



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](#)