



# City of Banning

## Community Development Department

**NOTICE OF PUBLIC HEARING AND CONSIDERATION OF PROPOSED ORDINANCE 1565, (1) AMENDING CHAPTERS 5.33 AND 5.35 OF TITLE 5 OF THE BANNING MUNICIPAL CODE TO ALLOW CANNABIS DISTRIBUTORS TO OPERATE IN THE CITY AND TO AMEND THE PROCESS FOR PROCESSING CANNABIS RETAILER APPLICATIONS, (2) AMENDING CHAPTERS 17.12, 17.53, AND 17.54 OF TITLE 17 OF THE BANNING MUNICIPAL CODE (ZONING TEXT AMENDMENT (ZTA) 20-97501) TO ALLOW CANNABIS RETAILERS TO OPERATE IN THE GENERAL COMMERCIAL ZONE, TO ELIMINATE THE SEPARATION REQUIREMENT BETWEEN CANNABIS RETAILERS AND RESIDENTIALLY ZONED PROPERTY, TO INCLUDE PROVISIONS REGARDING THE EXPIRATION OF CANNABIS RETAILER CONDITIONAL USE PERMITS, TO ALLOW INDOOR COMMERCIAL CULTIVATION FACILITIES IN THE BUSINESS PARK ZONE, TO ALLOW CANNABIS DISTRIBUTION FACILITIES TO OPERATE IN THE INDUSTRIAL ZONE, AND MAKING ADDITIONAL AMENDMENTS TO REGULATIONS PERTAINING TO COMMERCIAL CANNABIS BUSINESSES, AND (3) MAKING A DETERMINATION PURSUANT TO CEQA. THE PROPOSED AMENDMENTS WILL AFFECT ALL PROPERTIES LOCATED IN THE GENERAL COMMERCIAL (GC), HIGHWAY SERVING COMMERCIAL (HSC), BUSINESS PARK (BP), AND INDUSTRIAL (I) ZONING DISTRICTS, IN THE CITY OF BANNING, CALIFORNIA.**

***Consistent with Governor's Executive Order N-29-20, all public gatherings, regardless of venue or size, in the Council Chambers shall occur with limited capacity and by videoconferencing. For this meeting, the City Council, City staff, and public will be able to observe and participate in this meeting in one of the following ways listed below:***

Access information on the Agenda and below:

Join Zoom Meeting:

<https://us02web.zoom.us/j/85362937372?pwd=UWRjL1BhTG92dzVFhFRBVHc4Rno3Zz09>

Meeting ID: 853 6293 7372

Password: 467407

One tap mobile: +16699009128,85362937372#

Dial in +1 669 900 9128 US

**NOTE: Due to COVID-19, the Council Chambers will be open to the public in a limited capacity only.**

**NOTICE IS HEREBY GIVEN** of a public hearing before the City of Banning City Council, to be held on **Tuesday, June 23, 2020, at 5:00 PM, or as soon as thereafter**. The Municipal Code Amendment, including Zoning Text Amendment 20-97501, proposes to: allow cannabis distributors to operate in the City and to amend the process for processing additional cannabis retailer applications; allow cannabis retailers to operate in the General Commercial (GC) Zone; eliminate the separation requirement between cannabis retailers and residentially zoned property; include provisions regarding the expiration of Cannabis Retailer Conditional Use Permits; allow cannabis distribution facilities to operate in the Industrial (I) zone; allow indoor commercial cultivation facilities in the Business Park (BP) Zone; and make additional amendments to regulations pertaining to commercial cannabis businesses in the City.

The City Council will also be asked to make a determination that the adoption of proposed Ordinance 1565 is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Ordinance does not have the potential for resulting in either a direct physical

change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the Ordinance will require a discretionary permit and CEQA review and will be analyzed at the appropriate time in accordance with CEQA. Further, the proposed 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. Pursuant to that exemption, Chapters 17.53 and 17.54 of the Banning Municipal Code provide that conditional use permit applications for cannabis retailers, cannabis distribution facilities, and commercial cultivation facilities 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, commercial cultivation facilities, and cannabis distribution facilities are subject to discretionary review by both the Planning Commission and the City Council.

On June 3, 2020, the Planning Commission held a continued public hearing on proposed Ordinance 1565 and, following receipt of public testimony and discussion, adopted Resolution No. 2020-09, by a 4-1 vote (Commissioner Schuler opposed), recommending that the City Council adopt Ordinance 1565 with an amendment to retain the existing 200-foot separation requirement between cannabis retailers and residentially zoned property.

Information regarding the proposed Municipal Code 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 [scalderon@banningca.us](mailto:scalderon@banningca.us) or by mail to the **Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, 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 at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public 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: June 9, 2020**  
**Publish: June 12, 2020**