



CITY OF BANNING STAFF REPORT

TO: PLANNING COMMISSION

FROM: David Newell, Community Development Director

PREPARED BY: David Newell, Community Development Director

MEETING DATE: August 6, 2025

SUBJECT: Consideration of a Request by the City of Banning to Initiate a Zone Text Amendment or General Plan Amendment and Zone Change Related to Existing Residential Development Located in the Airport Industrial Zone and General Plan Land Use Designation

PROJECT APPLICANT:

City of Banning
99 E. Ramsey
Banning, CA 92220

BACKGROUND:

The 2006 General Plan, which is currently undergoing a focused update, established the Airport Industrial ("AI") land use designation and zoning for land west and north of the Banning Municipal Airport. This designation and zoning apply to land west of Hathaway Street, east of Hargrave Street, south of the Interstate 10 and north of Barbour Street; and land between the Airport and I-10 adjacent to the City's easterly boundary – see attached exhibit. The General Plan describes this designation as follows:

Airport Industrial (AI)

Land uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, restaurants and office uses. Aircraft maintenance, repair and catering services are also appropriate.

Prior to 2006, residential development existed within the Airport Industrial designation/zoning area. The properties along the north side Barbour Street (east of Hargrave St) were designated "Very Low Density Residential" (0 – 2 dwelling units per acre) by the prior General Plan and previously zoned "R-1" (Single Family Residential). With the adoption of the 2006 General Plan and corresponding zoning map for consistency, the residential properties became legal non-conforming residential uses under zoning regulations, due to the AI designation/zoning prohibiting residential uses.

Many of the legal non-conforming residential uses in the Airport Industrial zone remain and are regulated under the City's non-conforming ordinance, Chapter 17.88 of the Banning Zoning Ordinance (BZO). These uses may continue to remain residential until converted to a conforming use of the Airport Industrial zone or until the structures are removed, pursuant to Section 17.88.020 of the BZO. This Section also limits repair and reconstruction of non-conforming structures as follows:

A. Legal non-conforming structures which are damaged up to one-half (½) or more of the replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of the Zoning Ordinance. However, any residential structure(s),

including multifamily, in a residential land use district destroyed by a catastrophe, including fire and earthquake, may be reconstructed up to the original size, placement, and density. However, reconstruction shall be substantially completed within two (2) years of the damage or destruction.

In November 2023, a residence located on the north side of the 900 block of Barbour Street was destroyed by fire. The damage exceeded more than one-half of the replacement cost of the structure.

Due to the current Airport Industrial general plan and zoning designations and the non-confirming ordinance limitations in this situation, the property owner cannot rebuild the structure as a single-family residence. The only way to reconstruct the residence is through a general plan and zone map amendment. Alternatively, the City could modify Chapter 17.88 for greater flexibility for non-confirming residential structures.

DESCRIPTION:

The Airport Industrial designation/zoning district encompasses 135.8 acres of land. At the time of the 2006 General Plan adoption, 41.6 acres were developed while 94.2 acres were vacant (Table III-1 General Plan Buildout Summary). Today it's estimated that roughly 40 acres remain undeveloped with a mix of industrial and residential uses. Many of the residential structures were originally constructed in the 1940s, 1950s and 1960s and are located along the east side of South Hargrave St and the north side of East Barbour Street near the intersection of these streets. However, there are additional residential properties located near the intersection of Barbour Street and South Hathaway Street on the north side of East Barbour Street and west side of North Hathaway Street. In total there are 24 properties within the AI designation/zone that are non-confirming with residential structures as shown on the attached exhibit.

With the limited transition from residential to airport industrial uses in the AI designation/zone and potential closure of the airport, the City may wish to reconsider the long-term vision for this area. The following are two options staff proposes for Planning Commission consideration:

OPTION 1 – Propose Amendment to Chapter 17.88

This option involves revising BZO Chapter 17.88 to provide greater flexibility for repairing or rebuilding non-confirming residential structures in the AI zone, particularly when damage exceeds 50% of replacement cost. The amendment could allow reconstruction of residential structures to their original size, placement, and density, similar to provisions for residential zones, potentially with conditions like a time limit for reconstruction.

Pros:

- **Preserves Property Rights:** Allows property owners to rebuild homes without requiring costly and time-consuming General Plan or zoning amendments, addressing situations like the 2023 Barbour Street fire.
- **Cost-Effective:** Avoids the need for comprehensive General Plan and zoning map changes, which often require extensive study and environmental review, tribal consultation, and public hearings.
- **Maintains Existing Character:** Preserves the residential character of areas with long-standing homes (from the 1940s–1960s), supporting community continuity.
- **Flexibility for Residents:** Provides a practical solution for the 24 non-confirming properties, enabling owners to maintain their homes without forcing a shift to industrial uses.
- **Simpler Implementation:** Amending a single ordinance chapter is generally less complex than altering land use designations across multiple properties.

Cons:

- **Conflicts with AI Vision:** Allowing residential reconstruction undermines the 2006 General Plan's goal of transitioning the area to airport-related and industrial uses, potentially creating long-term land use conflicts.
- **Limited Scope:** Only addresses reconstruction of damaged structures, not broader issues like new

residential development or the overall suitability of the AI designation.

- Potential for Piecemeal Development: May result in a patchwork of residential and industrial uses, complicating future planning and infrastructure alignment.

OPTION 2 – Initiate Amendment to Airport Industrial Designation/Zoning

This option involves amending the General Plan and zoning map to re-designate and rezone portions of the AI area to allow residential uses, potentially reverting to a designation like Very Low Density Residential (0–2 dwelling units per acre) for some or all 24 non-conforming properties. This would align zoning with existing residential uses and allow rebuilding or new residential development.

Pros:

- Aligns with Existing Use: Re-designating the area to residential reflects the current presence of 24 residential properties, resolving non-conforming status and allowing owners to rebuild or improve homes without restrictions.
- Long-Term Solution: Addresses the root issue by updating the General Plan and zoning to match the actual use of property in this area and removes financing/ refinancing barriers for residential property owners impacted by their property's non-conforming status.

Cons:

- Complex and Costly Process: Amending the General Plan and zoning map requires environmental reviews, public hearings, and potentially significant staff resources, making it more expensive and time-consuming than amending Chapter 17.88.
- Transition Challenges: Rezoning only portions of the AI area could create a fragmented land use pattern, with residential and industrial zones in close proximity, leading to compatibility issues.

Both options address the immediate issue of non-conforming residential properties but differ in scope, impact and timeline. Option 1 (amending Chapter 17.88) is a quicker, more targeted solution that supports property owners without modifying the General Plan, making it suitable if the City wants to maintain the AI designation while accommodating existing residents. Option 2 (amending the AI designation/zoning) offers a longer-term solution by aligning the general plan/zoning designation with existing uses, but it requires significant resources, time to conduct tribal consultation and necessary studies, and would extend the timeline for the affected property owner wishing to rebuild their home.

FINDINGS:

Depending on the direction provided by the Commission, there are certain findings that will be required as outlined below by application type. Upon direction received from the Commission, staff will prepare recommended findings for future consideration by the Commission and City Council.

General Plan Amendment:

BZO Section 17.64.070 requires that the four findings be met to justify approval of a General Plan Amendment application. These findings are provided below:

Finding A: *The proposed amendment is internally consistent with the General Plan.*

Finding B: *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.*

Finding C: *The proposed amendment would maintain the appropriate balance of land uses within the City.*

Finding D: *In the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations(s) and the anticipated land use development(s).*

Zoning Ordinance Amendment:

BZO Section 17.116.050 requires that the three findings be met to justify approval of a Zoning Ordinance

Amendment application. These findings are provided below:

Finding A: *The proposed Amendment is consistent with the goals and policies of the General Plan.*

Finding B: *The proposed Amendment is internally consistent with the Zoning Ordinance.*

Finding C: *The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.*

ENVIRONMENTAL DETERMINATION:

Direction provided by the Planning Commission is not subject to the California Environmental Quality Act (CEQA). Upon receiving direction, staff will determine the appropriate process when scheduling this matter for a future hearing and provide a recommendation at that time.

PUBLIC COMMUNICATION:

The City received correspondence from one property owner affected by this issue, which is attached to this report.

ATTACHMENTS:

1. [Excerpt of General Plan & Zoning Map](#)
2. [Residential Properties in AI Zone](#)
3. [Chapter 17.88 Non-conforming Structures & Uses](#)
4. [Public Comment](#)