



# City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

## COMMUNITY DEVELOPMENT DEPARTMENT

**NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF PUBLIC HEARING FOR ZONING TEXT AMENDMENT (ZTA) NO. 18-97503 AMENDING TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE TO ADD CHAPTER 17.54, “CANNABIS RETAILER CONDITIONAL USE PERMITS” TO ALLOW CANNABIS RETAILERS IN THE HIGHWAY SERVING COMMERCIAL ZONING DISTRICT WITH APPROVAL OF A CANNABIS CONDITIONAL USE PERMIT AND MAKING OTHER AMENDMENTS RELATED TO CANNABIS BUSINESSES CONTINGENT UPON THE VOTERS APPROVAL OF MEASURE O, A TAX MEASURE ON THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION BALLOT, AND MUNICIPAL CODE AMENDMENTS ESTABLISHING PROCEDURES FOR THE ISSUANCE OF CANNABIS REGULATORY PERMITS, ADDING CHAPTER 5.33 AND OTHER RELATED AMENDMENTS TO THE BANNING MUNICIPAL CODE**

**NOTICE IS HEREBY GIVEN** of a public hearing before the City of Banning City Council to be held on Tuesday, October 23, 2018, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Zoning Text Amendment (ZTA) No. 18-97503 to amend Title 17 of the Banning Municipal Code to add Chapter 17.54 “Cannabis Retailer Conditional Use Permits” to allow Cannabis Retailers in the Highway Service Commercial Zoning District with approval of a Cannabis Conditional Use Permit and making other amendments related to cannabis businesses and proposed Municipal Code Amendment (MCA) No. 18-9503 establishing procedures for the issuance of cannabis regulatory permit, adding Chapter 5.33 and other related amendments to the Banning Municipal Code.

On October 3, 2018, the Planning Commission considered the proposed Zoning Text Amendment (ZTA) No. 18-97503 and voted 3-0 to recommend that the City Council adopt the proposed Zoning Text Amendment (ZTA) No. 18-97503 with amendments related to minimum square footage and separation requirements and additional requirements related to wastewater.

The Planning Commission determined that the proposed Zoning Text Amendment and Municipal Code Amendments are not subject to the California Environmental Quality Act (“CEQA”) pursuant to the State CEQA Guidelines Section 15060(c)(3) because they are not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Zoning Text and Municipal Code Amendments do not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Amendments are also exempt from review under the CEQA under State CEQA Guidelines Section 15061(b)(1) which exempts a

project from CEQA if the project is exempt by statute. Business and Professions Code section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. The proposed amendments provide that discretionary review for applications for cannabis conditional use permits will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

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

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

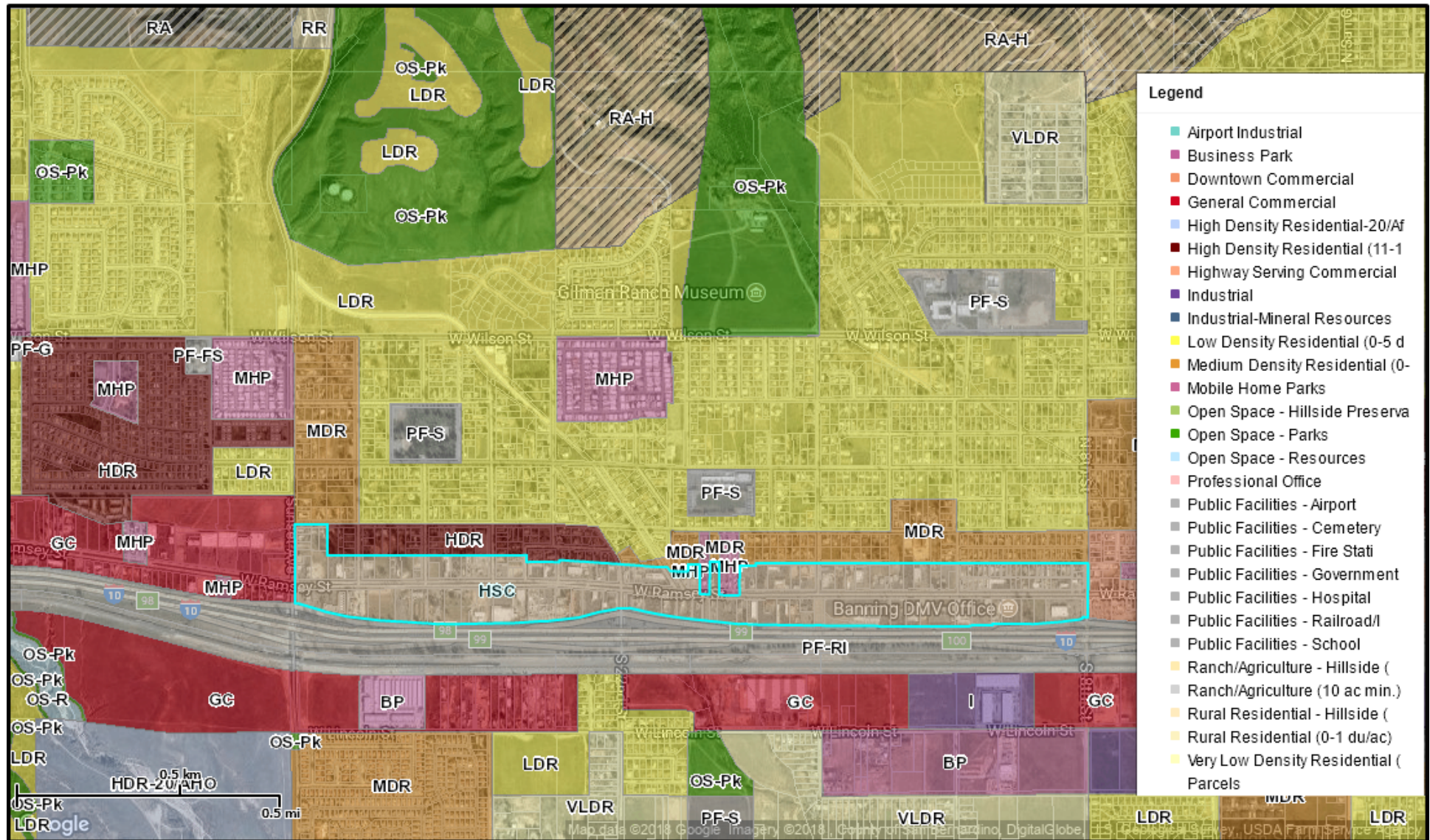
If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the City Council makes its decision on the proposal; or, that you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

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

Patty Nevins  
Community Development Director

Dated: October 9, 2018  
Publish: October 12, 2018

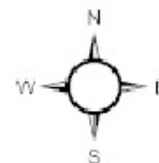
## HSC Zone (Ramsey Street, 8th-Sunset)



1" = 1,505 ft

Sub Title

06/12/2018



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