



City of Banning

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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

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission to be held on Wednesday, October 3, 2018, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Zoning Text Amendment (ZTA) No. 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 Serving Commercial Zoning District with approval of a Cannabis Retailer Conditional Use Permit and making other amendments related to cannabis businesses.

City staff has determined that the proposed Zoning Text Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Zoning Text Amendment is 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 Zoning Text Amendment provides that the discretionary review process for cannabis retailers is for those uses to obtain conditional use permits and through that review, those uses will be subject to applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

Information regarding the Categorical Exemption, Zoning Text Amendment, and all relevant materials can be obtained by contacting the City's Community Development

Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at <http://www.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 Planning Commission makes its decision on the proposal; or, that you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

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

Patty Nevins
Community Development Director

Dated: September 18, 2018
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HIGHWAY SERVING COMMERCIAL (HSC) ZONE

