



City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENT (ZTA) 20-97501, PROPOSING AN ORDINANCE OF THE CITY OF BANNING AMENDING CHAPTER 5.33 OF TITLE 5 TO ESTABLISH PROCEDURES FOR PROCESSING ADDITIONAL CANNABIS RETAILER APPLICATIONS, AMENDING CHAPTERS 17.21 AND 17.54 OF TITLE 17 OF THE BANNING MUNICIPAL CODE TO ALLOW CANNABIS RETAILERS TO OPERATE IN THE GENERAL COMMERCIAL ZONE AND TO ELIMINATE THE SEPARATION REQUIREMENT BETWEEN CANNABIS RETAILERS AND RESIDENTIALLY ZONED PROPERTY AND ELIMINATE THE CAP ON THE NUMBER OF CANNABIS RETAILERS THAT CAN OPERATE IN THE CITY, AND TO ALLOW DISTRIBUTORS TO OPERATE IN THE GENERAL COMMERCIAL ZONE, MAKING ADDITIONAL AMENDMENTS TO REGULATIONS PERTAINING TO COMMERCIAL CANNABIS BUSINESSES, AND MAKING A DETERMINATION PURSUANT TO CEQA. THE AMENDMENT WILL AFFECT ALL PROPERTIES LOCATED IN THE GENERAL COMMERCIAL (GC) HIGHWAY SERVING COMMERCIAL (HSC), AND INDUSTRIAL (I) ZONING DISTRICTS, IN THE CITY OF BANNING, CALIFORNIA.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on **Wednesday, May 6, 2020 at 6:30 p.m.** Pursuant *Governor's Executive Order N-29-20 all public gatherings, regardless of venue or size, the Council Chambers will not be open to the public for this meeting and instead, the Planning Commissioners, staff, and public will be able to observe, and participate, in this meeting in one of the following ways listed below, at which the Planning Commission will consider the proposed project.*

Videoconference: <https://join.freeconferencecall.com/cityofbanning>.

Online meeting ID: cityofbanning.

To just listen to the meeting or to offer audio comments only when recognized for that purpose:

Dial-in number: (617) 793-8135

The project proposes to establish procedures for processing additional cannabis retailer applications, allow cannabis retailers to operate in the General Commercial Zoning District, and eliminates the separation requirements between cannabis retailers and residentially zoned properties as well as eliminates the cap on the number of cannabis retailers that can operate in the City. The project also proposes to allow cannabis distributors to operate in the General Commercial Zoning District, and makes additional amendments, pertaining to commercial cannabis businesses in the City to comply with state regulations.

The Planning Commission will also be asked to make a determination that the adoption of the ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA



City of Banning

Community Development Department

Guidelines Section 15378. If the adoption of the ordinance were found to be a project, then the ordinance is exempt from review under the CEQA and the 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 that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. The draft ordinance provides that applications for conditional use permits by cannabis retailers and cannabis distributors will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, conditional use permits for cannabis retailers and cannabis distributors are subject to discretionary review by both the Planning Commission and the City Council.

Information regarding the proposed amendment can be accessed on the Planning Department's webpage or by contacting the City's Community Development Department, Planning Division at (951) 922-3125. You may access the Community Development Department website by clicking on the following link: <http://www.ci.banning.ca.us/426/Public-Notices-Announcements>

All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing by accessing the videoconference or by sending their written comments by email to scalderson@banningca.us or by mail to the **Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, P.O. Box 998, Banning, California, 92220.**

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission Recording Secretary at, or prior to, the time the Planning Commission makes its recommendation on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (Cal. Gov. Code, § 65009).

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

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

Dated: April 21, 2020
Publish: April 24, 2020