome of the community meetings required by this section, and submit the Community Engagement Report to the City prior to the first public hearing or other public meeting for the project held by the City. The Community Engagement Report will be included as an exhibit as a part of the agenda report that is published prior to the public hearing. The Community Engagement Report shall include the following:

   a. Dates, times, and locations of all meetings that attendees were invited to attend to discuss the project and the subject request.

   b. The names and affiliation of those that attended that represent the applicant.

   c. The names and department of staff that attended the meeting.

   d. A sign-in sheet listing the names of the attendees that participated in the process.

   e. The applicant shall provide any written comments and/or a written summary of any significant issues or concerns raised by attendees during the community engagement meetings.

6. The applicant shall coordinate with staff for the notification of community meetings with property owners, including any association for a common interest development, within 1,000 feet of the proposed project.

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7. City staff is to be present at the meeting to observe, collect information, and provide answers, as needed, related to the General Plan, and applicable codes and ordinances of the City.

    a. The applicant shall coordinate the scheduling of all community meetings required under this section with the City's project planner and include City staff in all notices of meetings.

8. The entitlements will include a condition of approval on residential and/or owner-occupied projects, that the applicant will disclose, as part of any closing documents, the City's General Plan and Housing Element sites adjacent to the project.

(Ord. 1375 § 2, 2022; Ord. 1425, 2/13/2025)

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CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

DEVELOPER NEIGHBORHOOD PROCEDURES

The City of Palm Springs strongly recommends that project applicants meet with surrounding property owners and Neighborhood Organizations located in or near the project to solicit input in the beginning stage of the design and development process.

Some of the benefits that can result from early consultation with the neighbors:

- Neighborhood feedback can strengthen projects and add value to final results.
- Neighborhood feedback may prevent problems at a later stage in the development process, often avoiding expensive delays.
- The Planning Commission and the City Council prefer to know that development applicants have contacted Neighborhood Organizations and sought their input.

APPLICANT'S STEPS TO TAKE FOR ANY NEIGHBORHOOD MEETING:

SETTING UP

- Meeting should be held at least 7 days prior to the Architectural Advisory Committee or Planning Commission meeting (whichever comes first).
- Determine a place and time for your meeting, within the following guidelines:

  Time: Start between 5:30 p.m. – 6:30 p.m.

  Days: Monday, Tuesday, or Thursday only.

  Place: Use a commercial or public location (not a private residence), as close as possible to the project location, and located within the city.

- Prepare notice with contents:

  a. Thorough description of proposed project. Include "From . . . To . . .," street address and / or Assessor Parcel Number.
  b. Date of meeting.
  c. Time of meeting: Provide a start time, but do not list an end time.

d. Place of meeting: Include room number / name and directions.
e. Contact name and phone number for night of meeting for directions / questions (contact number must be available up to and during the time of the meeting).
f. Tentative date of Architectural Advisory Committee or Planning Commission meeting.

- Fax or E-notice meeting information to the Department of Planning Services 760-322-8360. City staff will assess for suitability of time and location. Approval or corrections to notice will be faxed back within 1-2 working days.

MAILING

- Approved notices are to be mailed to all property owners and Lessees and Sub-Lessees (as recorded with the Riverside County Assessor's office) within five hundred (500') of subject property and electronically mailed to City of Palm Springs registered Neighborhood Organizations within one half mile of subject property.

- Notices should be postmarked at least 10 days prior to the neighborhood meeting date.

MEETING

- Applicant and/or representative(s) to conduct the meeting, answer questions and open and close the facility. City staff will attend, but only to monitor.

- Applicant to have someone available to answer the phone number given at least one half (1/2) hour before and after the start time regardless of attendance.

- Applicant to remain on-site at least one half (1/2) hour after the start time regardless of attendance.

STAFFING

- City staff will attend the meeting to observe only. They will be available to answer technical questions as necessary

FILING

- Applicant to complete the Neighborhood Meeting Affidavit indicating time and date of meeting and attach the mailing list used along with a copy of the notice.

- Deliver affidavit and mailing list to the Department of Planning Services, at least seventy-two (72) hours prior to the Architectural Advisory Committee or Planning Commission meeting (whichever comes first).

City Council
POLICY STATEMENT

Policy No.	84
Date Issued	11/12/2024
Resolution No.	2024-250

Subject Development Project Public Involvement Policy

Purpose
To help ensure applicants proposing certain development projects are aware of and have considered input from interested and affected stakeholders prior to project consideration by city decision makers. The policy is intended to supplement and not replace or conflict with legal noticing requirements or any other required public involvement for development applications.

Background
This policy provides the requirements for project applicants to identify potentially interested and affected members of the public; provide additional opportunities for input; and report public input and how it was considered to city staff, stakeholders and city decision makers during the public hearing process.

Statement of policy
To require that certain development projects considered by the Planning Commission, or the City Council engage the public to inform and solicit input from interested and affected stakeholders prior to project consideration by city decision-makers. Failure to comply with the requirements set forth within this policy shall cause the application to be deemed incomplete pursuant to Carlsbad Municipal Code Section 21.54.010(F).

Procedure
The following establishes the minimum requirements necessary to notify and seek input from stakeholders on applications that require approval by the Planning Commission or City Council. Applicants are encouraged to begin engaging and soliciting public input prior to application submittal, however outreach conducted prior to submittal does not satisfy the requirements of this policy.

CATEGORY A – EARLY PUBLIC NOTIFICATION

The following applies to all applications requiring approval from the Planning Commission or City Council, irrespective of project size, permit type or location.

Early Public Notice – Content

Applicants are required to prepare a public notice that contains the following minimum materials and information:

- A brief description of the proposed project, including the following:
  - Project name
  - Address and nearest cross streets

  - The proposed use, anticipated number of dwelling units, project features
  - Building square footage(s)
  - Maximum height
- The applicant name, contact person, telephone number and email address.
- City project planner name, telephone number, and email address
- 8-1/2" x 11" site plan and building elevations
- How the public can provide input.

Early Public Notice – Recipients

The applicant shall mail the early public notice to the following stakeholders, within the timeframe and method specified:

- Notice shall be postmarked within 30 days following the date of application submittal.
- Notice shall be delivered via U.S. Postal Service, First Class Mail.
- Property owners within a 600-foot radius of the subject property according to the latest equalized assessment rolls current as of the date of the application. If the 600-foot radius yields fewer than 20 properties, the project applicant shall extend the radius until 20 or more properties are reached.
- The homeowners association of which the subject property is a part (if any). Notice shall be mailed to both the property management company and HOA board of directors.
- Occupants within a 100-foot radius of the subject property.

Early Project Notification Sign – Content & Installation

The project applicant shall post a project notice sign on the project site consisting of the following information, within the timeframe and method specified:

Timing:	Sign shall be posted within 30 days of the application submittal date
Duration:	Sign shall remain posted, legible and in good physical condition until final action is taken on the permit application by the decision-making authority
Content:	• Project name and city assigned case number(s) • Brief project description. At a minimum, the description shall include number of planned residential units, square footage of commercial space, maximum height, and buildings proposed for demolition • Project applicant and representative (if different) contact information • City project planner contact information

Format:	Utilize a template provided by the City of Carlsbad
Location:	Clearly visible from the street that fronts the subject property and located at the most highly trafficked portion of the property.

Early Public Notice – Documentation

The project applicant shall sign and submit an affidavit, signed under penalty of perjury, on a form provided by the city that the notice was prepared and mailed, and that the project notice sign was prepared and posted, in accordance with this policy. The affidavit shall be signed and provided to the city within 15 days following the notice mailings or sign posting, whichever comes last.

CATEGORY B – ENHANCED PUBLIC ENGAGEMENT

Significant development applications are required to complete additional enhanced public engagement as described below.

Applicability

The following proposed development applicants shall complete enhanced public engagement for private or public entity development applications that require a permit approval by the Planning Commission or City Council:

- Residential development consisting of 10 or more residential lots or residential units
- Non-residential development project proposing a total of 50,000 square feet or more of habitable space
- Mixed-use development project (residential and non-residential uses in the same building or on the same site), irrespective of size or unit count
- A Conditional use permit (excludes Minor Conditional Use Permit)
- A development project that requires a variance (excludes minor variance).
- A development project that requires a General Plan amendment, zone change, a master plan or specific plan
- A development project that requires a major amendment to a master plan or a specific plan.
- A development project that requires an amendment to the city's Habitat Management Plan

The provisions of this policy shall not apply to permit applications for streamlined approval pursuant to SB35 (Gov. Code 65913.4).

Enhanced Public Engagement Notice – Content

Eligible projects mail additional information to additional community members as part of their project notice mailing packet (referred to as the "enhanced public engagement notice"). The additional mailed information must include the following minimum information.

- Site plan and elevations or renderings, each provided on minimum 8½" x 11" paper
- Written description of the proposed project. The description needs to provide enough information to offer a general understanding of what is being proposed and where to go to learn more about the project. At a minimum, the description shall include the following information:
    - Project name and city assigned case number(s)
    - Project address and nearest cross streets
    - Type of permit(s) being requested
    - Name of the applicant and representative (if different) and their mailing address, telephone number and email address
    - Name of the city project planner assigned to process the application and their mailing address, telephone number and email address
    - A description of proposed uses, major project features and amenities, and uses planned to be demolished
        - For residential projects, the description page shall include the following:
            - Total dwelling units currently proposed
            - How many dwelling units will be market-rate and how many affordable
            - Square footage range of the market-rate and affordable units
            - Total number of buildings and each building's square footage and building height shown in stories and feet (e.g., one story/35 feet)
        - For nonresidential projects, the description shall include the following:
            - Total number of buildings and each building square footage and height shown in stories and size (e.g., one story/35 feet)
            - Intended purpose and use of each building
        - For mixed-use projects (combination of residential and non-residential uses), notices shall contain the information required for residential and nonresidential projects.
    - Total number of proposed parking stalls and size and height of parking structures, if proposed.

- If the project proposes deviation of city adopted development standards, a description of the current city standard and how the applicant proposes it be changed
- Project website address
- Expected entitlement timeline (estimated date the project will be considered for decision by the city) and which decision-making body will consider the project for approval
- Description of how the public can provide input and to be added to a list for future project related updates

Enhanced Public Engagement Notice – Recipients

The enhanced public engagement notice shall be mailed to the following recipients:

- All property owners and occupants located within a 600-foot radius of the project, measured from the property line of the project site.
- If the 600-foot radius yields fewer than 30 properties, the project applicant shall extend the radius until 30 or more properties are reached.
- The homeowner association of which the subject property is a part (if any). Notice shall be mailed to both the property management company and HOA board of directors.
- Notice shall be postmarked within 30 days following the date of application submittal.
- Notice shall be delivered via U.S. Postal Service, First Class Mail.

Enhanced Public Engagement Project Notification Sign – Content & Installation

The project applicant shall post a project notice sign on the project site consisting of the following information, within the timeframe and method specified:

Timing:	Sign shall be posted within 30 days of the application date and at least 14 days prior to the public outreach meeting
Duration:	Sign shall remain posted and in good legible and physical condition until final action is taken on the permit application by the decision-making authority
Content:	• Project name and city assigned case number(s) • Brief project description. At a minimum, the description shall include number of planned residential units, square footage of commercial space, maximum height, and buildings proposed for demolition • Project applicant and representative (if different) contact information • City project planner contact information • Project website address

Format:	Utilize a template provided by the City of Carlsbad
Location:	• Sign shall be freestanding (not affixed to an existing structure) • Sign shall be clearly visible from the street that fronts the subject property and located at the most highly trafficked portion of the property. • If the project fronts multiple public streets (public alleyways excluded), a sign is required along each street frontage.

Public Outreach Meeting

Project applicants shall conduct at least one in-person public outreach meeting with the community. Additional meetings are encouraged and recommended but not required. The minimum requirements of the public outreach meeting shall include the following:

- The public outreach meeting shall be held in the evening (after 5 p.m.) or on the weekend to maximize participation. On-site meetings are encouraged.
- The public outreach meeting shall take place within 60 days following the application submittal.
- Announcement of the public outreach meeting shall be mailed to those recipients included in the enhanced public engagement notice mailing packet, as well as other parties who have notified the applicant or the city that they wish to be informed about the project.
- Announcement of the public outreach meeting shall be post marked at least 14 days in advance of the outreach event and posted to the project's website.
- Announcement of the public outreach meeting may be included as part of the enhanced public engagement project notice mailing packet, so long as it is postmarked at least 14 days before the meeting date.
- If the announcement of the public outreach meeting is not included in the enhanced public engagement notice, the project applicant must mail a separate notice announcing the meeting that is postmarked at least 14 days in advance of the public outreach meeting. The notice must be sent to the same list of recipients required for the enhanced public engagement notice and should include the same information as the enhanced public engagement notice along with meeting date and time, meeting location name and address, and parking, directional information and any other logistics people would need to know to be able to easily access the location where the outreach meeting will be held.

Public Outreach Website

Project applicants shall create and maintain a project website that complies with the following minimum requirements.

- All the information provided in the Enhanced Public Engagement Notice Mailing shall be included on the project website.
- The website shall either allow individuals to provide comments via an online public comment form or forum or offer alternative ways to provide comments via email or U.S. mail.
- The website shall be published at least 30 days following the application submittal date and at least 14 days prior to the public outreach meeting and remain visible until the decision-making authority makes a final determination on the application.

Documentation

The project applicant shall submit an Enhanced Public Engagement Report to the city's project planner assigned to the project, in a format provided by the city, documenting the following:

- A comprehensive summary describing the outreach that was conducted~~.~~, including:
    - Individuals/organizations invited to participate
    - Individuals/organizations who participated
    - A summary of **ALL** input provided to the applicant by the public via the public outreach meeting, website, email and phone calls
    - The applicant's response to this input, including commitments or follow-up actions that were/will be taken by the applicant
- A spreadsheet listing, at a minimum, the names and addresses of those notified and those who asked to be notified in the future.
- Copies of all notices and any other informational materials provided to the public, noting the method and date of distribution.
- Screen shots of all pages of the project website.
- Copies of comment cards, survey results, emails, letters and comments in any other form submitted to the applicant.

Along with the Enhanced Public Engagement Report, the applicant shall sign and submit an affidavit, signed under penalty of perjury, on a form approved by the city, that the contents of the outreach report are accurate and true and that all requirements set forth within this policy have been met.

The Enhanced Public Engagement Report and affidavit shall be submitted to the Planning Division for review in conformance with this policy within 120 days following initial submittal of the permit application.

Once the Planning Division confirms that the report is complete and meets the requirements of the policy, the project applicant shall provide a copy of the report (in print and/or electronic

form) to any stakeholder that requests a copy. In addition, members of the public may obtain a copy of the report from the city, once accepted as complete.

City staff shall include in the staff report to the Planning Commission or City Council a brief synopsis of the project applicant's outreach activities and results as documented in the outreach report and shall include the Enhanced Public Engagement Report in its entirety as an attachment to the staff report.

Notes on Stakeholders and Noticing

Stakeholders who become aware of a project application after the project applicant has conducted early stakeholder outreach may still request to be notified regarding the project from city staff. However, the outreach report is not required to be updated once it has been accepted as complete by the city. It is at the project applicant's discretion whether to engage in additional stakeholder outreach once the requirements of this policy have been met.

Regular noticing by the city for public hearings is not a part of this process and would commence when the application is deemed complete and is scheduled for public hearings by city staff. Additionally, public notice and review requirements under other local ordinance, state or federal law are independent of and not fulfilled by the outreach requirements of this policy. This would include but is not limited to requirements under Carlsbad Municipal Code, the California Coastal Act, the California Environmental Quality Act~~,~~ or the National Environmental Policy Act.

Project Changes

Enhanced public engagement must be done within the first 30 days of project submission. Changes to project design are anticipated and encouraged to respond to stakeholder input. However, significant changes to the project following initial project noticing will require mailing of an updated enhanced public engagement notice and installation of an updated project sign, consistent with the requirements specified in Category B. Significant changes are defined as:

- Change in 20 percent or more of unit numbers or square feet of non-residential development
- The number of affordable housing units provided changes by 5% or more
- Site plan changes resulting in a shift in lot coverage of 20% or more
- Change in building height by 5 or more feet

Administration

The City Planner shall be responsible for administering this policy. The City Planner, in consultation with the City Attorney's Office is authorized to create and modify forms, hand-outs and guidelines as they deem appropriate to effectively administer this policy.

The Planning Division shall maintain a list of applications subject to this policy and keep records of individuals and organizations who request to be notified of such applications, and shall furnish such records to project applicants for purposes of complying with this policy.

PLANNING COMMISSION - REGULAR MEETING

Council Chambers, 99 E Ramsey Street, Banning, CA

Wednesday, May 7, 2025 - 5:30 PM

MINUTES

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1. CALL TO ORDER at 5:32 p.m.

1.1 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

COMMISSIONERS	PRESENT	ABSENT
Castorena, Chris	X	
Dale, Kathleen	X	
Rodriguez, Nathaniel	X	

2. ELECTION OF OFFICERS

2.1 Planning Commission Selection of Presiding Officers.

A. Nominations for Chairperson

Commissioner Rodriguez nominated Commissioner Dale to serve as Chairperson, which was second by Commissioner Castorena.

ACTION: Motion/Second (Dale/Castorena); Motion Carried 3-0 to select Dale for Chair.

B. Nominations for Vice-Chairperson

Commissioner Castorena nominated Commissioner Rodriguez to serve as Vice-Chairperson, which was second by Commissioner Rodriguez.

ACTION: Motion/Second (Dale/Rodriguez); Motion Carried 3-0 to select Rodriguez for Vice-Chair.

3. PUBLIC COMMENTS

No public comments

4. CONSENT AGENDA

4.1 Approval of the meeting minutes for March 5, 2025, Regular Planning Commission meeting.

Chair Dale noted revised meeting minutes were provided by staff. Chair Dale opened public comment for the consent agenda and seeing none, the Chair closed public comments.

ACTION: Motion/Second (Castorena/Rodriguez) to approve the revised minutes.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Rodriguez	*X*				

(Motion Carried 3-0-0) passed.

5. PUBLIC HEARINGS

5.1 Consideration of Design Review (DR) application, Case PLN 24-0149 and DR 23-7007, by WEKA Inc. to allow the development of a 14,800 SF building for warehouse and office use with a storage yard on 4.4-acres of land located at 2300 E. Westward Ave., in the Industrial (I) Zoning District (APN: 532-130-021)
Recommendation: Adopt Resolution 2025-05, Approving design Review Permit, Case PLN 24-0149 and DR 23-7007, Subject to Conditions of Approval.

Mary Yaryan, Associate Planner, provided the staff report.

Gary Miller, from Miller Architects presented a proposed new facility for WEKA, a second-generation trenching and underground utility company relocating to Banning. The project includes an office building with an attached equipment storage and maintenance area. The site features enhanced landscaping, including trees, perimeter planting, and a decorative concrete block wall exceeding City fencing requirements. The representative addressed concerns about metal paneling, explaining that the design uses modern, high-quality panels similar to those on the Toyota dealership, reflecting a professional and contemporary appearance. The building materials align with WEKA's advanced equipment and operations. All equipment will be stored within the enclosed yard. The representative emphasized the project's architectural quality and job creation benefits for Banning and requested project approval.

Ed Bonadiman, Civil Engineer for the project raised concerns about several draft conditions of approval – specifically, a requirement for right-of-way on Westward Ave. He explained that this change would negatively impact driveway grades on the small project site, which were carefully designed to match the Estes improvements along Westward and Scott. He asked for revisions to approximately four conditions to align with plans that had been prepared with a narrower right-of-way on Westward.

Nate Smith, Deputy Director of Public Works and City Engineer for the City of Banning, responded to concerns raised by the applicant regarding the required street dedication and curb alignment along Westward Ave. He explained that the 39' half-width right-of-way requirement is based on the City's circulation element and the 1-10 Bypass Project Environmental Impact report (EIR), which designates Westward Ave. as a future divided collector road connecting Banning and Cabazon. While construction drawings do not yet exist, the adopted EIR supports forward-planning for the road classification.

He noted that although some existing dedications are at 30', the City is conditioning new projects along Westward Ave. for 39' to align with future infrastructure needs.

He confirmed that frontage improvement costs are the responsibility of the developer and had not yet calculated the specific financial impact. However, he advised that deferring improvements could result in higher costs for the project or City in the future.

Nate answered clarifying questions of the Commission.

He confirmed that the 6' street dedication is based on current standards. Septic system use is allowed, with a sewer lateral required for future connection. Gravel yard areas will be reviewed under stormwater regulations. Grading, haul routes, and wall placements were discussed. MSHCP compliance and right-of-way dedications were also clarified.

Jared Himle, Owner of WEKA Inc. said Weka, Inc. is a non-union, prevailing wage pipeline contractor bringing 12 on-site jobs to a new local facility, with 93 employees total and $50M annual revenue.

Chair Dale opened public comments at 6:26 p.m.

Ed Bonadiman emphasized the importance of the requested narrower street width on Westward, moving the curb back 6' doesn't make sense and would harm the project. This change would also reduce usable yard space. He requested the Commission to keep Westward Ave. at 33' half-width and 22' from curb to centerline. He asked to revise the PW.Map.07 from 39' to 33'. He mentioned Scott Rd. has 40' right-of way but only 30' is needed and suggested the extra 10' may be vacated in the future.

He asked to revise PW.Street.08. The current plan shows 36' to 34' since the street is a dead end. He asked to strike PW.Street.09. He said sight distance calculations aren't needed, there are no curves, and the condition adds unnecessary costs. He asked to keep Westward and Scott as shown in the map.

Gary Miller said a biologist's report confirmed the property is not habitat for endangered species and no further county review is deemed necessary.

Green building code requirements will be met (EV charging).

A proposed compromise on street widening: grant right-of way to City but keep curb/sidewalk as planned to avoid hardship on property owner.

Chair Dale Closed Public Comments: 6:34 p.m.

Nate Smith clarified Public Works Conditions:

- PW.Map.07 (Right-of-Way): Still under discussion; relates to Westward Ave.
- Street Width (PW.Street.08): Commission supports 34' of asphalt meets fire access standards.
- Vertical Curve (PW.Street.09): No extra submittal needed if street is straight; curve details to follow Caltrans standards if applicable.
- Street Classification (PW.Street.19): Corrected from "local collector" to "local."
- Westward Ave: Public Works supports keeping current condition as written.

Chair Dale raised concerns that MSHCP consultation with RCA and Wildlife Agencies hasn't occurred as required prior to the CEQA determination. Key conditions from the bio study (e.g. surveys for burrowing owls and nesting birds and the urban-wildlands interface provision) are missing from current conditions of approval and there are no MSHCP consistency findings in

the draft resolution.

Chair Dale cannot support project approval based on the record before the Commission. She motioned to continue item for one month to complete required steps.

ACTION: Motion/Second (Dale/Castorena) to continue the item to the June 4th Regular Planning Commission Meeting.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Rodriguez	*X*				

(Motion Carried 3-0-0) passed.

6. DISCUSSION ITEMS

6.1 Discussion on Expanding Public Notification Requirements in Banning Zoning Ordinance Related to Land Use Development Applications.
Recommendation: Provide direction to staff for Zoning Ordinance Amendment to be scheduled at a future meeting of the Planning Commission.

David Newell, Community Development Director, provided the staff report.

He said application types covered by Planning Commission are: Conditional Use Permits, Design Review, Development Agreements, General Plan Amendments, Zone Changes, Planned Developments, Specific Plans, Subdivision Maps, and Variances.

The Current Noticing Standards, per State Law and Local Code: Public hearing notices must be mailed to property owners within 300' of the project site at least 10 days prior to the hearing. Notice must be published in a newspaper of general circulation. The one exception is CUP applications in certain rural residential zones, which require 1200' radius notification.

Staff examined local practices in Moreno Valley, Palm Desert, Palm Springs, and Rancho Mirage: All exceed the 300' minimum, with most requiring 500' to 1,000' notice for projects over 5-acres.

Rancho Mirage uses a tiered approach if fewer than 25 owners fall within 500'.

Other methods used by other cities: On-site signage, community meetings, community engagement plans submitted by applicants.

Staff seek direction from the Commission on whether to expand public notice requirements beyond state minimums. Based on Commission input, staff will return with draft ordinance changes for formal review and recommendation to City Council.

Chair Dale opened public comments.

Frank Connelly said he would like to see cities with similar populations (e.g. Beaumont, Redlands). He understands community outreach but would not like to overburden developers.

Chair Dale closed public comments.

Commissioner Castorena supports expanding public outreach, especially for larger projects, to rebuild community trust. He emphasized not overburdening small developers but suggested measures like larger notification radius, community engagement plans, on site-signage, bilingual notices, and inclusive outreach to renters and Spanish-speaking residents. He also recommended early-stage engagement and clear accessible communication.

Commissioner Rodriguez shared that his current job follows practices similar to Palm Desert and Palm Springs, including 500' notifications, outreach to renters, and posting on-site signage. He supports a 1,000' notification radius for projects over five acres, especially in rural areas like Banning, to ensure residents are well informed about upcoming developments.

Chair Dale supported adopting early and transparent public outreach practices modeled after Palm Desert and Carlsbad, including early signage, flexible placement, bilingual and occupant mailings, and neighborhood meetings for larger or high-impact projects. She suggested requiring community engagement plans, staff review of outreach materials, HOA notifications, and re-engagement if a project changes. She also recommended considering the CEQA- "whole of the action" concept in defining the boundary for public notifications. For smaller projects, she supported more limited outreach to avoid being overly burdensome.

6.2 Consider Formation of Industrial Project Review Ad-hoc Subcommittee.
Recommendation: Appoint two members to serve on an Industrial Project Review Ad-hoc Subcommittee.

David Newell, Director said staff proposes to create a one-year ad-hoc subcommittee to help Planning Commissioners review land development projects-especially those with Environmental Impact Reports – before official hearings. The goal is to improve understanding and communication by allowing early review, developer/staff Q&A, and clarification sharing with the full Commission. The subcommittee would follow the Brown Act rules and avoid biased statements.

Chair Dale opened public comments.

Paul Loubet, First Industrial, supports the use of ad hoc meetings, noting they help.

Chair Dale closed public comments.

ACTION: Motion/Second (Castorena/Dale) to appoint two members of the Planning Commission; Castorena and Dale to serve on the Land Development Project Review Ad-hoc subcommittee.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Rodriguez	*X*				

(Motion Carried 3-0-0) passed.

7. ANNOUNCEMENTS AND REPORTS

7.1 DIRECTOR'S REPORT

Director Newell announced two open Planning Commission seats. Applications are available

on the City website and must be submitted by May 30.

7.2 COMMISSIONER REPORTS

Commissioner Castorena shared Planning Commission openings on social media and received some interest. He met with David, Community Development Director to discuss a community benefits checklist and justification statement for large projects to clearly outline public benefits. He submitted a PDF with policy ideas for consideration in the City's General Plan update.

8. ANNOUNCEMENTS FROM COMMISSION MEMEMBERS

9. ITEMS FOR FUTURE AGENDAS

10. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

Minutes prepared by:

Sandra Calderon

Sandra B. Calderon
Planning Commission Secretary

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banningca.granicus.com/player/clip/194?view_id=1&redirect=true

All documents related to this meeting are available here:
https://d3n9y02raazwpg.cloudfront.net/banningca/6d80bb7e-76d8-11ef-9b71-005056a89546-38305488-93fe-4918-9dd7-c67857e7b6c7-1746131841.pdf

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AFFIDAVIT OF PUBLICATION

Record Gazette

218 N. Murray St., Banning, CA 92220

Proof of Publication
(2015.5 C.C.P.)

PZTA 26-0007 NOPH

State of New Jersey, County of Camden, ss:

I, Tiffannie Wrobel, of lawful age, being duly sworn upon oath depose and say that I am a citizen of the United States, I am over the age of eighteen years, and not party or interested in the above entitled matter. I am the Agent 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:

Publication Dates:
- Oct 9, 2026

Notice ID: k1kNXum5M3kPsVUW5DKL
Notice Name: PZTA 26-0007 NOPH
Publication Fee: $310.40

Tiffannie Wrobel
Agent

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

VERIFICATION
State of New Jersey
County of Camden

Signed or attested before me on this: 10/20/2026

Notary Public
Notarized remotely online using communication technology via Proof.

CITY OF BANNING
NOTICE OF A PUBLIC HEARING AND CEQA EXEMPTION DETERMINATION

NOTICE IS HEREBY GIVEN that a Public Hearing has been scheduled before the Planning Commission of the City of Banning on **Wednesday, November 4, 2026 beginning at 5:30 PM** in the City Council Chambers located at 99 East Ramsey Street, Banning, CA 92220 to consider the proposed project described below. To observe the public meeting live through your personal computer or smart phone, you may click on the following link: https://banninglive.viebit.com or view the meeting on the Banning Government Channel on Cable Television.

Project Case Type(s) and Number(s): Zone Text Amendment No. 26- 0007 (PTZA 26-0007)
Applicant's Name/Address: City of Banning, 99 E. Ramsey Street, Banning, CA 92220
Project Location/APN No(s) : City-Wide
Project Description: The Planning Commission will consider a city initiated zoning text amendment to modify Chapters 17.52 (CUP); 17.56 (DR); 17.60 (DA); 17.64 (GPA); 17.68 (NOPH); 17.96 (SP); 17.112 (VAR); & 17.116 (ZOA) of the Banning Municipal Code to modify the public hearing notification (NOPH) procedures and standards for all projects requiring a public hearing before the Planning Commission and City Council.
CEQA Environmental Determination: The Planning Commission will consider and make a recommendation to the City council to adopt a General Rule ("Common Sense") Exemption in accordance with Section 15061(b)(3) of the California Environmental Quality Act ("CEQA").

Review of Project Information: The November 4, 2026 Planning Commission agenda packet, including applicable development plans, applicable technical studies and related environmental documents, may be viewed on the City's website after it is has been published by the Secretary of the Planning Commission (tentatively set for 10/28/26) by clicking on the following web address link: http://www.banning.ca.us/906/Agendas-and-Minutes---2024-to-Present . For additional information about the proposed project, please contact the Development Services Department during regular business hours (Monday – Friday; 8:00 a.m. to 5:00 p.m.) at (951) 922-3125. You may also email the Planning Division at planning2@banningca.gov for additional information.

Written/Oral Comments on this Project: Written and/or oral comments to the Planning Commission on the proposed zoning text amendment described in this notice may be made verbally at the hearing and/or in writing before the hearing. Written comments may be also submitted to the Planning Commission electronically by sending an email to csantello@banningca.gov , or may be mailed/delivered directly to City Hall, Attention: Planning Division, at 99 E. Ramsey Street, Banning, CA 92220 or PO Box 998 Banning, CA 92220. Transmittal of any comments is required to be made prior to the start of the Planning Commission meeting. Any correspondence received during or after the meeting will be distributed to the Planning Commission as soon as practicable and retained for the official record. Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing (Government Code Section 65009[b][2]).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at 951-822-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Banning y puede hablar con Cheryl Santello, teléfono (951) 922-3125.

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Chapter 17.68 HEARINGS AND APPEALS

17.68.010 Purpose.

These provisions specify procedures for hearing before the Council, Commission and Director and appeals of any requirement, decision or determination made by the Director or the Commission.

(Zoning Ord. dated 1/31/06, § 9117.01.)

17.68.020 Application processing.

A. Applications shall be reviewed and processed in a manner consistent with the provisions of the California Government Code Sections 65090, 65091, and 66451.3.

B. Not less than 10 days before the date of a hearing, public notice shall be given of such hearing by each of the following methods:

1. By publication once in a newspaper of general circulation within the City. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body.

2. a. By mailing, 10 days prior to said hearing, postage prepaid, to the owners of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the current tax assessors records. For properties zoned R/A, R/A/H, RR, RR/H, notice shall be sent to the owners of property within a radius of 1,200 feet f the exterior boundaries of the property involved in the application. Notice is deemed received 2 days after date of postmark. The list of property owners addresses shall be typed on gummed labels, together with required postage. The list shall be prepared and certified by a title insurance company, civil engineer or surveyor licensed to practice in California.

b. The notice shall state the nature of the request, location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body; or, in the event that the number of owners and tenants to whom notice would be sent is greater than 1000, notice may be given at least 10 days prior to the hearing by placing a display advertisement of at least ⅛ page in the newspaper having the greatest circulation within the area affected by the proposed action. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body; and

3. By mailing, 10 days prior to said hearing, postage prepaid, to the owner of the subject real property of the owner's authorized agent. The notice shall state the nature of the request, the location of the property (text or diagram, the date, time, and place of the scheduled hearing, and the hearing body. Notice is deemed received 2 days after date of postmark.

(Zoning Ord. dated 1/31/06, § 9117.02.)

17.68.030 Director investigation.

The Director shall make an investigation of facts bearing on the case to provide the information necessary for action consistent with the intent of this Zoning Ordinance and the General Plan. The Director shall report the findings to the Commission or Council, as appropriate.

(Zoning Ord. dated 1/31/06, § 9117.03.)

17.68.040 Hearing procedure.

Hearings as provided for in this chapter shall be held at the date, time and place for which notice has been given as required in this chapter. The summary minutes shall be prepared, and audiotape made and filed in the Department. Any hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued.

(Zoning Ord. dated 1/31/06, § 9117.04.)

17.68.050 Notice of decision—Director.

The Director shall announce and record his/her respective decisions at the conclusion of each required hearing. The decision shall set forth applicable findings and any conditions of approval. Following the hearing a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

(Zoning Ord. dated 1/31/06, § 9117.05.)

17.68.060 Notice of decision—Commission.

A. The Commission shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the Commission together with all required conditions of approval deemed necessary to mitigate any impacts and protect the health, safety and welfare of the community.

B. Following the Hearing, a notice of the decision of the Commission, and any conditions of approval shall be mailed to the applicant at the address shown upon the application. A copy of the decision, with all applicable conditions of approval, shall be forwarded to the Mayor and City Council.

(Zoning Ord. dated 1/31/06, § 9117.06.)

17.68.070 Notice of decision—Council.

The Council shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the Council and conditions of approval deemed necessary to mitigate any impacts and protect the health, safety and welfare of the City.

(Zoning Ord. dated 1/31/06, § 9117.07.)

17.68.080 Effective date.

Director and Commission approved permits shall become effective upon approval, unless appealed. Specific Plans, General Plan Amendments, and Maps approved by the Council shall become effective upon approval.

Development Code Amendments and Zoning text and map Amendments shall become effective 30 days following the final date of action (i.e., adoption) by the Council. The letter of approval shall constitute the permit, and the resolution or ordinance shall constitute the amendment.

17.68.090 Appeal of action.

Any determination or action taken by the Director may be appealed to the Commission. In a similar manner, any action taken by the Commission to approve or disapprove an application may be appealed to the Council.

(Zoning Ord. dated 1/31/06, § 9117.09.)

17.68.100 Filing of appeals.

All appeals shall be submitted to the Department on a City application form, and shall specifically state the basis of the appeal. Appeals shall be filed with the Department within 15 days following the final date of action for which an appeal is made. Appeals shall be accompanied by a filing fee as specified in Chapter 17.48, Applications and Fees.

(Zoning Ord. dated 1/31/06, § 9117.10.)

17.68.110 Notice of appeal hearings.

Notice of an appeal hearing shall conform to the manner in which the original notice was given. The appellant shall be responsible for all noticing materials required in the original application.

(Zoning Ord. dated 1/31/06, § 9117.11.)

17.68.120 Effective date of appealed actions.

An action of the Director appealed to the Commission shall not become final unless and until upheld by the Commission. An action of the Commission appealed to the Council shall not become final unless and until upheld by the Council.

(Zoning Ord. dated 1/31/06, § 9117.12.)

17.68.130 Reapplication.

When an application for a permit or amendment is denied, no application for the same or substantially same permit or amendment shall be filed in whole, or in part, for the ensuing 12 months except as otherwise specified at the time of denial. The Director shall determine whether the new application is for a permit or amendment which is the same or substantially the same as a previously denied permit or amendment.

(Zoning Ord. dated 1/31/06, § 9117.13.)

17.68.140 Reconsideration.

If more complete or additional facts or information, which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the department within fifteen days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in Section 17.68.020

shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant.

(Zoning Ord. dated 1/31/06, § 9117.14.)

(Ord. No. 1510, § 3(2), 9-11-17)

CITY OF BANNING
STAFF REPORT

TO:	**PLANNING COMMISSION**
FROM:	**Matthew Bassi, Senior Project Manager**
PREPARED BY:	**Nate Smith, Deputy Director of Public Works/City Engineer**
MEETING DATE:	**November 4, 2026**
SUBJECT:	**Fiscal Year 2026/27 City of Banning 5-Year Capital Improvement Plan General Plan Consistency Determination Guideline Section 15306 (Information Collection)**

STAFF RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

1. Find that the determination of General Plan Consistency for the FY 2026/27 5-Year CIP Plan is not subject to the California Environmental Quality Act (CEQA) Guidelines in accordance with Section 15036 (Information Collection).

2. Adopt a Resolution entitled:

PC RESOLUTION 2026-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15306 (INFORMATION COLLECTION) AND MAKING A DETERMINATION OF CONFORMITY AND CONSISTENCY WITH THE BANNING GENERAL PLAN FOR THE FY 2026/27 CITY'S CAPITAL IMPROVEMENT PLAN

PROJECT APPLICANT:

City of Banning

BACKGROUND:

Government Code Section 65401 requires that the City Council adopt a Capital Improvement Program (CIP) outlining the anticipated capital improvement projects for the upcoming fiscal year. Furthermore, Planning Commission is required to find the CIP is in accordance with the General Plan. This staff report is part of an annual review for the Planning Commission to consider the CIP's consistency with the General Plan.

CIP Analysis:

The City's current CIP program sets out a long-term capital improvement program budget for the City. The complete CIP document identifies both funding sources and capital projects for the next five (5) fiscal years (FY26/27 – 30/31). The CIP project priorities and projected funding amounts are address solely by the City Council annually. The Planning Commission's role and determination is that the identified CIP projects and activities for the five-year CIP program are in conformance with the General Plan and would satisfy State law.

A conformance determination with the Banning General Plan can be best described as CIP projects that further the achievement of goals, policies, and infrastructure needs forecasts. For example, the construction of a particular roadway would be considered consistent if the roadway is identified in the General Plan, depicted on the Circulation Element map, described in the goals and policies, and/or listed as an implementation program/activity.

The CIP projects have been categorized by the implementing department, as shown on the 5-Year CIP in Exhibit A of Resolution 2026-10 as approved by the City Council. The general scope for each project would include associated activities pertaining to planning, engineering, environmental, design, right of way acquisition, preparation of construction documents, advertisement of construction bids, construction, and administrative/management tasks.

Staff has reviewed the proposed FY26/27 CIP and has determined that the projects proposed are consistent with the goals and policies on the General Plan, as described below.

DESCRIPTION:

Project Summary:

The CIP is broken down into the specific funds used for its construction (i.e. General Fund, Water Fund, etc.). A brief description of the project types is included below:

General Fund (001) – A fiscal emergency has been declared due to distress in the General Fund. As such, only one (1) grant funded project is proposed for the year to install 'Big Belly' waste receptacles at or near a transit stop.

Special Revenue Funds (100, 101, 102) – These are restricted fund accounts where revenues realized are for specific purposes. Proposed projects are listed below
• ST1905 – Sun Lakes Boulevard Extension
• ST2005 – San Gorgonio Ave Pedestrian Safety Project
• ST23G1 – Citywide Traffic Signal Upgrades
• ST23G2 – Citywide Pedestrian Crossing Upgrades
• ST23G3 – Wilson/12th Street Crosswalk Upgrade
• ST27-01 through ST27-09 – Various pavement maintenance projects and programs

Special Revenue Funds (110) – These are restricted CDBG fund accounts where revenues realized are for specific purposes. Proposed projects are listed below
• Various parks facility upgrades

Special Revenue Funds (132) – These are restricted Air Quality fund accounts where revenues realized are for specific purposes. Proposed projects are listed below
• Electrical Vehicle Purchases

Development Impact Fee Funds (400 Series)
• PR22-01 – Parks Improvement Project

Airport Enterprise Fund (600)
No projects proposed in current fiscal year.

Transit Enterprise Funds (610)
Various capital purchases and investments identified in the Short Range Transit Plan to support transit operations.

Water Utility Enterprise Funds (660-663)
Various maintenance and planning projects to provide utility reliability and compliance with state laws and policies.

Electric Utility Enterprise Funds (670-675)
Various maintenance and planning projects to provide utility reliability and compliance with state laws and policies.

Wastewater Utility Enterprise Funds (680-683)
Various maintenance and planning projects related to the wastewater treatment plan operations and upgrade.

Building Maintenance Interservice Funds (680-683)
No projects proposed in the current fiscal year.

PROJECT ANALYSIS/FINDINGS OF FACTS:

In accordance with Sections 65401 and 65402 of the California Government Code, the Planning Commission, in light of the whole record before it, including but not limited to the Development Services Department's staff report and all documents incorporated by reference therein, and the City's General Plan, hereby finds and determines as follows:

A. The proposed FY 2026/27 capital improvement projects of the FY 2026/27 Capital Improvement Plan are consistent with the City of Wildomar General Plan.

Evidence: The FY 2026/27 capital improvement projects and ongoing program activities that are contained in FY 2026/27 Capital Improvement Plan (CIP) are consistent with the adopted goals and policies of the Banning General Plan. The General Plan provides for an orderly distribution of development that requires the outlay of capital assets to support residential, commercial, and industrial development. Staff has reviewed the CIP projects (Attachment A of PC Resolution No. 2026-10) and concludes that its components are consistent with the Community Development Chapter, which includes the Land Use, Economic Development, Circulation and Housing Elements of the General Plan. Planning Commission, by its independent judgement, finds the CIP conforms with the General Plan. Furthermore, the CIP document includes a General Plan Policy section that evidences the specific policy references found in the General Plan.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15306 (Class 6, Information Collection), the determination of General Plan Consistency for the FY 2026/27 CIP is categorically exempt from CEQA. The Class 6 categorical exemption consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. The Planning Commission's determination of General Plan consistency for the FY 2026/27 CIP meets this exemption requirement. Prior to implementation of each individual CIP project, a separate environmental analysis will be prepared at that time to determine what level of CEQA compliance is needed. Based on this, staff recommends the Planning Commission adopt this CEQA Exemption and direct staff to file a Notice of Exemption (NOE) with the Riverside County Clerk and State Clearinghouse within five (5) working days of approval in accordance with CEQA law.

PUBLIC COMMUNICATION:

This item is a discussion item for the Planning Commission; therefore a public hearing notice is not required.

ATTACHMENTS:

1. Attach A - PC Resolution No. 2026-10.pdf
2. Exhibit 1 - FINAL 5 Year CIP 2027-2031 [PC Resolution 2026-10].pdf

PC RESOLUTION 2026-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15306 (INFORMATION COLLECTION) AND MAKING A DETERMINATION OF CONFORMITY AND CONSISTENCY WITH THE BANNING GENERAL PLAN FOR THE FY 2026/27 CITY'S CAPITAL IMPROVEMENT PLAN

WHEREAS, pursuant to Sections 65103 (c) and 65401 of the State of California Government Code, the Planning Commission has reviewed the Capital Improvement Program (CIP) for Fiscal Year 2023/24 as to its consistency with the City of Banning General Plan; and

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

SECTION 1: CEQA Determination

The Planning Division staff has determined that the Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 *et seq.*) and the State CEQA Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*). The Capital Improvement Plan is categorically exempt (Section 15306) from the provisions of the California Environmental Quality Act (CEQA) as the CIP consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.; and

SECTION 2: Planning Commission Findings:

In accordance with Sections 65401 and 65402 of the California Government Code, the Planning Commission, in light of the whole record before it, including but not limited to the Development Services Department's staff report and all documents incorporated by reference therein, and the City's General Plan, hereby finds and determines as follows:

A. The proposed FY 2026/27 capital improvement projects of the FY 2026/27 Capital Improvement Plan are consistent with the City of Wildomar General Plan.

Evidence: The FY 2026/27 capital improvement projects and ongoing program activities that are contained in FY 2026/27 Capital Improvement Plan (CIP) are consistent with the adopted goals and policies of the Banning General Plan. The General Plan provides for an orderly distribution of development that requires the outlay of capital assets to support residential, commercial, and industrial development. Staff has reviewed the CIP projects (Exhibit 1 of this Resolution) and concludes that its components are consistent with the Community Development Chapter, which includes the Land Use, Economic Development, Circulation and Housing Elements of the General Plan. Planning Commission, by its independent judgement, finds the CIP conforms with the General Plan. Furthermore, the CIP document includes a General Plan Policy section that

evidences the specific policy references found in the General Plan.

SECTION 3: **Planning Commission Action:**

The Planning Commission of the City of Banning based on the finding above, hereby determines that the Capital Improvement Program for Fiscal Year 2026/27 is consistent and conforms with the adopted goals and policies of the Banning General Plan.

PASSED, APPROVED AND ADOPTED this 4th day of November, 2026

_____

Chris Castorena,
Planning Commission Chair
City of Banning

ATTEST:

_____

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

_____

Robert L. Patterson, Assistant City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Recording Secretary for the City of Banning Planning Commission, do hereby certify that the foregoing PC Resolution No. 2026-10 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of November 2026, by the following, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
GENERAL																
Animal Control																
AC25-01	Animal Shelter Needs Assessment					$ 89,170							$ -			$ -
					Animal Control Subtotal:	**$ 89,170**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Fire Department																
FD25-01	Station 89 - Roof Repair		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 20,000	$ -			$ -
FD24-01	Station 89 - Bay Door Replacement		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 55,000	$ -			$ -
FD24-02	Station 89 - Bathroom & Living Quartes Update		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 350,000	$ -			$ -
FD25-02	Station 89 - Carpet Replacement		Reserves	001-2400-422.90-45	BLDG FURNISHING/ FIXTURES							$ 10,000	$ -			$ -
FD25-03	Station 89 - Repaint		Reserves	001-2400-422.90-45	BLDG FURNISHING/ FIXTURES							$ 45,000	$ -			$ -
FD27-01	Station 89 - Turf Removal/ Replacement		Reserves	001-2400-422.90-45	BUILDING IMPROVEMENTS							$ 150,000	$ -			$ -
FD27-02	Fire Station 2 - HVAC Repairs		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 75,000	$ -			$ -
FD27-03	Fire Station 2 - Roof Repairs		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 200,000	$ -			$ -
FD27-04	Fire Station 2 - Site Wall Replacement		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 275,000	$ -			$ -
FD27-05	Fire Station 2 - Interior Reconfigurations		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 1,500,000	$ -			$ -
FD27-06	Fire Station 2 - Roll Up Door		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 60,000	$ -			$ -
FD27-07	Fire Station 2 - Security and Communications		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 100,000	$ -			$ -
FD24-03	Fire Admin - Bay Door Replacement		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 45,000	$ -			$ -
FD24-04	Fire Admin - Security Upgrades		Reserves	001-2400-422.90-15	BUILDING IMPROVEMENTS							$ 25,000	$ -			$ -
					Fire Department Subtotal:	$ -	$ -	$ -	$ -	$ -	$ -	**$ 2,910,000**	$ -	$ -	$ -	$ -
Parks																
PR25-01	Purchase of up to 6 smart irrigation controllers to allow staff to monitor and control irrigation and reduce consumption.		RESERVES - CAPITAL	001-3600-461-90-05	IRRIGATION IMPROVEMENTS							$ 35,000	$ -			$ -
PR25-02	Resurface of Basketball Court Surfaces (vandalism & Wear)		Reserves	001-3600-461.90-30	ROOSEVELT WMS PARK IMPROVMENTS							$ 25,000	$ -			$ -
PR25-03	Replacement of Playground		Reserves	001-3600-461.90-37	REPPLIER PARK IMPROVEMENTS							$ 165,000	$ -			$ -
PR25-04	Playground Replacement		Reserves	001-3600-461.90-38	SYLVAN PARK IMPROVEMENTS							$ 165,000	$ -			$ -
PR25-05	Annual Request		Reserves	001-3600-461.90-56	MACHINERY/ EQUIPMENT			$ 50,000	$ 50,000	$ 50,000	$ 50,000		$ 200,000			$ -
PR24-01	Purchase of used tractor and water truck to better prepare and maintain Dysart Park.	001-0000-285.07-00	RESERVES (CAPITAL REPLACEMENT)	001-3600-461.90-56	MACHINERY/ EQUIPMENT							$ 170,000	$ -			$ -
					Parks Subtotal:	$ -	$ -	**$ 50,000**	**$ 50,000**	**$ 50,000**	**$ 50,000**	**$ 560,000**	**$ 200,000**	$ -	$ -	$ -
Recreation																
PR25-07	Master Plan Update - 18 to 24 month completion estimate		PARK DEVELOPMENT DIF FUNDS	001-4000-461.33-11	Parks and Rec Master Plan Update							$ 350,000	$ -			$ -
PR25-08	Resurfacing and Coping Improvments		Reserves	001-4000-461.90-27	SWIMMING POOL IMPROVEMENT							$ 125,000	$ -			$ -
					Recreation Subtotal:	$ -	$ -	$ -	$ -	$ -	$ -	**$ 475,000**	$ -	$ -	$ -	$ -

*General Fund Accounts with no projects proposed are hidden

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
Refuse				Refuse												
RF25-01	ACC/PCC Recycling		Reserves	001-9600-453.90-10	COLLECTION SITE IMPROVEMENTS							$ 500,000	$ -			$ -
RF24-01	Downtown Trash Enclosure Enhancements		Reserves	001-9600-453.90-22	COLLECTION SITE IMPROVEMENTS							$ 250,000	$ -			$ -
RF24-02	Big Belly Containers		Bev. Container Recycling Grant	001-9600-453.90-56	MACHINERY/ EQUIPMENT		$ 27,016					$ 85,000	$ 27,016	$ 27,016		$ -
					Refuse Subtotals:	**$ -**	**$ 27,016**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 835,000**	**$ 27,016**	**$ 27,016**	**$ -**	**$ -**
					General Fund Subtotal:	**$ 89,170**	**$ 27,016**	**$ 50,000**	**$ 50,000**	**$ 50,000**	**$ 50,000**	**$ 4,780,000**	**$ 227,016**	**$ 27,016**	**$ -**	**$ -**
PUBLIC WORKS SPECIAL REVENUE																
Fund 100 (Gas Tax Street Fund), Fund 101 (Measure A Sales Tax), Fund 102 (SB1/RMRA Gas Tax)																
ST2401	Hargrave Grade Separation	100-4900-347.34-38	FRA RCE Grant	100-4900-431.90-10	PLANNING/ ENGINEERING SVC	$ 1,918,941							$ -			$ -
		100-4900-344.33-20	RCTC Grade Sep. Grant			$ 3,931,144							$ -			$ -
			Local DIF Fund	420-4900-431.90-10		$ 500,000							$ -			$ -
ST22G2	Ramsey St. Pedestrian Crossing (HSIP)	100-4900-341.31-64	HSIP Grant	100-4901-431.93-15	STREET IMPROVEMENTS								$ -			$ -
		101-4900-302.11-02	MEASURE A SALES TAX			$ 116,531							$ -			$ -
ST2005	San Gorgonio UP Pedestrian Crossing	100-4190-341.31-16	CPUC Section 130 Project	100-4901-431.90.10	STREET IMPROVEMENTS	$ 24,964	$ 871,000						$ 871,000	$ 871,000		$ -
ST23G1	Citywide Traffic Signal Upgrades (HSIP)	100-4900-341.31-64	HSIP Grant	IN PROGRESS. 95% Complete	PLANNING/ ENGINEERING SVC								$ -			$ -
		101-4900-302.11-02	MEASURE A SALES TAX			$ 10,973							$ -			$ -
		100-4900-341.31-64	HSIP Grant	100-4901-431.90-10	STREET IMPROVEMENTS		$ 318,000						$ 318,000	$ 318,000		$ -
		101-4900-302.11-02	MEASURE A SALES TAX				$ 50,000						$ 50,000	$ 50,000		$ -
ST23G2	Citywide Pedestrian Crosswalk Upgrades (HSIP)	100-4900-341.31-64	HSIP Grant	IN PROGRESS	PLANNING/ ENGINEERING SVC								$ -			$ -
		101-4900-302.11-02	MEASURE A SALES TAX			$ 9,707							$ -			$ -
		100-4900-341.31-64	HSIP Grant	100-4901-431.90-10	STREET IMPROVEMENTS		$ 475,650						$ 475,650	$ 475,650		$ -
		101-4900-302.11-02	MEASURE A SALES TAX				$ 50,000						$ 50,000	$ 50,000		$ -
ST1905	Sun Lakes Boulevard Extension Project	100-4900-344.33-20	RCTC MARA Grant	100-4901-431.93-16	STREET IMPROVEMENTS	$ 13,500,000							$ -			$ -
		100-4900-366.44-21	WRCOG TUMF			$ 19,000,000							$ -			$ -
		101-4900-302.11-02	Measue A				$ 830,000	$ 830,000					$ 1,660,000	$ 830,000	$ 830,000	$ -
		420-4900-431.90-10	Local DIF Fund										$ -			$ -
ST23G3	Wilson/12th Crosswalk Upgrade (HSIP)	100-4900-341.31-64	HSIP Grant	101-4900-431.93-16	PLANNING/ ENGINEERING SVC								$ -			$ -
		101-4900-302.11-02	MEASURE A SALES TAX			$ 4,413							$ -			$ -
		100-4900-341.31-64	HSIP Grant	101-4901-431.93-16	STREET IMPROVEMENTS		$ 209,313						$ 209,313	$ 209,313		$ -
		101-4900-302.11-02	MEASURE A SALES TAX				$ 22,760						$ 22,760	$ 22,760		$ -
ST27-01	Sun Lakes Boulevard Restripe	101-4900-302.11-02	MEASURE A SALES TAX	101-4900-431.96-16	STREET IMPROVEMENTS		$ 60,000						$ 60,000	$ 60,000		$ -
ST27-02	Pavement Mangement Plan	101-4900-302.11-02	MEASURE A SALES TAX	101-4900-431.96-16	PLANNING/ ENGINEERING SVC		$ 250,000						$ 250,000	$ 250,000		$ -
ST27-03	Misc. Traffic Engineering	101-4900-302.11-02	MEASURE A SALES TAX	101-4900-431.96-16	STREET IMPROVEMENTS		$ 25,000	$ 30,000	$ 35,000	$ 40,000	$ 30,000		$ 160,000	$ 25,000	$ 30,000	$ -
ST27-04	San G/Westward and San G/Lincoln Intersection Updates	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS		$ 500,000						$ 500,000	$ 500,000		$ -
ST27-05	12th Street Overlay (Westward to Barbour)	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS		$ 60,000						$ 60,000	$ 60,000		$ -
ST27-06	Highland Home Road Slurry (Wilson to Ramsey)	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS		$ 80,000						$ 80,000	$ 80,000		$ -
ST27-07	Highland Springs AC Ovelay (UPRR to Wilson)	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS		$ 400,000						$ 400,000	$ 400,000		$ -
ST27-08	Ramsey Street Slurry	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS		$ 400,000						$ 400,000	$ 400,000		$ -
ST27-09	Joshua Palmer AC Overlay	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS		$ 450,000						$ 450,000	$ 450,000		$ -

**General Fund Accounts with no projects proposed are hidden*

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
ST27-10	Citywide Pavement/Slurry Projects	101-4900-302.11-02	MEASURE A SALES TAX	101-4900-431.96-16	STREET IMPROVEMENTS			$ 850,000	$ 1,000,000	$ 900,000	$ 850,000		$ 3,600,000		$ 850,000	$ -
ST27-11	Citywide Pavement/Slurry Projects	102-0000-341.31-04	SB1 RMRA GAS TAX REVENUE	102-4904-431.93-15	STREET IMPROVEMENTS			$ 900,000	$ 900,000	$ 900,000	$ 900,000		$ 3,600,000		$ 900,000	$ -
						$ 39,016,672	**$ 5,051,723**	**$ 2,610,000**	**$ 1,935,000**	**$ 1,840,000**	**$ 1,780,000**	**$ -**	**$ 13,216,723**	**$ 5,051,723**	**$ 2,610,000**	**$ -**
CDBG FUND (110)																
PR25-09	3 year funding cycle - restroom & shelter replacement		PARK DEVELOPMENT DIF FUNDS	110-5500-461.90-38	SYLVAN PARK IMPROVEMENTS							$ 434,000	$ -			$ -
		110-5500-347.34-02	FEDERAL C D B G				$ 160,000						$ 160,000	$ 160,000		$ -
PR27-01	Dysart Lighting Project	110-5500-347.34-02	FEDERAL C D B G	110-5500-461.90-63	DYSART PARK IMPROVEMENTS		$ 130,000						$ 130,000	$ 130,000		$ -
PR27-02	Senior Center Roof Replacement	110-5500-347.34-02	FEDERAL C D B G	110-5500-461.90-63	BUILDING IMPROVEMENTS		$ 180,000						$ 180,000	$ 180,000		$ -
PR27-03	Nutrition Site restroom-ADA compliant	110-5500-347.34-02	FEDERAL C D B G	110-5500-461.90-63	BUILDING IMPROVEMENTS		$ 60,000						$ 60,000	$ 60,000		$ -
		110-5500-347.34-02					$ 100,000						$ 100,000	$ 100,000		$ -
						$ -	**$ 630,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 434,000**	**$ 630,000**	**$ 630,000**	**$ -**	**$ -**
AIR QUALITY IMPROVEMENT FUND (132)																
FL24-01	Electric Vehicles/Infrastructure		Reserves	132-4900-446.90-52	VEHICLES		$ 250,000						$ 250,000	$ 250,000		$ -
						$ -	**$ 250,000**	**$ -**	**$ -**	**$ -**	**$ -**		**$ 250,000**	**$ 250,000**	**$ -**	**$ -**
TRAFFIC CONTROL FACILITY FUND (420)																
	No Proposed Capital Projects												$ -			$ -
						$ -	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
CAPITAL FACILITIES FUND																
	No Proposed Capital Projects												$ -			$ -
						$ -	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
PARK DEVELOPMENT FUND (451)																
PR22-01	Park Improvement Project (Carryover from FY2022)	675-7020-473.90-52	PUBLIC BENEFIT FUND				$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000		$ 250,000	$ 50,000	$ 50,000	$ -
			PARK DEVELOPMENT FUNDS				$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000		$ 250,000	$ 50,000	$ -	$ -
						$ -	**$ 100,000**	**$ 100,000**	**$ 100,000**	**$ 100,000**	**$ 100,000**	**$ -**	**$ 500,000**	**$ 100,000**	**$ 50,000**	**$ -**
CAPITAL IMPROVEMENT FUND (470)																
	No Proposed Capital Projects												$ -			$ -
						$ -	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
AIRPORT FUND (600)																
	Runway Rehabilitation		ACIP Grant						$ 350,000	$ 900,000						
			Reserves (ACIP Match)	600-5100-435.90-41	RUNWAY IMPROV.				$ 35,000	$ 100,000			$ 135,000			$ -
						$ -	**$ -**	**$ -**	**$ 35,000**	**$ 100,000**	**$ -**	**$ -**	**$ 135,000**	**$ -**	**$ -**	**$ -**
TRANSIT FUND - FIXED ROUTE (610)																
TN21-01	Bus Replacement	610-5800-341.31-25	STA Funded	610-5800-434.90-56	AUTOMOTIVE EQUIPMENT		$ 509,278						$ 509,278	$ 509,278		$ -
TN22-03	Video Camera Install in vehicles	610-5800-341.31-25	STA Funded	610-5800-434.90-56	AUTOMOTIVE EQUIPMENT		$ 167,068						$ 167,068	$ 167,068		$ -
TN23-03	Bus Stop Improvements	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS				$ 150,000				$ 150,000			$ -
TN24-04	Bus Stop Improvement and Transit Advertising	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS		$ 50,000						$ 50,000	$ 50,000		$ -
TN24-04	Replacement of Fixed Route and Paratransit Buses	610-5800-341.31-64	TIRCP Funded	610-5800-434.90-56	AUTOMOTIVE EQUIPMENT						$ 4,095,390		$ 4,095,390			$ -
TN24-05	Transit Bus Wrapping Program	610-5800-341.31-25	STA Funded	610-5800-434.90-56	MACHINERY/ EQUIPMENT		$ 100,000						$ 100,000	$ 100,000		$ -
TR24-06	Comprehensive Operational Analysis	610-5800-341.31-25	STA Funded	610-5800-434.90-56	PLANNING		$ 300,000						$ 300,000	$ 300,000		$ -
TN25-01	Bus Replacement B	610-5800-341.31-25	STA Funded	610-5800-434.90-56	AUTOMOTIVE EQUIPMENT		$ 3,400,000						$ 3,400,000	$ 3,400,000		$ -
TN25-04	ZE Facility Upgrades and Infrastructire	610-5800-341.31-25	STA Funded	610-5800-434.90-56	MACHINERY/ EQUIPMENT				$ 65,000				$ 65,000			$ -
		610-5800-341.31-64	TIRCP Funded	610-5800-434.90-56					$ 2,489,413				$ 2,489,413			$ -
TN26-01	Transit Office Technology Upgrades	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS		$ 15,000						$ 15,000	$ 15,000		$ -
TN26-02	Gas Detection System for Transit Bus Bays	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS		$ 850,000						$ 850,000	$ 850,000		$ -

**General Fund Accounts with no projects proposed are hidden*

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
TN26-03	Hydraulic Lift w/Tethered Fall Protection	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS		$ 800,000						$ 800,000	$ 800,000		$ -
TN26-04	Electric Vehicle Replacements	610-5800-341.31-25	STA Funded	610-5800-434.90-56	AUTOMOTIVE EQUIPMENT				$ 175,000				$ 175,000			$ -
TN26-05	Transit Vehicle GPS System	610-5800-341.31-25	STA Funded	610-5800-434.90-56	AUTOMOTIVE EQUIPMENT		$ 30,000						$ 30,000	$ 30,000		$ -
TN27-02	Maintenance and Operations Facility Improvements	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS		$ 575,000						$ 575,000	$ 575,000		$ -
TN27-03	Bus Stop Improvements and Transit Advertising	610-5800-341.31-25	STA Funded	610-5800-434.90-56	BUILDING IMPROVEMENTS				$ 200,000				$ 200,000			$ -
TN27-04	Carbon Reduction Grant (Caltrans)	610-5800-341.31-64	Caltrans Grant	610-5800-434.90-56	MACHINERY/ EQUIPMENT		$ 488,666						$ 488,666	$ 488,666		$ -
TN27-05	Carbon Reduction Grant (WRCOG)	610-5800-341.31-64	WRCOG Grant	610-5800-434.90-56	MACHINERY/ EQUIPMENT		$ 500,000						$ 500,000	$ 500,000		$ -
						$ -	$ 7,785,012	$ -	$ 3,079,413	$ -	$ 4,095,390	$ -	$ 14,959,815	$ 7,785,012	$ -	$ -
TRANSIT FUND - DIAL-A-RIDE (610)																
TN27-01	Paratransit Scheduling Software	610-5800-341.31-25	STA Funded	610-5850-434.90-49	COMPUTER SOFTWARE		$ 60,000						$ 60,000	$ 60,000		$ -
						$ -	$ 60,000	$ -	$ -	$ -	$ -	$ -	$ 60,000	$ 60,000	$ -	$ -
WATER FUND (660)																
PWW-3/2022-07W	Well M-12A(Phase 2: Well Equipping and Site Improvements)	Fund 660	Reserves	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT	$ 366,135							$ -	$ -	$ -	$ -
2018-02W	Well C8 (Phase 2: Well Equipping and Site Improvements)	Fund 660	Reserves	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT	$ 375,000							$ -	$ -	$ -	$ -
WR-1	New SCADA sites and upgrades	Fund 660	Reserves	660-6300-471.95-27	SCADA/TELEMETRY		$ 35,000	$ 25,000	$ 25,000				$ 85,000			$ 35,000
PWRR-2	Water Line Replacement Locations #2 (Ramsey Phase II)	Fund 660	Rate Revenue	660-6300-471.95-10	WATER MAINS					$ 1,000,000			$ 1,000,000	$ -	$ -	$ -
PWRR-3	Water Line Replacement Locations #3 ((22nd/Roberge/Sunrise)	Fund 660	Rate Revenue	660-6300-471.95-10	WATER MAINS			$ 2,100,000					$ 2,100,000	$ -	$ 2,100,000	$ -
WR-2	Hydrants for underserved areas	Fund 660	Rate Revenue	660-6300-471.95-18	HYDRANTS				$ 50,000	$ 50,000			$ 100,000	$ -	$ -	$ -
WR-3	Well M-7 Site R&R	Fund 660	Rate Revenue	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT		$ 125,000						$ 125,000	$ 125,000	$ -	$ -
WR-4	Well M-3 Site R&R	Fund 660	Rate Revenue	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT					$ 160,000			$ 160,000	$ -	$ -	$ -
WF25-01	Sunset Reservoir entrance fencing, M-Wells, new and additional fencing	Fund 660	Rate Revenue	660-6300-471.90-22	FENCING IMPROVEMENTS			$ 35,000	$ 35,000				$ 70,000	$ -	$ 35,000	$ -
WR-5	Dump Truck	Fund 660	Rate Revenue	660-6300-471.90-52	VEHICLES			$ 105,700					$ 105,700	$ -	$ 105,700	$ -
WR-6	Environmental & Legal Support (Flume), USGS Flow Monitoring	Fund 660	Rate Revenue	660-6300-471.90-78	PLANNING/DESIGN-CAPITAL		$ 200,000	$ 200,000	$ 200,000				$ 600,000	$ 200,000		$ -
PWO-9	Water Master Plan Update	Fund 660	Rate Revenue	660-6300-471.90-78	PLANNING/DESIGN-CAPITAL				$ 200,000	$ 200,000			$ 400,000	$ -	$ -	$ -
PWRR-22	Portable Emergency Generators (2)	Fund 660	Rate Revenue	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT				$ 120,000	$ 120,000			$ 240,000	$ -	$ -	$ -
PWO-8	Chromium 6 Compliance Plan - Dynamic Well Profiling	Fund 660	Unfunded - Reserves	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT		$ 1,750,000					$ 1,750,000	$ 1,750,000	$ -	$ -	$ 1,750,000
PWO-8	Chromium 6 Compliance Plan - Owner Advisor	Fund 660	Unfunded	660-6300-471.90-78	PLANNING/DESIGN-CAPITAL			$ 250,000	$ 250,000	$ 250,000	$ 250,000	$ 1,000,000	$ 1,000,000	$ -	$ 250,000	$ -
PWO-8	Chromium 6 Compliance Plan - Design Consultant for Treatment Implementation or New Replacement Wells	Fund 660	Unfunded	660-6300-471.90-78	PLANNING/DESIGN-CAPITAL			$ 500,000	$ 750,000	$ 750,000	$ 500,000	$ 2,500,000	$ 2,500,000	$ -	$ 500,000	$ -

*General Fund Accounts with no projects proposed are hidden

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
PWO-8	Chromium 6 Complaince Plan - New Replacement Well #1 or Wellhead Treatment Implementation #1	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT				$ 6,000,000			$ 6,000,000	$ 6,000,000	$ -	$ -	$ -
PWO-8	Chromium 6 Complaince Plan - New Replacement Well #2 or Wellhead Treatment Implementation #2	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT					$ 6,000,000		$ 6,000,000	$ 6,000,000	$ -	$ -	$ -
PWO-8	Chromium 6 Complaince Plan - New Replacement Well #3 or Wellhead Treatment Implementation #3	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT						$ 6,000,000	$ 6,000,000	$ 6,000,000	$ -	$ -	$ -
PWO-3	Replace SCADA Computer Hardware/Software	Fund 660	Unfunded	660-6300-471.95-27	SCADA/TELEMETRY			$ 250,000	$ 250,000			$ 500,000	$ 500,000	$ -	$ 250,000	$ -
PWRZ-1	New Pressure Reducing Valves for Re-Zoning	Fund 660	Unfunded	660-6300-471.95-11	WATER REG. VALVES, ETC				$ 5,000,000			$ 5,000,000	$ 5,000,000	$ -	$ -	$ -
WR-7	Well C-4 Site R&R	Fund 660	Rate Revenue	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT		$ 300,000					$ 300,000	$ 300,000	$ 300,000	$ -	$ -
WR-8	Well C-4 East Booster R&R	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT				$ 125,000			$ 125,000	$ 125,000	$ -	$ -	$ -
WR-9	Well C-3 Site R&R	Fund 660	Rate Revenue	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT		$ 150,000					$ 150,000	$ 150,000	$ 150,000	$ -	$ -
WR-10	Well C-6 Site R&R	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT				$ 200,000			$ 200,000	$ 200,000	$ -	$ -	$ -
WR-11	Well 9 (Banning Canyon) Site R&R	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT			$ 175,000				$ 175,000	$ 175,000	$ -	$ 175,000	$ -
WR-12	Well 10 (Banning Canyon) Site R&R	Fund 660	Unfunded	660-6300-471.95-08	WELLS/PUMPING EQUIPMENT			$ 175,000				$ 175,000	$ 175,000	$ -	$ 175,000	$ -
						$ 741,135	**$ 2,560,000**	**$ 3,815,700**	**$ 13,205,000**	**$ 8,530,000**	**$ 6,750,000**	**$ 29,875,000**	**$ 34,860,700**	**$ 775,000**	**$ 3,590,700**	**$ 1,785,000**
WATER CAPITAL FACILITIES FUND (661)																
PWW-3/2022-07W	Well C8 (Phase 2: Well Equipping and Site Improvements)	Fund 661	Water DIF	661-6300-471.95-08	WELLS/PUMPING EQUIPMENT	$ 43,500							$ -	$ -	$ -	$ -
PWW-3/2022-07W	Well C8 (Phase 2: Well Equipping and Site Improvements)	Fund 661	Water DIF	661-6300-471.90-78	PLANNING/DESIGN-CAPITAL	$ 1,104,150							$ -	$ -	$ -	$ -
WD-1	Water/Wastewater Admin Building	Fund 661	Water DIF	661-6300-471.90-12	BUILDING CONSTRUCTION				$ 1,250,000				$ 1,250,000	$ -	$ -	$ -
		Fund 661	Water DIF	661-6300-471.90-78	PLANNING/DESIGN-CAPITAL			$ 200,000					$ 200,000	$ -	$ 200,000	$ -
PWW-1	Well C-9 (Lower Main) Siting Study (Planning/Design)	Fund 661	Water DIF	661-6300-471.90-78	PLANNING/DESIGN-CAPITAL		$ 200,000						$ 200,000	$ 200,000	$ -	$ -
	Well C-9 (Lower Main) Planning/Design	Fund 661	Water DIF	661-6300-471.90-78	PLANNING/DESIGN-CAPITAL		$ 350,000	$ 350,000					$ 700,000	$ 350,000	$ 350,000	$ -
	Well C-9 (Lower Main) Drilling	Fund 661	Water DIF	661-6300-471.95-08	WELLS/PUMPING EQUIPMENT			$ 3,000,000					$ 3,000,000	$ -	$ 3,000,000	$ -
	Well C-9 (Lower Main) Equipping	Fund 661	Water DIF	661-6300-471.95-08					$ 3,500,000				$ 3,500,000	$ -	$ -	$ -
PWP-1	New Transmission Main for Poroposed Lower Main Well C-9	Fund 661	Water DIF	661-6300-471.95-10	WATER MAINS			$ 600,000					$ 600,000	$ -	$ 600,000	$ -
PWV-3	Foothill West to Upper Main Zone Pressure Reducing Station	Fund 661	Water DIF	661-6300-471.95-08	WELLS/PUMPING EQUIPMENT				$ 300,000				$ 300,000	$ -	$ -	$ -
WD-2	Properties for reservoir, wells, booster station	Fund 661	Water DIF	661-6300-471-90.02	PROPERTY ACQUISITION						$ 150,000		$ 150,000	$ -	$ -	$ -
PWPU-5	Add VFD to Well C-5	Fund 661	Water DIF	661-6300-471.95-08	WELLS/PUMPING EQUIPMENT				$ 150,000				$ 150,000	$ -	$ -	$ -
						$ 1,147,650	**$ 550,000**	**$ 4,150,000**	**$ 5,200,000**	**$ -**	**$ 150,000**	**$ -**	**$ 10,050,000**	**$ 550,000**	**$ 4,350,000**	**$ -**
IRRIGATION WATER FUND (662)																

*General Fund Accounts with no projects proposed are hidden

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
	No Proposed Capital Projects												$ -			$ -
						$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BUA WATER CAPITAL PROJECT FUND (663)																
	No Proposed Capital Projects												$ -			$ -
						$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
ELECTRIC FUND (670)																
EL25-01	Machinery Equipment		Unfunded		MACHINERY/ EQUIPMENT							$ 20,000	$ -			$ -
EL25-02	PQM expense		Unfunded		METERS							$ 25,000	$ -			$ -
EL25-03	Electric Building Improvements		Unfunded		BUILDING IMPROVEMENTS							$ 310,000	$ -			$ -
EL25-04	Easment & right-of-way aquisitions		Unfunded		MISC ELECTRIC IMPROVEMENT							$ 100,000	$ -			$ -
						$ -	$ -	$ -	$ -	$ -	$ -	**$ 455,000**	$ -	$ -	$ -	$ -
ELECTRIC IMPROVEMENT FUND (673)																
EL25-01	Midway Substation Upgrades	670-7000-356.38-01	Rate Revenue	673-7000-473.96-12	SPECIAL UTILITY CIP/SUBSATION			$ 125,000					$ 125,000		$ 125,000	$ -
EL25-02	Sunset Distribution Circuit 77 Extension: Mountain Ave	673-7000-366.44-07	CAIC	673-7000-473.96-18	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT				$ 2,000,000				$ 2,000,000			$ -
EL25-03	System Impact Studies; Equipment and Procurement	670-7000-356.38-01	Rate Revenue	673-7000-473.96-19	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 75,000	$ 125,000	$ 25,000	$ 25,000	$ 25,000		$ 275,000	$ 75,000	$ 125,000	$ -
EL25-04	Major Substation Maintenance & Testing	670-7000-356.38-01	Rate Revenue	673-7000-473.96-20	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000		$ 250,000	$ 50,000	$ 50,000	$ -
EL25-05	Distribution System Automation	670-7000-356.38-01	Rate Revenue	673-7000-473.96-22	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 25,000	$ 250,000	$ 25,000	$ 25,000	$ 25,000		$ 350,000	$ 25,000	$ 250,000	$ -
EL25-06	Line Capacitor Bank Equipment	670-7000-356.38-01	Rate Revenue	673-7000-473.96-26	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 30,000	$ 30,000					$ 60,000	$ 30,000	$ 30,000	$ -
EL25-07	Underground Utility Cable Replacment at Hillside/ Mockingbird Area & Westward/Barbour from 8th to 4th	670-7000-356.38-01	Rate Revenue	673-7000-473.96-36	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 1,375,000	$ 500,000	$ 500,000				$ 2,375,000	$ 1,375,000	$ 500,000	$ -
EL27-01	Underground Utility Cable Replacement at Vista Serena	670-7000-356.38-01	Rate Revenue	673-7000-473.96-36	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT				$ 175,000				$ 175,000			$ -
		673-7000-366.44-07	Contribution in Aid of Construction (CAIC)						$ 175,000				$ 175,000			$ -
EL27-02	Transmission Pole Replacement (19 of 25 poles at Robertsons)	670-7000-356.38-01	Rate Revenue	673-7000-473.96-39	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 48,500	$ 49,875	$ 51,358	$ 105,280	$ 108,438		$ 363,451	$ 48,500	$ 49,875	$ -
		673-7000-366.44-07	Contribution in Aid of Construction (CAIC)				$ 145,500	$ 149,624	$ 154,075	$ 315,840	$ 325,316		$ 1,090,355	$ 145,500	$ 149,624	$ -
EL27-03	Alola St/I-10 Crossing - 34.5kV Circuit Replacement	670-7000-356.38-01	Rate Revenue	673-7000-473.96-39	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT						$ 850,000		$ 850,000			$ -
EL25-08	Distribution Pole Replacements	670-7000-356.38-01	Rate Revenue	673-7000-473.96-40	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT		$ 194,000	$ 199,499	$ 205,433	$ 421,120	$ 433,754		$ 1,453,806	$ 194,000	$ 199,499	$ -
EL25-09	Voltage Conversion at Alola St; Replace 4kV with 12kV infrastructure	670-7000-356.38-01	Rate Revenue	673-7000-473.96-41	SPECIAL UTILITY CIP/SYSTEM IMPROVEMENT			$ 149,500					$ 149,500		$ 149,500	$ -
EL25-10	Grid Hardening and Reclosers for Wildfire Mitigation at Banning Canyon	670-7000-356.38-01	Rate Revenue	673-7000-473.96-42	SPECIAL UTILITY CIP/WILDFIRE MITIGATION		$ 60,000	$ 175,000	$ 175,000	$ 175,000	$ 25,000		$ 610,000	$ 60,000	$ 175,000	$ -
EL27-04	Mias Canyon Line Hardening and Wildfire Mitigation	673-7000-473.96-42	Grant	673-7000-473.96-42	SPECIAL UTILITY CIP/WILDFIRE MITIGATION		$ 2,260,000						$ 2,260,000	$ 2,260,000		$ -
EL25-11	SCADA Control at Various Substations	670-7000-356.38-01	Rate Revenue	673-7000-473.96-43	SPECIAL UTILITY CIP/SUBSATION			$ 25,000	$ 285,000	$ 25,000	$ 25,000		$ 360,000		$ 25,000	$ -

*General Fund Accounts with no projects proposed are hidden

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
EL25-12	First Hathaway Logistics: Design and Material Procurement	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-52	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION							$ 1,000,000	$ -			$ -
EL25-13	I-10 E Commerce Center: Design and Material Procurement	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-53	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION							$ 1,000,000	$ -			$ -
EL25-14	SLB Extension Project: Design and Material Procurement	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-54	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION			$ 1,000,000					$ 1,000,000		$ 1,000,000	$ -
EL25-15	Hargrave Grade Separation: Engineering and Design	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-55	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION			$ 25,000	$ 25,000	$ 25,000	$ 25,000		$ 100,000		$ 25,000	$ -
EL25-16	Hathaway St/I-10 Crossing - 34.5KV/12.4KV Circuit Replacement	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-56	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION			$ 20,000	$ 130,000		$ 1,500,000		$ 1,650,000		$ 20,000	$ -
EL25-17	SoCal Gas Line (Seof BNG): Design and Service Support	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-57	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION							$ 25,000	$ -			$ -
EL25-18	Indian Health Clinic: Design and Service Support	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-58	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION		$ 20,000						$ 20,000	$ 20,000		$ -
EL27-05	Airport Substation Decomissioning/4kV to 12kV Conversion	670-7000-356.38-01	Rate Revenue	673-7000-473.96-XX	SPECIAL UTILITY CIP/SUBSATION		$ 125,000						$ 125,000	$ 125,000		$ -
EL27-06	Highland Home Road to Midway Substation/I-10 Crossing - 34.5kV/12.4 kV Circuit Replacement	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-XX	SPECIAL UTILITY CAPITAL PROJECTS / LINE SERVICE EXTENSION			$ 425,000	$ 425,000	$ 850,000			$ 1,700,000		$ 425,000	$ -
EL27-07	Future Substation	673-7000-366.44-07	Contribution in Aid of Construction (CAIC)	673-7000-473.96-XX	SPECIAL UTILITY CIP/SUBSTATION				$ 1,500,000	$ 4,500,000			$ 6,000,000			$ -
						$ -	$ 4,408,000	$ 3,298,498	$ 5,900,866	$ 6,517,240	$ 3,392,508	$ 2,025,000	$ 23,517,112	$ 4,408,000	$ 3,298,498	$ -
PUBLIC BENEFIT (675)																
	No Proposed Capital Projects												$ -			$ -
						$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
WASTEWATER FUND (680)																
2020-08WW	Equalization Basin	Fund 680	Wastewater Reserves	680-8000-454.95-12	TREATMENT PLANT IMPROV		$ 1,500,000	$ 500,000					$ 2,000,000	$ -	$ -	$ 1,500,000
		Fund 680	EPA Fed. Grant	680-8000-347.34-09	TREATMENT PLANT IMPROV		$ 1,250,000						$ 1,250,000	$ 1,250,000	$ -	$ -
2022-01WW (WWTP-5)	WWTP Treatment Upgrades-3.6 MGD	Fund 680	Rate Revenue	680-8000-454.90-78	PLANNING/DESIGN-CAPITAL		$ 5,000,000						$ 5,000,000	$ 5,000,000	$ -	$ -
	WWTP Treatment Upgrades-3.6 MGD	Fund 680	Rate Revenue	680-8000-454.95-12	TREATMENT PLANT IMPROVMENTS			$ 11,000,000	$ 11,000,000				$ 22,000,000	$ -	$ 11,000,000	$ -
	WWTP Treatment Upgrades-3.6 MGD	Fund 680	BOR Grant	680-8000-347.34-09	TREATMENT PLANT IMPROVMENTS			$ 16,194,576					$ 16,194,576	$ -	$ 16,194,576	$ -
WWRR-1	Annual Sewer Replacement/ Lining	Fund 680	Rate Revenue	680-8000-454.90-78	PLANNING/DESIGN-CAPITAL					$ 1,250,000	$ 1,050,000		$ 2,300,000	$ -	$ -	$ -
WWTP-1	Digestor Cleaning and Recoating	Fund 680	Rate Revenue	680-8000-454.95-12	TREATMENT PLANT IMPROV		$ 250,000	$ 250,000					$ 500,000	$ 250,000	$ 250,000	$ -
WWR-1	Westward Liftstation (Discharge Piping and Replacement Pump)	Fund 680	Wastewater Reserves	680-8000-454.90-56	MACHINERY/ EQUIPMENT		$ 75,000						$ 75,000	$ -	$ -	$ 75,000
WWR-2	I&I Study	Fund 680	Rate Revenue	680-8000-454.90.78	PLANNING/DESIGN-CAPITAL				$ 50,000	$ 50,000			$ 100,000	$ -	$ -	$ -
WWTP-2	WWTP Heat Exchanger Repairs	Fund 680	Rate Revenue	680-8000-454.95-12	TREATMENT PLANT IMPROV			$ 60,000					$ 60,000	$ -	$ 60,000	$ -

*General Fund Accounts with no projects proposed are hidden

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
WWTP-3	PVC Digestor Gas Piping	Fund 680	Rate Revenue	680-8000-454.95-12	TREATMENT PLANT IMPROV			$ 150,000					$ 150,000	$ -	$ 150,000	$ -
WWTP-4	Repairs to Boiler Gas Control Valves	Fund 680	Rate Revenue	680-8000-454.95-12	TREATMENT PLANT IMPROV			$ 300,000					$ 300,000	$ -	$ 300,000	$ -
2022-01WW (WWTP-5)	WWTP Treatment Upgrades-3.6 MGD	Fund 680	Not Funded	680-8000-454.95-12	TREATMENT PLANT IMPROVMENTS			$ 14,000,000	$ 14,000,000			$ 28,000,000	$ 28,000,000	$ -	$ 14,000,000	$ -
2022-01WW (WWTP-5)	WWTP Treatment Upgrades-3.6 MGD*	Fund 680	Not Funded	680-8000-454.95-12	TREATMENT PLANT IMPROVMENTS			$ 7,500,000	$ 7,500,000			$ 15,000,000	$ 15,000,000	$ -	$ 7,500,000	$ -
WWGM-9	Gravity Main along Porter Street, Phase I	Fund 680	Not Funded	680-8000-454.95-12	SEWER MAIN & COLL SYSTEMS						$ 150,000	$ 150,000	$ 150,000	$ -	$ -	$ -
WWGM-10	Gravity Main along Porter Street, Phase II	Fund 680	Not Funded	680-8000-454.95-12	SEWER MAIN & COLL SYSTEMS						$ 900,000	$ 900,000	$ 900,000	$ -	$ -	$ -
WWGM-11	Gravity Main: Porter Street to WWTP	Fund 680	Not Funded	680-8000-454.95-12	SEWER MAIN & COLL SYSTEMS						$ 525,000	$ 525,000	$ 525,000	$ -	$ -	$ -
WWTP-5	New PLCs (SCADA Servers Hardware)	Fund 680	Not Funded	680-8000-454.90-48	COMPUTER HARDWARE			$ 100,000	$ 100,000			$ 200,000	$ 200,000	$ -	$ 100,000	$ -
						$ -	$ 8,075,000	$ 50,054,576	$ 32,650,000	$ 1,300,000	$ 2,625,000	$ 44,775,000	$ 94,704,576	$ 6,500,000	$ 49,554,576	$ 1,575,000
WASTEWATER CAPITAL FACILITY FUND (681)																
2020-08WW	Equalization Basin	Fund 681	Wastewater DIF	681-8000-454.95-12	TREATMENT PLANT IMPROV		$ 2,000,000	$ 650,000					$ 2,650,000	$ 2,000,000	$ 650,000	$ -
2022-01WW (WWTP-5)	WWTP Treatment Upgrades-3.6 MGD to 4.8 MGD	Fund 681	Wastewater Reserves	681-8000-454.95-12	TREATMENT PLANT IMPROVMENTS				$ 9,000,000				$ 9,000,000	$ -	$ -	$ -
WD-1	Water/Wastewater Admin Building	Fund 681	Wastewater DIF	681-8000-454.90-78	PLANNING DESIGN			$ 200,000								
		Fund 681	Wastewater DIF	681-8000-454.90-12	BUILDING CONSTRUCTION				$ 1,000,000				$ 1,000,000	$ -	$ -	$ -
WWGM-9	Gravity Main along Porter Street, Phase I	Fund 681	Wastewater Reserves	681-8000-454.95-14	SEWER MAIN & COLL SYSTEMS						$ 225,000		$ 225,000	$ -	$ -	$ -
WWGM-10	Gravity Main along Porter Street, Phase II	Fund 681	Wastwater Reserves	681-8000-454.95-14	SEWER MAIN & COLL SYSTEMS						$ 2,000,000		$ 2,000,000	$ -	$ -	$ -
WWGM-11	Gravity Main: Porter Street to WWTP	Fund 681	Wastwater Reserves	681-8000-454.95-14	SEWER MAIN & COLL SYSTEMS						$ 1,250,000		$ 1,250,000	$ -	$ -	$ -
						$ -	$ 2,000,000	$ 850,000	$ 10,000,000	$ -	$ 3,475,000	$ -	$ 16,125,000	$ 2,000,000	$ 650,000	$ -
WASTEWATER TERTIARY FUND (682)																
	WWTP Treatment Upgrades-3.6 MGD	Fund 682	Wastewater Reserves	682-8050-454.95-10	RECYCLED WATER MAINS		$ 4,500,000	$ 5,000,000	$ 225,000				$ 9,725,000	$ 4,500,000	$ 5,000,000	$ -
						$ -	$ 4,500,000	$ 5,000,000	$ 225,000	$ -	$ -	$ -	$ 9,725,000	$ 4,500,000	$ 5,000,000	$ -
BUA WASTEWATER CAPITAL PROJECT FUND (683)																
	WWTP Treatment Upgrades-3.6 MGD	Fund 683	BUA WW Reserves	683-8000-454.95-12	TREATMENT PLANT IMPROV				$ 2,500,000				$ 2,500,000	$ -	$ -	$ -
						$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -
FLEET MAINTENANCE FUND (702)																
	No Proposed Capital Projects												$ -			$ -
						$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
INFORMATION SYSTEMS SERVICES FUND																
	No Proposed Capital Projects												$ -			$ -
						$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BUILDING FAINTENANCE FUND (704)																
FA25-01	Corporate Yard Slurry Seal		RESERVES (CAPITAL REPLACEMENT)	704-3200-412.90-07	PARKING LOT IMPROVEMENTS							$ 175,000	$ -			$ -
FA24-01	City Hall Roof project		RESERVES (CAPITAL REPLACEMENT)	704-3200-412.90-15	BUILDING IMPROVEMENTS				$ 350,000				$ 350,000			$ -
FA24-02	Senior Center Roof Project		RESERVES (CAPITAL REPLACEMENT)	704-3200-412.90-15	BUILDING IMPROVEMENTS			$ 250,000					$ 250,000			$ -
FA25-02	PW/Electric Roof Project		RESERVES (CAPITAL REPLACEMENT)	704-3200-412.90-15	BUILDING IMPROVEMENTS				$ 250,000				$ 250,000			$ -
FA24-03	HVAC Unit Replacement City Wide		RESERVES (CAPITAL REPLACEMENT)	704-3200-412.90-15	BUILDING IMPROVEMENTS	$ 250,000			$ 100,000	$ 100,000	$ 100,000		$ 300,000			$ -
FA25-03	Citywide Facility Need Assessment		RESERVES	704-3200-412.90-??	BUILDING PLANNING					$ 350,000			$ 350,000			$ -
FA25-04	Citywide Facility Condition Assessment		RESERVES	704-3200-412.90-??	BUILDING PLANNING				$ 350,000				$ 350,000			$ -

*General Fund Accounts with no projects proposed are hidden

CITY OF BANNING
5-Year Capital Improvement Program Fiscal Years 2027-2031

Project ID/ CIP Proj. #	Project Description	Revenue Source	Funding Source Account Description	Expenditure Account No.	Expenditure Account Description	Remaining Previously Appropriated Budget	FY 2027 Capital Improvement Project (CIP) Appropriations	FUTURE Fiscal Year Capital Improvement Project (CIP) Appropriations				Unfunded Capital Improvement Projects	5 Year Project Total	NON RESERVE FUNDING TOTALS (Grants, Rate Supported CIP, Restricted Funds, DIF)		Amount of Reserves Used FY27
								FY 2028	FY 2029	FY 2030	FY 2031			FY 2027	FY 2028	
FA24-04	Armory EOC Improvements		STATE EOC GRANT	704-3200-412.90-15	IN PROCESS	$ 583,000							$ 583,000			$ -
						$ 833,000	**$ -**	**$ 250,000**	**$ 1,050,000**	**$ 450,000**	**$ 100,000**	**$ 175,000**	**$ 2,433,000**	**$ -**	**$ -**	**$ -**
						$ 41,827,627	**$ 35,996,751**	**$ 70,178,774**	**$ 75,930,279**	**$ 18,887,240**	**$ 22,517,898**	**$ 82,519,000**	**$ 223,893,942**	**$ 32,636,751**	**$ 69,103,774**	**$ 3,360,000**

*General Fund Accounts with no projects proposed are hidden