

**AGENDA**  
**REGULAR MEETING OF THE BANNING CITY COUNCIL**  
**CITY OF BANNING**  
**BANNING, CALIFORNIA**

January 14, 2020  
**5:00 p.m.**

Banning Civic Center  
Council Chamber  
99 E. Ramsey Street

*The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and the Banning Utility Authority, and the Banning City Council sitting in its capacity of the Successor Agency Board.*

*Per City Council Resolution 2016-44, matters taken up by the Council before 10:00 p.m. may be concluded, but no new matters shall be taken up after 10:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

**I. CALL TO ORDER**

- Invocation – Reverend Bill Dunn, St. Stephen’s Episcopal Church
- Pledge of Allegiance
- Roll Call – Councilmembers Happe, Wallace, Welch, and Mayor Andrade

**II. AGENDA APPROVAL**

**III. PRESENTATION(S)**

1. Outgoing Mayor  
(*City Council*)
2. Oath of Office - Parks & Recreation Commissioner, Juanita Diaz  
(*City Clerk*)
3. Mayor’s Special Recognition  
(*Mayor and City Council*)
4. Point-in-Time 2020  
(*Riverside County, Department of Public Social Services*).....1

**IV. REPORT ON CLOSED SESSION**

City Attorney

## **V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS**

### PUBLIC COMMENTS – On Items Not on the Agenda

*A five (5) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Council Action (see last page). PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.*

### CORRESPONDENCE

*Items received under this category may be received and filed or referred to staff for future research or a future agenda.*

### APPOINTMENTS

1. City Council Committee Assignments .....	5
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## **VI. CONSENT ITEMS**

*(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority wishes to remove an item for separate consideration.)*

### **Mayor to Open Consent Items for Public Comments**

**Motion: Approve Consent items 1 - 15: Items \_\_, \_\_, \_\_ to be pulled for discussion.**

*(Resolutions require a recorded majority vote of the total membership of the City Council/Banning Utility Authority)*

1. Minutes – December 10, 2019, Special Meeting (Interviews) .....	7
2. Minutes – December 10, 2019, Special Meeting (Closed Session) .....	9
3. Minutes – December 10, 2019, Special Meeting (Workshop) .....	13
4. Minutes – December 10, 2019, Regular Meeting .....	25
5. Ordinance 1553, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 3.36 ‘Fee and Service Charge Revenue/Cost Comparison’ of the Banning Municipal Code (“Code Amendment”) and Making Findings Pursuant to CEQA (2 <sup>nd</sup> Reading).....	131

6.	Ordinance 1557, an Ordinance of the City Council of the City of Banning, California, approving Zone Change 19-3501 to Amend the Zoning Classification for Multiple Properties Located Within Seven (Locations 1, 2, 3, 4, 6, 7, 9) of the Original Nine Proposed Locations Throughout the City (APN'S 532-130-008, 541-260-033, -035, -041, -042, -044, -047, 534-171-008, -009, 532-160-005, -007, -008, -009, -013, -014, 540-250-060, 540-250-034, -045, and 534-152-025), and Making Findings Pursuant to CEQA <i>(2<sup>nd</sup> Reading)</i> .....	133
7.	Notice of Completion, Project 2019-04WW, "Iron Sponge Media Replacement" .....	157
8.	Resolution 2020-1, Amending Two of the Electric Utility's Rate Tariffs: "Schedule NMS – Net Metering Surplus Production" and "Schedule DSG – Distributed Self Generation", for the Purpose of Adjusting the Compensation Rates to Reflect Current Market Conditions and for Modifying Certain Provisions .....	159
9.	Resolution 2020-1 SA, Approving the Recognized Obligation Payment Schedule (ROPS) 20-21 A and B .....	163
10.	Resolution 2020-2 UA, Approving the Agreement with E.R. Block Plumbing Inc., of Riverside, California, for Citywide Backflow Testing and Repair Services in the Amount of \$25,000 .....	165
11.	Resolution 2020-3, Recognizing the Importance of the 2020 United States Census and Supporting a Complete, Fair and Accurate Count of All Banning Residents .....	167
12.	Resolution 2020-4, Authorizing a Change Order to the Police Department's Current Blanket Purchase Order with Dell Marketing LP C/O Dell USA, LP in the Amount of \$25,000 to Allow for the Purchase of Additional Computers and Related Equipment.....	169
13.	Resolution 2020-5, Approving Amendment No. 1 to the Professional Services Agreement with Engineering Resources of Southern California for an Additional \$350,000 for Plan Check, Inspections and Related Administrative Services .....	171
14.	Resolution 2020-9, Approving a New Travel & Meeting Policy .....	173
15.	Lease Termination – 2041 W. Nicolet (Armory) .....	175

**VII. PUBLIC HEARING(S):**

1. Continued Public Hearing for Ordinance 1552, Approving Zoning Text Amendment 19-97503, Approving Zoning Text Amendment 19-97503 Amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits" Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts" and Adding a New Section, 17.24.180, "Commercial Cargo/Storage Containers" Establishing Regulations for Commercial Cargo/Storage Containers of Title 17 "Zoning" of the Banning Municipal Code and Making Findings Pursuant to CEQA ..... 177

*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** 1) Make a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendment is not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378. Introduce, and read by title only, Ordinance 1552, an Ordinance of the City Council of the City of Banning, California, approving Zoning Text Amendment (ZTA) No. 19-97503 amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and adding a new Section 17.24.180, "Commercial Cargo/Storage Containers" establishing regulations for commercial cargo/storage containers, of Title 17 "Zoning" of the Banning Municipal Code.

**Mayor asks the City Clerk to read the title of Ordinance 1552**

*"Ordinance 1552, an Ordinance of the City Of Banning, California, Approving Zoning Text Amendment 19-97503, Amending Section 17.04.070 ("Definitions") Of Chapter 17.04 ("Basic Provisions"), Amending Table 17.08.020 Of Section 17.08.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.08 ("Residential Districts"), Amending Table 17.12.020 ("Permitted, Conditional and Prohibited Commercial and Industrial Uses") of Section 17.12.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.12 ("Commercial and Industrial Districts"), Adding a New Section 17.24.180 ("Commercial Cargo/Storage Containers") to Chapter 17.24 ("General Standards"), and Amending Section 17.108.020 ("Permitted Uses") of Chapter 17.108 ("Temporary Use Permits") of Title 17 ("Zoning") of the Banning Municipal Code to Establish Zoning and Design Standards for Commercial Cargo/Storage Containers, and Making a Determination of Exemption Under CEQA Guidelines Section 15060(C)(3)"*

**Motion:** **I move to waive further reading of Ordinance 1552**  
(Requires a majority vote of the Council)

**Motion:** **I move that Ordinance 1552 pass its first reading**

2. Ordinance 1554, approving Municipal Code and Zoning Text Amendment 19-97504, to add a new chapter 5.88 to, and deleting sections 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code to create a Sidewalk Vending Program consistent with California State Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors..... 183  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** 1) Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Municipal Code and Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378. 2) Introduce for the first reading, Ordinance 1554 approving Municipal Code and Zoning Text Amendment (ZTA) 19-97504, adding 5.88 to, and deleting section 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code (BMC) to create a Sidewalk Vending Program to be consistent with California Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.

**Mayor asks the City Clerk to read the title of Ordinance 1554**

*“Ordinance 1554, an Ordinance of the City Council of the City of Banning, California, adding a new Chapter 5.88 to, and deleting Sections 17.108.020(K) and 17.108.070 of Chapter 17.108 of Title 17 from the Banning Municipal Code to create a Sidewalk Vending Program.”*

**Motion: I move to waive further reading of Ordinance 1554**  
 (Requires a majority vote of the Council)

**Motion: I move that Ordinance 1554 pass its first reading**

3. Resolution 2020-6, approving, Conditional Use Permit 19-8006, authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District..... 187  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** Adopt Resolution 2020-6, approving Conditional Use Permit 19-8006 making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District.

4. Resolution 2020-7, approving, Conditional Use Permit 19-8010, authorizing a Cannabis Retailer at an existing developed property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District ..... **193**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** Adopt Resolution 2020-7, approving Conditional Use Permit 19-8010, making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District.

## **VIII. ANNOUNCEMENTS AND REPORTS:**

### CITY COUNCIL COMMITTEE REPORTS

#### REPORT BY CITY ATTORNEY

#### REPORT BY CITY MANAGER

#### REPORTS OF OFFICERS

1. Filling Council Vacancy ..... **199**  
*(Staff Report: Douglas Schulze, City Manager)*

**Recommendation:** Advertise and recruit a qualified candidate from District 2 for appointment to fill the vacancy until a candidate is elected during the regular election on November 3, 2020.

2. Resolution 2020-8, Authorizing Waiver of Fees for Habitat for Humanity to Construct a Single-Family Residence (SFR) Located at Lot No. 17(APN: 541-042-010), Wilson Street ..... **203**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** Adopt Resolution 2020-8, authorizing waiver of fees for Habitat for Humanity to construct a SFR at Lot No. 17, which is located on Wilson Street in the City of Banning.

3. Statement of Investment Policy ..... **205**  
*(Staff Report: Jennifer Christensen, Administrative Services Director)*

**Recommendation:** Adopt the Statement of Investment Policy, Administrative Policy No. B-11.

4. Resolutions of Necessity 2019-159, 2019-160, 2019-161, 2019-162, and 2019-163, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project ..... 207  
*(Staff Report: Art Vela, Public Works Director)*

**Recommendation:** Continue this matter to the meeting of January 28, 2020 in accordance with the notice provided to the property owners.

5. First Reading of Ordinance 1556, Approving Zoning Text Amendment (ZTA) No. 19-97505 Adopting by Reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and Making Certain Clarifying Revisions to the Landscape Provisions within Title 17 of the Banning Municipal Code and Finding the Project Exempt from CEQA Guidelines Section 15378 and Adopting a Categorical Exemption..... 213  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** 1) Approve for the first reading, Ordinance 1556 approving Zoning Text Amendment 19-97505 adopting by reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and making certain clarifying revisions to the landscape provisions within Title 17 of the Banning Municipal Code; and 2) Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378.

## **IX. DISCUSSION ITEM**

None

## **X. ITEMS FOR FUTURE AGENDAS**

New Items:

Pending Items:

1. Fee Suspension Update
2. Website Redesign
3. CNG Facility Update
4. New Energy Workshop

## **XI. ADJOURNMENT**

***Next Meeting January 28, 2020 at 5:00 P.M.***

**NOTICE:** Any member of the public may address this meeting of the Mayor and City Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

**In compliance with the Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951)-922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m.*



# Point-in-Time 2020

*Riverside County  
Department of Public Social Services  
Fifth District Supervisor Jeff Hewitt*

## Point in Time

*Federally-mandated by the U.S. Department of Housing and Urban Development (HUD) to count and survey the homeless population in the United States.*

*Data collected during the count reflects a snapshot of Riverside County's homeless population at one particular point-in-time.*

*Point in Time data play a critical role in the Continuum of Care (CoC) Program Competition and HUD will continue to emphasize through its scoring the significance of the data reported as well as the process for the data collection.*



# 2019 County Overview

**2,811**  
**Sheltered and  
unsheltered  
homeless adults  
and children  
county-wide**

## Breakdown

*Veterans: 107 total unsheltered PIT count for 2019 (8% increase from 2018)*

*Youth (18-24) – 181 total unsheltered PIT count for 2019 (2% increase from 2018)*

*Elderly (aged 62 and over – interview only) – 129 total unsheltered PIT count for 2019 (16% increase)*

*Children (17 or under) – 15 Total unsheltered for 2019*

*Families w/Children (interview only) – 2 total unsheltered for 2019 (50% decrease from 2018)*

*Youth count total – 196 total unsheltered in count for 2019 (8% increase from 2018)*

*Chronically Homeless – 727 total unsheltered PIT count for 2019 (88% increase from 2018)*

## District 5 Overview

**21% Decrease (2018 VS. 2019)**

**Total unsheltered homeless count: 211**

### Breakdown:

Native American: 5

Black: 32

Native Hawaiian: 6

White: 115

Multiple Races: 22

Unknown Race:

27

## Methodology

**Service-based Count (multi-day)** - A survey of people at various social service locations or other public or private locations to identify people who were unsheltered, but not counted because they were missed on the day of the count.

**Unsheltered Count** - Individuals and families “with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground” on the night designated for the count.

Street-Based Count



Service-Based Count



Point in Time Count

Follow- Up Count  
and Survey:



Unaccompanied  
Youth  
(Age 24-& Under)

## Homelessness Challenges

Mental Health

Substance Abuse

Deep Poverty

Public Health



## Addressing Homelessness Together

Working collaboratively with each city will create stepping stones toward a comprehensive regional approach to addressing various homeless needs.



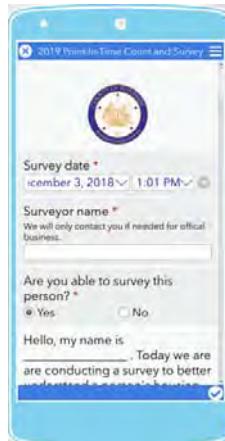
## How to Get Involved

**Volunteer Registration Ends January 20<sup>th</sup>, 2020**

Opportunities:

General Point-In-Time Count  
Wednesday, January 29<sup>th</sup>  
5:30 AM – 9:30 AM

Youth Point-In-Time Count  
Thursday, January 29<sup>th</sup>- 31<sup>st</sup>  
2:00 PM- 8:00 PM



All Volunteers must have a smartphone  
To download Survey123

Consider following the link to get involved:

[www.RIVCOEXCHANGE.com](http://www.RIVCOEXCHANGE.com)

# Thank You

Questions.

**COMMITTEE ASSIGNMENTS FOR - 2019**  
**CITY COUNCIL**  
**CITY OF BANNING**

NAME OF COMMITTEE	DAY & TIME OF MEETING	ASSIGNMENT	ALTERNATE	STAFF MEMBER
Western Riverside Council of Governments <b>(WRCOG)</b> <i>(receive stipend) (\$150.00)</i>	1 <sup>st</sup> Monday of each month 2:00 p.m.	Andrade	Happe	City Manager, Doug Schulze
Riverside Transit Agency <b>(RTA)</b>  <i>(receive stipend) (\$150.00) (plus round-trip mileage)</i>	4 <sup>th</sup> Thurs. of each month – 2:00 p.m. (Dark-August) (Nov. & Dec. 3 <sup>rd</sup> . Thursday)	Welch	Happe	Director of Public Works, Art Vela
Riverside County Transportation Commission <b>(RCTC)</b>  <i>(receive stipend) (\$100.00)</i>	2 <sup>nd</sup> Wednesday of each month - 9:00 a.m.	Welch	Andrade	Director of Public Works, Art Vela
Pass Area Transportation <b>NOW</b> Committee	1 <sup>st</sup> Thursday of each month at 12:00 p.m.	Welch	Happe	Director of Public Works, Art Vela
Regional Conservation Authority <b>(RCA)</b>  <i>(receive stipend) (\$100.00 plus mileage)</i>	1 <sup>st</sup> Monday of each month at 12:30 p.m.	Andrade	Wallace	Community Development Director, Adam Rush
Southern California Association of Governments <b>(SCAG)</b> <b>(CEHD)</b>	1 <sup>st</sup> Thursday of each month at 10:30 a.m.	Happe		

GOVERNMENT ACCESS CHANNEL COMMITTEE (as needed)	OVERSIGHT BOARD to Successor Agency of Dissolved CRA (as needed)	LEAGUE OF CALIF. CITIES – Contact and Executive Board Representative	LEAGUE OF CALIFORNIA CITIES (External Group)	SAN GORGONIO PASS WATER AGENCY (External Group)
Peterson Welch Staff: Public Information Officer	Welch Staff: Community Development Director	Welch	City Council	Happe Welch Staff: Public Works Director, Art Vela

COMMUNITY ACTION AGENCY (External Group)	DAY & TIME OF MEETING	ASSIGNMENT	ALTERNATE	STAFF MEMBER
Andrade Wallace	3 <sup>rd</sup> Thursday of each month, 7:00 p.m.			

## 2 x 2 COUNCIL WORKING GROUPS

*Groups meet as needed.*

BANNING UNIFIED SCHOOL DIST.	MORONGO BAND OF MISSION INDIANS	MT. SAN JACINTO COLLEGE	SAN GORGONIO MEMORIAL HOSPITAL	BUDGET & FINANCE AD- HOC COMMITTEE
Wallace Welch  Staff: City Manager, Doug Schulze	Happe Welch  Staff: City Manager, Doug Schulze	Peterson Andrade  Staff: City Manager, Doug Schulze	Wallace Welch  Staff: City Manager, Doug Schulze	Welch McQuown Happe Staff: City Manager, Doug Schulze

AD-HOC ECONOMIC DEVELOPMENT COMMITTEE	CITY OF BEAUMONT	HEALTHY LIVING CITY	DOWNTOWN AD- HOC COMMITTEE	ELECTRIC COST OF SERVICE AD- HOC COMMITTEE
Peterson Welch  Staff: Economic Development Manager, Ted Shove	Welch Andrade  Staff: City Manager, Doug Schulze	Wallace Andrade  Staff: Parks & Recreation Director Ralph Wright	Andrade Wallace  Staff: City Manager, Doug Schulze	Peterson Happe McQuown Westholder Burgess

*In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.*

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

12/10/2019  
SPECIAL MEETING - INTERVIEWS

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Andrade  
Councilmember Happe  
Councilmember Wallace

COUNCIL MEMBERS ABSENT: Councilmember Peterson  
Mayor Welch

OTHERS PRESENT: Ralph Wright, Parks & Recreation Director  
Sonja De La Fuente, Deputy City Clerk

**I. CALL TO ORDER**

A special meeting of the Banning City Council was called to order by Mayor Pro Tem Andrade on December 10, 2019 at 2:03 p.m. at the Banning Civic Center Large Conference Room, 99 E. Ramsey Street, Banning, California.

**II. COMMISSIONERS INTERVIEWS**

The City Council interviewed Juanita Diaz and Dorance Creighton, Jr. for the position of Parks & Recreation Commissioner, to complete a vacated term through February 2022.

Following the conclusion of the interviews, the City Council deliberated on the process.

**III. PUBLIC COMMENTS**

None.

**IV. ADJOURNMENT**

By consensus, the meeting adjourned at 2:35 p.m.

Minutes Prepared by:

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Sonja De La Fuente, Deputy City Clerk

**Related documents may be viewed here:**  
<http://www.banning.ca.us/ArchiveCenter/ViewFile/Item/2210>

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

12/10/2019  
SPECIAL MEETING - CLOSED SESSION

COUNCIL MEMBERS PRESENT:

Mayor Pro Tem Andrade  
Councilmember Happe  
Councilmember Wallace

COUNCIL MEMBERS ABSENT:

Councilmember Peterson  
Mayor Welch

OTHERS PRESENT:

Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney  
Sonja De La Fuente, Deputy City Clerk  
Art Vela, Public Works Director  
Ted Shove, Economic Development Manager

## **I. CALL TO ORDER**

A special meeting of the Banning City Council was called to order by Mayor Pro Tem Andrade on December 10, 2019, at 3:01 P.M. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

## **II. CLOSED SESSION**

Mayor Pro Tem Andrade opened the closed session items for public comments. There were none. The City Attorney listed the items on the closed session Agenda as follows:

### **1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Properties and Owners/Negotiating Parties:** Real Property located in the vicinity of Ramsey and Hathaway – 1909 E. Ramsey Street, 2933 E. Ramsey Street, 1909 E. Ramsey Street, APN 532-120-011 – Ramirez Family Living Trust; 1933 E. Ramsey Street, APN: 532-120-012 – Liang; 1679 E. Ramsey Street, APN 532-120-019 – Terra Firma Enterprise, LLC; Northeast corner of Ramsey Street and North Hathaway Street, APN 532-120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees; Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005 – Frank Burgess; 1483 E. Ramsey St, APN 541-170-019 – Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust; 1573 E. Ramsey St, APN 541-170-021 – Jen H. Huang

**City Negotiators:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager

**Under Negotiation:** Price and terms for acquisition of street right of way and temporary construction easements

2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8  
**Property Description:** Real Property located in the vicinity of Ramsey Street and Alola Street (APN 541-150-010)  
**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager  
**Negotiating Parties:** Mary A. Dureau  
**Under Negotiation:** Price and Terms
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8  
**Property Description:** Real Property located in the vicinity of Highland Springs Ave and Sun Lakes Blvd (APN 419-140-041)  
**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager  
**Negotiating Parties:** Marinita Development  
**Under Negotiation:** Price and Terms
4. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8  
**Property Description:** Real Property located at 4104 W. Ramsey Street, in the vicinity of Ramsey Street and Omar Street (APN 537-100-020)  
**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager  
**Negotiating Parties:** David D. Cobleigh  
**Under Negotiation:** Price and Terms
5. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8  
**Property Description:** Real Property located at 3724 W. Ramsey Street in the vicinity of Ramsey Street and Sunset Ave (APN 537-090-046)  
**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager  
**Negotiating Parties:** YPS Prop  
**Under Negotiation:** Price and Terms
6. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957(b)(1). Title: City Manager

The meeting convened to closed session at 3:03 p.m. and reconvened to open session at 4:32 p.m.

### **III. ADJOURNMENT**

By consensus, the meeting adjourned at 4:32 p.m.

Minutes Prepared by:

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Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed by visiting  
<https://banninglive.viebit.com/player.php?hash=EeMvYUrOqfNt> and related  
documents may be found by visiting  
<http://www.ci.banning.ca.us/ArchiveCenter/ViewFile/Item/2211> or by purchasing a  
CD or DVD at Banning City Hall in the amount of \$7.00, located at 99 E. Ramsey  
Street.

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

12/10/2019  
SPECIAL MEETING - WORKSHOP

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Andrade  
Councilmember Happe  
Councilmember Wallace

COUNCIL MEMBERS ABSENT: Councilmember Peterson  
Mayor Welch

OTHERS PRESENT: Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney  
Sonja De La Fuente, Deputy City Clerk  
Tom Miller, Electric Utility Director  
Brandon Robinson, Electrical Engineering Supervisor  
Jason Smith, Electric Operations Manager  
Carla Young, Business Support Manager

**I. CALL TO ORDER**

A special meeting of the Banning City Council was called to order by Mayor Pro Tem Andrade on December 10, 2019 at 4:40 P.M. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

**II. WORKSHOP**

1. Electric Utility Fire Mitigation Plan

Brandon Robinson, Electrical Engineering Supervisor, provided a PowerPoint presentation (Attachment 1).

**III. PUBLIC COMMENTS**

None

**IV. ADJOURNMENT**

By consensus, the meeting adjourned at 5:04 p.m.

Minutes Prepared by:

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Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:

<https://banninglive.viebit.com/player.php?hash=EeMvYUrOqfNt> and related documents may be viewed here:

<http://www.banning.ca.us/ArchiveCenter/ViewFile/Item/2209> or by requesting a CD or DVD in the amount of \$7.00 each at Banning City Hall located at 99 E. Ramsey Street.

# **ATTACHMENT 1**

## **(Presentation)**

# BANNING ELECTRIC UTILITY WILDFIRE MITIGATION PLAN



VERSION 1.0

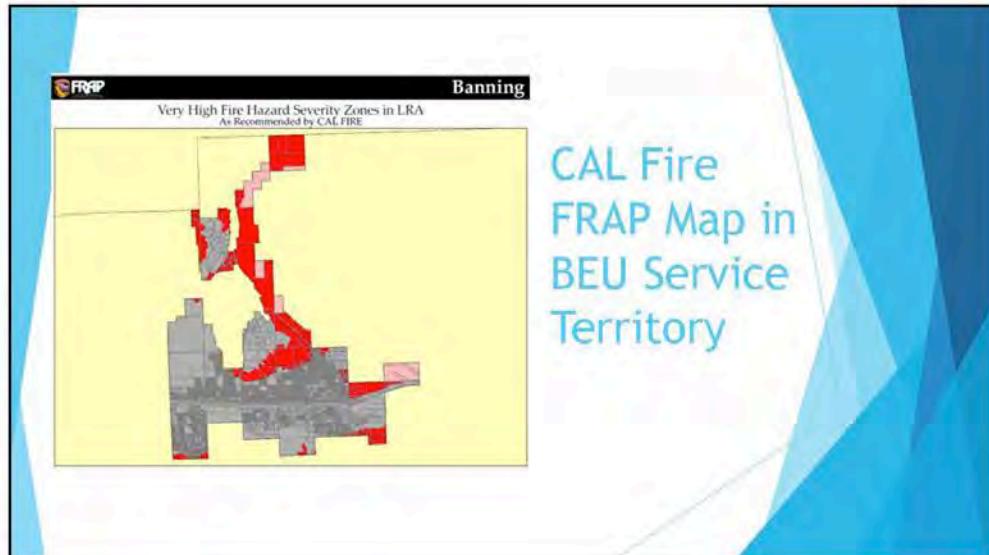
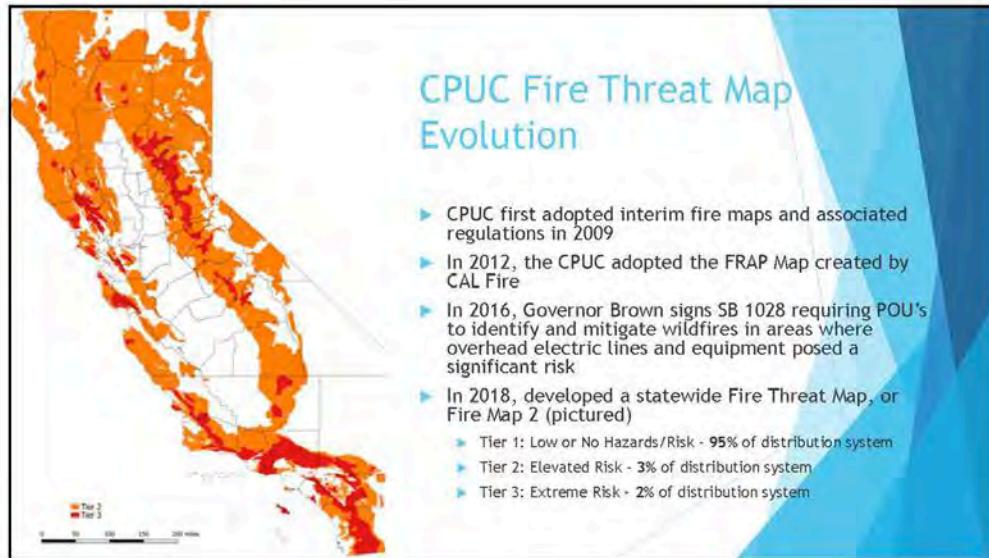
## California Wildfires

Top 20 Largest California Wildfires

Fire Name (Cause)	Date	County	Acres	Structures	Deaths
1 MENDOCINO COUPLES (Other Incendiary)	July 2018	Colusa County, Lake County, Mendocino County & Glenn County	458,128	390	1
2 THOMAS (Powerlines)	December 2017	Ventura & Santa Barbara	281,993	1,063	2
3 CEDAR (Human Related)	October 2013	San Diego	278,246	2,220	15
4 RUSH (Lightning)	August 2012	Lassen	271,911 CA / 43,664 NV	0	8
5 RIM (Human Related)	August 2018	Tulare/Kern	257,514	112	0
6 ZACA (Human Related)	July 2017	Riverside	249,297	1	0
7 CARR (Human Related)	July 2018	Shasta County, Trinity County	229,611	1,814	8
8 MATILIA (Unknown)	September 1923	Ventura	228,949	0	0
9 WITCH (Fusiform)	October 2001	San Diego	197,890	1,630	2
10 ELAMATH THEATER COMPLEX (Lightning)	June 2000	Shasta	192,610	0	5
11 MARBLE CONE (Lightning)	July 1977	Monterey	177,646	0	0
12 LAGUNA (POWERLINES)	September 1970	San Diego	173,423	382	1
13 BAKER COMPLEX (Lightning)	June 2006	Marin	162,010	38	0
14 DAY FIRE (Human Related)	September 2008	Ventura	142,762	11	0
15 STATION (Human Related)	August 2009	Los Angeles	140,037	560	1
16 CAMP FIRE (Powerlines)	November 2018	Butte	133,216	18,804	85
17 BOUGH (Lightning)	July 2010	Placer	131,026	4	0
18 McNALLY (Human Related)	July 2002	Tulare	130,694	17	0
19 STANISLAUS COMPLEX (Lightning)	August 1987	Tuolumne	145,910	26	1
20 BIG BAR COMPLEX (Lightning)	August 1999	Trinity	140,945	0	0

\*There is no doubt that there were fires with significant acreage burned in years prior to 1952, but those records are less reliable, and this list is meant to give an overview of the large fires in more recent times. The list does not include fire jurisdiction. These are the Top 20 regardless of whether they were state, federal, or local responsibility.





## Current Regulatory & Mitigation Efforts

- ▶ Increased patrols and vegetation clearance in HFTD since 2017
  - ▶ Worked with CAL Fire to identify 173 utility poles in Tier 2/3 areas
- ▶ Increased inspection frequencies as required by GO 165

Inspection:	Tier 1	Tier 2	Tier 3
Patrol	5 Years	2 Years	1 Year
Detailed - Includes pole-butt tests and/or intrusive testing	10 Years	10 Years	5 Years

- ▶ Installing “spark-limiting” fuses (CLFs) on all overhead lines
- ▶ Installing avian protection (polymer equipment covers) in Tier 2/3 areas

## Requirements of the Wildfire Mitigation Plan

### ▶ SB 1028 (modification of earlier bill SB 901)

- (1) An accounting of the responsibilities of persons responsible for executing the plan.
- (2) The objectives of the plan.
- (3) A description of the preventive strategies and programs adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires.
- (4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.
- (5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.
- (6) A description of the processes and procedures the electrical corporation will use to do the following:
  - (A) How the utility intends to monitor and audit the implementation of the plan.
  - (B) How the utility will identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.
  - (C) How the utility will monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.
- (7) Any other information that the CPUC or CEC may require.

## BEU Safety Risks - Cause of Outages

- ▶ Ranking of Factors causing BEU outages
  1. Equipment deterioration or failure
  2. Vegetation
  3. Vehicle damage
  4. Animal contact
  5. Mylar balloons
  6. Lightning
  7. Vandalism
- ▶ BEU power lines have not caused any wildfires over the past several years as reported by CAL Fire

## BEU Wildfire Mitigation Plan Objectives

- ▶ Protect public safety while continuing to provide reliable and sustainable power to customers
- ▶ Set forth actionable and measurable plan to reduce the risk of potential wildfire-causing ignitions associated with BEU's electrical infrastructure
- ▶ Implement measures to harden the electric system against wildfires and improve system resiliency
- ▶ Enhance wildfire suppression by improving coordination with emergency management personnel
- ▶ Reduce the impact of wildfires on BEU's customers
- ▶ Communicate with customers, community groups, and other stakeholders about how to prevent, prepare for, and mitigate the effects of wildfire

## Mitigation Strategies

### Inspections

- ▶ Enhanced overhead inspections on delivery and distribution structures in HFTD
- ▶ Continue various existing inspections (poles, switches, circuits, relays, etc.)
- ▶ Continue vegetation management at utility poles and power lines as required and implement a strategy for removal of hazard (dead/dying) trees
- ▶ Investigate use of infrared or high definition (HD) imagery
- ▶ Effective communications and engagement with emergency services, customers and other utilities
- ▶ Weather stations within HFTD

### Operations

- ▶ Investigate and implement various system hardening activities (e.g., composite poles, current limiting fuses (CLFs), remote automatic reclosers (RARS), Fast Curve settings)
- ▶ Evaluate feasibility of covered conductor in HFTD
- ▶ Evaluation of targeted undergrounding in HFTD
- ▶ Perform other evaluations and pilots of alternative technologies

## Action Plan for Tier 3 Areas

Location	Fire Threat Tier	Electric Assets	Risk Description	Targeted Action/s	Timeline
Sanning Canyon	3	12.47kv OH distribution - 2 miles	Overhead line feeds 8 water distribution wells needed for fresh water and fire protection	Evaluate line for hardening solutions  Increase monitoring and limit fuels	Complete evaluation in Q2 2020
Mias Canyon	3	BEU provides OH 12.47kv and 7.2kv through Mias Canyon to 14 SCE customers	No disconnect device (recloser) exists to disconnect power to SCE customers in case of fire emergency.  Operating procedures with SCE have not been established	Install temporary in-line stick operated disconnects.  Develop engineering estimate for line upgrade and recloser  Increase monitoring and limit fuels	Install temporary in-lines by Q2 2020  Complete engineering estimate by end of Q1 2020

## De-Energization Public Safety Power Shutoff (PSPS)

### Justifications for de-energization

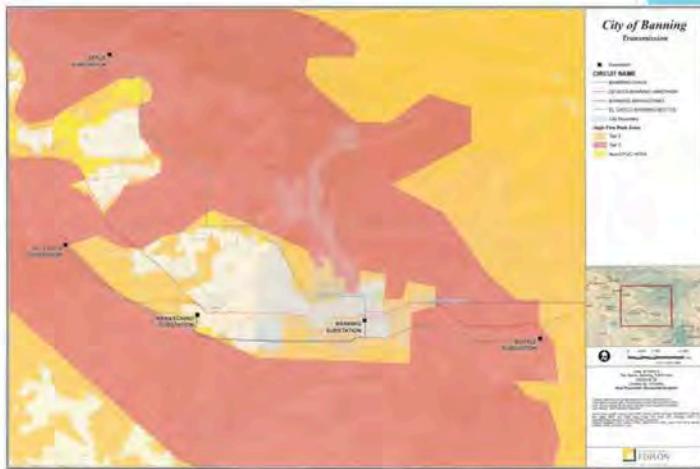
- ▶ Local fire or request by safety officers for a specific circuit to be de-energized as a result of an ongoing event
- ▶ Pre-emptive de-energization to reduce fire risk (Red Flag Warnings)

#### Typical but not required response to weather-related Red Flag Warnings

- During Extreme weather events where wind gusts exceed 25 mph, activate the appropriate operations requirements in response to the weather which may include public advisory through various communication channels
- During Red Flag weather events where wind gusts exceed 50 mph, activate the appropriate operations requirements in response to the weather, which will include public notice to customers of a potential PSPS event

Notification should occur 72 hours prior to an event

SCE PSPS Map



## Community Outreach

- ▶ Banning Electric on Twitter, Facebook, and Instagram
- ▶ City of Banning at Nixle
- ▶ Develop Key Accounts Notification Protocol
- ▶ 2020 Community Outreach Meetings
  - ▶ Climate change impacts on wildfires
  - ▶ Grid hardening and other engineering practices
  - ▶ Vegetation management
  - ▶ Weather monitoring as it relates to elevated/extreme threat and red flag events
  - ▶ PSPS protocol if defined
  - ▶ Safety during outages

## Evaluation of the Plan

### Metrics

- ▶ Reportable Ignitions
  - ▶ Utility asset provides heat source for ignition
  - ▶ Self-propagating of material other than utility facility
  - ▶ Travels > 1m from ignition point
  - ▶ Utility has knowledge of fire occurrence
  - ▶ Describe fires greater than 10 acres within service territory
- ▶ Wires Down

### Monitoring

- ▶ Monitor the progression of the plan annually
- ▶ Independent Evaluator to report on the evolution of the plan prior in or before June 2020

## Next Steps

- ▶ Community Outreach Events
- ▶ Coordinate with SCE, CAL Fire and other safety personnel
- ▶ Qualified Independent Evaluation
- ▶ Report to City Council on WMP's comprehensiveness
- ▶ Submit final version of WMP to the California Wildfire Safety Advisory Board for review and approval by July 1, 2020

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*In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.*

*The following information comprises the minutes for the regular meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.*

MINUTES  
CITY COUNCIL

12/10/2019  
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Andrade  
Councilmember Happe  
Councilmember Wallace

COUNCIL MEMBERS ABSENT: Councilmember Peterson  
Mayor Welch

OTHERS PRESENT Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney  
Sonja De La Fuente, Deputy City Clerk  
Matthew Hamner, Police Chief  
Art Vela, Public Works Director/City Engineer  
Adam Rush, Community Development Director  
Jennifer Christensen, Administrative Services Director  
Ralph Wright, Community Services Director  
Tom Miller, Electric Utility Director  
Suzanne Cook, Deputy Finance Director  
Phil Holder, Police Captain  
Carla Young, Business Support Manager  
Brandon Robinson, Electrical Engineering Supervisor  
Laurie Sampson, Executive Assistant  
Leila Lopez, Office Specialist

## I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Pro Tem Andrade on December 10, 2019, at 5:05 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Police Chaplain Merle Malland, offered the invocation.

Councilmember Wallace led the audience in the Pledge of Allegiance.

## **II. REORGANIZATION OF CITY COUNCIL**

Mayor Pro Tem Andrade conducted the reorganization of the City Council. Council Member Happe nominated Art Welch for Mayor. Council Member Wallace nominated Daniela Andrade for Mayor.

**Motion Wallace/Happe to close nominations. Motion carried 3-0, with Council Members Peterson and Welch absent.**

Roll Call Vote for Mayor:

Council Member Andrade voted for Council Member Andrade  
Council Member Happe voted for Council Member Welch  
Council Member Peterson was absent  
Council Member Wallace voted for Council Member Andrade  
Council Member Welch was absent

Council Member Happe nominated Art Welch for Mayor Pro Tem. Council Member Andrade nominated Colleen Wallace for Mayor Pro Tem.

**Motion Wallace/Happe to close nominations. Motion carried 3-0, with Council Members Peterson and Welch absent.**

Roll Call Vote for Mayor Pro Tem:

Council Member Andrade voted for Council Member Wallace  
Council Member Happe voted for Council Member Welch  
Council Member Peterson was absent  
Council Member Wallace voted for Council Member Wallace  
Council Member Welch was absent

**Action: Elected Daniela Andrade to serve as Mayor and Colleen Wallace to serve as Mayor Pro Tem for a term of one year.**

## **III. AGENDA APPROVAL**

City Manager Schulze requested moving Report on Closed Session and Public Comment items ahead of the Presentation. A motion was made by Councilmember Wallace, seconded by Councilmember Happe, to approve the agenda with the requested changes. Electronic vote was taken as follows:

AYES: Andrade, Happe, Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**IV. PRESENTATION(S)**

None

**V. REPORT ON CLOSED SESSION**

City Attorney Ennis provided a report on Closed Session as follows:

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Properties and Owners/Negotiating Parties:** Real Property located in the vicinity of Ramsey and Hathaway – 1909 E. Ramsey Street, 2933 E. Ramsey Street, 1909 E. Ramsey Street, APN 532-120-011 – Ramirez Family Living Trust; 1933 E. Ramsey Street, APN: 532-120-012 – Liang; 1679 E. Ramsey Street, APN 532-120-019 – Terra Firma Enterprise, LLC; Northeast corner of Ramsey Street and North Hathaway Street, APN 532- 120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees; Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005 – Frank Burgess; 1483 E. Ramsey St, APN 541- 170-019 – Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust; 1573 E. Ramsey St, APN 541-170-021 – Jen H. Huang

**City Negotiators:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager

**Under Negotiation:** Price and terms for acquisition of street right of way and temporary construction easements

*An update was provided by, and direction was given to the City's negotiators. No reportable action, except for the fact that the Ramirez Family Trust property has been acquired by the City and that transaction has been completed.*

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Property Description:** Real Property located in the vicinity of Ramsey Street and Alola Street (APN 541-150-010)

**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager

**Negotiating Parties:** Mary A. Dureau

**Under Negotiation:** Price and Terms

*Direction was given to the City's negotiators.*

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Property Description:** Real Property located in the vicinity of Highland Springs Ave and Sun Lakes Blvd (APN 419-140-041)

**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager

**Negotiating Parties:** Marinita Development

**Under Negotiation:** Price and Terms

***Price and terms were discussed, and direction was given to the City's negotiators.***

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Property Description:** Real Property located at 4104 W. Ramsey Street, in the vicinity of Ramsey Street and Omar Street (APN 537-100-020)

**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager

**Negotiating Parties:** David D. Cobleigh

**Under Negotiation:** Price and Terms

***Direction was given to the City's negotiators regarding the possible acquisition of the property.***

**5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Property Description:** Real Property located at 3724 W. Ramsey Street in the vicinity of Ramsey Street and Sunset Ave (APN 537-090-046)

**City Negotiator:** Douglas Schulze, City Manager and Ted Shove, Economic Development Manager

**Negotiating Parties:** YPS Prop

**Under Negotiation:** Price and Terms

***Price and terms were discussed, and direction was given to the City's negotiators.***

**6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957(b)(1). Title: City Manager

***Continued to the next regular City Council Meeting date, January 14, 2020.***

**VI. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS**

Mayor Andrade opened Public Comment for items not on the Agenda.

**PUBLIC COMMENT(S)**

Inge Schuler expressed best wishes to Art Welch on a speedy recovery and a happy holiday. She also requested correspondence is read aloud at City Council Meetings rather than only entered into the record.

Gloria Bell sent her thoughts and prayers to Art Welch for healing. She thanked the City Manager for his hard work and presence at events and community involvement. She also thanked the Director of Public Works for contributing to Gillman Ranch festivities. She invited the public out to events on Saturday and that there will be a Trolley available (Attachment 1).

Howard Reeves, District 58 Little League, advised that Banning Pass Little League falls within District 58 and that the quality of lights at Lions Park are not adequate causing a potentially unsafe situation.

Ellen Carr with Tender Loving Critters informed all that Animal Action League will be here only on December 17<sup>th</sup> and any appointments scheduled for December 16<sup>th</sup> will be rescheduled. They provide spay/neuter, shots and microchipping. Anyone with questions may call her at 951-849-5817.

Adam Eventov with SoCalGas introduced himself as the new Public Affairs Manager for this region. He shared that there are safety tips for the holiday season on their website.

Frank Burgess congratulated the new Mayor and Mayor Pro Tem. He requested a copy of the Resolution that passed regarding adjusting the school district boundaries. He also asked about the resolutions of necessity coming up later on the agenda, as there are not four council members present.

City Attorney Ennis confirmed that the resolutions of necessity will be continued to the January 14<sup>th</sup> City Council Meeting and will be a Public Hearing.

John Hagan requested correspondence is read aloud at City Council Meetings rather than only entered into the record.

City Attorney Ennis advised that reading correspondence aloud is a matter of policy and the discretion of City Council. The rules would need to be amended to provide for reading correspondence verbatim. It is appropriate to acknowledge receipt and distribute and made available, which is being done at this time.

Karen Emerson supports reading correspondence aloud. She also expressed concern regarding the Atwell development, as there is flooding again on Wilson.

Seeing no further comments, the Mayor closed Public Comments.

#### CORRESPONDENCE

Two items of correspondence were received, one related to Agenda Item VIII.1 (Attachment 2) and one related to Agenda Item VIII.2 (Attachment 3).

#### APPOINTMENT(S)

1. Parks & Recreation Commissioner Appointment

**Public Comment - None**

A motion was made by Mayor Pro Tem Wallace, seconded by Mayor Andrade, to appoint Juanita Diaz to the Parks & Recreation Commission to fill a vacancy. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Appointed Juanita Diaz to the Parks & Recreation Commission to fill a vacancy.**

## **VII. CONSENT ITEMS**

Mayor Andrade asked if the Council wished to pull an item for discussion. None were pulled for discussion.

1. Minutes – November 12, 2019, Special Meeting (Closed Session)
2. Minutes – November 12, 2019, Special Meeting (Workshop)
3. Minutes – November 12, 2019, Regular Meeting
4. Approval and Ratification of Accounts Payable and Payroll Warrants – October 2019
5. Investment Report – October 2019
6. Police Stats – October 2019
7. Fire Stats – October 2019
8. Resolutions 2019-128, 2019-02 SA, and 2019-21 UA, Continuing Appropriations
9. Resolution 2019-132, Adopting Banning Electric Utility Wildfire Mitigation Plan Version 1.0
10. Resolution 2019-147, Authorizing the Electric Utility to Amend the Professional Services Agreement with Acculine Consulting for the Pilot Mapping Project
11. Resolution 2019-148, Establishing a Pre-Qualified Professional Electrical Engineering Vendor List for the Remainder of Fiscal Year 2020 through Fiscal Year 2022
12. Notice of Completion, Project 2019-02, “Bird Abatement, Clean-Up and Netting Services”
13. Resolution 2019-149, Approving Tract Map 35967-1
14. Resolution 2019-150, Approving Tract Map 37298
15. Resolution 2019-151, Approving Tract Map 37298-1
16. Resolution 2019-152, Approving Tract Map 37298-2
17. Resolution 2019-153, Approving Tract Map 37298-3
18. Resolution 2019-154, Approving Tract Map 37474
19. Resolution 2019-155, Approving Tract Map 37365
20. Resolution 2019-156, Approving the Equipping of Police Department Vehicles

21. Resolution 2019-157, Approving the Purchase of a Code Compliance Vehicle
22. Resolution 2019-158, Acknowledging Receipt of a Report Made by the Fire Chief of the Riverside County Fire Department Regarding Compliance with the Annual Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code
23. Resolution 2019-25 UA, Approving the Purchase of an Emergency Standby Generator for the Westward Lift Station from Quinn Power Systems in Riverside, California, in the Amount of \$55,095.06
24. Resolution 2019-26 UA, Approving Change Order 1 to the Contract with Hemet Manufacturing Co., Inc. dba Genesis Construction for the Altitude Valve at Southwest Reservoir Project in the amount of \$35,426
25. Resolution 2019-146, Adopting Banning Electric Utility Rules and Regulations Rule Number 30, Designating the City as Being in Climate Zone 10 for the Purposes of Tariff Baselines, Energy Efficiency Standards, Weatherization, Solar Requirements, and Electric-Related Building Standards

**Public Comment - None**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to approve consent calendar items 1 through 25. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Approved Consent Items 1 through 25.**

**VIII. PUBLIC HEARING(S)**

1. Ordinance 1552, Zoning Text Amendment 19-97503, Approving Zoning Text Amendment 19-97503 Amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits" Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts" and Adding a New Section, 17.24.180, "Commercial Cargo/Storage Containers" Establishing Regulations for Commercial Cargo/Storage Containers of Title 17 "Zoning" of the Banning Municipal Code and Making Findings Pursuant to CEQA.

Adam Rush, Community Development Director provided a presentation (Attachment 4). There was brief discussion and clarification among the City Council and staff.

### **The Mayor opened the Public Hearing.**

John Hagan expressed concern with the setback designations, as he feels it will cause the container to be in the middle of a property and provided some examples.

Robert Ybarra recommended leaving this alone as he doesn't see an issue in the City with storage containers.

Ron Duncan doesn't feel people who have storage containers should be penalized and asked if they would be grandfathered in.

Correspondence was received and provided to the City Council and public (Attachment 2).

### **The Mayor closed the Public Hearing.**

There was some discussion regarding setbacks and zoning. It was clarified that storage containers are currently prohibited, and this ordinance would allow them in certain areas with specifications. A possible amnesty program was also discussed for those that do have storage containers.

**Action: There was a consensus of the Council to continue the Public Hearing to January 14, 2019, at 5:00 p.m. and directed staff to modify the ordinance to include modified language to address the concerns of the Council.**

2. Resolution 2019-113, Approving the Comprehensive User Fee Study Report and Adopting an Updated Master Fee Schedule and Adopting an Updated Master User Fee Schedule and Making a Finding for Exemption Under CEQA, and Introducing Ordinance 1553, Proposing Amendments to Chapter 3.36 "Fee and Service Charge Revenue/Cost Comparison" of the Banning Municipal Code, and Making Findings Pursuant to CEQA  
*(Staff Report: Adam Rush, Community Development Director)*

A revised version of Resolution 2019-113 and Ordinance 1553 were provided to the Council and Public (Attachment 5).

Adam Rush, Community Development Director provided a presentation (Attachment 6). There was brief discussion and clarification among the City Council and staff.

### **The Mayor opened the Public Hearing**

Damian Fessel with the Building Industry Association (BIA) thanked the City Council for everything. He mentioned a deposit-based system should be

considered in the future and expressed concern with a 27% CPI increase from 2007.

Morgan Keith, retired builder and consultant to the BIA expressed his disappointment in Willdan withholding the study with their calculations based on the fact that it is proprietary information.

Correspondence was received and provided to the City Council and public (Attachment 3).

**The Mayor closed the Public Hearing.**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt Resolution 2019-113, approving the Comprehensive User Fee Study Report dated January 2, 2019, and adopting an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration, Animal Control, Community Services, Airport, Building, Planning, Utility Billing, Electric Utility, Police, Fire, and Engineering; and making a finding for Exemption under CEQA. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Adopted Resolution 2019-113.**

**The Mayor asked the City Clerk to read the title of Ordinance 1553**

*“Ordinance 1553, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 3.36 ‘Fee and Service Charge Revenue/Cost Comparison’ of the Banning Municipal Code (“Code Amendment”) and Making Findings Pursuant to CEQA.”*

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace to waive further reading of Ordinance 1553. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace that Ordinance 1553 pass its first reading. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Ordinance 1553 passed its first reading.**

3. Ordinance 1555, an Ordinance Amending Chapters 15.08 and 8.16 of the Banning Municipal Code by Adopting by Reference the Entirety of the 2019 Editions of the California Building Code, Residential Code, Green Building Standards Code, Plumbing Code, Mechanical Code, Electrical Code, and Fire Code, the 2018 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Together with Certain Amendments, Deletions and Additions, Including Findings, Fees and Penalties; Deleting Chapter 15.20 of the Banning Municipal Code Concerning Wind Speed Requirements; Amending Chapter 15.40 of the Banning Municipal Code Concerning Pool Fencing and Enclosure Standards; and Making Certain Clarifying Revisions to the Building and Construction Provisions within Title 15 of the Banning Municipal Code

Adam Rush, Community Development Director provided a presentation (Attachment 7). There was brief discussion and clarification among the City Council and staff.

**The Mayor opened the Public Hearing**

None

**The Mayor closed the Public Hearing.**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt the Notice of Exemption (NOE) which determines that Ordinance 1555 is not subject to CEQA, pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) and adopt Ordinance 1555 amending Title 8 and 15 in its entirety and replacing it with language adopting the 2019 California Building Standards Code as amended.

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Ordinance 1555 passed its second reading and was adopted.**

4. Resolution 2019-164 approving General Plan Amendment 19-2503 and Ordinance 1557 adopting Zone Change 19-3501, a proposed amendment

to the General Plan Land Use Element to update the General Plan Land Use Map and Zoning map to eliminate inconsistencies within the map and promote economic development, finding the project will have a less than significant effect on the environment approving a Negative Declaration

Adam Rush, Community Development Director provided a presentation (Attachment 8). There was brief discussion and clarification among the City Council and staff.

**The Mayor opened the Public Hearing**

Nobody came forward.

**The Mayor closed the Public Hearing.**

**The Mayor asked the City Clerk to read the title of Ordinance 1557**

*“Ordinance 1557, an Ordinance of the City Council of the City of Banning, California, approving Zone Change 19-3501 to Amend the Zoning Classification for Multiple Properties Located Within Seven (Locations 1, 2, 3, 4, 6, 7, 9) of the Original Nine Proposed Locations Throughout the City (APN'S 532-130-008, 541-260-033, -035, -041, -042, -044, -047, 534-171-008, -009, 532-160-005, -007, -008, -009, -013, -014, 540-250-060, 540-250-034, -045, and 534-152-025), and Making Findings Pursuant to CEQA.”*

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace to waive further reading of Ordinance 1557. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace that Ordinance 1557 pass its first reading. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Ordinance 1557 passed its first reading.**

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace, to adopt Resolution 2019-164, approving General Plan Amendment 19-

2503 and Environmental Assessment 19-1505 adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Adopted Resolution 2019-164.**

## **IX. ANNOUNCEMENTS AND REPORTS**

### CITY COUNCIL COMMITTEE REPORTS

Councilmember Happe had nothing to report.

Councilmember Wallace reported the following:

- Attended Winter Gala Coachella Valley Sexual Assault Services. They expressed interest in providing a presentation at a future City Council Meeting to explain the services they provide.
- Community Action Partnership will be at the Senior Center Thursday.

Mayor Pro Tem Andrade reported the following:

- Attended the Hmong New Year Celebration with Mayor Pro Tem Wallace and the City Manager.
- Attended the Student of the Month program, which is held monthly.
- Chamber of Commerce will hold a fundraiser for the Student of the Month program at Canyon Lanes in Morongo on Saturday December 14<sup>th</sup> at 11:00 a.m.
- There will be a trolley to pick up at Sun Lakes at 11:00 a.m. on Saturday December 14<sup>th</sup> take people to Gillman Ranch then to the Toti's Art Studio and Dorothy Ramon Learning Center.
- Attended the Pass Chorale performance and highly recommends. Their next performance will be held during Easter.
- The Banning Chamber of Commerce has "Shop Local" decals.
- December 20<sup>th</sup> is Banning Market Night where there will be snow and a tree lighting.
- Attended the Flood Control meeting on December 4<sup>th</sup> and Mr. Guillen from Banning Unified School District represented the community well.
- Text 92220 to 88877 to receive City updates.

Councilmember Peterson was absent.

Councilmember Welch was absent.

### REPORT BY CITY ATTORNEY

None

### REPORT BY CITY MANAGER

None

### REPORTS OF OFFICERS

1. Resolutions of Necessity 2019-159, 2019 160, 2019-161, 2019-162, and 2019-163, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project

### **Public Comment**

None

A motion was made by Mayor Andrade, seconded by Mayor Pro Tem Wallace, to continue the Public Hearing to the next regular City Council Meeting on January 14, 2020. Electronic vote was taken as follows:

AYES: Andrade, Happe & Wallace  
NOES: None  
ABSTAIN: None  
ABSENT: Peterson & Welch

**Action: Public Hearing continued to January 14, 2020 at 5:00 p.m.**

### **IX. DISCUSSION ITEM**

None

### **CITY COUNCIL – Next Meeting, January 14, 2020, 5:00 p.m.**

### **X. ITEMS FOR FUTURE AGENDAS**

### **XI. ADJOURNMENT**

By consensus, the meeting was adjourned at 7:44 p.m.

Minutes Prepared by:

---

Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:

<https://banninglive.viebit.com/player.php?hash=EeMvYUrOqfNt> and related documents maybe viewed here:

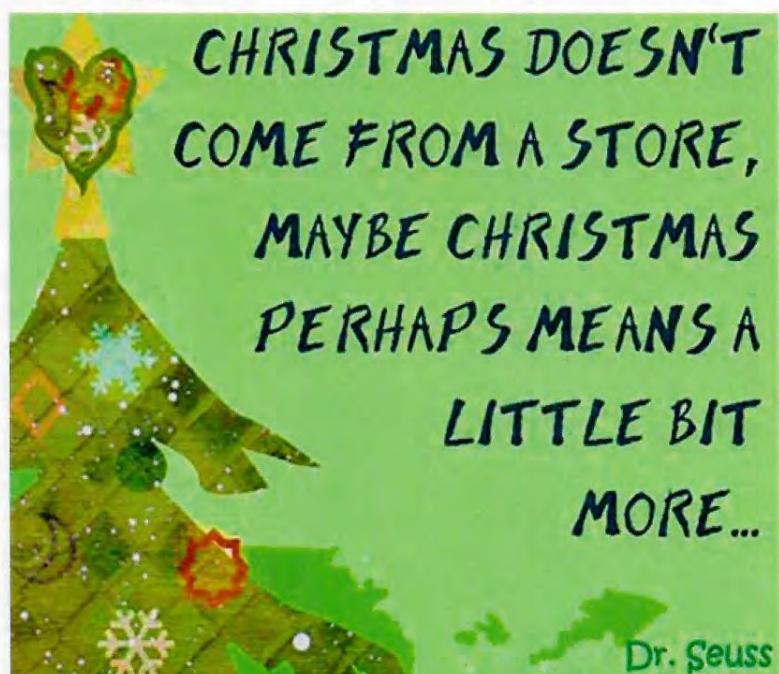
<https://banningca.gov/ArchiveCenter/ViewFile/Item/2212> or by purchasing a CD or DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.

# ATTACHMENT 1

# GIVE THE GIFT OF ART!

**Open Art Studio Sale  
Featuring Local Artists**

**Saturday, Dec. 14th ~ Noon to 4 PM**



**TOTI'S ART STUDIO**

235 No. San Gorgonio Ave., Banning, CA 92220  
[www.totisartstudio.com](http://www.totisartstudio.com) - Instagram

~~~~~  
Children's Art ~ Music ~ Refreshments ~ Free!

DOROTHY  
RAMON



## LEARNING CENTER, INC.

Shop • Handmade gifts • Free flute-making workshop!



Relax • Enjoy flute music and other entertainment • Discover Cultures

• Native American arts • Jewelry • Baskets • Crafts • Free Family Fun

Save and Share our Southern CA Native American cultures.

**ENJOY FREE FAMILY FUN! SHOP FOR BEAUTIFUL GIFTS!**

**DISCOVER & EXPLORE THE LEARNING CENTER.**

**DEC.14, 127 N. SAN GORGONIO AVE., BANNING 10 AM-4 PM**  
**INFO: 951.849.7736. [WWW.DOROTHYRAMON.BLOGSPOT.COM](http://WWW.DOROTHYRAMON.BLOGSPOT.COM)**

# ATTACHMENT 2

November 7<sup>th</sup> 2019

To The Banning City Council,



I moved to this semi rural setting so that I would have a little room and a larger piece of property to work with. I own this property and although I do see the need and appreciate some of the guide lines set down to control the aesthetics of a growing community' However I feel that this storage container ordinance is an overreach of you authority.

Your building codes and setbacks for permanent structures on the properties limit what a person can do concerning storage structures. The storage containers afford the property owner to safely and neatly store their belongings and protect them from deteriorating due to weather exposure. I don't believe that a property owner would pay for the cost of a storage container if they did not have items that they value. So weather you allow them to have a storage container or not they will not get rid of those treasured belongings. Now you have created a situation where the belongings that would have been placed in a container and out of sight are now piled up in the yard deteriorating away as yard art. These yard art issues will not be controlled by code enforcement as is evident in a large percentage of the properties around here now.

With this ordinance you are not only telling the property owners what they can have on their own property, but now how many and where they have to place it. I don't object to the paint requirement but I feel that if I have the room to adequately place containers on my property for private use and storage I should be able to do that without the expense of permit fees and government over reach.

These containers are not permanent structures; they are not used for habitation, and should be exempt from setback requirements as they are movable and cause no burden on future development. The setbacks suggested 50 ft from front 25 from side and 50 to the rear are a detriment to the rest of the ordinance. Think about this, if you allow the container to be placed near the property line it can be easily camouflaged with shrubbery or fence line. The way it is worded you have

required the container to be placed out where there is no hiding it, and it interferes with the land owners landscape plans. Also if you allow only one container an owner has to deal with a monster container 53 ft. long where as if you allowed smaller containers equaling the same sq footage i.e. (2- 25 ft containers) it would give the landowner a little more versatility in placing them.

Just because some of you have a distain against storage containers you should not use your position of power to inflict your will upon the community. I agree that you probably need a backyard requirement and paint but that is where this should stop. A half acre parcel can easily handle 2 or 3 containers of various sizes without impeding on the surrounding environment. And if properly placed can be hidden from street view and not be a neighborhood eyesore.

I request that you reconsider this matter. The city uses storage containers on several of their sites and you cannot require the resident to comply and exempt the city. I do not see a particular problem or over abundance of containers on any properties throughout this city and feel that this is an attempt to generate revenue at the property owner's expense. This needs to be rewritten and some of these outrageous conditions removed. A storage container in the yard is much more slightly than all of its contents strewn all over the yard. Think about that before you in act an unenforceable burden on the already overworked code enforcement division.

Since there has been no existing complaint on the existing containers if you do in act this there should be a grandfather clause for the existing containers, as the current owners have a considerable investment in the purchase and placement of the existing containers. Frankly I do not know why you are wasting your time and energy on this when there are several other eye sores that need to be addressed first like the Banning Business Center and the connection between Westward and Sun Lakes, or all the junk in people's yards that a container would solve. Why target something that is going to piss people off instead of these other major issues.

Thank You,  
John Hagen, Banning resident

# ATTACHMENT 3

**RECEIVED**

By Sonja De La Fuente at 1:22 pm, Dec 10, 2019

RE: The Willdan Study Report and the City of Banning, Staff Report: Resolution 2019-113 and  
Ordinance 1553 December 10, 2019

**Previous Public Records Requests:**

As a consultant advocating for BIA-Riverside, I made numerous public records requests for the documents relating to the administration of the building department. The City Clerk's office responded to many of my requests and I thank them for their professional services.

Many of my public records requests specified a request for the 'backup' data that Willdan used to determine the fees associated with Building Department services related to SFR consolidated fees that includes plan check, permit issuance, and building department (inspection) fees. Willdan and members of the City's staff consistently refused my requests based upon Willdan's claim that their methodological matrix used in data analysis which was the basis of their report is proprietary. I firmly disagree as their *Comprehensive User Fee Report* was funded with public monies and they consulted City staff and thus the data should be available for public review.

Willdan is the only fee consultant whose work effort I have requested was denied.

In their Report, Willdan discusses the use of a full-cost overhead allocation plan on Page 3 of their report:

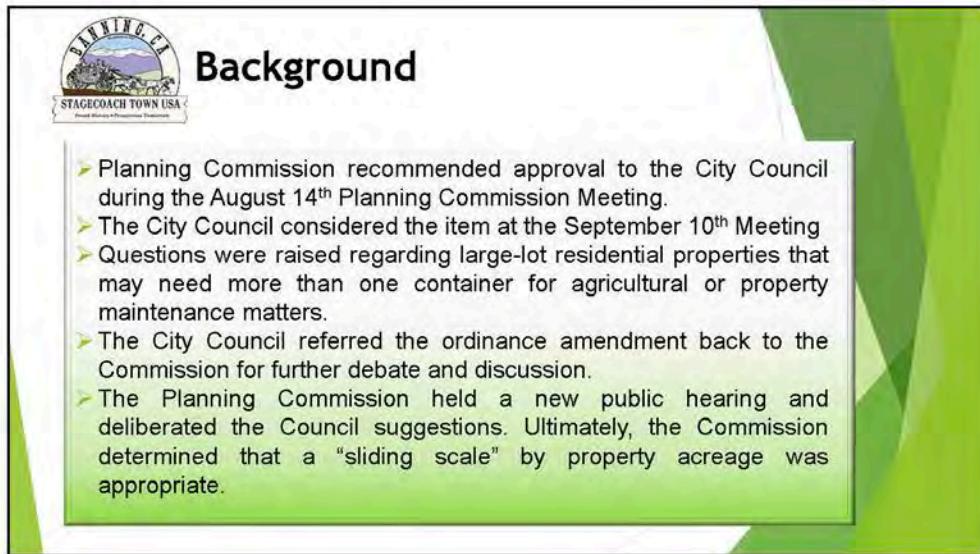
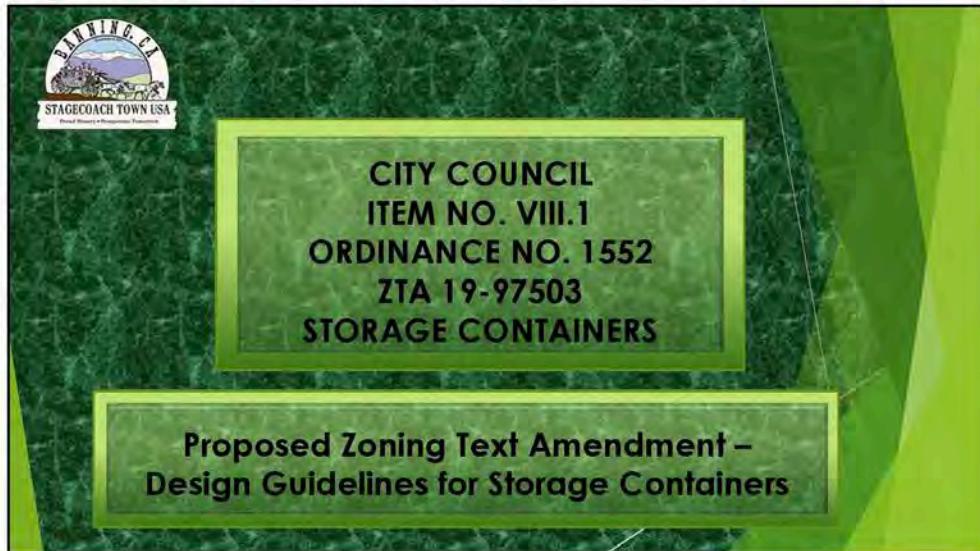
"User Fees recover costs associated with the provision of specific services benefiting the user, thereby reducing the use of General Fund monies for such purposes. In addition to collecting the direct cost of labor and materials associated with processing and administering user services, it is common for local governments to recover support costs. Support costs are those costs relating to a local government's central service departments that are properly allocable to the local government's operating departments. Central services support cost allocations were incorporated using the resulting indirect overhead percentages determined through the Cost Allocation Plan. This plan was developed prior to the User Fee study to determine the burden placed upon central services by the operating departments in order to allocate a proportionate share of central service cost."

I have not obtained a copy of the Cost Allocation Plan which could provide data as to how some fees amounts were determined. For example, the 'backup' budget data and calculations that would indicate the working data the City used to determine that 60% of the Community Development Director's time is involved with the operation of the Building Department and 40% with Planning and subsequently, the application of these percentages in determining Willdan's recommendations for building department service fees.

I request that the City Council direct staff and Willdan release the "back-up" documentation and the Cost Allocation Plan per the California Public Records Act.

Morgan Keith, Consultant to the BIA-Riverside

# ATTACHMENT 4





## Background (cont'd)

### Status Quo:

Containers are limited to 60-days subject to a Temporary Use Permit (TUP). An exception remains for construction projects but in no case shall a container remain for more than one year.

### Current Proposal:

Permanent Storage Authorized in commercial, industrial, and residential zones of 20,000 s.f. or larger subject to a Planning & Building Approval and in compliance with Design Standards.

### Council's Direction:

Development of a ratio (or sliding scale) to authorize more than one container for large lot residential properties.

### Additional Deliberation:

Should Commercial/Industrial lots also be allowed to have more than one? What is an appropriate ratio and minimum lot area?



## Background (cont'd)

- Currently, the Banning Municipal Code (BMC) authorizes storage containers, for a period not to exceed 60-days.
- There is currently no zoning district which authorizes commercial cargo/storage containers as either a permanent or semi-permanent land use or in conjunction with permanent as construction material or methods.
- In utilizing commercial cargo/storage containers as permanent uses, design guidelines must be established to ensure that they are screened from public right-of-ways (R/W), that guidelines for architectural enhancements.



## Background (cont'd)

| Development Standards               | VLDR   | RR/H   | RR     | R/A/H  | R/A    |
|-------------------------------------|--------|--------|--------|--------|--------|
| Min. Lot Size                       | 20,000 | 40,000 | 40,000 | 10 Ac. | 10 Ac. |
| Min. Front Setback (Feet)           | 50     | 50     | 50     | 50     | 35     |
| Min. Rear Setback (Feet)            | 50     | 50     | 35     | 35     | 35     |
| Min. Side Yard Setback (Feet)       | 25     | 25     | 25     | 25     | 15     |
| Commercial Cargo/Storage Containers | 1      | 2      | 2      | 5*     | 5*     |

\* No more than five (5) commercial cargo/storage containers shall be permitted on any parcel regardless of parcel size.



## Proposed Regulations

### Temporary Uses

17.108.020 – Permitted uses.

The following temporary use may be permitted, subject to the issuance of a Temporary Use Permit:

- On and off-site contractors' construction yards in conjunction with an approved development project, but these must be removed at the same time that the approved development project has been completed, or earlier if so directed by the Community Department or its Director.
- Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 365 days, or upon expiration of the building permit, whichever occurs first.
- Commercial cargo/storage containers, for a period not to exceed 60 days, unless the cargo container is used for a construction project with a valid building permit, in which case the permit may be granted for up to 365 days.



## Proposed Regulations (cont'd)

**Commercial/Industrial Zoning District Authorized Uses**

| Zone                                            | DC | GC | HSC | PO | I | AI | BP | IMR |
|-------------------------------------------------|----|----|-----|----|---|----|----|-----|
| Other Cannabis Uses                             | X  | X  | X   | X  | X | X  | X  | X   |
| Commercial cargo/storage container <sup>2</sup> | C  | C  | C   | C  | P | P  | P  | P   |
| Community Gardens                               | P  | P  | P   | P  | P | P  | P  | P   |



## Proposed Regulations (cont'd)

**Residential Zoning District Authorized Uses**

| Zone                               | R/A | R/A/H | RR | RR/H | VLDR | LDR | MDR | HDR* | MHP |
|------------------------------------|-----|-------|----|------|------|-----|-----|------|-----|
| Other Cannabis Use <sup>1</sup>    | X   | X     | X  | X    | X    | X   | X   | X    | X   |
| Commercial Cargo-Storage Container | P   | P     | P  | P    | P    | X   | X   | X    | X   |
| Community Gardens                  | P   | P     | P  | P    | P    | P   | P   | P    | P   |

 **Development Standards (cont'd)**

**Commercial/Industrial Zoning District Design Standards**

In commercial and industrial zoning districts, the permanent placement of commercial cargo/storage containers, as an accessory use, is subject to the following development standards:

- ▶ Parcels must be conforming to current zoning standards
- ▶ Minimum 20-foot setbacks from all property lines
- ▶ Must be fully screened and placed at the rear of property (chain link prohibited)
- ▶ Neutral color and compatible with surroundings
- ▶ Must comply with current building codes
- ▶ Must be unaltered from the manufacturers specifications.
- ▶ No habitable occupancy type
- ▶ Maximum size is 8' x 8' x 53'

 **Development Standards (cont'd)**

**Residential Zoning District Authorized Uses**

In residential zones, placement of commercial cargo/storage containers is allowed as an accessory use subject to the following development standards:

- ▶ Parcels must be conforming to current zoning standards
- ▶ Parcel must be a minimum of 20,000 s.f. for 1 container; 40,000 s.f. for 2 containers; 5-acres or more for up to 5 containers.
- ▶ Minimum 20-foot setbacks from all property lines
- ▶ Neutral color and compatible with surroundings
- ▶ Must comply with current building codes
- ▶ Must be unaltered from the manufacturers specifications.
- ▶ No habitable occupancy (e.g., no offices, ADU's, "man-caves" or "she-sheds")
- ▶ Maximum size is 8' x 8' x 53'
- ▶ Commercial cargo/storage containers shall be used solely by the resident/owner of the property in which a commercial cargo/storage container is located upon



## Development Standards (cont'd)

**Addition to Zoning Code Definitions**

- ▶ **Sec. 17.04.070 - Definitions**
- ▶ **Commercial Cargo/Storage Container** is a portable shipping or cargo container made of metal that is used for the onsite storage of property, equipment, documents or goods associated with the primary use contained in an enclosed building on the property, or construction site. A metal shipping container is considered to be a maximum of eight (8') feet, a maximum of eight (8') feet wide, and a maximum of 53 feet long.
- ▶ For the purposes of this section, the Commercial Cargo/Storage Container shall not be used as habitable space.



## Environmental Determination

City staff has determined that the proposed Zoning Text Amendment 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. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, 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. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.



## Recommendation

**RECOMMENDATION:**

The Planning Commission recommends that the City Council:

- 1) Make a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378; and
- 2) Waive further reading and introduce, as read by title only, Ordinance No. 1552 (Attachment 3), an Ordinance of the City Council of the City of Banning, California, Approving Zoning Text Amendment (ZTA) No. 19-97503 amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and adding a new Section 17.24.180, "Commercial cargo/storage containers" establishing regulations for commercial cargo/storage containers, of Title 17 "Zoning" of the Banning Municipal Code.



## Discussion

**Thank you & Questions**

 **Storage Examples - Temp**



 **Storage Examples**







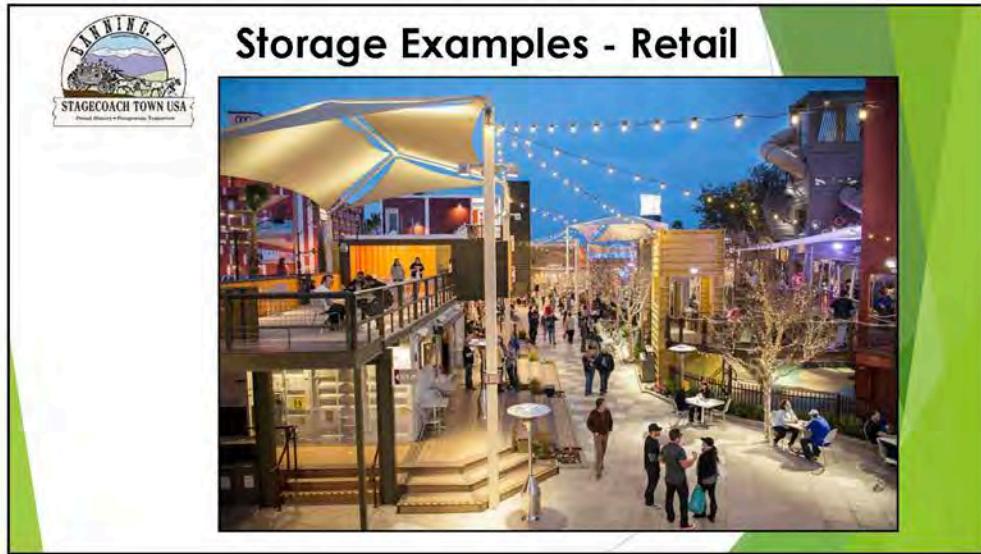
## Storage Examples - Perm





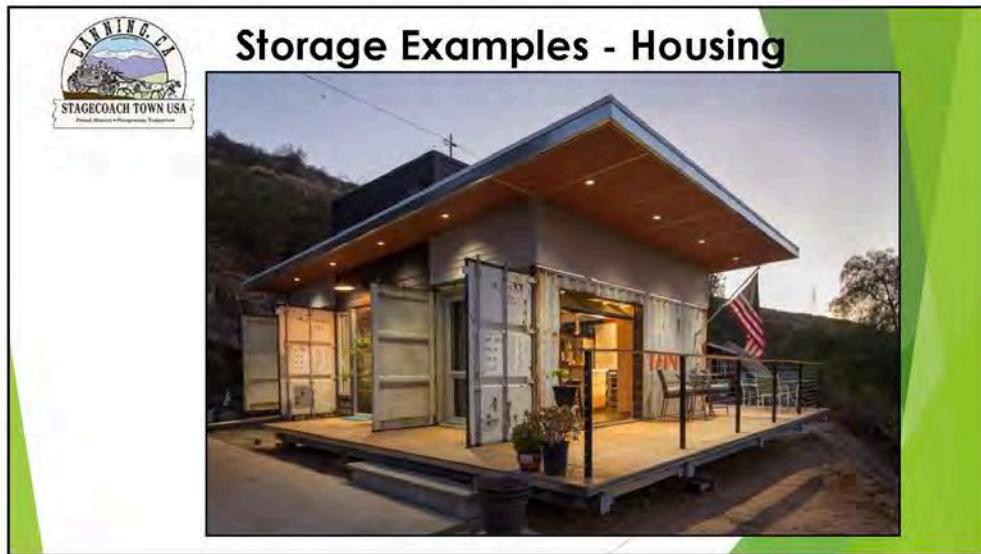
## Storage Examples - Retail







## Storage Examples - Housing



## Storage Examples - Housing



 **Storage Examples - Housing**



 **Storage Examples - Housing**





# ATTACHMENT 5

RESOLUTION 2019-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE COMPREHENSIVE USER FEE STUDY REPORT DATED JANUARY 2, 2019, ADOPTING AN UPDATED MASTER USER FEE SCHEDULE FOR THE FOLLOWING CITY DEPARTMENTS AND FEE GROUPS: FINANCE AND ADMINISTRATION; ANIMAL CONTROL; COMMUNITY SERVICES; AIRPORT; BUILDING; PLANNING; UTILITY BILLING; ELECTRIC UTILITY; POLICE; FIRE; AND ENGINEERING, MAKING A FINDING OF EXEMPTION UNDER CEQA, AND REPEALING PROVISIONS OF RESOLUTIONS ESTABLISHING OR MODIFYING USER FEES AND SERVICE CHARGES

**WHEREAS**, in adopting Chapter 3.36 of Title 3 of the Banning Municipal Code (the "Municipal Code"), the City Council of the City of Banning (the "City Council" of the "City") established the requirement for the ascertainment and recovery of costs reasonably borne, from fees and charges levied therefore, in providing the regulation, products, and services enumerated in Chapter 3.36;

**WHEREAS**, Section 3.36.040 of the Municipal Code directs the City Manager to annually/seasonally review fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products or services enumerated in Chapter 3.36 and recommend changes to the City Council for adoption;

**WHEREAS**, the fees set forth in the Section 3.36.080 of the Municipal Code are less than the City's current cost of providing: development services (including planning related services, such as zoning variances, zoning changes, use permits, building inspections, building permits, the processing of maps under the provisions of the Subdivision Map Act (Gov. Code, § 66410 *et seq.*), and planning services under the authority of Chapter 3 ("Local Planning") of Division 1 of Title 7 of the Government Code (§ 65100 *et seq.*) or under any other authority); public safety services; parks and recreation services; utility and enterprise services; maintenance services; and finance and administrative services;

**WHEREAS**, Section 66014 of the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*) authorizes the City to impose fees for zoning variances, zoning changes, use permits, building inspections, building permits, the processing of maps under the provisions of the Subdivision Map Act (Gov. Code, § 66410 *et seq.*), and planning services under the authority of Chapter 3 ("Local Planning") of Division 1 of Title 7 of the Government Code (§ 65100 *et seq.*) or under any other authority, provided those fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged;

**WHEREAS**, Section 66013 of the Mitigation Fee Act further authorizes the City to impose fees for water or sewer connections provided those fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged;

**WHEREAS**, the Mitigation Fee Act requires that the City prepare a fee study that complies with Government Code Section 66016, and demonstrates that the proposed new fees and increases in existing fees do not exceed the estimated amount required to provide the services for which the fees are levied;

**WHEREAS**, Willdan Finance Services has prepared the *Comprehensive User Fee Study Report* dated January 2, 2019 (the "User Fee Study"). The *User Fee Study* sets forth the methodologies for determining the estimated amount required to provide certain regulations, products, and services for which the proposed user fees and service charges will be levied (see page 8), describes the amount of cost, or estimated cost, required to provide certain regulations, products, and services for which the proposed user fees or service charges will be levied (see Appendix A) and the revenue sources anticipated to provide the regulations, products, and services, including General Fund revenues (see pages 10-11), and otherwise satisfies the requirements of the law and the Mitigation Fee Act, with regard to the imposition and collection of certain user fees and service charges;

**WHEREAS**, the City has made the *User Fee Study* available for public inspection and has published and mailed notices of the public hearing to consider the adoption of the proposed updated Master Fee Schedule in accordance with the Mitigation Fee Act;

**WHEREAS**, Section 66016(b) of the Mitigation Fee Act provides that any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution;

**WHEREAS**, on September 10, 2019, the City Council held a duly noticed public hearing to consider proposed amendments to BMC Chapter 3.36, the approval of a Comprehensive User Fee Study Report prepared by Willdan Financial Services and dated January 2, 2019, and the adoption of an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering. Following the receipt of testimony, the City Council continued the matter off-calendar and forwarded the proposed updated Master User Fee Schedule to the Council's Budget & Finance Committee for further review and recommendations;

**WHEREAS**, on October 22, 2019, the City Council held a duly noticed public hearing to consider proposed amendments to BMC Chapter 3.36, the approval of a Comprehensive User Fee Study Report prepared by Willdan Financial Services and dated January 2, 2019, and the adoption of an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering. Following the receipt of testimony, and upon staff's recommendation, the City Council again forwarded the proposed updated Master User

Fee Schedule to the Council's Budget & Finance Committee for further review and recommendations;

**WHEREAS**, on December 10, 2019, the City Council held a duly noticed public hearing to consider proposed amendments to Municipal Code Chapter 3.36, the approval of the *User Fee Study*, and the adoption of an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering; and

**WHEREAS**, all legal prerequisites prior to the adoption of this Resolution have occurred.

**NOW THEREFORE**, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

**SECTION 1: ADOPTION AND INCORPORATION OF RECITALS**

The findings and recitals set forth above are true and correct, and are incorporated herein.

**SECTION 2: ENVIRONMENTAL EXEMPTION**

The adoption of Ordinance No. 1553, the *User Fee Study*, and the proposed user fees and service charges specified in this Resolution, was reviewed in accordance with the criteria contained in the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The City Council finds that adoption of Ordinance No. 1553, the *User Fee Study*, and the proposed user fees and service charges specified in this Resolution do not constitute a "project" under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, the City Council finds that these actions are statutorily exempt from CEQA under CEQA Guidelines Sections 15273(a)(1) and (a)(2) because these actions are establishing fees to meet operating expenses, including employee wage rates and fringe benefits, and to purchase and/or lease supplies, equipment, and materials. The City Council hereby directs City staff to file the Notice of Exemption, attached to this Resolution as Exhibit B, with the County Clerk pursuant to CEQA Guidelines Section 15062 within five (5) days of the date that this Resolution is adopted.

**SECTION 3: ADOPTION OF STUDY**

The City Council hereby approves the *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the findings contained therein. The City Council further adopts the methodology set forth in the *User Fee Study* (page 8) for calculating and collecting the user fees and service charges adopted herein. A copy of the *User Fee Study* shall be on file with the City Clerk and available during regular City business hours for public inspection.

#### **SECTION 4: ADOPTION OF USER FEES AND SERVICES CHARGES**

The City Council hereby approves and adopts, as its updated Master User Fee Schedule, the user fees and service charges for the following City departments and fee groups in accordance with the schedule set forth in Exhibit A attached hereto and incorporated herein by reference: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering.

#### **SECTION 5: METHODOLOGY FOR CALCULATION, ADJUSTMENT, AND COLLECTION OF USER FEES AND SERVICE CHARGES**

The user fees and service charges established in Exhibit A are hereby adopted, and shall be calculated, adjusted, and collected in accordance with City ordinances and the *User Fee Study*. The amount of the user fees and service charges may be adjusted annually for inflation on July 1<sup>st</sup> of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index). The calculation for that annual adjustment shall be made using the month of April over the month of April in the prior year.

#### **SECTION 6: EFFECTIVE DATE OF NEW USER FEES AND SERVICE CHARGES**

The user fees and service charges established by Section 4 of this Resolution shall be effective on the sixtieth (60<sup>th</sup>) day following the adoption of this Resolution.

#### **SECTION 7: REPEAL OF PRIOR USER FEES AND SERVICE CHARGES ADOPTED BY CONFLICTING RESOLUTIONS**

Any and all provisions of prior resolutions of the City Council establishing or modifying user fees and service charges in the categories established in the *User Fee Study* and set forth in Exhibit A, which duplicate or conflict with the provisions of this Resolution and Exhibit A, are hereby repealed and replaced with the fees and charges set forth in Exhibit A and the terms and conditions established by this Resolution upon the effective date of the new user fees and service charges as provided for in Section 6 of this Resolution.

#### **SECTION 8: SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared invalid or unconstitutional.

#### **SECTION 9: CERTIFICATION**

The City Clerk shall certify the adoption of this Resolution and shall cause a certified copy to be filed in the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** this 10<sup>th</sup> day of December, 2019.

---

Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

---

Sonja De La Fuente, Deputy City Clerk  
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

---

Kevin Ennis City Attorney  
Richards, Watson & Gershon

**CERTIFICATION**

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2019-113 was adopted at a regular meeting of the City Council of the City of Banning held on the 10<sup>th</sup> day of December, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Sonja De La Fuente, Deputy City Clerk  
City of Banning, California

EXHIBIT A  
MASTER FEE SCHEDULE  
Effective 60 Days After Adoption

Adopted on December 10, 2019, and Effective on February 8, 2019

## Exhibit A to Resolution 2019-113

| Finance and Administration |                                           |                                     |               |                                                                                                                                                          |
|----------------------------|-------------------------------------------|-------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fee#                       | Description                               | Current Fee/Charge                  | Unit          | Notes                                                                                                                                                    |
| 1                          | Document Printing Fees - Black & White    | \$0.25                              | per copy      |                                                                                                                                                          |
| 2                          | Document Printing Fees - Color            | \$0.35                              | per copy      |                                                                                                                                                          |
| 3                          | Photocopying of Documents - Black & White | \$0.25                              | per copy      |                                                                                                                                                          |
| 4                          | Photocopying of Documents - Color         | \$0.35                              | per copy      |                                                                                                                                                          |
| 5                          | Bound Document Fees                       | \$1 plus Applicable per page charge |               | \$1.00 for binding materials                                                                                                                             |
| 6                          | Photocopy Fees - Oversized (maps)         | Actual Cost                         |               |                                                                                                                                                          |
| 7                          | Providing Agendas, Minutes, Packets, etc. | \$0.25 plus postage if mailed       | per page      | Free if examined at City Hall Fees for Council, Affected Commissioners, Dept. Heads and Press, free for Council Candidates two months prior to election. |
| 8                          | Document Certification                    | \$0.25                              | per page      |                                                                                                                                                          |
| 9                          | Copy of Budget - Other Than               | \$0.25 plus postage if mailed       |               | Regulatory Bodies, etc.                                                                                                                                  |
| 10                         | Copy of Audit Report - Other              | \$0.25 plus postage if mailed       |               | Than Regulatory Bodies, etc.                                                                                                                             |
| 11                         | Return Check Processing                   | \$25.00                             | 1st/2nd Check | 1st returned check                                                                                                                                       |
| 12                         | Cassette Tape of Meeting, etc.            | \$9.00                              | per cassette  |                                                                                                                                                          |
| 13                         | DVD of any live broadcast                 | \$7.00                              | per DVD       |                                                                                                                                                          |

| Full Cost | Subsidy % | Suggested Fee                                | Fee Δ     |
|-----------|-----------|----------------------------------------------|-----------|
| \$0.25    | NA        | \$0.25                                       | \$0       |
| \$0.35    | NA        | \$0.35                                       | \$0       |
| \$0.25    | NA        | \$0.25                                       | \$0       |
| \$0.35    | NA        | \$0.35                                       | \$0       |
| Variable  | NA        | \$1 plus Applicable per page charge          | \$0       |
| Variable  | NA        | Actual Cost                                  | NA        |
|           |           |                                              |           |
| \$0.25    | NA        | \$0.25 plus postage if mailed                | \$0       |
| \$0.25    | NA        | \$0.25                                       | \$0       |
| \$0.15    | NA        | \$0.25 plus postage if mailed                | \$0       |
| \$0.25    | NA        | \$0.25 plus postage if mailed                | \$0       |
| NA        | NA        | California Code, Civil Code - CIV. Sec. 1719 | BY/ALL/EI |
| \$9.00    | NA        | \$9.00                                       | \$0       |
| \$7.00    | NA        | \$7.00                                       | \$0       |

Community Services Department

**Municipal Pool**

| #                    | Description                              | Current Fee/Charge | Unit                     | Notes |
|----------------------|------------------------------------------|--------------------|--------------------------|-------|
| <b>1. Admissions</b> |                                          |                    |                          |       |
| 1a                   | Open swim sessions- Adults               | \$2.50             | per person               |       |
| 1b                   | Open swim sessions- Children/Seniors     | \$1.50             | per person               |       |
| <b>2. Lessons</b>    |                                          |                    |                          |       |
| 2a                   | Resident                                 | \$40.00            | per person               |       |
| 2b                   | Non Resident                             | \$45.00            | per person               |       |
| 4                    | Private Rentals                          | \$10.00            | per hour/ 2 hour minimum |       |
| 5                    | Cabana Rentals (during open swim)        | \$60.00            | per Reservation          |       |
| 6                    | Junior Lifeguard Classes                 | \$50.00            | per person               |       |
| 7                    | Water Exercise                           | \$5.00             | per class                |       |
| 8                    | Water Exercise - Punch Card - 10 Classes | \$25.00            | per card                 |       |

**Activities**

| # | Description                              | Current Fee/Charge | Unit                  | Notes                  |
|---|------------------------------------------|--------------------|-----------------------|------------------------|
| 1 | Youth Flag Football, Basketball & Soccer | \$30.00            | per session/per child |                        |
| 2 | Day Camp                                 | \$50.00            | per child/per week    |                        |
| 3 | Contract Class Fees                      | \$20.00 - \$50.00  | monthly               | fees set by instructor |
| 4 | Contract Class Fees                      | \$3.00 - \$5.00    | per class             | fees set by instructor |
| 5 | Adult Sport Leagues- Softball            | \$300.00           | per team              |                        |
| 6 | Adult Sport Leagues- Basketball          | \$125.00           | per team              |                        |

**Community Center Rental**

| #                          | Description    | Current Fee/Charge | Unit       | Notes |
|----------------------------|----------------|--------------------|------------|-------|
| <b>1. Private Rates</b>    |                |                    |            |       |
| 1a                         | Gymnasium      | \$120.00           | per rental |       |
| 1b                         | Large Mtg Room | \$60.00            | per rental |       |
| 1c                         | Small Mtg Room | \$60.00            | per rental |       |
| 1d                         | Kitchen & Gym  | \$300.00           | per rental |       |
| <b>2. Non-Profit Rates</b> |                |                    |            |       |
| 2a                         | Gymnasium      | \$60.00            | per rental |       |
| 2b                         | Large Mtg Room | \$30.00            | per rental |       |
| 2c                         | Small Mtg Room | \$30.00            | per rental |       |
| 2d                         | Kitchen & Gym  | \$175.00           | per rental |       |

City of Banning

User Fee Study

Community Services

| Operation Cost | Subsidy % | Suggested Fee | % +/- |
|----------------|-----------|---------------|-------|
| \$4.70         | 36%       | \$0.00        | 20%   |
| \$2.35         | 36%       | \$1.50        | 0%    |
| \$66.97        | 4%        | \$45.00       | 13%   |
| \$50.00        | 0%        | \$50.00       | 11%   |
| \$161.89       | 0%        | \$161.00      | 46%   |
| \$209.37       | 67%       | \$69.00       | 15%   |
| NA             | NA        | \$65.00       | 30%   |
| NA             | NA        | \$5.50        | 17%   |
| NA             | NA        | \$30.00       | 20%   |

| Operation Cost | Subsidy % | Suggested Fee     | % +/- |
|----------------|-----------|-------------------|-------|
| \$40.05        | 0%        | \$40.00           | 13%   |
| \$76.90        | 22%       | \$60.00           | 20%   |
| \$107.36       | 0%        | \$20.00 - \$50.00 |       |
| \$107.36       | 0%        | \$3.00 - \$5.00   |       |
| \$166.93       | 0%        | \$350.00          | 17%   |
| \$391.93       | 4%        | \$280.00          | 124%  |

| Operation Cost | Subsidy % | Suggested Fee | % +/- |
|----------------|-----------|---------------|-------|
| \$201.49       | 31%       | \$140.00      | 17%   |
| \$82.03        | 33%       | \$70.00       | 12%   |
| \$68.79        | 11%       | \$60.00       | 0%    |
| \$129.46       | 1%        | \$125.00      | 8%    |
| \$201.49       | 65%       | \$70.00       | 12%   |
| \$82.03        | 57%       | \$15.00       | 17%   |
| \$68.79        | 49%       | \$33.00       | 17%   |
| \$129.46       | 39%       | \$200.00      | 14%   |

Community Services Department

Senior Center Rental

| #                          | Description        | Current Fee/Charge | Unit       | Notes |
|----------------------------|--------------------|--------------------|------------|-------|
| <b>1. Private Rates</b>    |                    |                    |            |       |
| 1a                         | Nutrition Site     | \$85.00            | per rental |       |
| 1b                         | Multi Purpose Room | \$85.00            | per rental |       |
| <b>2. Non-Profit Rates</b> |                    |                    |            |       |
| 2a                         | Nutrition Site     | \$45.00            | per rental |       |
| 2b                         | Multi-Purpose Room | \$45.00            | per rental |       |

Operation Cost

| Operation Cost | Subsidy % | Suggested Fee | % +/- |
|----------------|-----------|---------------|-------|
| \$108.51       | 8%        | \$160.00      | +8%   |
| \$92.03        | 0%        | \$90.00       | -6%   |
| \$108.51       | 19%       | \$55.00       | -23%  |
| \$82.03        | 33%       | \$55.00       | -23%  |

Parks Facilities

| #                       | Description                      | Current Fee/Charge | Unit       | Notes |
|-------------------------|----------------------------------|--------------------|------------|-------|
| <b>1. Private Rates</b> |                                  |                    |            |       |
| 1a                      | Park Picnic Shelter              | \$25.00            | per rental |       |
| 1b                      | Ballfield                        | \$25.00            | per rental |       |
| 1c                      | Ballfield Lights- 2 hour minimum | \$15.00            | per hour   |       |
| 1d                      | Dygart Park                      | \$120.00           | per day    |       |
| 1e                      | Amphitheater & Stage             | \$35.00            | per rental |       |
| 1f                      | Laura May Stewart Building       | \$85.00            | per rental |       |
| 1g                      | Roosevelt Park Building          | New                | per rental |       |
| 1h                      | Roosevelt Soccer Field           | New                | per rental |       |

Operation Cost

| Operation Cost | Subsidy % | Suggested Fee | % +/- |
|----------------|-----------|---------------|-------|
| \$43.52        | 31%       | \$20.00       | -20%  |
| \$19.52        | 10%       | \$20.00       | -20%  |
| \$65.61        | 73%       | \$27.00       | -13%  |
| \$145.66       | 0%        | \$45.00       | -21%  |
| \$45.01        | 0%        | \$45.00       | -29%  |
| NA             | NA        | \$90.00       | 6%    |
| NA             | NA        | \$90.00       |       |
| NA             | NA        | \$33.00       |       |

Staffing Area

| # | Description                                                  | Current Fee/Charge | Unit     | Notes |
|---|--------------------------------------------------------------|--------------------|----------|-------|
| 1 | Monday - Thursday 8:00am - 9:00pm                            | \$12.00            | per hour |       |
| 2 | Monday - Thursday after 5pm, Fri, Sat, Sun and City Holidays | \$21.00            | per hour |       |

Operation Cost

| Operation Cost | Subsidy % | Suggested Fee | % +/- |
|----------------|-----------|---------------|-------|
| \$20.00        | 0%        | \$20.00       | -67%  |
| \$27.15        | 1%        | \$27.00       | -29%  |

No changes, 5 year plan in place

### Airport Fees

| #  | Description                                 | Current Fee/Charge | Unit                 | Resolution/ Ordinance |
|----|---------------------------------------------|--------------------|----------------------|-----------------------|
| 1  | Fuel Sales                                  | Invoice + 25%      |                      | Reso. 2015-67         |
| 2  | Tiedown Permanent                           | \$43.75            | per month            | Reso. 2015-67         |
| 3  | Tiedown Temporary                           | \$4.00             | per night            | Reso. 2015-67         |
| 4  | City Hangars - A/B Row                      | \$311.50           | per month            | Reso. 2015-67         |
| 5  | City Hangars - A/B Corner                   | \$382.50           | per month            | Reso. 2015-67         |
| 6  | City Hangars - C/D Row                      | \$278.75           | per month            | Reso. 2015-67         |
| 7  | City Hangars - C/D Corner                   | \$349.75           | per month            | Reso. 2015-67         |
| 8  | City Hangars - E Row                        | \$295.25           | per month            | Reso. 2015-67         |
| 9  | City Hangars - E Corner                     | \$322.50           | per month            | Reso. 2015-67         |
| 10 | City Hangars - F 1                          | \$164.00           | per month            | Reso. 2015-67         |
| 11 | Farrell/Cooper Hangars - FC B-1 thru FC B-8 | \$175.00           | per month            | Reso. 2015-67         |
| 12 | Farrell/Cooper Hangars - FC C-1 thru FC D-6 | \$186.00           | per month            | Reso. 2015-67         |
| 13 | Farrell/Cooper Hangars - FC S-1 thru FC S-6 | \$49.25            | per month            | Reso. 2015-67         |
| 14 | Farrell/Cooper Hangars - FC A & E           | \$360.75           | per month            | Reso. 2015-67         |
| 15 | Beasley Hangar                              | \$295.25           | per month            | Reso. 2015-67         |
| 16 | Access Fees                                 | \$20.00            | per plane, per month | Reso. 2015-67         |

## City of Banning

## User Fee Study

## Airport

Building Department Misc. Fee Schedule

| Fees |                                                     |                    |      |         |                                  |
|------|-----------------------------------------------------|--------------------|------|---------|----------------------------------|
| #    | Description                                         | Current Fee/Charge | Unit | Notes   | Resolution/Ordinance             |
| 1    | Air handling/ heating or cooling unit replacement.  | \$44.00            | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 2    | Additional plan review                              | \$176.00           | Hour |         | Chapter 1, Section 1.8.4 of CBC. |
| 3    | Additional plan review- Engineering                 | \$176.00           | Hour |         | Chapter 1, Section 1.8.4 of CBC. |
| 4    | Awning/ canopy (supported by building)              | New                | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 5    | Balcony/ deck                                       | \$308.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 6    | Balcony/ deck railing repair                        | \$176.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 7    | Carport- custom                                     | \$176.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 8    | Carport- ICC, IAPMO, handout                        | \$220.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 9    | Cell tower- modifications                           | \$308.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 10   | Cell tower- new                                     | \$308.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 11   | Change of occupancy                                 | \$176.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 12   | Certificate of Occupancy (Enhanced)                 | New                | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 13   | Demolition of building                              | \$132.00           | Each | linking | Chapter 1, Section 1.8.4 of CBC. |
| 14   | Electric panel replacement                          | New                | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 15   | Exterior wall covering replacement (up to 400 s.f.) | \$264.00           |      |         | Chapter 1, Section 1.8.4 of CBC. |
| 16   | Fireplace- custom                                   | \$176.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 17   | Fireplace- prefabricated with engineering           | \$176.00           | Each |         | Chapter 1, Section 1.8.4 of CBC. |
| 18   | Flag pole (over 20' in height)                      | \$132.00           |      |         | Chapter 1, Section 1.8.4 of CBC. |
| 19   | Grease trap/ interceptor                            | \$22.00            | Each |         | Chapter 1, Section 1.8.4 of CBC. |

| Full Cost | Subsidy % | Suggested Fee | Fee Δ  |
|-----------|-----------|---------------|--------|
| \$115.50  | 0%        | \$115.00      | \$0    |
| \$133.00  | 0%        | \$133.00      | \$0    |
| \$165.00  | 0%        | \$165.00      | \$0    |
| \$163.00  | 0%        | \$163.00      | \$0    |
| \$305.50  | 0%        | \$305.00      | \$0    |
| \$190.50  | 0%        | \$190.00      | \$0    |
| \$570.50  | 0%        | \$570.00      | \$0    |
| \$305.50  | 0%        | \$305.00      | \$0    |
| \$265.50  | 0%        | \$265.00      | \$0    |
| \$854.50  | 0%        | \$854.00      | \$0    |
| \$251.50  | 0%        | \$251.00      | \$0    |
| \$25.00   | 0%        | \$25.00       | \$0    |
| \$256.00  | 0%        | \$255.00      | \$0    |
| \$115.50  | 0%        | \$115.00      | \$0.50 |
| \$253.00  | 0%        | \$253.00      | \$0    |
| \$353.00  | 0%        | \$353.00      | \$0    |
| \$330.50  | 0%        | \$330.00      | \$0.50 |
| \$388.00  | 0%        | \$388.00      | \$0    |
| \$198.00  | 0%        | \$198.00      | \$0    |

City of Banning

User Fee Study

Building Depart Misc. Fee

Building Department Misc. Fee Schedule

| Fees |                                                     |                    |      |       |                                  |
|------|-----------------------------------------------------|--------------------|------|-------|----------------------------------|
| #    | Description                                         | Current Fee/Charge | Unit | Notes | Resolution/Ordinance             |
| 20   | Hood- other than Type 1 (including ducts)           | \$713.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 21   | Hood- Type 1 (includes exhaust system)              | \$44.00            | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 22   | Inspection Fee- Hourly                              | \$88.00            | Hour |       | Chapter 1, Section 1.8.4 of CBC. |
| 23   | Job card- replace/ duplicate                        | \$45.00            | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 24   | Lighting pole (up to 6)                             | \$75.00            | 6    |       | Chapter 1, Section 1.8.4 of CBC. |
| 25   | Lighting pole (up to 6 additional)                  | \$44.00            | 6    |       | Chapter 1, Section 1.8.4 of CBC. |
| 26   | Manufactured home- installation on private property | \$176.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 27   | Modular unit- installation on private property      | \$176.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 28   | Patio cover- custom                                 | New                | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 29   | Patio cover- metal, ICC, IAPMO                      | \$176.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 30   | Patio cover- wood, ICC, IAPMO or handout            | \$176.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 31   | Patio enclosure                                     | \$440.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 32   | Plan check                                          | \$176.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 33   | Plan check- Structural Engineer                     | \$176.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 34   | Pool/spa- commercial                                | \$484.00           | each |       | Chapter 1, Section 1.8.4 of CBC. |
| 35   | Pool/spa- residential custom                        | \$484.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 36   | Pool/spa- residential fiberglass/ vinyl-lined       | \$308.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 37   | Pool/spa- residential gunite                        | \$484.00           | Each |       | Chapter 1, Section 1.8.4 of CBC. |
| 38   | Re-inspection                                       | \$44.00            | Each |       | Chapter 1, Section 1.8.4 of CBC. |

City of Banning

User Fee Study

Building Depart Misc. Fee

| Full Cost | Subsidy % | Suggested Fee | Fee &  |
|-----------|-----------|---------------|--------|
| \$298.00  | 0%        | \$298.00      | \$0    |
| \$380.50  | 0%        | \$380.00      | \$0.50 |
| \$110.00  | 0%        | \$110.00      | \$0    |
| \$60.50   | 0%        | \$60.00       | \$0.50 |
| \$463.00  | 0%        | \$463.00      | \$0    |
| \$105.00  | 0%        | \$105.00      | \$0    |
| \$348.00  | 0%        | \$348.00      | \$0    |
| \$409.00  | 0%        | \$409.00      | \$0    |
| \$323.00  | 0%        | \$323.00      | \$0    |
| \$165.50  | 0%        | \$165.00      | \$0.50 |
| \$323.00  | 0%        | \$323.00      | \$0    |
| \$350.50  | 0%        | \$350.00      | \$0.50 |
| \$125.00  | 0%        | \$125.00      | \$0    |
| \$247.50  | 0%        | \$247.00      | \$0.50 |
| \$714.50  | 0%        | \$714.00      | \$0.50 |
| \$521.00  | 0%        | \$521.00      | \$0    |
| \$355.50  | 0%        | \$355.00      | \$0.50 |
| \$438.00  | 0%        | \$438.00      | \$0    |
| \$121.00  | 0%        | \$121.00      | \$0    |

Building Department Misc. Fee Schedule

| Fees |                                                          |                    |               |       |                                  |
|------|----------------------------------------------------------|--------------------|---------------|-------|----------------------------------|
| #    | Description                                              | Current Fee/Charge | Unit          | Notes | Resolution/Ordinance             |
| 39   | Re-roof- commercial (for each 3,000 s.f.)                | \$264.00           | 3,000 s.f.    |       | Chapter 1, Section 1.8.4 of CBC. |
| 40   | Re-roof- multi/family (for each 3,000 s.f.)              | \$264.00           | 3,000 s.f.    |       | Chapter 1, Section 1.8.4 of CBC. |
| 41   | Re-roof- SFD                                             | \$264.00           | Each Building |       | Chapter 1, Section 1.8.4 of CBC. |
| 42   | Research- hourly                                         | \$132.00           | Hourly        |       | Chapter 1, Section 1.8.4 of CBC. |
| 43   | Residential bathroom remodel- no structural/wall changes | Valuation          | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 44   | Residential kitchen remodel- no structural/wall changes  | Valuation          | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 45   | Retrofit foundation for a modular or mobil unit          | \$176.00           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 46   | Sales office- conversion to residential or garage use    | Valuation          | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 47   | Septic tank                                              | \$176.00           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 48   | Sign- monument                                           | \$176.00           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 49   | Sign-pole/ billboard                                     | \$440.00           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 50   | Sign-wall                                                | \$220.00           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 51   | Site investigation                                       | \$176.00           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 52   | Solar- commercial (each additional kw)                   | Valuation          | 1 kw          |       | Chapter 1, Section 1.8.4 of CBC. |
| 53   | Solar- commercial (up to 4 kw)                           | Valuation          | 4 kw          |       | Chapter 1, Section 1.8.4 of CBC. |
| 54   | Solar- ground mount                                      | Valuation          | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 55   | Solar- residential rooftop (more than 10 kw)             | \$318.50           | Each          |       | Chapter 1, Section 1.8.4 of CBC. |
| 56   | Solar- residential rooftop (up to 10 kw)                 | \$318.50           | 10 kw         |       | Chapter 1, Section 1.8.4 of CBC. |
| 57   | Solar- residential water heater                          | \$98.00            | Each          |       | Chapter 1, Section 1.8.4 of CBC. |

| Full Cost | Subsidy % | Suggested Fee | Fee Δ  |
|-----------|-----------|---------------|--------|
| \$198.00  | 0%        | \$198.00      | \$0    |
| \$198.00  | 0%        | \$198.00      | \$0    |
| \$198.00  | 0%        | \$198.00      | \$0    |
| \$91.00   | 0%        | \$91.00       | \$0    |
| \$248.00  | 0%        | \$248.00      | \$0    |
| \$273.00  | 0%        | \$273.00      | \$0    |
| \$140.50  | 0%        | \$140.00      | \$0.50 |
| \$140.50  | 0%        | \$140.00      | \$0.50 |
| \$223.00  | 0%        | \$223.00      | \$0    |
| \$396.00  | 0%        | \$396.00      | \$0    |
| \$528.50  | 0%        | \$528.00      | \$0.50 |
| \$150.50  | 0%        | \$150.00      | \$0.50 |
| \$278.00  | 0%        | \$278.00      | \$0    |
| \$122.00  | 0%        | \$122.00      | \$0    |
| \$243.00  | 0%        | \$243.00      | \$0    |
| \$470.50  | 0%        | \$470.00      | \$0.50 |
| \$373.00  | 0%        | \$373.00      | \$0    |
| \$268.00  | 0%        | \$268.00      | \$0    |
| \$257.50  | 0%        | \$257.00      | \$0.50 |

City of Banning

User Fee Study

Building Depart Misc. Fee

Building Department Misc. Fee Schedule

| Fees |                                                             |                    |             |       |                                  |
|------|-------------------------------------------------------------|--------------------|-------------|-------|----------------------------------|
| #    | Description                                                 | Current Fee/Charge | Unit        | Notes | Resolution/Ordinance             |
| 58   | Special inspector application                               | New                | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 59   | Stairs- each flight                                         | \$176.00           | per flight  |       | Chapter 1, Section 1.8.4 of CBC. |
| 60   | Storage racks (each 100 L.F.)                               | \$176.00           | per 100 lf. |       | Chapter 1, Section 1.8.4 of CBC. |
| 61   | Temporary construction or sales trailer                     | \$8.00 hr          | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 62   | Temporary electrical service                                | \$88.00            | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 63   | Temporary electrical service (each additional pole)         | \$8.00             | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 64   | Utility release                                             | New                | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 65   | Walk-in tub                                                 | \$176.00           | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 66   | Wall-combo (each 300 L.F.)                                  | \$924.00           | 300 lf.     |       | Chapter 1, Section 1.8.4 of CBC. |
| 67   | Wall- freestanding (each 300 L.F.)                          | \$924.00           | 300 lf.     |       | Chapter 1, Section 1.8.4 of CBC. |
| 68   | Wall- pilaster                                              | \$308.00           | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 69   | Wall- retaining- custom (each 50 L.F.)                      | \$528.00           | 50 lf       |       | Chapter 1, Section 1.8.4 of CBC. |
| 70   | Wall- retaining- handout (each 50 L.F.)                     | \$528.00           | 50 lf       |       | Chapter 1, Section 1.8.4 of CBC. |
| 71   | Water heater replacement                                    | \$15.00            | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 72   | Water/gas piping- installation, alteration or repair        | \$8.00             | Each        |       | Chapter 1, Section 1.8.4 of CBC. |
| 73   | Window/door replacement- residential, no changes to framing | \$132.00           | Each        |       | Chapter 1, Section 1.8.4 of CBC. |

| Full Cost | Subsidy % | Suggested Fee | Fee %  |
|-----------|-----------|---------------|--------|
| \$33.00   | 0%        | \$33.00       | \$0    |
| \$215.50  | 0%        | \$215.00      | \$0    |
| \$154.25  | 0%        | \$154.00      | \$0    |
| \$148.50  | 0%        | \$148.00      | \$0.50 |
| \$168.00  | 0%        | \$168.00      | \$1    |
| \$110.00  | 0%        | \$115.00      | \$13   |
| \$115.50  | 0%        | \$115.00      | \$0.50 |
| \$198.00  | 0%        | \$198.00      | \$0    |
| \$308.00  | 0%        | \$308.00      | \$0    |
| \$333.00  | 0%        | \$333.00      | \$0    |
| \$333.00  | 0%        | \$333.00      | \$0    |
| \$538.50  | 0%        | \$538.00      | \$0    |
| \$278.00  | 0%        | \$278.00      | \$0    |
| \$115.50  | 0%        | \$115.00      | \$0    |
| \$280.50  | 0%        | \$280.00      | \$0    |
| \$248.00  | 0%        | \$248.00      | \$0    |







| Planning Department |                                                           |                             |             |       |  |
|---------------------|-----------------------------------------------------------|-----------------------------|-------------|-------|--|
| Planning Fees*      |                                                           |                             |             |       |  |
| #                   | Description                                               | Current Fee/Charge          | Unit        | Notes |  |
| 1                   | Adult Ent Zoning Permit                                   | \$7,562.00                  |             |       |  |
| 2                   | Annexation Fee                                            | \$4,489.00                  | Deposit     |       |  |
| 3                   | Appeal of PC Decision                                     | \$7,155.00                  |             |       |  |
| 4                   | Appeal of Planning Dept. Decision                         | \$4,942.00                  |             |       |  |
| 5                   | Certificate of Completion/Lot Line Adj                    | \$1,086.00                  |             |       |  |
| 6                   | Clarification of Ambiguity/Omission                       | \$1,723.00                  |             |       |  |
| 7                   | Conditional Use Permit                                    | \$4,779.00                  |             |       |  |
| 8                   | Conditional Use Permit Amend                              | \$7,211.00                  |             |       |  |
| 9                   | CUP - sexually oriented business                          | \$5,031.00                  |             |       |  |
| 10                  | Design Review                                             | \$4,904.00                  |             |       |  |
| 11                  | Design Review Amend                                       | New                         |             |       |  |
| 12                  | Development Agreements                                    | \$8,352.00                  | Deposit     |       |  |
| 13                  | EIR-City Admin Charge                                     | \$6,417 + consultant's fees | Deposit     |       |  |
| 14                  | Environmental - Mitigation Monitoring                     | New                         | Deposit     |       |  |
| 15                  | Environmental Assessment - ND or MND                      | \$3,124.00                  |             |       |  |
| 16                  | Environmental Filing Fee/ Environmental Fish and Game Fee | New                         |             |       |  |
| 17                  | Extension of Time, CUP or Design Review                   | New                         |             |       |  |
| 18                  | Final Parcel Map                                          | \$4,379.00                  |             |       |  |
| 19                  | Final Tract Map (51 + lots)                               | \$8,195.00                  | Plus 70/lot |       |  |
| 20                  | Final Tract Map (first 50 lot)                            | \$4,885.00                  |             |       |  |
| 21                  | General Plan Amendment (Land Use)                         | \$6,192.00                  |             |       |  |
| 22                  | General Plan Amendment (Policy)                           | \$6,900.00                  |             |       |  |
| 23                  | Landscape - minor                                         | \$884.00                    |             |       |  |
| 24                  | Landscape review - major                                  | \$2,030.00                  |             |       |  |
| 25                  | Lot Line Adjustment                                       | \$1,086.00                  |             |       |  |
| 26                  | Lot Merger                                                | \$761.00                    |             |       |  |

\*A 39% Technical and Facilities based surcharge will be added to all Flat and Deposit Based Application Fees.

City of Banning

User Fee Study

Planning Fees

| Planning Department |                                              |                    |         |       |
|---------------------|----------------------------------------------|--------------------|---------|-------|
| Planning Fees *     |                                              |                    |         |       |
| #                   | Description                                  | Current Fee/Charge | Unit    | Notes |
| 27                  | Cannabis Cultivation Permit - Personal       | \$170.00           |         |       |
| 28                  | Minor develop plan review - SFD              | \$890.00           |         |       |
| 29                  | Minor modification of an Application         | \$2,465.00         |         |       |
| 30                  | Mural permit                                 | \$1,310.00         |         |       |
| 31                  | Planning letters                             | \$55- \$80         |         |       |
| 32                  | Pre App Review                               | New                |         |       |
| 33                  | Request for Public Hearing                   | \$1,802.00         |         |       |
| 34                  | Sign Permit - Freestanding Sign              | New                |         |       |
| 35                  | Sign Permit - Panel Change Only              | New                |         |       |
| 36                  | Sign Review                                  | \$537.00           |         |       |
| 37                  | Site Plan Review                             | \$5,885.00         |         |       |
| 38                  | Specific Plan                                | \$9,863.00         | Deposit |       |
| 39                  | Specific Plan Amend                          | \$10,405.00        | Deposit |       |
| 40                  | Temp Signs                                   | \$235.00           |         |       |
| 41                  | Temp use permit                              | \$1,001.00         |         |       |
|                     | Sidewalk Vending Temporary Use Permit        | New                | Flat    |       |
| 42                  | Tentative Map Time Extension                 | \$4,258.00         |         |       |
| 43                  | Tentative Parcel Map                         | \$9,811.00         |         |       |
| 44                  | Tentative Tract Map (Less than 50 lots)      | \$7,757.00         | Deposit |       |
| 45                  | Tentative Tract Map (50 lots or more)        | New                | Deposit |       |
| 46                  | Tentative Tract Map Condition Monitoring     | New                | Deposit |       |
| 47                  | Variance                                     | \$4,292.00         |         |       |
| 48                  | Zone Change                                  | \$8,524.00         |         |       |
| 49                  | Zone Text Amend.                             | \$6,900.00         |         |       |
| 50                  | Technology Surcharge added to all Fees above | \$0.00             |         |       |

\*A 3% Technical and Facilities based surcharge will be added to all Flat and Deposit Based Application Fees.

City of Banning

User Fee Study

Planning Fees

| Misc. Utility Customer Service Fees |                                                                                                       |                    |                        |                                            |
|-------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------------------------------|
| Water & Waste Water Utility Fees    |                                                                                                       |                    |                        |                                            |
| #                                   | Description                                                                                           | Current Fee/Charge | Unit                   | Notes                                      |
| 1                                   | Water Deposit - Residential - Initial - Credit Check                                                  |                    |                        |                                            |
| 2                                   | Green Rating                                                                                          |                    |                        |                                            |
| 3                                   | Yellow Rating                                                                                         |                    |                        |                                            |
| 4                                   | Red Rating                                                                                            |                    |                        |                                            |
| 5                                   | Water Deposit - No Credit Check or Letter of Credit                                                   |                    |                        |                                            |
| 6                                   | Water Deposit - All Other Classes of Service                                                          | New                |                        |                                            |
| 7                                   | Water Deposit - Reconnection After Processing for Non-Payment                                         | New                |                        |                                            |
| 8                                   | Water Account Set - Up Fee - next business day                                                        | \$27.00            |                        |                                            |
| 9                                   | Water Account Set - Up Fee - Same Day (8:00 a.m. to 12:00 p.m.)                                       | \$30.00            |                        |                                            |
| 10                                  | Water Account Set - Up Fee - Same Day (12:00 p.m. to 3:00 p.m.)                                       | \$30.00            |                        |                                            |
| 11                                  | Water Account Set - Up Fee - After Hours (3:00 - 8:00 a.m. next business day & holidays and weekends) | \$146.00           |                        |                                            |
| 12                                  | Water Meter Reinstallation Fee                                                                        | \$95.00            |                        | Customer self restore and/or damaged meter |
| 13                                  | Cut/Broken Lock Fee                                                                                   | New                |                        |                                            |
| 14                                  | After p.m. t/on fee                                                                                   | \$146.00           |                        |                                            |
|                                     | Water Meter Installation Fee of (Brand New Service)                                                   |                    |                        |                                            |
| 15                                  | 3/4" Meter                                                                                            | \$258.00           | Per Meter              |                                            |
| 16                                  | 1" Meter                                                                                              | \$384.00           | Per Meter              |                                            |
| 17                                  | 1 1/2 " Meter                                                                                         | \$580.00           | Per Meter              |                                            |
| 18                                  | 2" Meter                                                                                              | \$765.00           | Per Meter              |                                            |
| 19                                  | Anything larger than 2"                                                                               | T & M              | Per Meter              | T & M                                      |
| 20                                  | Water Meter Test Fee                                                                                  | \$80.00            | One test free per year | Add'l tests are \$80.00                    |
| 21                                  | Water Backflow/Cross Connection Testing                                                               | \$82.00            | Plus materials         |                                            |
| 22                                  | Backflow Device Installation - Time & Materials                                                       | T & M              | Each                   | T & M                                      |
| 23                                  | Fire Flow Test                                                                                        | \$92.00            | Each                   |                                            |
| 24                                  | Installation of Gate Valve Fee                                                                        | \$87.00            | per hour + Materials   |                                            |
| 25                                  | Water Service Lateral Installation (3/4" Meter)                                                       | \$4,025.00         |                        |                                            |

| Full Cost | Subsidy % | Suggested Fee                                 | % +/- |
|-----------|-----------|-----------------------------------------------|-------|
| NA        | NA        | \$0.00                                        |       |
| NA        | NA        | \$100.00                                      |       |
| NA        | NA        | \$150.00                                      |       |
| NA        | NA        | \$150.00                                      |       |
| NA        | NA        | 2X est average for location or min of \$50.00 |       |
| NA        | NA        | 3X est ave bill                               |       |
| \$29.00   | NA        | \$30.00                                       | 11%   |
| \$32.00   | NA        | \$35.00                                       | 17%   |
| \$44.00   | NA        | \$45.00                                       | 50%   |
| \$220.00  | NA        | \$219.00                                      | 50%   |
| \$139.00  | NA        | \$142.00                                      | 49%   |
|           |           | \$15.00                                       |       |
| \$217.00  | NA        | \$219.00                                      | 50%   |
|           |           | T & M                                         |       |
| \$284.00  |           | \$285.00                                      | 10%   |
| \$410.00  |           | \$414.00                                      | 8%    |
| \$602.00  |           | \$608.00                                      | 5%    |
| \$873.00  |           | \$875.00                                      | 14%   |
|           |           | T & M                                         |       |
| \$98.00   |           | \$100.00                                      | 25%   |
|           |           | \$82.00                                       | 0%    |
|           |           | T & M                                         |       |
| \$94.00   |           | \$95.00                                       | 3%    |
|           |           | \$87.00                                       | 0%    |
|           |           | \$4,025.00                                    | 0%    |

City of Banning

User Fee Study

Misc Utility Fees

| Misc. Utility Customer Service Fees |                                                   |            |                 |
|-------------------------------------|---------------------------------------------------|------------|-----------------|
| 26                                  | Water Service Lateral Installation (1" Meter)     | \$4,140.00 |                 |
| 27                                  | Water Service Lateral Installation (1 1/2" Meter) | \$4,685.00 |                 |
| 28                                  | Water Service Lateral Installation (2" Meter)     | \$4,855.00 |                 |
| 29                                  | Water Service Lateral Installation (>2" Meter)    | 1 & M      | Time & Material |
| 30                                  | Construction water meter deposit (hydrant meter)  | \$500.00   | Per Meter       |
| 31                                  | Sewer Connection Investigation - Dye Check        | \$82.00    |                 |
| 32                                  | Trespass/Diversion/Theft of Service               | \$250.00   | 1st offense     |
| 33                                  | Trespass/Diversion/Theft of Service               | \$500.00   | 2nd offense     |

### City of Banning

### User Fee Study

### Misc Utility Fees

| Misc. Utility Customer Service Fees |                                                           |                    |                         |                                                          |
|-------------------------------------|-----------------------------------------------------------|--------------------|-------------------------|----------------------------------------------------------|
| Miscellaneous Fees                  |                                                           |                    |                         |                                                          |
| #                                   | Description                                               | Current Fee/Charge | Unit                    | Notes                                                    |
| 1                                   | Delinquent Notice Fee                                     | \$13.50            |                         | Account balances more than \$75 31 days past due         |
| 2                                   | Door Hanger Fee                                           | \$13.50            |                         |                                                          |
| 3                                   | Late Fee                                                  | New                |                         | 1.5 % of unpaid balance after 30 days but less than \$75 |
| 4                                   | Non-Sufficient Payment Return Fee - (Check & Autopay)     | \$25.00            | Add \$13.50 Door Hanger | 1st Occurrence                                           |
| 5                                   | Non-Sufficient Payment Return Fee - (Check & Autopay)     | \$35.00            | Add \$13.50 Door Hanger | 2nd Occurrence within 12 months                          |
| 6                                   | Processing Fee for Credit Check for Deposit Determination | New                | Each Person             |                                                          |
| 7                                   | Processing Fee for Non-Payment                            | New                |                         | per service                                              |

| Electric Utility Fees |                                                                               |                    |      |                                                                                                              |
|-----------------------|-------------------------------------------------------------------------------|--------------------|------|--------------------------------------------------------------------------------------------------------------|
| #                     | Description                                                                   | Current Fee/Charge | Unit | Notes                                                                                                        |
| 1                     | Reconnection Charge (Additional) OH or UG service terminated by electric crew | \$265.00           |      |                                                                                                              |
| 2                     | Reconnection Charge (Additional) Service Drop removed by electric crew        | \$265.00           |      |                                                                                                              |
| 3                     | Trespass/Diversion/Theft of Service                                           | \$250.00           |      | 1st Offense                                                                                                  |
| 4                     | Customer Requested Electric Operations Service Call "Trip Charge"             | New                |      | Charge is assessed if an additional trip is required to complete the service call, due to customer oversight |
| 5                     | Electric Deposit - Residential - Initial - Credit Check                       | New                |      |                                                                                                              |
| 6                     | Green Rating                                                                  |                    |      |                                                                                                              |
| 7                     | Yellow Rating                                                                 |                    |      |                                                                                                              |
| 8                     | Red Rating                                                                    |                    |      |                                                                                                              |

City of Banning

User Fee Study

Misc Utility Fees

Misc. Utility Customer Service Fees

|    |                                                                                                          |          |  |                                                |    |    |                                                |     |
|----|----------------------------------------------------------------------------------------------------------|----------|--|------------------------------------------------|----|----|------------------------------------------------|-----|
| 9  | Electric Deposit - No Credit Check or Letter of Credit                                                   |          |  |                                                | NA | NA | \$150.00                                       |     |
| 10 | Electric Deposit - All Other Classes of Service                                                          | New      |  | 2X est average for location or min of \$100.00 | NA | NA | 2X est average for location or min of \$100.00 |     |
| 11 | Electric Deposit - Reconnection After Non-Payment                                                        | New      |  |                                                | NA | NA | 3X est ave bill                                |     |
| 12 | Electric Account Set - Up Fee - next business day                                                        | \$27.00  |  |                                                | NA | NA | \$30.00                                        | 10% |
| 13 | Electric Account Set - Up Fee - Same Day (6:00 a.m. to 12:00 p.m.)                                       | \$30.00  |  |                                                | NA | NA | \$35.00                                        | 14% |
| 14 | Electric Account Set - Up Fee - Same Day (12:00 p.m. to 3:00 p.m.)                                       | \$30.00  |  |                                                | NA | NA | \$45.00                                        | 33% |
| 15 | Electric Account Set - Up Fee - After Hours (3:00 - 8:00 a.m. next business day & holidays and weekends) | \$146.00 |  |                                                | NA | NA | \$219.00                                       | 33% |
|    |                                                                                                          |          |  |                                                |    |    |                                                |     |

Police

| Fees | Below are Set By BMC Codes                                                     | Fee (Penalty/Late Fee) | Unit | Governing Code  |
|------|--------------------------------------------------------------------------------|------------------------|------|-----------------|
| 1.   | Prohibited Stopping or Parking at red curb                                     | \$45.00*               |      | 13-21 BMC       |
| 2.   | Prohibited Stopping or Parking                                                 | \$58.00*               |      | 13-22A BMC      |
| 3.   | Parking not to obstruct traffic                                                | \$58.00*               |      | 13-23 BMC       |
| 4.   | All night and vehicle maintenance parking prohibited                           | \$50.00*/\$50.00       |      | 13-24 BMC       |
| 5.   | Standing or parking on one-way roadway                                         | \$45.00*/\$45.00       |      | 13-25 BMC       |
| 6.   | Parking on grades                                                              | \$45.00*/\$45.00       |      | 13-26 BMC       |
| 7.   | Unlawful parking--peddlers, vendors                                            | \$80.00*/\$80.00       |      | 13-27 BMC       |
| 8.   | Temporary parking restrictions                                                 | \$45.00*/\$45.00       |      | 13-28 BMC       |
| 9.   | Time limit parking zones -- green curbs                                        | \$58.00*               |      | 13-29 BMC       |
| 10.  | Parking within space markings                                                  | \$45.00*/\$45.00       |      | 13-30 BMC       |
| 11.  | Parking in freight and passenger loading zones--time limits                    | \$45.00*/\$45.00       |      | 13-32 BMC       |
| 12.  | Stopping in Alley                                                              | \$58.00*               |      | 13-33 BMC       |
| 13.  | Designated bus and taxicab zones                                               | \$80.00*/\$80.00       |      | 13-34 BMC       |
| 14.  | Restricted use of Bus and Taxicab zones                                        | \$58.00*               |      | 13-35 BMC       |
| 15.  | Trailer or semi-trailer parking prohibited                                     | \$80.00*/\$80.00       |      | 13-39 BMC       |
| 16.  | Commercial parking in Business & Residential districts                         | \$80.00*/\$80.00       |      | 13-40 BMC       |
| 17.  | Parking in excess of 72 hours                                                  | \$45.00*               |      | 10.12.045 BMC   |
| 18.  | Commercial vehicle -- parking prohibited                                       | \$113.00*              |      | 10.16.020 BMC   |
| 19.  | Vehicle parked transporting animals/harassment                                 | \$100.00*              |      | 10.16.020A1 BMC |
| 20.  | Vehicle parked with hazardous substance within city                            | \$100.00*              |      | 10.16.020A2 BMC |
| 21.  | Vehicle parked on road for repair                                              | \$100.00*              |      | 10.16.020A3 BMC |
| 22.  | Commercial vehicles over 10,000 lbs. parking in residential area               | \$113.00*              |      | 10.16.020B1 BMC |
| 23.  | Commercial vehicles over 10,000 lbs. parking on lot/unimproved                 | \$113.00*              |      | 10.16.020B2 BMC |
| 24.  | Commercial vehicles over 10,000 lbs. parking within 100 ft of residential area | \$113.00*              |      | 10.16.020B3 BMC |
| 25.  | Commercial vehicles over 10,000 lbs. parking within 150 ft of driveway opening | \$113.00*              |      | 10.16.020B4 BMC |

| Full Cost | Subsidy % | Suggested Fee    | Fee Δ |
|-----------|-----------|------------------|-------|
| NA        | NA        | \$45.00*         | \$0   |
| NA        | NA        | \$58.00*         | \$0   |
| NA        | NA        | \$58.00*         | \$0   |
| NA        | NA        | \$50.00*/\$50.00 | \$0   |
| NA        | NA        | \$45.00*/\$45.00 | \$0   |
| NA        | NA        | \$45.00*/\$45.00 | \$0   |
| NA        | NA        | \$80.00*/\$80.00 | \$0   |
| NA        | NA        | \$45.00*/\$45.00 | \$0   |
| NA        | NA        | \$58.00*         | \$0   |
| NA        | NA        | \$45.00*/\$45.00 | \$0   |
| NA        | NA        | \$45.00*/\$45.00 | \$0   |
| NA        | NA        | \$58.00*         | \$0   |
| NA        | NA        | \$80.00*/\$80.00 | \$0   |
| NA        | NA        | \$50.00*/\$80.00 | \$0   |
| NA        | NA        | \$45.00*         | \$0   |
| NA        | NA        | \$58.00*         | \$0   |
| NA        | NA        | \$80.00*/\$80.00 | \$0   |
| NA        | NA        | \$58.00*         | \$0   |
| NA        | NA        | \$100.00*        | \$0   |
| NA        | NA        | \$100.00*        | \$0   |
| NA        | NA        | \$100.00*        | \$0   |
| NA        | NA        | \$100.00*        | \$0   |
| NA        | NA        | \$113.00*        | \$0   |
| NA        | NA        | \$113.00*        | \$0   |
| NA        | NA        | \$113.00*        | \$0   |
| NA        | NA        | \$113.00*        | \$0   |
| NA        | NA        | \$113.00*        | \$0   |

City of Banning

User Fee Study

Police Fees

Police

|    |                                                                          |           |  |                 |
|----|--------------------------------------------------------------------------|-----------|--|-----------------|
| 26 | Commercial vehicles over 10,000 lbs. parking in commercial property      | \$113.00* |  | 10.16.02085 BMC |
| 27 | Commercial vehicles over 10,000 lbs. parking in non-residential property | \$113.00* |  | 10.16.02086 BMC |
| 28 | Commercial vehicles over 10,000 lbs. parking in alley                    | \$113.00* |  | 10.16.02087 BMC |
| 29 | Commercial vehicles over 10,000 lbs. parking adjacent to public facility | \$113.00* |  | 10.16.02088 BMC |
| 30 | Commercial vehicles over 10,000 lbs. unattached trailer                  | \$113.00* |  | 10.16.02089 BMC |
| 31 | Commercial vehicles over 10,000 lbs. idling over 15 minutes              | \$113.00* |  | 10.16.020C BMC  |
| 32 | Unregistered vehicle                                                     | \$73.00*  |  | 40004 CVC       |
| 33 | Display of license plate                                                 | \$73.00*  |  | 5200 CVC        |
| 34 | Improper Display of Tabs                                                 | \$30.00*  |  | 5204A CVC       |
| 35 | Unauthorized Parking on Public Grounds                                   | \$35.00*  |  | 21113A CVC      |
| 36 | Stopping/Parking in Bicycle lane                                         | \$35.00*  |  | 21211A CVC      |
| 37 | Parking within Intersection                                              | \$48.00*  |  | 22500A CVC      |
| 38 | Parking in Crosswalk                                                     | \$48.00*  |  | 22500B CVC      |
| 39 | Parking adjacent to Safety Zone                                          | \$48.00*  |  | 22500C CVC      |
| 40 | Parking within 15 feet of Fire Station Driveway                          | \$48.00*  |  | 22500D CVC      |
| 41 | Parking blocking a driveway                                              | \$48.00*  |  | 22500E CVC      |
| 42 | Parking on a sidewalk                                                    | \$48.00*  |  | 22500F CVC      |
| 43 | Parking blocking excavation                                              | \$48.00*  |  | 22500G CVC      |
| 44 | Double Parking                                                           | \$48.00*  |  | 22500H CVC      |
| 45 | Parking in a posted bus zone                                             | \$263.00* |  | 22500I CVC      |
| 46 | Parking on a bridge                                                      | \$48.00*  |  | 22500K CVC      |
| 47 | Parking blocking wheelchair access                                       | \$338.00* |  | 22500L CVC      |
| 48 | Parking in posted fire lane                                              | \$80.00*  |  | 22500.1 CVC     |
| 49 | Parking more than 18" from the curb                                      | \$48.00*  |  | 22502A CVC      |
| 50 | Posted no parking                                                        | \$35.00*  |  | 22505B CVC      |
| 51 | Parking in/Obstructing space designated for the disabled                 | \$338.00* |  | 22507.8A CVC    |
| 52 | Obstructing/clocking disabled space                                      | \$338.00* |  | 22507.8B CVC    |
| 53 | Parking on blue crosshatch                                               | \$338.00* |  | 22507.8C CVC    |
| 54 | Obstructing disabled parking space                                       | \$338.00* |  | 22507.8C1 CVC   |
| 55 | Obstructing disabled parking space                                       | \$338.00* |  | 22507.8C2 CVC   |

|    |    |           |     |
|----|----|-----------|-----|
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$113.00* | \$0 |
| NA | NA | \$73.00*  | \$0 |
| NA | NA | \$73.00*  | \$0 |
| NA | NA | \$30.00*  | \$0 |
| NA | NA | \$35.00*  | \$0 |
| NA | NA | \$35.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$263.00* | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$338.00* | \$0 |
| NA | NA | \$50.00*  | \$0 |
| NA | NA | \$48.00*  | \$0 |
| NA | NA | \$35.00*  | \$0 |
| NA | NA | \$338.00* | \$0 |
| NA | NA | \$335.00* | \$0 |
| NA | NA | \$338.00* | \$0 |

City of Banning

User Fee Study

Police Fees

**Police**

|    |                                             |                   |            |
|----|---------------------------------------------|-------------------|------------|
| 56 | Parking within 15' of fire hydrant          | \$35.00*          | 22514 CVC  |
| 57 | Unattended vehicle                          | \$35.00*          | 22515B CVC |
| 58 | Locking person in vehicle                   | \$35.00*          | 22515 CVC  |
| 59 | Parking within 7.5 feet of railroad track   | \$35.00*          | 22521 CVC  |
| 60 | Parking within 3' of a sidewalk access ramp | \$38.00*          | 22522 CVC  |
| 61 | Abandoned vehicle                           | \$275.00*/\$50.00 | 22523 CVC  |

|    |    |                   |     |
|----|----|-------------------|-----|
| NA | NA | \$35.00*          | \$0 |
| NA | NA | \$35.00*          | \$0 |
| NA | NA | \$35.00*          | \$0 |
| NA | NA | \$35.00*          | \$0 |
| NA | NA | \$333.00*         | \$0 |
| NA | NA | \$275.00*/\$50.00 | \$0 |

**Towing and Storage Services Fees - Recommended by Motion**

| #   | Description                                      | Current Fee/Charge | Unit                        | Notes |
|-----|--------------------------------------------------|--------------------|-----------------------------|-------|
| 1.  | Base Towing Rate - Class A Tow Truck             | \$130.00           | per hour, 1 hr minimum      |       |
| 2.  | Heavy Duty Towing Rate - Class B Tow Truck       | \$165.00           | per hour, 1 hr minimum      |       |
| 3.  | Heavy Duty Towing Rate - Class C and D Tow Truck | \$250.00           | per hour                    |       |
| 4.  | Related Service                                  | \$350.00           | per hour for crane recovery |       |
| 5.  | Lock Out (no towing required)                    | \$65.00            |                             |       |
| 6.  | Lock Out (towing required)                       | No Charge          |                             |       |
| 7.  | Dolly                                            | No Charge          |                             |       |
| 8.  | After Hours Release Fee                          | \$65.00            |                             |       |
| 9.  | Storage                                          |                    |                             |       |
| 9a. | Automobiles                                      | \$30.00            | per day, outside            |       |
| 9b. | Automobiles                                      | \$35.00            | per day, inside             |       |
| 9c. | Motorcycles                                      | \$15.00            | per day, outside            |       |
| 9d. | Motorcycles                                      | \$20.00            | per day, inside             |       |
| 9e. | Trucks, 1 ton under 20 ft.                       | \$40.00            | per day                     |       |
| 9f. | Trucks, over 20 ft.                              | \$50.00            | per day, per unit           |       |

| Full Cost | Subsidy % | Suggested Fee | Fee Δ |
|-----------|-----------|---------------|-------|
| NA        | NA        | \$130.00      | \$0   |
| NA        | NA        | \$165.00      | \$0   |
| NA        | NA        | \$250.00      | \$0   |
| NA        | NA        | \$350.00      | \$0   |
| NA        | NA        | \$65.00       | \$0   |
| NA        | NA        | No Charge     | NA    |
| NA        | NA        | No Charge     | NA    |
| NA        | NA        | \$65.00       | \$0   |
| NA        | NA        | \$30.00       | \$0   |
| NA        | NA        | \$35.00       | NA    |
| NA        | NA        | \$15.00       | \$0   |
| NA        | NA        | \$20.00       | \$0   |
| NA        | NA        | \$40.00       | \$0   |
| NA        | NA        | \$50.00       | \$0   |

**Miscellaneous**

| #  | Description                         | Current Fee/Charge | Unit     | Notes |
|----|-------------------------------------|--------------------|----------|-------|
| 1. | All Reports - Black & White         | \$0.25             | per copy |       |
| 2. | All Reports - Color                 | \$0.35             | per copy |       |
| 3. | Report Request Form - Black & White | \$0.25             | per copy |       |
| 4. | Report Request Form - Color         | \$0.35             | per copy |       |

| Full Cost | Subsidy % | Suggested Fee | Fee Δ |
|-----------|-----------|---------------|-------|
| NA        | NA        | \$0.25        | \$0   |
| NA        | NA        | \$0.35        | \$0   |
| NA        | NA        | \$0.25        | \$0   |
| NA        | NA        | \$0.35        | \$0   |

City of Banning

User Fee Study

Police Fees

Police

|    |                                      |                            |                                                                                 |  |
|----|--------------------------------------|----------------------------|---------------------------------------------------------------------------------|--|
| 5  | Special Events Charge (4 hr minimum) | \$65.00                    | per officer, per hour                                                           |  |
| 6  | Special Events Charge (4 hr minimum) | \$70.00                    | per corporal, per hour                                                          |  |
| 7  | Special Events Charge (4 hr minimum) | \$80.00                    | per sergeant, per hour                                                          |  |
| 8  | Special Events Charge (4 hr minimum) | New                        | per Lieutenant, per hour                                                        |  |
| 9  | Special Events Charge (4 hr minimum) | New                        | per Captain, per hour                                                           |  |
| 10 | DUI Investigation & Fine             | \$110.00                   | per vehicle                                                                     |  |
| 11 | DUI Enforcement Charge               | Same as special events chg |                                                                                 |  |
| 12 | DUI Recovery                         | New                        | Allowed under California Government Code Sections 53155; cannot exceed \$12,000 |  |
| 13 | K-9 Unit Service Charge              | Same as special events chg |                                                                                 |  |
| 14 | Public Dance Fee                     | Same as special events chg |                                                                                 |  |
| 15 | Traffic Control Fee                  | Same as special events chg |                                                                                 |  |
| 16 | Vehicle Storage Release              | \$77.00                    | per vehicle                                                                     |  |
| 17 | Vehicle Storage Release - 30 day     | New                        | per vehicle                                                                     |  |
| 18 | False Alarm Response                 | none                       | 1st response                                                                    |  |
| 19 | False Alarm Response                 | none                       | 2nd response                                                                    |  |
| 20 | False Alarm Response                 | \$72.00                    | 3rd response                                                                    |  |
| 21 | False Alarm Response                 | \$144.00                   | 4th response                                                                    |  |
| 22 | False Alarm Response                 | \$144.00                   | 5th + response                                                                  |  |
| 23 | Clearance Letter Fee                 | \$25.00                    | per letter                                                                      |  |
| 24 | Photo Sales Charges                  | \$10.00                    | per print                                                                       |  |
| 25 | Bicycle Licenses                     | \$6.00                     | per licence                                                                     |  |
| 26 | Fingerprint Fee                      | \$15.00                    | + D.O.J. fees if applicable                                                     |  |

City of Banning

User Fee Study

Police Fees

|          |     |                            |      |
|----------|-----|----------------------------|------|
| \$102.84 | 5%  | \$97.50                    | \$33 |
| \$124.16 | 15% | \$105.00                   | \$35 |
| \$130.37 | 8%  | \$120.00                   | \$40 |
| \$182.39 | 45% | \$105.00                   | NA   |
| \$180.72 | 31% | \$125.00                   | NA   |
| NA       | NA  | \$110.00                   | \$0  |
| NA       | NA  | Same as special events chg | NA   |
| Variable | NA  | Actual Cost Up to \$12,000 | NA   |
| NA       | NA  | Same as special events chg | NA   |
| NA       | NA  | Same as special events chg | NA   |
| NA       | NA  | Same as special events chg | NA   |
| NA       | NA  | \$115.50                   | \$39 |
| NA       | NA  | \$115.50                   | NA   |
| NA       | NA  | none                       | NA   |
| NA       | NA  | none                       | NA   |
| NA       | NA  | \$72.00                    | NA   |
| NA       | NA  | \$144.00                   | NA   |
| NA       | NA  | \$144.00                   | NA   |
| \$27.70  | 10% | \$25.00                    | \$0  |
| \$10.00  | 0%  | \$10.00                    | \$0  |
| NA       | 0%  | \$5.00                     | -\$1 |
| NA       | NA  | \$15.00                    | \$0  |

**Police**

|    |                                  |                         |                        |                    |
|----|----------------------------------|-------------------------|------------------------|--------------------|
| 27 | Vacant & Distressed Building Fee | \$75.00                 | Each Property/Per Year | Resolution 2009-09 |
| 28 | Tape Duplication Fee             | \$30.00                 | per tape               |                    |
| 29 | Civil Court Case Charge          | Actual Salary/ Involved |                        |                    |

|         |     |                        |       |
|---------|-----|------------------------|-------|
|         |     | \$75.00                |       |
| \$17.21 | 13% | \$15.00                | -\$15 |
| NA      | NA  | Actual Salary Involved | NA    |

City of Banning

User Fee Study

Police Fees

| Fire Department        |                                                    |                    |                       |       |  |
|------------------------|----------------------------------------------------|--------------------|-----------------------|-------|--|
| Plan Review/Inspection |                                                    |                    |                       |       |  |
| #                      | Description                                        | Current Fee/Charge | Unit                  | Notes |  |
| 1                      | Residential Plan Review/Inspection                 | \$134.00           | per hour (1 hr. min.) |       |  |
| 2                      | Commercial/Industrial Plan Review/Inspection       | \$134.00           | per hour (1 hr. min.) |       |  |
| 3                      | Automatic Fire Extinguisher Plan Review/Inspection | \$134.00           | per hr./person        |       |  |
| 4                      | Fire Alarm Plan Review/Inspection                  | \$134.00           | per hr./person        |       |  |
| 5                      | Sprinkler System Plan Review/Inspection            | \$134.00           | per hr./person        |       |  |

| Fire Code Compliance Inspection |                                            |                            |                             |                   |  |
|---------------------------------|--------------------------------------------|----------------------------|-----------------------------|-------------------|--|
| #                               | Description                                | Current Fee/Charge         | Unit                        | Notes             |  |
| 1                               | Annual State Mandated Inspection           | \$134.00                   | per hr./person (1 hr. min.) |                   |  |
| 2                               | Operational Permit Annual Inspection       | New                        | per hour (1 hr. min.)       |                   |  |
| 3                               | New Business Fire Hazard Inspection        | \$134.00                   | per hr./person (1 hr. min.) |                   |  |
| 4                               | <b>Engine Company Inspection</b>           |                            |                             |                   |  |
| 5                               | Inspection                                 | no fee                     |                             |                   |  |
| 6                               | 1st Fire Inspection                        | no fee                     |                             |                   |  |
| 7                               | Subsequent Inspections                     | \$134.00                   | per hr./person              |                   |  |
| 8                               | Fire Suspension Cost Recovery              | Actual Cost                |                             |                   |  |
| 9                               | Fire Prevention Investigation              | Covered by County Contract |                             |                   |  |
| 10                              | EMT Services, Non-resident                 | Covered by County Contract |                             |                   |  |
| 11                              | Care Facility serving 25 or fewer persons  | \$56.00                    |                             | Mandated by State |  |
| 12                              | Care Facility serving 26 or more persons   | \$100.00                   |                             | Mandated by State |  |
| 13                              | <b>Hazardous Materials Record Location</b> |                            |                             |                   |  |
| 13.a                            | Category 1, Level 3a                       | \$268.00                   |                             |                   |  |
| 13.b                            | Category 1, Level 3b                       | \$335.00                   |                             |                   |  |
| 13.c                            | Category 2, Level 2a                       | \$768.00                   |                             |                   |  |
| 13.d                            | Category 2, Level 2b                       | \$335.00                   |                             |                   |  |
| 13.e                            | Category 3, Level 3a                       | \$402.00                   |                             |                   |  |
| 13.f                            | Category 3, Level 3b                       | \$469.00                   |                             |                   |  |
| 14                              | Hazardous Materials Response               | Actual Cost                |                             |                   |  |
| 15                              | Non-Compliance Fee                         | New                        | per hour (1 hr. min.)       |                   |  |
| 16                              | Special Event Fee                          | New                        | per hour (1 hr. min.)       |                   |  |
| 17                              | Special Event - inspection fee             | New                        | per hour (1 hr. min.)       |                   |  |

City of Banning

User Fee Study

Fire Fees

Engineering

| Public Works Permit Fees |                                             |                    |             |                                    |
|--------------------------|---------------------------------------------|--------------------|-------------|------------------------------------|
| #                        | Description                                 | Current Fee/Charge | Unit        | Notes                              |
| 1                        | Curb & Gutter - <100 ft.                    | \$60.00            |             |                                    |
| 2                        | Curb & Gutter - >100 ft.                    | New                | per 100 ft. |                                    |
| 3                        | Sidewalk - <400 sq. ft.                     | \$60.00            |             |                                    |
| 4                        | Sidewalk - >400 sq. ft.                     | New                | per 100 ft. |                                    |
| 5                        | Pavement - <1000 ft.                        | \$120.00           |             |                                    |
| 6                        | Pavement - each additional 1000 ft.         | New                |             |                                    |
| 7                        | Driveway approach - Residential             | \$60.00            | Each        |                                    |
| 8                        | Driveway approach - Commercial              | \$81.00            | Each        |                                    |
| 9                        | Wheelchair Ramp                             | \$60.00            | Each        |                                    |
| 10                       | Cross gutter/spandrel                       | \$103.00           | Each        |                                    |
| 11                       | Sewer main, storm drain, water main <50 ft. | \$82.00            |             |                                    |
| 12                       | Sewer main, storm drain, water main >50 ft. | New                | per 50 LF   |                                    |
| 13                       | Sewer lateral                               | \$60.00            | Each        |                                    |
| 14                       | Water service                               | \$60.00            | Each        |                                    |
| 15                       | Sewer manhole                               | \$81.00            | Each        |                                    |
| 16                       | Sewer Clean out                             | \$82.00            | Each        |                                    |
| 17                       | Water line Hot Tap                          | \$174.00           | Each        | Includes the water main run in r/w |
| 18                       | Storm Drain Inlet                           | \$189.00           | Each        |                                    |
| 19                       | Storm Drain Connector pipe                  | \$145.00           | Each        |                                    |
| 20                       | Parkway drain                               | \$81.00            | Each        |                                    |
| 21                       | Fire Hydrant                                | \$270.00           | Each        |                                    |
| 22                       | Air Vac blow off                            | \$103.00           | Each        |                                    |
| 23                       | Street Tree                                 | \$60.00            | Each        |                                    |
| 24                       | Street name & traffic sign                  | \$60.00            | Each        |                                    |
| 25                       | Dye Test                                    | \$104.00           | Each        |                                    |
| 26                       | Penalty for work w/o permit                 | \$244.00           |             |                                    |

| Full Cost | Subsidy % | Suggested Fee  | % +/- |
|-----------|-----------|----------------|-------|
| \$95.52   | 1%        | \$95.00        | 37%   |
| \$42.84   | 0%        | \$43.00        | N/A   |
| \$95.52   | 1%        | \$95.00        | 37%   |
| \$19.79   | -1%       | \$19.00        | N/A   |
| \$148.20  | 0%        | \$143.00       | 19%   |
| \$95.52   | 1%        | \$95.00        | N/A   |
| \$95.52   | -1%       | \$96.00        | 38%   |
| \$121.86  | 1%        | \$121.00       | 33%   |
| \$95.52   | -1%       | \$96.00        | 38%   |
| \$138.36  | 0%        | \$138.00       | 25%   |
| \$173.12  | 0%        | \$173.00       | 53%   |
| \$42.84   | 0%        | \$43.00        | N/A   |
| \$90.32   | 0%        | \$90.00        | 33%   |
| \$90.32   | 0%        | \$90.00        | 33%   |
| \$116.66  | 1%        | \$116.00       | 30%   |
| \$116.66  | 1%        | \$116.00       | 29%   |
| \$195.68  | 0%        | \$195.00       | 11%   |
| \$227.22  | 0%        | \$227.00       | 17%   |
| \$174.54  | 0%        | \$174.00       | 17%   |
| \$121.86  | 1%        | \$121.00       | 33%   |
| \$319.56  | 0%        | \$319.00       | 15%   |
| \$253.56  | 1%        | \$250.00       | 59%   |
| \$95.52   | 1%        | \$95.00        | 37%   |
| \$95.52   | 1%        | \$95.00        | 37%   |
| \$144.00  | 0%        | \$144.00       | 28%   |
| NA        | NA        | x 2 permit fee | NA    |

City of Banning

User Fee Study

Engineering Fees

| Engineering                |                                            |                           |         |  |
|----------------------------|--------------------------------------------|---------------------------|---------|--|
| #                          | Description                                | Current Fee/Charge        | Unit    |  |
| 27                         | Overtime inspection                        | \$154.00                  |         |  |
| 28                         | Re-inspection Fee                          | 1.5 x time spent          |         |  |
| Excavation permit          |                                            |                           |         |  |
| #                          | Description                                | Current Fee/Charge        | Unit    |  |
| 1                          | Individual project (parallel to street)    | \$189.00                  |         |  |
| 2                          | Individual project (across the street)     | \$188.00                  |         |  |
| Preliminary Project Review |                                            |                           |         |  |
| #                          | Description                                | Current Fee/Charge        | Unit    |  |
| 1                          | Specific Plan - preliminary                | \$3,871.00                |         |  |
| 2                          | Specific Plan amendment - preliminary      | \$2,540.00                |         |  |
| 3                          | E.I.R - preliminary                        | \$2,862.00                |         |  |
| 4                          | Drainage study                             | \$1,240.00                |         |  |
| 5                          | Soils Report                               | New                       |         |  |
| 6                          | WQMP Review Deposit                        | \$3,000.00                | Deposit |  |
| 7                          | Traffic study                              | \$2,504.00                |         |  |
| 8                          | Tentative parcel map - preliminary         | \$1,843.00                |         |  |
| 9                          | Tentative tract map - preliminary          | \$2,531.00                |         |  |
| 10                         | Tent map- (MH, RV)-preliminary             | \$2,360.00                |         |  |
| 11                         | Tent Comm/Indus parcel >4 lots-preliminary | \$2,429.00                |         |  |
| 12                         | Site Plan                                  | \$289.00                  |         |  |
| 13                         | Plot Plan                                  | \$289.00                  |         |  |
| 14                         | Condominium - preliminary                  | \$1,023.00                |         |  |
| 15                         | Consultant service - preliminary           | 124.00 + consultant's fee |         |  |
| Final Map Review           |                                            |                           |         |  |
| #                          | Description                                | Current Fee/Charge        | Unit    |  |
| 1                          | Final map - 0 - 50 lots                    | \$4,885.00                |         |  |

City of Banning

User Fee Study

Engineering Fees

| Engineering |                                   |                             |                       |         |
|-------------|-----------------------------------|-----------------------------|-----------------------|---------|
| 2           | Final map -51 or more lots        | \$8,159.00 +\$70.00 per lot | per add'l lot over 50 |         |
| 3           | Third check up-final              | \$914.00                    |                       |         |
| 4           | Certificate of Correction - final | \$836.00                    |                       |         |
| 5           | Amend Map-final                   | \$932.00                    |                       |         |
| 6           | Consultant service -final         | \$183.00 + consultant's fee |                       | Deposit |

| Grading |                                             |                    |      |                                                   |
|---------|---------------------------------------------|--------------------|------|---------------------------------------------------|
| #       | Description                                 | Current Fee/Charge | Unit |                                                   |
| 1       | Rough grading 1-5 sheets                    | \$1,734.00         |      |                                                   |
| 2       | Rough grading 6-9 sheets                    | \$2,843.00         |      |                                                   |
| 3       | Rough grading 10-20 sheets                  | \$4,691.00         |      |                                                   |
| 4       | Rough grading per sheet above 20 sheets     | New                |      |                                                   |
| 5       | Precise Grading 0-49 lots                   | \$1,249.00         |      |                                                   |
| 6       | Precise Grading Per lot over 49 lots        | New                |      |                                                   |
| 7       | Grading/Stockpile Permit 51-100 CY          | \$45.00            |      |                                                   |
| 8       | Grading/Stockpile Permit 101-1,000 CY       | \$45.00            |      | Plus \$21 for every 100 cy or fraction thereof    |
| 9       | Grading/Stockpile Permit 1,001-10,000 CY    | \$230.00           |      | Plus \$25 for every 1,000 cy or fraction thereof  |
| 10      | Grading/Stockpile Permit 10,001-100,000 CY  | \$380.00           |      | Plus \$75 for every 10,000 cy or fraction thereof |
| 11      | Grading/Stockpile Permit 100,001 or more CY | \$1,075.00         |      | Plus \$55 for every 10,000 cy or fraction thereof |

| Full Cost  | Subsidy % | Suggested Fee                | % +/- |
|------------|-----------|------------------------------|-------|
| \$2,485.35 | 0%        | \$2,490.00                   | 30%   |
| \$3,816.60 | 0%        | \$3,820.00                   | 26%   |
| \$7,042.81 | 0%        | \$7,050.00                   | 33%   |
| \$9,047.18 |           | \$7,050 + \$250 per sheet    | N/A   |
| \$2,554.62 | 0%        | \$2,554.00                   | 51%   |
| \$2,477.29 |           | \$2,554.00 + \$40.00 per lot | N/A   |
| \$52.68    | 1%        | \$52.00                      | 13%   |
| \$52.68    | 1%        | \$52.00                      | 13%   |
| \$293.22   | 0%        | \$293.00                     | 22%   |
| \$492.31   | 0%        | \$492.00                     | 23%   |
| \$1,383.60 | 0%        | \$1,383.00                   | 22%   |

City of Banning

User Fee Study

Engineering Fees

| Engineering |                                        |                          |         |  |
|-------------|----------------------------------------|--------------------------|---------|--|
| Inspections |                                        |                          |         |  |
| #           | Description                            | Current Fee/Charge       | Unit    |  |
| 1           | Inspections - Subdivision Developments | 4% of est. constr. costs |         |  |
| 2           | Industrial Waste Inspection            | \$175.00                 |         |  |
| 3           | NPDES Inspection                       | \$110.00                 | per lot |  |

| Real Parcel Map |                                   |                    |                  |  |
|-----------------|-----------------------------------|--------------------|------------------|--|
| #               | Description                       | Current Fee/Charge | Unit             |  |
| 1               | P.C. Final Map - 1st Sheet        | Variable           | 1st Sheet Only   |  |
| 2               | P.C. Final Map - Additional sheet | Variable           | Each Add't Sheet |  |

| Miscellaneous Fees |                                                |                    |           |  |
|--------------------|------------------------------------------------|--------------------|-----------|--|
| #                  | Description                                    | Current Fee/Charge | Unit      |  |
| 1                  | Flood Zone Development                         | \$705.00           |           |  |
| 2                  | Encroachment permit                            | \$352.00           |           |  |
| 3                  | Over sized/weight permit (Caltrans Rate)       | \$16.00            | per trip  |  |
| 4                  | Reimbursement agreement                        | \$1,056.00         | Each      |  |
| 5                  | Dedication Document                            | \$224.00           | Each      |  |
| 6                  | Street Abandonment                             | \$435.00           | Each      |  |
| 7                  | Service Letter                                 | \$63.00            | Each      |  |
| 8                  | Lot Line Adjustment                            | \$619.00           | Each      |  |
| 9                  | Lot Merge                                      | \$619.00           | Each      |  |
| 10                 | Certificate of Compliance                      | \$653.00           | Each      |  |
| 11                 | Plan Storage & GIS Maintenance Fee             | \$12.00            | per sheet |  |
| 12a                | 24" x 36" or Smaller Printout                  | \$12.00            | per sheet |  |
| 12b                | 24" x 36" or Smaller Printout                  | \$12.00            | per sheet |  |
| 13                 | Appeals to City Council or Planning Commission | \$543.00           |           |  |

City of Banning

User Fee Study

Engineering Fees

**Engineering**

|    |                                             |              |  |  |
|----|---------------------------------------------|--------------|--|--|
| 14 | Landscape Maintenance District - Annexation | \$3,986.00   |  |  |
| 15 | Assessment/Mello Roos District Deposit      | \$10,000 min |  |  |
| 16 | Technology Surcharge                        | New          |  |  |

|    |    |              |    |
|----|----|--------------|----|
| NA | NA | \$3,986.00   | NA |
| NA | NA | \$10,000 min | NA |
|    |    | 2.5%         |    |
|    |    |              |    |
|    |    |              |    |

**Engineering Plan**

|   |                                       |     |  |  |
|---|---------------------------------------|-----|--|--|
| 1 | Improvement Plan Review: 1-5 Sheets   | New |  |  |
| 2 | Improvement Plan Review: 5-10 Sheets  | New |  |  |
| 3 | Improvement Plan Review: 10-20 Sheets | New |  |  |
| 4 | Improvement Plan Review: 20+ Sheets   | New |  |  |

|            |    |            |    |
|------------|----|------------|----|
| \$1,185.23 | NA | \$1,235.00 | NA |
| \$3,499.22 | NA | \$3,650.00 | NA |
| \$5,405.66 | NA | \$5,705.00 | NA |
| \$8,132.69 | NA | \$8,535.00 | NA |

City of Banning

User Fee Study

Engineering Fees

**EXHIBIT B**  
**NOTICE OF EXEMPTION**

ORDINANCE NO. 1553

AN ORDINANCE OF THE CITY OF BANNING,  
CALIFORNIA, AMENDING CHAPTER 3.36 ("FEE AND  
SERVICE CHARGE REVENUE/COST COMPARISON") OF  
TITLE 3 ("REVENUE AND FINANCE") OF THE BANNING  
MUNICIPAL CODE CONCERNING THE CITY'S  
SCHEDULE FOR FEES AND SERVICE CHARGES,  
MAKING FINDINGS PURSUANT TO CEQA, AND  
REPEALING PROVISIONS OF CONFLICTING  
ORDINANCES ESTABLISHING OR MODIFYING USER  
FEES

The City Council of the City of Banning does hereby ordain as follows:

**Section 1.** The City Council makes the following findings in connection with the adoption of this Ordinance:

A. The City Council of the City of Banning initiated an amendment to Chapter 3.36 ("Fee and Service Charge Revenue/Cost Comparison") of Title 3 ("Revenue and Finance") of the Banning Municipal Code ("BMC") concerning the City's schedule of fees and service charges.

B. BMC Chapter 3.36.040 directs the City Manager to annually/seasonally review fees and charges to recover the percentage of costs reasonably borne in providing the regulation products or services enumerated in Chapter 3.36 in the percentage of costs reasonably borne and on the schedule of rate review and revision as established in Section 3.36.080 of Chapter 3.36, and recommend changes to the City Council for adoption.

C. On September 10, 2019, the City Council held a duly noticed public hearing to consider proposed amendments to BMC Chapter 3.36, the approval of a *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the adoption of an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering. Following the receipt of testimony, the City Council continued the matter off-calendar and forwarded the proposed updated Master User Fee Schedule to the Council's Budget & Finance Committee for further review and recommendations.

D. On October 22, 2019, the City Council held a duly noticed public hearing to consider proposed amendments to BMC Chapter 3.36, the approval of a *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the adoption of an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and

Engineering. Following the receipt of testimony, and upon staff's recommendation, the City Council again forwarded the proposed updated Master User Fee Schedule to the Council's Budget & Finance Committee for further review and recommendations.

E. On December 10, 2019, the City Council held a duly noticed public hearing to consider proposed amendments to BMC Chapter 3.36, the approval of a *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the adoption of an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering. The proposed amendments to BMC Chapter 3.36 are the subject of this Ordinance.

F. In accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed the proposed amendments to BMC Chapter 3.36, the approval of a *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the adoption of an updated Master User Fee Schedule (collectively, the "Project"), and determined that pursuant to CEQA Guidelines Sections 15378(b)(4), 15273(a)(1), and 15273(a)(2), the Project is not subject to CEQA because these actions (1) involve the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and (2) establish fees to meet operating expenses, including employee wage rates and fringe benefits, and to purchase and/or lease supplies, equipment, and materials.

G. All other prerequisites to the adoption of this Ordinance, as specified by the Mitigation Fee Act (Cal. Gov. Code, § 66000 *et seq.*) and other applicable laws, have been satisfied.

**Section 2.** The City Council makes the following California Environmental Quality Act findings in connection with the adoption of this Ordinance:

A. City staff has evaluated the potential environmental impacts of the adoption of this Ordinance, the approval of the *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the proposed updated Master User Fee Schedule pursuant to the California Environmental Quality Act ("CEQA"). City staff has determined that these actions do not constitute a "project" under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, City Staff has determined that these actions are statutorily exempt from CEQA under CEQA Guidelines Sections 15273(a)(1) and (a)(2) because these actions are establishing fees to meet operating expenses, including employee wage rates and fringe benefits, and to purchase and/or lease supplies, equipment, and materials.

B. The City Council concurs with City staff's determination that the adoption of this Ordinance, the approval of the *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the proposed updated Master User Fee Schedule do not constitute a project under CEQA pursuant to CEQA Guidelines Section 15378(b)(4). The City Council additionally concurs with City staff's determination that the adoption of this Ordinance, the approval of the *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, and the proposed updated Master User Fee Schedule are statutorily exempt from CEQA pursuant to CEQA Guidelines Sections 15273(a)(1) and (a)(2).

C. The City Council hereby directs City staff to file the Notice of Exemption, attached to this Ordinance as Exhibit A, with the County Clerk pursuant to CEQA Guidelines Section 15062 within five (5) days of the date that this Ordinance is adopted.

**Section 3.** Section 3.36.030 ("Costs Reasonably Borne' Defined") of Chapter 3.36 ("Fee and Service Charge Revenue/Cost Comparison") of Title 3 ("Revenue and Finance") of the Banning Municipal Code is hereby amended to read as follows:

**3.36.030 "Costs reasonably borne" defined.**

"Costs reasonably borne,' as used and ordered to be applied in this chapter are to consist of the following elements:

A. Direct Labor (Personnel Costs): The costs related to staff salaries for time spent directly on free-related services.

B. Department Overhead: A proportional allocation of department overhead costs, including operation costs such as supplies and materials that are necessary for the department to function.

C. Central Services Overhead: These costs detailed in Appendix A to the adopted Comprehensive User Fee Study Report dated January 2, 2019, representing services provided by those central services departments whose primary function is to support other city departments."

**Section 4.** Section 3.36.040 ("Delegation of Authority and Direction to City Manager") of Chapter 3.36 ("Fee and Service Charge Revenue/Cost Comparison") of Title 3 ("Revenue and Finance") of the Banning Municipal Code is hereby amended to read as follows:

"A. The city manager is directed to annually/seasonally review fees and charges to recover the percentage of costs reasonably borne in providing the regulation products or services enumerated in this chapter.

B. 'Costs reasonably borne' shall be defined in Section 3.36.030."

**Section 5.** Section 3.36.050 ("Public Meeting") of Chapter 3.36 ("Fee and Service Charge Revenue/Cost Comparison") of Title 3 ("Revenue and Finance") of the Banning Municipal Code is hereby deleted in its entirety.

**Section 6.** Section 3.36.060 ("Provision of Data") of Chapter 3.36 ("Fee and Service Charge Revenue/Cost Comparison") of Title 3 ("Revenue and Finance") of the Banning Municipal Code is hereby deleted in its entirety.

**Section 7.** Sections 3.36.070 ("Fees for Qualifying Projects") through 3.36.080 are hereby renumbered as Sections 3.36.050 through 3.36.060, respectively.

**Section 8.** Section 3.36.060 ("Schedule of Fees and Service Charges") of Chapter 3.36 ("Fee and Service Charge Revenue/Cost Comparison") of Title 3 ("Revenue and Finance") of the Banning Municipal Code is hereby amended to read as follows:

**"3.36.060 Schedule of fees and service charges.**

The fees and charges levied under this chapter to recover all or a percentage of costs reasonably borne necessary to provide a product or service shall be paid in the amounts established by resolution of the city council. The amount of the fees and charges may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee and charge amounts or by the periodic preparation of a new comprehensive fee study prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

**Section 9. Repeal of Prior User Fees Adopted by Conflicting Ordinances.** Any and all provisions of prior ordinances establishing or modifying user fees in the categories established in the *Comprehensive User Fee Study Report* prepared by Willdan Financial Services and dated January 2, 2019, which duplicate or conflict with the provisions of Exhibit A to Resolution No. 2019-113, are hereby repealed and replaced with the fees set forth in Exhibit A to Resolution No. 2019-113 and the terms and conditions established by Resolution No. 2019-113 upon the effective date of the new user fees as provided for in Resolution No. 2019-113.

**Section 10. Publication, Effective Date.** The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute order of the passage and adoption thereof in the records and the proceeding of the City Council at which time the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) calendar days after its final passage, the City Clerk shall publish, or cause a summary of this Ordinance to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California. The City Clerk shall cause the Ordinance to be printed, published, and circulated.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

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Sonja De La Fuente, Deputy City Clerk  
City of Banning

**APPROVED AS TO FORM AND LEGAL CONTENT:**

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Kevin Ennis City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1553 was introduced for first reading at a regular meeting of the City Council of the City of Banning held on the 10<sup>th</sup> day of December, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Sonja De La Fuente, Deputy City Clerk  
City of Banning, California

**Exhibit A**  
Notice of Exemption

## Notice of Exemption

## Appendix E

**To:**  Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044  
 County Clerk  
County of Riverside  
P.O. Box 751  
Riverside, CA 92502-0751

**From:**  
**City of Banning**  
99E. Ramsey Street  
P.O. Box 998  
Banning, CA 92220

Project Title:

**Ordinance No. 1553, amending Chapter 3.36 and adopting Resolution No. 2019-113**

Project Applicant: **City of Banning; 99 East Ramsey Street, Banning, CA, 92220**

Project Location – Specific:

**All parcels; all properties; in the City of Banning**

Project Location – City: **City of Banning**

Project Location – County: **Riverside County**

Description of Nature, Purpose and Beneficiaries of Project:

**City of Banning, CA**

Name of Public Agency Approving Project:

**City of Banning**

Name of Person or Agency Carrying Out Project:

**City of Banning**

Exempt Status: (check one)

Ministerial (Sec. 21080(b)(1), 15268);  
 Declared Emergency (Sec. 21080(b)(3), 15269(a));  
 Emergency Project (Sec. 21080(b)(4), 15269(b)(c));  
 Categorical Exemption. State type and section number: **Section's 15378(b)(4) and 15273(a)(1) and (2)**  
 Statutory Exemptions. State code number:

Reasons why project is exempt:

**The project does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.**

Lead Agency **City of Banning**  
Contact Person: **Adam Rush**

Area Code/Telephone/Extension: **(951) 922-3131**

If filed by applicant:

1. Attach certified document of exemption finding.  
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

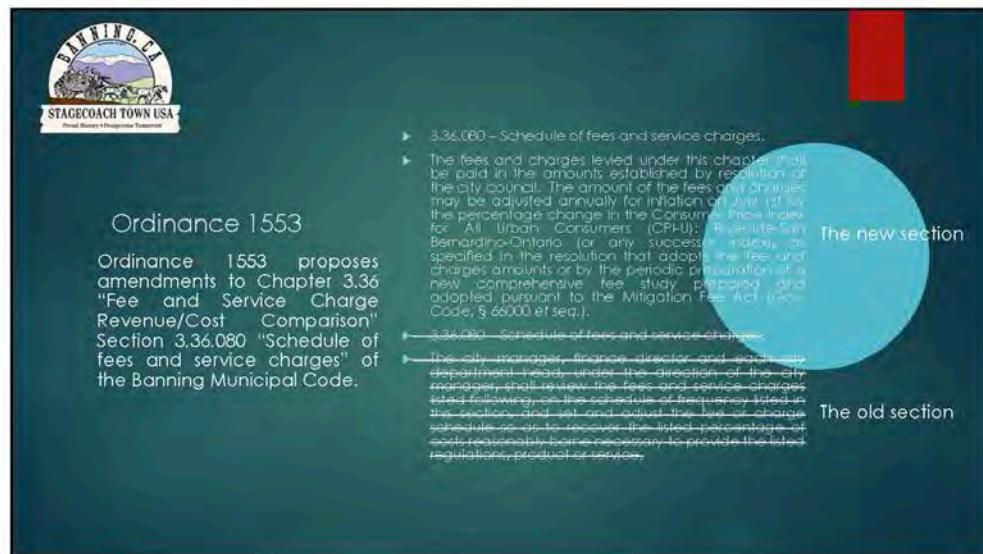
Signature:  Date: **12-10-19** Title: **Community Development Director**

Signed by Lead Agency  
 Signed by Applicant Date received for filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Revised 2011

# **ATTACHMENT 6**





Resolution 2019-113

- Resolution No. 2019-113 sets forth and adopts an Updated Master User Fee Schedule for the following City Departments and Fee Groups:
- Finance and Administration
- Animal Control
- Parks & Rec
- Airport
- Building
- Planning
- Utility Billing
- Electric Utility
- Police
- Fire
- Engineering



Community Service

Planning

Finance and Administration

Animal Control

Community Services

Airport

Buildings

Planning

Utility Billing

Electric Utility

Police

Fire

Engineering



## Background

- The Master User Fee Schedule has not been updated since 2007. In some cases, decent increases were necessary to achieve full costs recovery. The City has reviewed the Study and potentially large fee increases. Resulting from Council policy, staff has reduced some of the Study recommendations as the increases are not feasible over a short timeframe.
- In other situations, the City is implementing a full cost recovery where required by City Council policy and state law. These fees are specifically related to the Community Development related fees for both Planning and Building Permits, plan reviews, and associated costs.
- The City has conducted several meetings with the Building Industry Association (BIA); specifically, in regards to the residential plan check and permit fees. The BIA has cited several concerns; which staff analyzed and implemented corrections into the final Master User Fee Schedule. These updates were primarily concerning the labor rates of certain community development staff members which have been reconciled with our current contract rates and the City's Classification and Compensation schedule.
- In addition, the City has transmitted notification of the Master User Fee Schedule and Report to the BIA at least 14-days prior to the September 10, 2019 City Council Public Hearing and 14-days prior to the October 15<sup>th</sup> Committee Meeting. The BIA has requested several documents which were provided.





## Background

- The City engaged Willdan Financial Services to prepare the Comprehensive User Fee Report Study.
- In process since late 2016.
- Review by the City Council at the September 10<sup>th</sup> Meeting.
- City Council referred the item to the Budget & Finance Committee.
- Staff scheduled the Master Fee Study for the October 15<sup>th</sup> Budget & Finance Committee. Where the Building Industry Association (BIA) provided both written and verbal testimony.
- The Committee continued the item to the November 19<sup>th</sup> Budget & Finance Committee; requesting several updates and clarifications.
- Staff updated the Study, segregating the Fee Schedule from the Willdan report, and provided clarifications.
- The item was continued to the November 19<sup>th</sup> Committee Meeting where the BIA did not attend.
- On November 19<sup>th</sup>, the Committee did recommend the fee for "personal cannabis use" to achieve consistency with state law.





## Background

- ▶ Master Fee Schedule not updated since 2007.
- ▶ City did not incorporate a CPI increase since 2007.
- ▶ Several meetings with the Building Industry Association (BIA) have been conducted.
- ▶ Written and verbal communication has been presented to the BIA prior to every meeting; including the Budget & Finance Committee.



| UBC                                                            | UBC Occupancy | Square Footage | Old Construction Fee Schedule                                        |      |                                                                                                  |
|----------------------------------------------------------------|---------------|----------------|----------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------|
|                                                                |               |                | BUILDING PERMIT FEES – Plan Check, Inspection & Permit Fees Combined |      |                                                                                                  |
| Residential – New (single or multi family – per dwelling unit) | 1             | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 800 s.f.    |
|                                                                | 801           | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 1,200 s.f.  |
|                                                                | 1,201         | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 2,000 s.f.  |
|                                                                | 2,001         | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 3,000 s.f.  |
|                                                                | 3,001         | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 4,000 s.f.  |
|                                                                | 4,001         | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 6,000 s.f.  |
|                                                                | 6,001         | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 10,000 s.f. |
|                                                                | 10,001        | n.a.           | plus                                                                 | n.a. | For each additional 100 s.f. or fraction thereof                                                 |

| BUILDING PERMIT FEES – Plan Check, Inspection & Permit Fees Combined |               |                 |                                                    |                                                                                                  |  |
|----------------------------------------------------------------------|---------------|-----------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------|--|
| UBC                                                                  | UBC Occupancy | Square Footage  | New Construction Fee Schedule – 100% Cost Recovery |                                                                                                  |  |
| Residential – New (single or multi family – per dwelling unit)       | 1             | \$2,512.13 plus | \$24.47                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 800 s.f.    |  |
|                                                                      | 801           | \$2,707.88 plus | \$67.97                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 1,200 s.f.  |  |
|                                                                      | 1,201         | \$2,979.75 plus | \$43.50                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 2,000 s.f.  |  |
|                                                                      | 2,001         | \$3,327.75 plus | \$44.59                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 3,000 s.f.  |  |
|                                                                      | 3,001         | \$3,773.63 plus | \$63.08                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 4,000 s.f.  |  |
|                                                                      | 4,001         | \$4,404.38 plus | \$41.33                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 6,000 s.f.  |  |
|                                                                      | 6,001         | \$5,230.88 plus | \$23.11                                            | For each additional 100 s.f. or fraction thereof > half of 100 s.f. to and including 10,000 s.f. |  |
|                                                                      | 10,001        | \$6,155.25 plus | \$31.19                                            | For each additional 100 s.f. or fraction thereof                                                 |  |



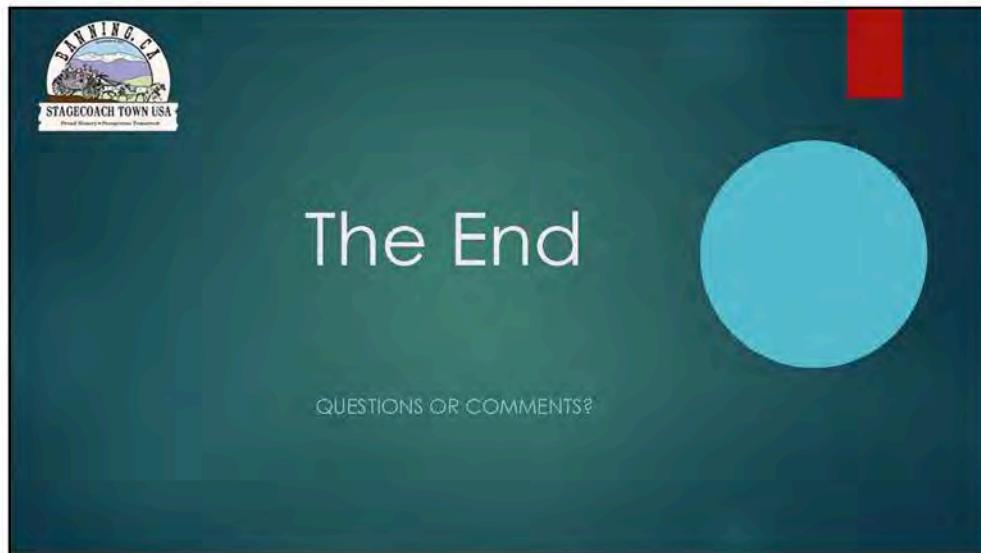
## Staff Recommendation

**Ordinance 1553**

- Waive further reading, and introduce as read by title only, Ordinance 1553, An Ordinance of the City of Banning, California, amending Chapter 3.36 "Fee and Service Charge Revenue/Cost Comparison" of the Banning Municipal Code (BMC) ("Code Amendment"), and Making Findings Pursuant to CEQA.

**Resolution 2019-113**

- Adopt Resolution 2019-113, A Resolution of the City Council of the City of Banning, California, approving the Comprehensive User Fee Study Report, dated January 2, 2019 and adopting an updated Master User Fee Schedule for the following City departments and fee groups: Finance and Administration; Animal Control; Community Services; Airport; Building; Planning; Utility Billing; Electric Utility; Police; Fire; and Engineering.



**Fee Comparison**

| City                | Permit Type                            | Permit Fee | Source                        | Last Updated | Notes                                                                  |
|---------------------|----------------------------------------|------------|-------------------------------|--------------|------------------------------------------------------------------------|
| Yucaipa             | Single-Family Residential Unit         | ~\$2,700   | Phone call                    | 2019         | Price includes 500 sq. ft. garage                                      |
| Calimesa            | Single-Family Residential Unit         | \$2,292    | Online fee schedule           | 2019         | Price does not include \$45 issuance fee                               |
| Beaumont            | Single-Family Residential Unit         | \$2,400    | Phone call                    | 2018         | Flat is fixed/flat. Does not include 3% city fee                       |
| Hemet               | Residential R-3 Single Family Dwelling | \$1,545.77 | Online permit fee spreadsheet | 2016         | Price is for 1,500 sq. ft. project. Planning permit additional \$28.23 |
| Moreno Valley       | Single-Family Unit, Conventional Build | \$3,015    | Phone call                    | 2018         | Price does not include garage (additional \$1,500)                     |
| County of Riverside | Single Family Detached Dwelling        | \$5,377.74 | Online permit fee spreadsheet | 2017         | Base fee                                                               |

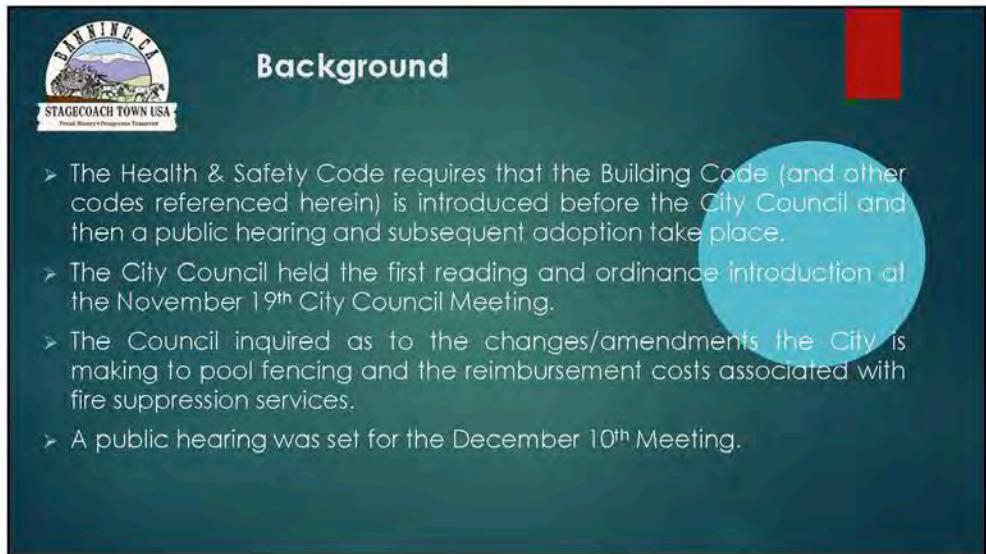
Banning Permit Fee (2,001 s.f.) = **\$2,949.00**



# ATTACHMENT 7



The slide features a dark blue background with a circular graphic in the upper right corner. In the top left corner is the Banning City Seal, which includes the text "BANNING, CA" and "STAGECOACH TOWN USA". The main title "City Council" is in large white font, and "Agenda Item VIII.3" is in a slightly smaller white font below it. Below the title is a subtitle in a smaller white font: "INTRODUCTION & FIRST READING OF ORDINANCE 1555, AMENDING CHAPTERS 15.08 AND 8.16 OF THE BANNING MUNICIPAL CODE".



The slide features a dark blue background with a circular graphic in the upper right corner. In the top left corner is the Banning City Seal. The title "Background" is in white font, centered above a list of bullet points. The list describes the process of introducing an ordinance, including the first reading at the November 19th City Council Meeting, inquiries about pool fencing and fire suppression costs, and the setting of a public hearing for the December 10th Meeting.

- The Health & Safety Code requires that the Building Code (and other codes referenced herein) is introduced before the City Council and then a public hearing and subsequent adoption take place.
- The City Council held the first reading and ordinance introduction at the November 19<sup>th</sup> City Council Meeting.
- The Council inquired as to the changes/amendments the City is making to pool fencing and the reimbursement costs associated with fire suppression services.
- A public hearing was set for the December 10<sup>th</sup> Meeting.



## Ordinance 1555

The Health and Safety Code requires cities to adopt specified codes contained in the California Building Standards Code (CBSC) by reference by January 20, 2020.

**2019 Editions of the:**

- ▶ California Building Code
- ▶ Residential Code, Green Building Standards Code, Plumbing Code
- ▶ Mechanical Code
- ▶ Electrical Code
- ▶ Fire Code

**2018 Edition of the:**

- ▶ International Property Maintenance Code
- ▶ 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings
- ▶ Deleting Chapter 15.20 of the Banning Municipal Code concerning wind speed requirements
- ▶ Amending Chapter 15.40 of the Banning Municipal Code concerning pool fencing and enclosure standards
- ▶ Administrative Clarifications



## 2019 Building Code

The City's Building Official has reviewed the amendments, modifications, and updates provided by the California Building Standards Code (CBSC) and is recommending the following changes to Title 15 of the Banning Municipal Code:

- Deleting Chapter 15.20 of the Banning Municipal Code concerning wind speed requirements.
- Amending Chapter 15.40 of the Banning Municipal Code concerning pool fencing and enclosure standards.



## Fire Code

In regard to the 2019 Fire Code, the City of Banning contracts with the Riverside County Office of the Fire Marshall for code compliance and fire prevention services, plan check review, business inspection, and customer service. Riverside County Fire has provided the outline of the County's proposed amendments along with their justification of the amendments as is required by law; which are all articulate in Exhibit "A".



## 2019 Code Updates

If approved, Ordinance 1555 will amend Title 8 and 15 by repealing references to the prior editions of the model codes. The list below identifies the model codes upon which the 2019 Title 24 is based.

The Construction Codes proposed for adoption by reference include the following:

- 2019 California Building Code
- 2019 California Residential Code
- 2019 California Green Building Standards Code
- 2019 California Plumbing Code
- 2019 California Mechanical Code
- 2019 California Electrical Code
- 2019 California Fire Code
- 2018 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

The City's Building Official and Fire Marshall are recommending certain changes and amendments to the 2019 California Building and Fire Codes, respectfully; which have been itemized and attached herein.



## Staff Recommendation

That the City Council:

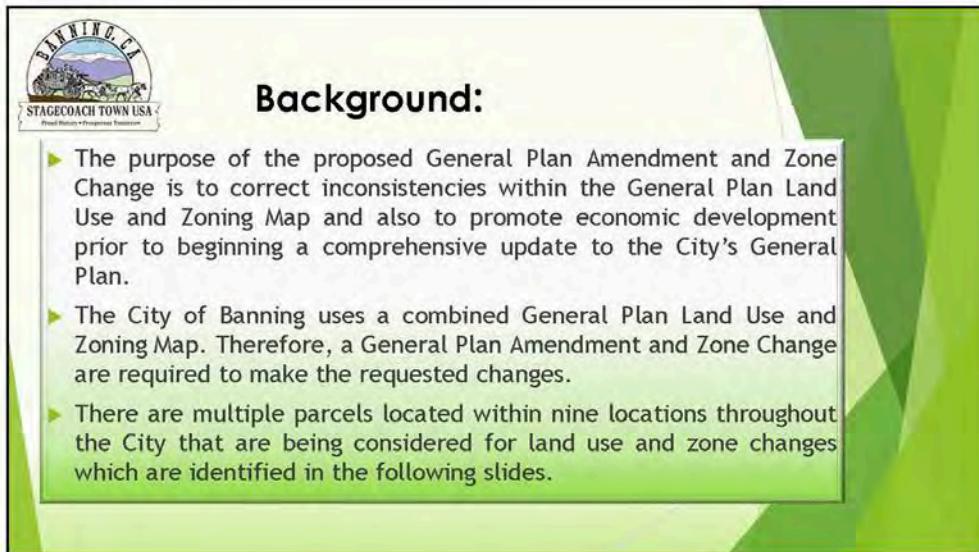
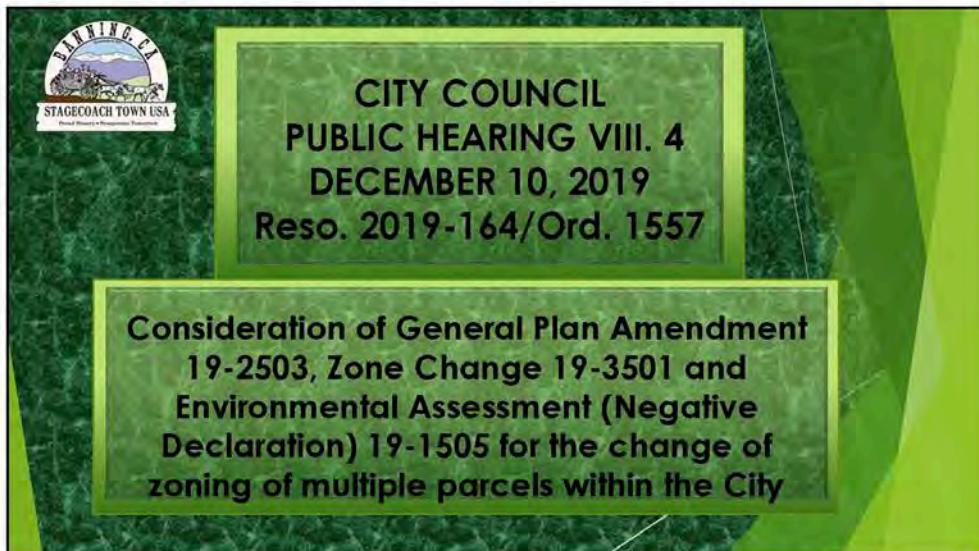
- ▶ Adopt the Notice of Exemption (NOE) which determines that Ordinance No. 1555 is not subject to CEQA, pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA; and
- ▶ Conduct a public hearing on Ordinance No. 1555 and at the close of public hearing, adopt Ordinance No. 1555 amending Ordinance No. 1555 in its entirety and replacing it with language adopting the 2019 California Building Standards Code as amended.



# The End

QUESTIONS OR COMMENTS?

# ATTACHMENT 8

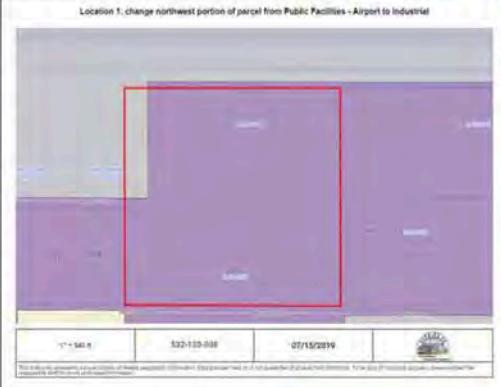




## Location One

**Location One** consist of the northwestern 2.1-acre portion of Assessor's Parcel Number 532-130-008. The northwest part of this parcel is currently zoned, Public Facilities - Airport, and is proposed to be rezoned to, Industrial, to be consistent with the remainder of the parcel. The site is surrounded by Public Facilities - Airport Zoning to the north, Industrial Zoning to the east and south and Public Facilities - Airport and Industrial Zoning to the west.

**Location 1, change northwest portion of parcel from Public Facilities - Airport to Industrial**



1/4 = 540 ft 532-130-008 07/15/2019 

This document contains a map of a parcel of land and is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town.



## Vicinity Map

**Vicinity Map**



Location One, Vicinity Map  
1/4 = 540 ft 532-130-008 07/15/2019 

This document contains a map of a parcel of land and is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town.

## Aerial Map

**Aerial Map**



Location One, change Land Use and Zoning from Public Facilities-Airport to Industrial  
1/4 = 540 ft 532-130-008 07/15/2019 

This document contains a map of a parcel of land and is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town. This document is not a map of the entire town.



## Location Two

**Location Two** consists of six parcels which are identified as Assessor's Parcel Number's 541-260-033, 035, 041, 042, 044 and 047 and are all part of the City of Banning Public Works/Electric Utility Yard. The six parcels are currently zoned, Medium Density Residential (MDR), and the proposed zoning is, Public Facility - Government to be consistent with the remainder of the existing project site (Public Works/Electric Utility Yard). The site is surrounded by Public Facilities - Government Zoning to the north, Industrial Zoning to the east, Low-Density Residential Zoning to the south and Medium Density Residential and Commercial Zoning and Commercial Zoning to the west.



Location Two, Zoning Map

541-260-033, 035, 041, 042, 044, 047  
08/01/2019



## Vicinity Map

**Vicinity Map** showing the change of Land Use and Zoning from Medium Density Residential to Public Facilities - Government.



Location Two, Aerial Map

541-260-033, 035, 041, 042, 044, 047  
07/15/2019

## Aerial Map



## Location Three

**Location Three** consists of two parcels which are identified as Assessor's Parcel Number's 534-161-008 and 009. Location Three is currently zoned, High Density Residential (11-18 du/ac) and is currently vacant. The City proposes to rezone the two parcels (consisting of 1.01-acres) to High Density Residential-20/Affordable Housing Opportunity (20-24 DU/AC) to be consistent with the adjacent parcel to the east. This will provide opportunity sites for low income housing in anticipation of the upcoming Housing Element update in 2021. The site is surrounded by Low Density Residential zoning to the south east, High Density Residential (11-18 du/ac) zoning to the north and west.





## Vicinity Map





## Aerial Map



## Location Four

**Location Four** consists of six parcels which are identified as Assessor's Parcel Number's 532-160-006, 007, 008, 009, 013, and 014. Location Four is currently zoned, Very Low Density Residential (0-2 du/ac) and has several occupied residential structures. The City proposes to rezone the six parcels to the Industrial zone. The properties to the north, east, and west are all zoned Industrial as well. The properties located to the south are zoned Public Facilities - Government.

**Location Four, Zoning Map**



Location Four, Zoning Map

532-160-006, 007, 008, 009, 013, 014  
11/08/2019



## Vicinity Map

**Vicinity Map**



Location Four, Vicinity Map

532-160-006, 007, 008, 009, 013, 014  
07/13/2019

**Aerial Map**

**Location Four, Aerial**



Location Four, Aerial

532-160-006, 007, 008, 009, 013, 014  
07/13/2019



## Location Five (Removed by Commission)

**Location Five** consists of two parcels which are identified as Assessor's Parcel Number's 540-220-008 and 009. All of parcel 540-220-008 and the west half of parcel 540-220-009 are currently zoned General Commercial. The City proposes to change the General Commercial Zoning to Industrial to be consistent with the remainder of the partially developed site. The property is surrounded by Industrial zoning to the south and east, commercial to the west and bounded to the north by the Interstate 10 freeway.





## Vicinity Map





## Aerial Map



## Location Six

**Location Six** consist of one parcel which is identified as Assessor's Parcel Number 540-250-060. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The property is bounded by Commercial to the north, Medium Density Residential to the west and south and portions to the east. The City proposes to change the Industrial zoned portion of the property to Medium Density Residential to be consistent with the remainder of the lot.





## Vicinity Map





## Aerial Map



## Location Seven

Location Seven consists of two parcels which are identified as Assessor's Parcel Number's 540-250-035 and 045; which consist of the City of Banning Utility Yard. The northern area of the property is currently zoned Industrial and the remaining part of the property is zoned Medium Density Residential. The property is bounded by Industrial to the north and west, Medium Density Residential to the south and Commercial to the east. The City proposes to change the Medium Density Residential zoned portion of the properties to Industrial to be consistent with the remainder of the Industrial developed site.



Location Seven, Zoning Map  
1/1 = 100 ft 540-250-035, 045 07/15/2019



## Vicinity Map



Location Seven, Vicinity Map  
1/1 = 100 ft 540-250-035, 045 07/15/2019



Location Seven, Aerial Map  
1/1 = 100 ft 540-250-035, 045 07/15/2019

## Aerial Map



## Location Eight (Removed by Commission)

**Location Eight** consists of seven parcels which are identified as Assessor's Parcel Number's 534-172-001, 002, 003, 004, 005, 007 and 008. The site is currently zoned Low Density Residential and surrounded by Low Density Residential to the north, east, and south. The property is also bounded by Medium Density Residential. The City proposes to rezone the site to Medium Density Residential to allow for a higher density like the Medium Density Residential zone to the west.

**Location Eight, Zoning Map**



Location Eight, Zoning Map

11-2111 534-172-001, 002, 003, 004, 005, 007, 008 11/06/2019



## Vicinity Map

**Location Eight, Vicinity Map**



Location Eight, Vicinity Map

11-2111 534-172-001, 002, 003, 004, 005, 007, 008 11/06/2019

## Aerial Map

**Location Eight, Aerial Map**



Location Eight, Aerial Map

11-2111 534-172-001, 002, 003, 004, 005, 007, 008 11/06/2019



## Location Nine

Location Nine consist of one parcel which is identified as Assessor's Parcel Number 534-152-025. The vacant site is currently zoned Low Density Residential but is owned by the City of Banning and intended for as a future public facilities site. The property is surrounded by Low Density Residential to the north, south, east, and west. The City proposes to rezone the site to Public Facilities-Government to allow the future construction and operation of an Electrical Substation Facility.





## Vicinity Map





## Aerial Map



### Environmental Determination

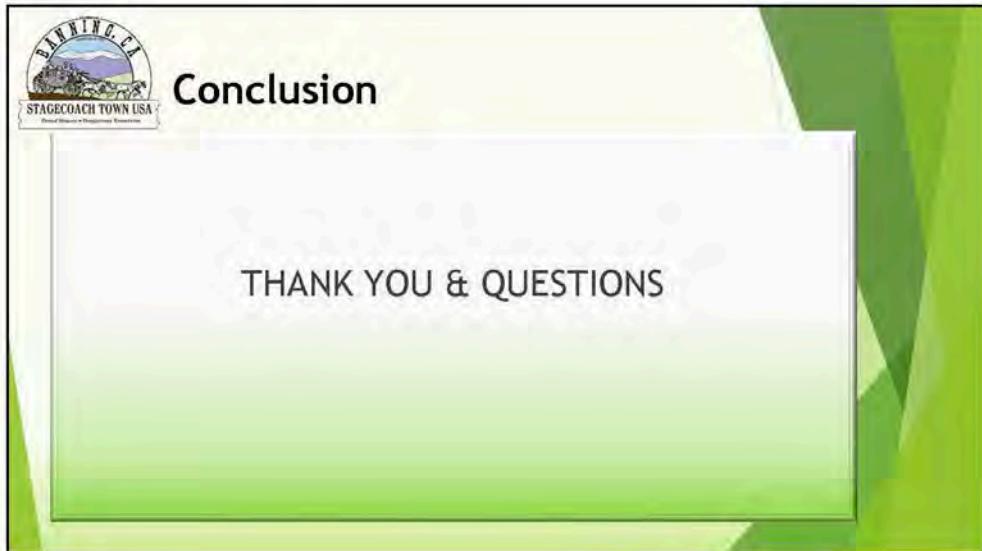
- ▶ An Environmental Assessment (Initial Study) was prepared to determine if the project, as proposed, would have a significant effect on the environment. The City released notification of its intent to adopt a Negative Declaration (ND) on October 22<sup>nd</sup>.
- ▶ The Initial Study was circulated to various Government Agencies and all property owners within 300-feet of the project sites.
- ▶ At the time of this meeting, no comments have been received from any of the property owners or government agencies notified.
- ▶ The results of that study determined all environmental impacts are less than significant and a Negative Declaration is proposed for adoption.



### Planning Commission Recommendation

The Planning Commission recommends the City Council:

- ▶ Adopt Resolution 2019-164, approving General Plan Amendment 19-2503 and Environmental Assessment 19-1505 adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof.
- ▶ Adopt for the first reading Ordinance 1557 approving Zone Change 19-3501.





## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** January 14, 2019

**SUBJECT:** Adoption of Ordinance 1553, proposing amendments to Chapter 3.36 "Fee and Service Charge Revenue/Cost Comparison" of the Banning Municipal Code (BMC) ("Code Amendment"), and Making Findings Pursuant to CEQA.

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### **RECOMMENDED ACTION:**

That the City Council:

Waive further reading and Adopt Ordinance 1553; An Ordinance of the City of Banning California, amendments to Chapter 3.36 "Fee and Service Charge Revenue/Cost Comparison" of the Banning Municipal Code (BMC) ("Code Amendment").

### **BACKGROUND:**

The City Council conducted a Public Hearing, solicited testimony from stakeholders, members of the public, and city staff. Upon closing the Public Hearing, the City Council adopted Resolution 2019-113 which approves the City's updated Master Fee Schedule; introduced the first reading of Ordinance 1553; and made findings pursuant to CEQA.

### **DISCUSSION**

The Master User Fee Schedule focuses on the cost of City services, as City staff currently provides them at the existing, known, or reasonably anticipated service and staff levels. This report provides a summary of the study results, and a general description of the approach and methods Willdan and City staff used to determine the recommended fee schedule. The report is not intended to document all of the numerous discussions throughout the process, nor is it intended to provide influential dissertation on the qualities of the utilized tools, techniques, or other approaches.

### **JUSTIFICATION:**

The basic concept of the Study is to determine the "reasonable cost" of each service provided by the City for which it charges a user fee. The full cost of providing a service may not necessarily become the City's fee, but it serves as the objective basis as to the maximum amount that may be collected. The standard fee limitation established in California law for property-related (non-discretionary) fees is the "estimated, reasonable cost" principle. In order to maintain compliance with the letter and spirit of this standard, every component of the fee study process included a

related review. The use of budget figures, time estimates, and improvement valuation clearly indicates reliance upon estimates for some data.

**FISCAL IMPACT:**

The update to the City's Master User Fee Schedule will provided the cost recovery necessary to ensure the existing level of service, and the reasonably anticipated increases in service remain and that the City does not incur a significant financial cost to provide this service.

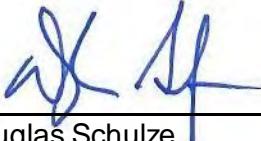
**OPTIONS:**

1. Approve as recommended; or
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Ordinance 1553  
[https://banningca.gov/DocumentCenter/View/6787/ATTACHMENT-1---Ordinance-1553-for-Master-Fee-Study\\_01-14-20](https://banningca.gov/DocumentCenter/View/6787/ATTACHMENT-1---Ordinance-1553-for-Master-Fee-Study_01-14-20)
2. Comprehensive User Fee Study, dated January 2, 2019 (Willdan)  
<https://banningca.gov/DocumentCenter/View/6788/ATTACHMENT-2---Banning-UF-Report-v3-01-02-19>
3. Master Fee Schedule  
<https://banningca.gov/DocumentCenter/View/6789/ATTACHMENT-3---MASTER-FEE-SCHEDULE>
4. Proof of Publication  
<https://banningca.gov/DocumentCenter/View/6785/ATTACHMENT-4---PHN>
5. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/6786/ATTACHMENT-5---Notice-of-Exemption-NOE>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Adoption of Ordinance 1557 approving Zone Change 19-3501, a proposed amendment to the and Zoning Map to eliminate inconsistencies within the map and promote economic development, finding the project will have a less than significant effect on the environment approving a Negative Declaration.

### **RECOMMENDED ACTION:**

Staff recommends the City Council:

Waive further reading and Adopt Ordinance 1557 approving Zone Change 19-3501 to amend the zoning classification for multiple properties located within seven locations throughout the City (APN'S 532-130-008, 541-260-033, -035, -041, -042, -044, -047, 534-171-008, -009, 532-160-005, -007, -008, -009, -013, -014, 540-250-060, 540-250-034, -045, AND 534-152-025)

### **PROJECT / APPLICANT INFORMATION:**

Project Location Seven locations throughout the City of Banning (**locations 5 and 8 were not recommended for approval by the Planning Commission and are represented by the strikethrough below**)

APN Information:

1. 532-130-008 (portion of 008)
2. 541-260-033, 035, 041, 042, 044, 047
3. 534-161-008, 009
4. 532-160-006, 007, 008, 009, 013, 014
5. ~~540-220-008, 009 (portion of 009)~~
6. 540-250-060 (portion of 060)
7. 540-250-035, 045 (portion of 035 & 045)
8. ~~534-172-001, 002, 003, 004, 005, 007, 008~~
9. 534-152-025

Project Applicant: City of Banning  
Community Development Department

Property Owner: Various property owners (Citywide)

**BACKGROUND:**

As a precursor to the City's comprehensive General Plan Update, City staff is recommending that multiple parcels within the Banning City limits undergo an update to their General Plan Land Use Designation (GP LUD) in order to accurately reflect the underlying and existing land use or to facilitate the economic development of the property.

A comprehensive General Plan Update is a lengthy and costly endeavor, likely requiring a Programmatic Environmental Impact Report (PEIR), public outreach meetings, commission workshops and certain analyses required by state law. Altogether, this process can take an average of 24 months to conduct said meetings, establish the environmental impacts and disclose such impacts to members of the public and the City's advisory and decision making authorities (e.g., Planning Commission and City Council).

Given the amount of time, cost, and effort a comprehensive General Plan Update will take, several developments within the City are limited in their economic development potential and would likely suffer if subject to the timelines of a formal General Plan Update. As such, staff is recommending that nine locations undergo a selected change in land use and zoning to facilitate their future expansion and/or development opportunities. In addition, there are properties that the City owns, in which our General Plan Land Use Element does not correctly reflect the existing use currently in operation by the Banning Electric Utility (BEU) as well as property identified for future development as a substation.

**Planning Commission Recommendation:**

On November 6, 2019, the Planning Commission of the City of Banning, held a duly notice public hearing on the proposed General Plan Land Use Map and Zoning Map Amendments (GPA 19-2503, ZC 19-3501) and Environmental Assessment (EA 19-1505) and, following public testimony and the close of the hearing, and adopted Resolution 2019-22 (as revised), by a 4-0-1 vote (Commissioner Krick not participating), recommending that the City Council of the City of Banning, approve GPA 19-2503, ZC 19-3501, and EA 19-1508, with the exclusion of Locations 5 (APNs: 540-220-008, -009) and 8 (APNs: 534-172-001, -002, -003, -004, -005, -007, and -008) from GPA 19-2503 and ZC 19-3501.

Location 5 represents the Banning Business Center which is currently split between a Commercial Retail (CR) and Industrial (I) General Plan Land Uses. The property is still represented by one address and the westerly half, of the center parcel includes this land use designation split between Commercial and Industrial. Staff's recommendation is to consolidate the land uses under an Industrial designation.

Location 8 represents a property located at the northeast corner of N. Alessandro St. and E. Hoffer St. which currently has a land use designation of Low Density Residential (LDR) (0-5 DU/AC). Staff's recommendation is to upgrade the land use designation and zoning to one of Medium Density Residential (MDR) (0-10 DU/AC). The property known as Vista Serena is located directly across E. Gilman St. and slightly to the northeast of the subject property. The Vista Serena property is designated as High Density Residential (HDR) (11-14 DU/AC). In addition, the lot sizes located directly adjacent, and to the east, of the subject property represent a lot size more in line with a MDR density range of 7,000 to 8,000 square foot lot sizes+.

City Council approval of the first reading of Ordinance 1557. On, December 10, 2019, the City Council approved for the first reading, Ordinance 1557.

**ANALYSIS:**

The purpose of the proposed General Plan Amendment and Zone Change is to correct inconsistencies within the General Plan Land Use and Zoning Map and to promote economic development. The City of Banning uses a combined Land Use and Zoning Map. Therefore, updates to the City's General Plan and Zoning Map are required to effectuate these changes.

**General Plan Amendment**

- A. The General Plan is the comprehensive long-term plan for the physical development of the city and lays the basic framework for all subsequent planning actions taken by the City. Since the City Council is desirous of proper development within the city and wishes to continue to encourage the development of appropriate projects, it becomes necessary to regulate such development so that it is properly integrated into the City's long term vision and planning process.
- B. The City Council may amend the General Plan of the City of Banning whenever required by public necessity and general welfare.
- C. The Commission shall make written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings to the City Council.
- D. Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings. Amendments to the General Plan Land Use/Zoning District map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.
- E. An amendment to the General Plan may be adopted only if all of the findings are made:
  - a. That the proposed amendment is internally consistent with the General Plan.
  - b. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - c. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
  - d. That in the case of an amendment to the General Plan Land Use Map, the subject parcels (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 developments (s).

The proposed General Plan Amendment findings are made and can be found in the attached Resolution.

Zone Change

- A. The City Council may amend the provisions of this Zoning Ordinance for the public health, environmental protection, safety, general welfare and the aesthetic harmony of the City.
- B. The Planning Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove based upon their findings.
- C. Commission action recommending that the proposed Zoning Ordinance Amendment be approved, approved in modified form, or denied shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission's recommendation to approve, or approve in modified form, shall be forwarded to the City Council.
- D. Upon receipt of the Planning Commission's recommendation for approval, approval in modified form, or denial, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance.
- E. An amendment to this Zoning Ordinance may be adopted only if the following findings are made:
  - a. The proposed Amendment is consistent with the goals and policies of the General Plan.
  - b. The proposed Amendment is internally consistent with the Zoning Ordinance.
  - c. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

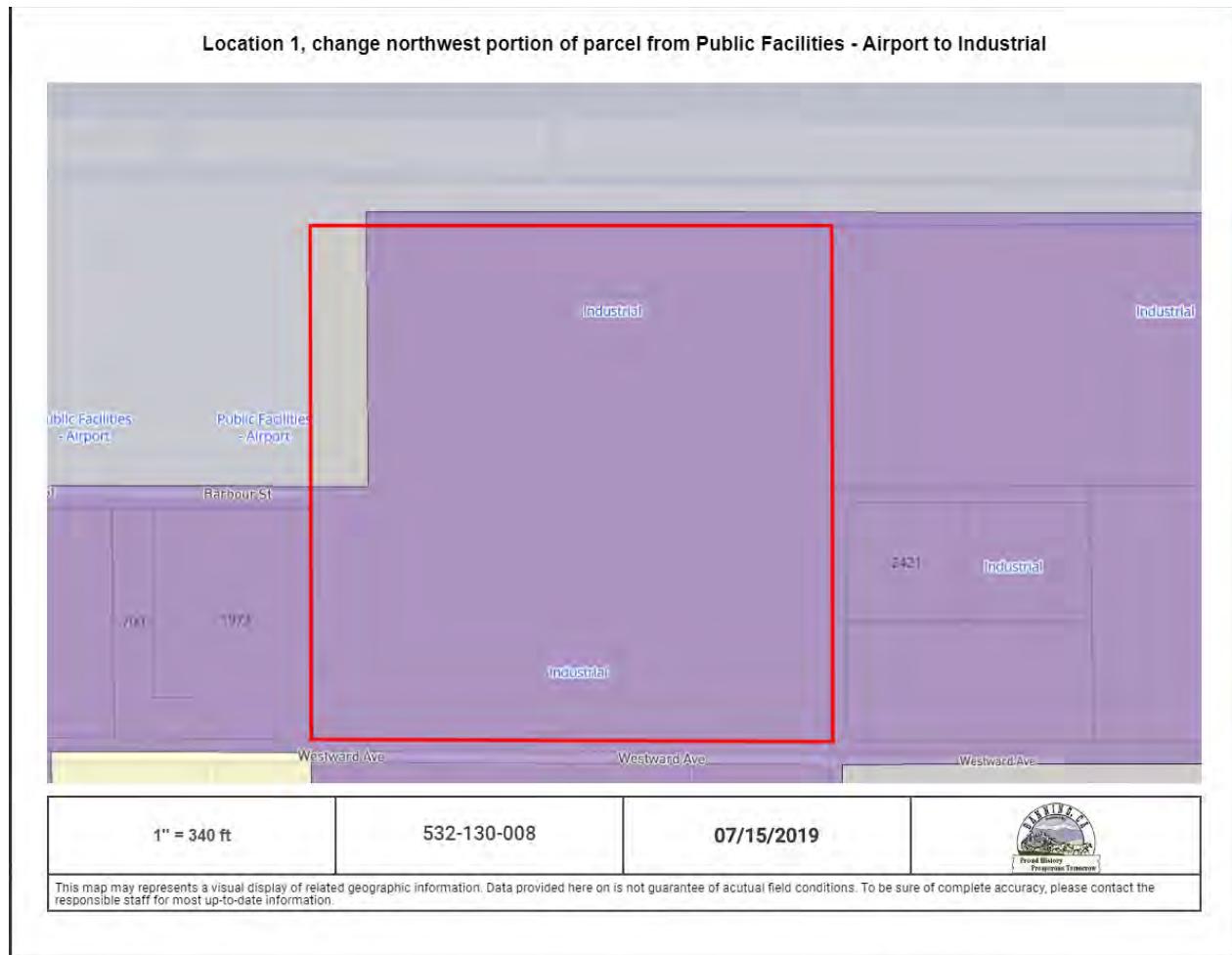
The proposed Zone Change findings are made and can be found in the attached Resolution.

The parcels identified for consideration are referenced below:

It is important to note that there is no development or ground disturbance proposed with this project. Any future development of any of the identified parcels will require separate approval in accordance with the Banning Municipal Code and environmental analysis pursuant to the California Environmental Quality Act.

1. **Location One** consist of the northwestern 2.1-acre portion of Assessor's Parcel Number 532-130-008. The northwest part of this parcel is currently zoned, Public Facilities – Airport, and is proposed to be rezoned to, Industrial, to be consistent with the remainder of the parcel. The site is surrounded by Public Facilities-Airport Zoning to the north, Industrial Zoning to the east and south and Public Facilities-Airport and Industrial Zoning to the west. See Figure 1 below.

**Figure 1, Location One, Zoning Map**

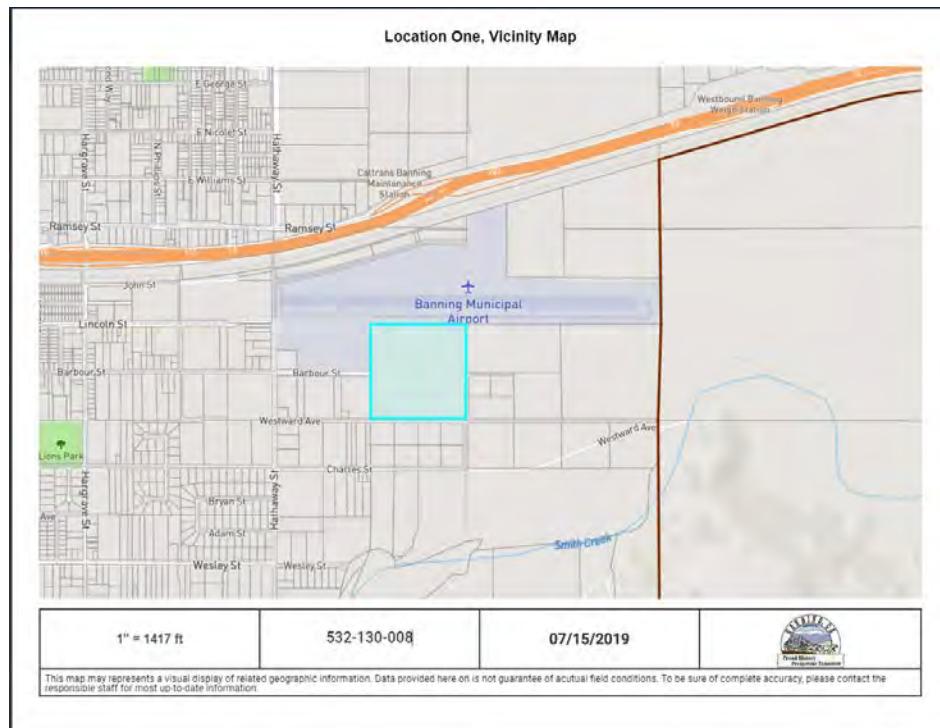


Location One is a 39.1-acre parcel located south of the Banning Municipal Airport, north of Westward Avenue and 1,315 feet east of Hathaway Street. The vacant parcel is relatively flat with a slight downward slope from the north to the south. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site vegetation consists mainly of native and non-native plants and grasses. Additionally, the site has been heavily disturbed by human activities and there are signs of repeated disking for weed abatement and fire prevention. See Figures 2 and 3 below.

**Figure 2, Location One, Aerial Map**

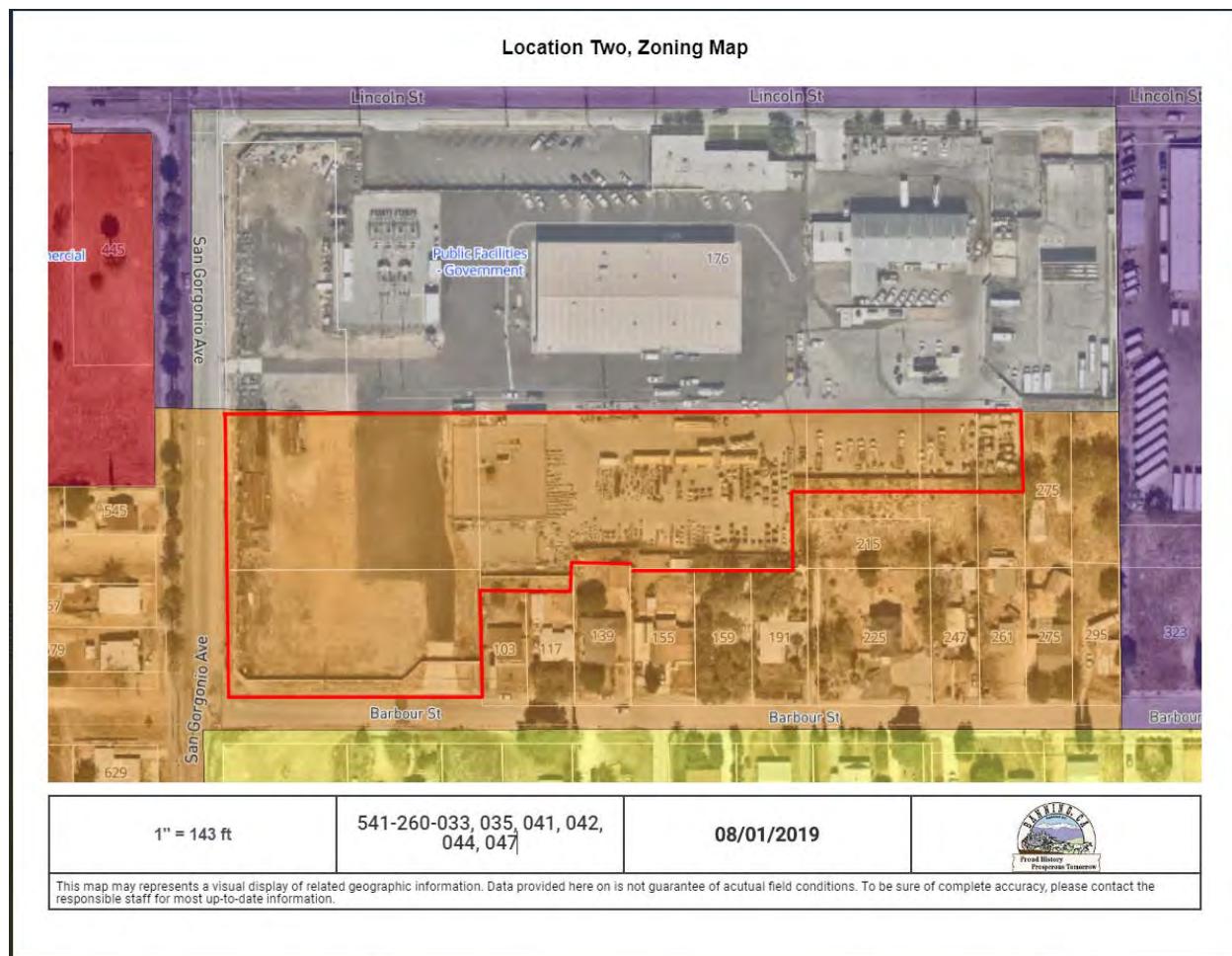


**Figure 3, Location One, Vicinity Map**



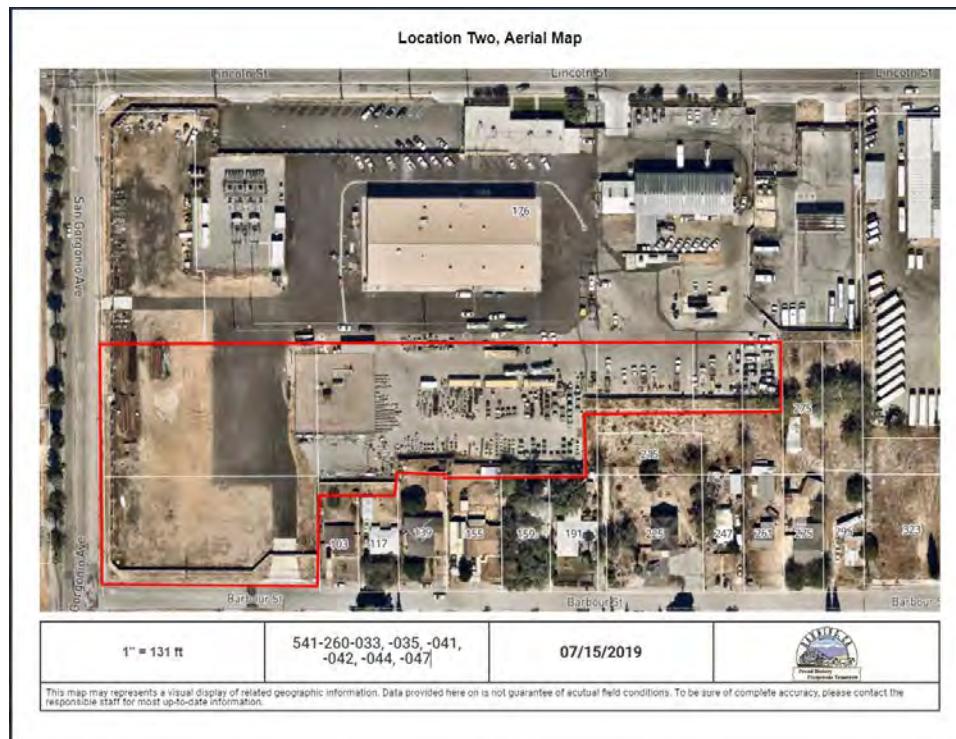
2. **Location Two** consists of six parcels which are identified as Assessor's Parcel Number's 541-260-033, 035, 041, 042, 044 and 047 and are all part of the City of Banning Public Works/Electric Utility Yard. The six parcels are currently zoned, Medium Density Residential (MDR), and the proposed zoning is, Public Facility – Government to be consistent with the remainder of the existing project site (Pubic Works/Electric Utility Yard). The site is surrounded by Public Facilities-Government Zoning to the north, Industrial Zoning to the east, Medium Density Residential Zoning and Low Density Residential Zoning to the south and Medium Density Residential Zoning and Commercial Zoning to the west. See Figure 4 below.

**Figure 4, Location Two, Zoning Map**

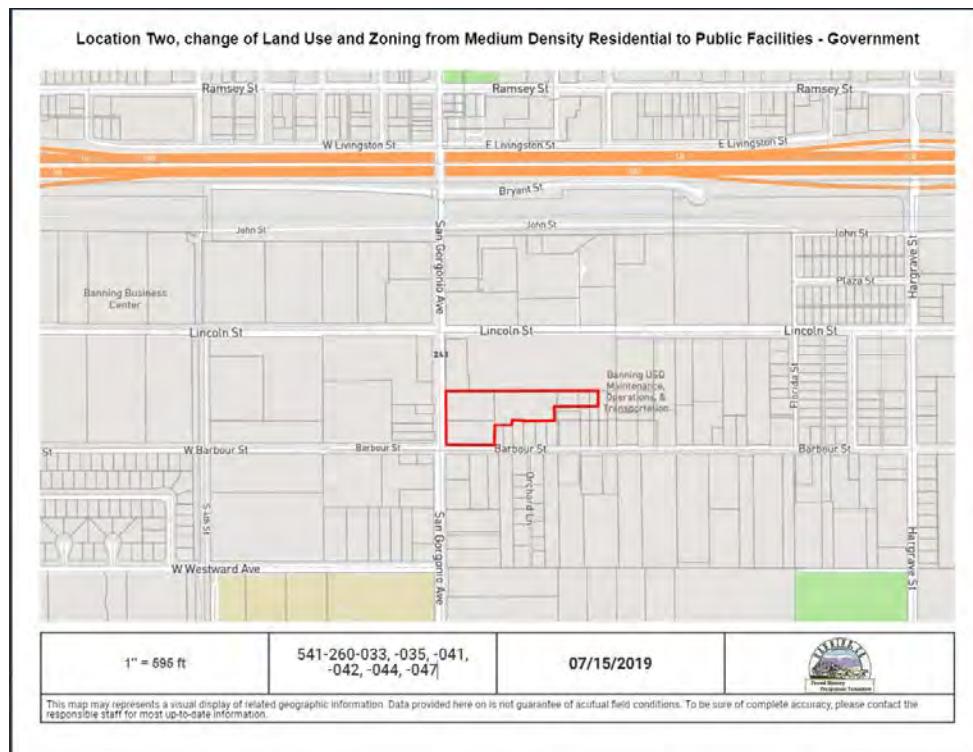


Location Two consists of approximately 3.81-acres located at the Northeast corner of San Gorgonio Avenue and Barbour Street. The site is relatively flat with existing pavement for storage of materials and supplies. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. There is no existing vegetation or habitat for endangered species. See Figures 5 and 6 below.

**Figure 5, Location Two, Aerial Map**



**Figure 6, Location Two, Vicinity Map**



3. **Location Three** consists of two parcels which are identified as Assessor's Parcel Number's 534-161-008 and 009. Location Three is currently zoned, High Density Residential (11-18 du/ac) and is currently vacant. The City proposes to rezone the two parcels to High Density Residential-20/Affordable Housing Opportunity (20-24 DU/AC) to be consistent with the adjacent parcel to the east. This will provide opportunity sites for low income housing in anticipation of the upcoming Housing Element update in 2021. The site is surrounded by Low Density Residential zoning and High Density Residential 20/Affordable Housing Opportunity (20-24 du/ac) zoning to the east, High Density Residential (11-18 du/ac) zoning to the north and west. See Figure 7 below.

**Figure 7, Location Three, Zoning Map**



The two vacant parcels consist of approximately 1.01-acres located west of North Hermosa Avenue and north of East Gilman Street. The site is relatively flat and slopes gently from the northwest corner to the southeast corner. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and has been heavily disturbed by human activities and there are signs of past disketing for weed abatement and fire prevention. See Figures 8 and 9 below.

Staff Report: Ordinance 1557

January 14, 2020

Page 10 of 23

**Figure 8, Location Three, Aerial Map**

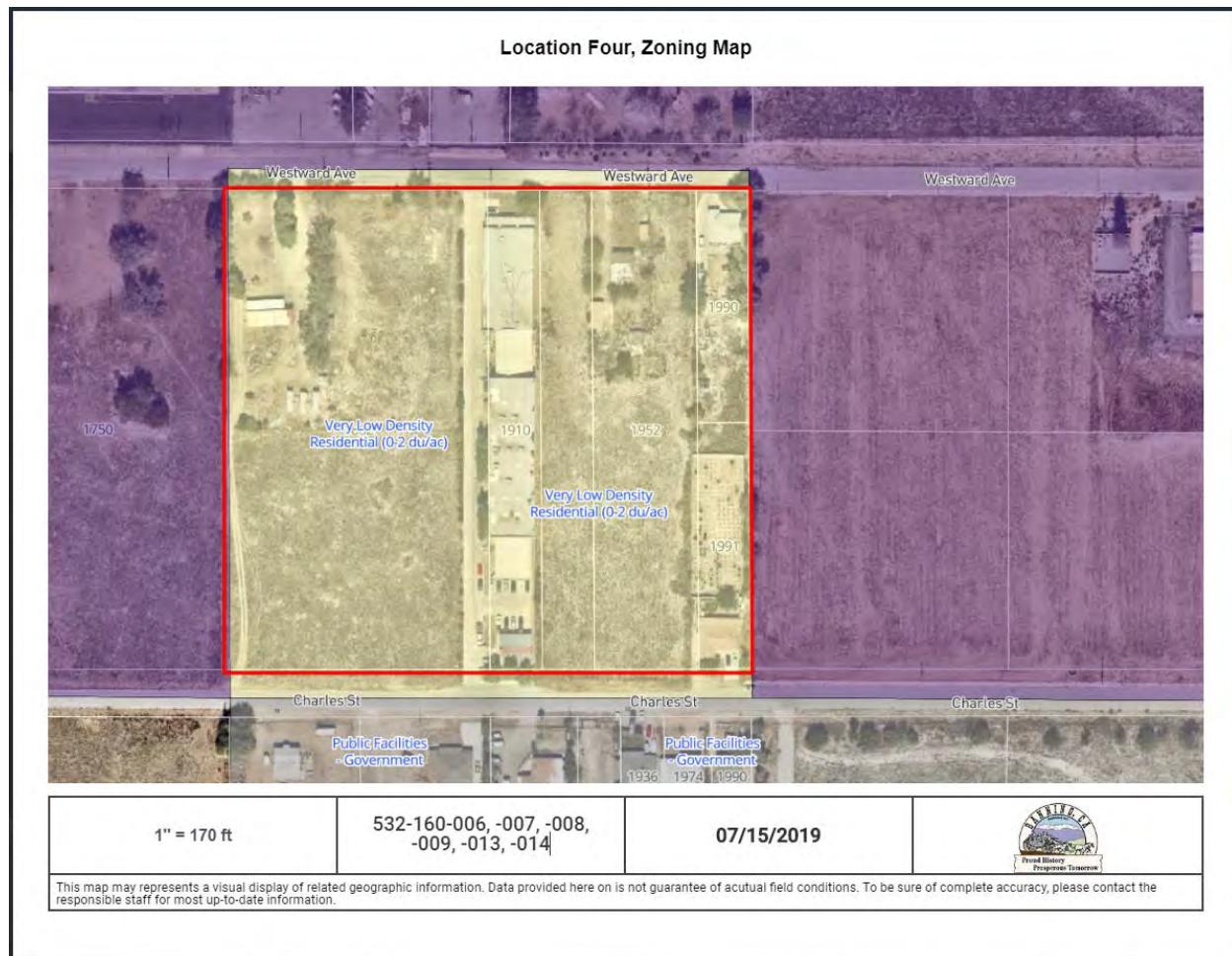


**Figure 9, Location Three, Vicinity Map**



4. **Location Four** consists of six parcels which are identified as Assessor's Parcel Number's 532-160-006, 007, 008, 009, 013, and 014. Location Four is currently zoned, Very Low Density Residential (0-2 du/ac) and has several occupied residential structures. The City proposes to rezone the six parcels to Industrial to be consistent with adjacent parcels to the east, west and north. See Figure 10 below.

**Figure 10, Location Four, Zoning Map**



The six parcels consist of approximately 9.22-acres located 660 feet east of Hathaway Street and north of Charles Street. The site is relatively flat and slopes gently downward from the Northwest corner to the Southeast corner. There are no unique landforms, rock outcroppings, drainage courses or forest. Four of the parcels have occupied residential structures, one of the parcels is industrially developed and the remainder parcel is vacant. The site has little existing vegetation and has been heavily disturbed by human activities. See Figures 11 and 12 below.

**Figure 11, Location Four, Aerial Map**

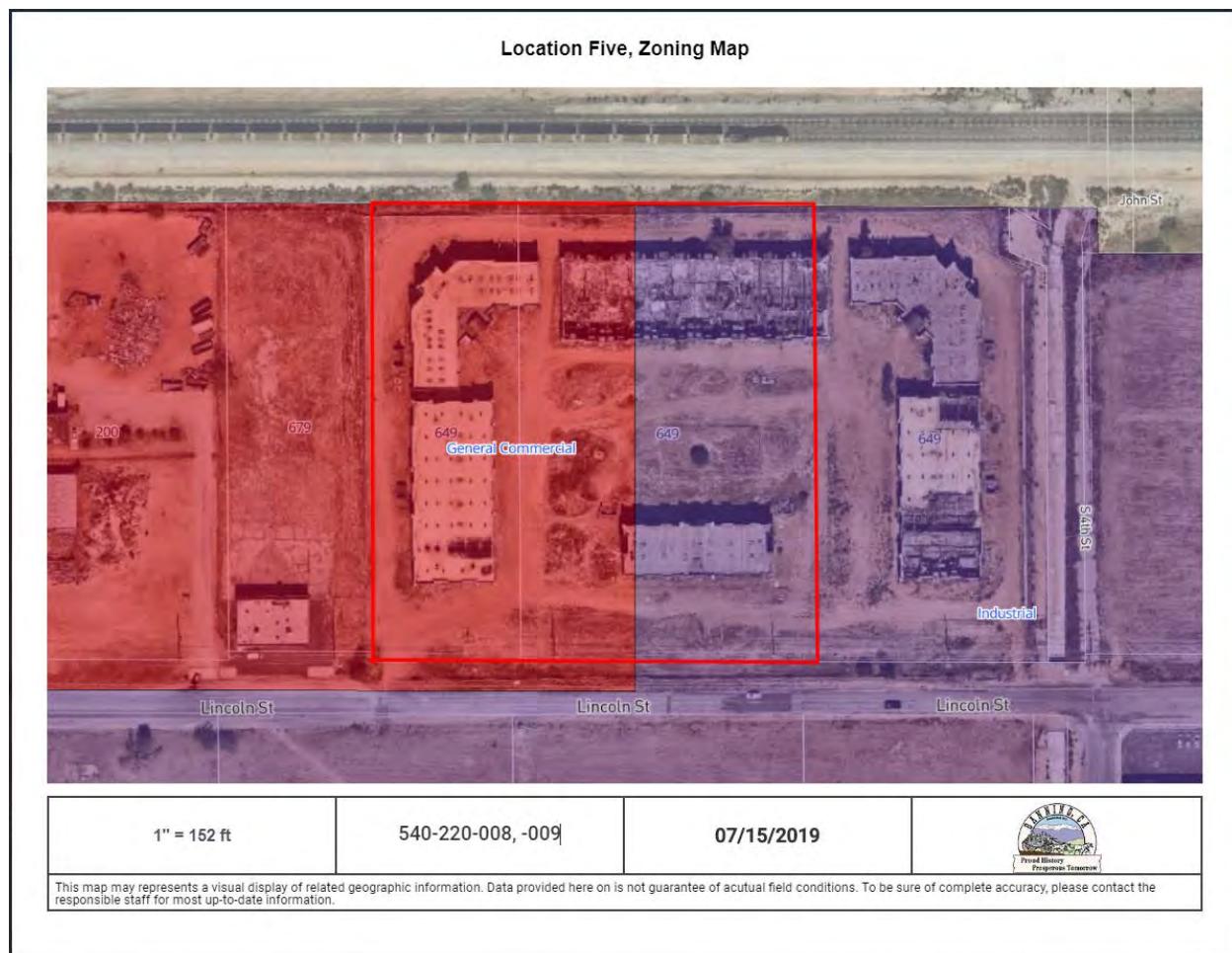


**Figure 12, Location Four, Vicinity Map**



5. ~~Location Five consists of two parcels which are identified as Assessor's Parcel Number's 540-220-008 and 009. All of parcel 540-220-008 and the west half of parcel 540-220-009 are currently zoned General Commercial. The City proposes to change the General Commercial Zoning to Industrial to be consistent with the remainder of the partially developed site. See Figure 13 below.~~

**Figure 13, Location Five, Zoning Map (REMOVED BY THE PLANNING COMMISSION)**

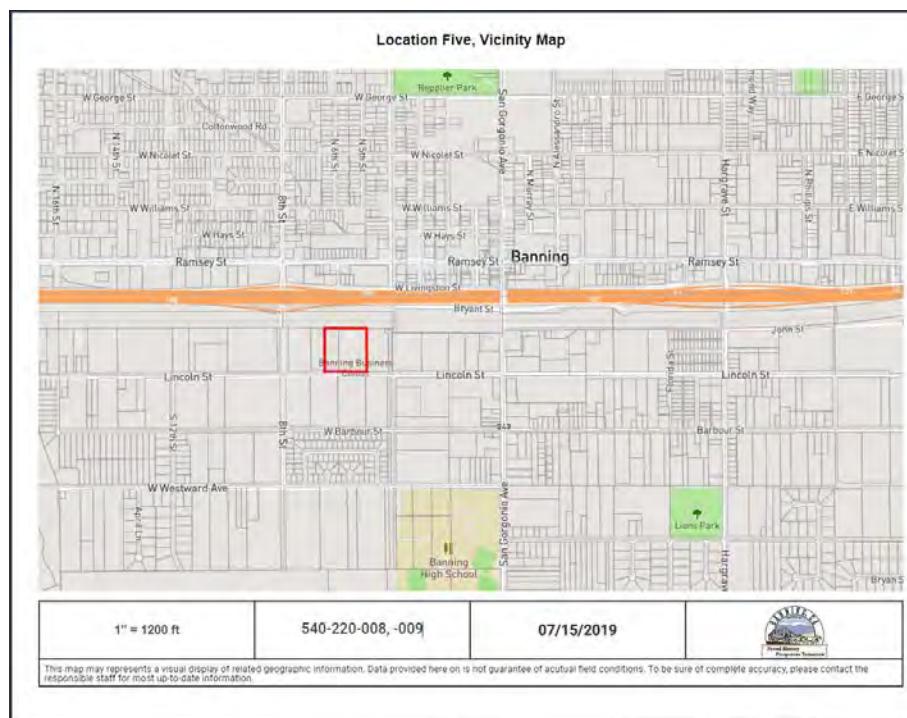


~~The two parcels consist of approximately 5.92 acres located 330 feet west of South 4<sup>th</sup> Street and north of Lincoln Street. The site is a relatively flat developed property with an existing burnt out vacant structure. The site was initially developed as Industrial Condo's but was never completed. The City is currently working with developers to either rehab and finish the development or tear it down and start over with a new project. See Figures 14 and 15 below.~~

**Figure 14, Location Five, Aerial Map (REMOVED BY PLANNING COMMISSION)**

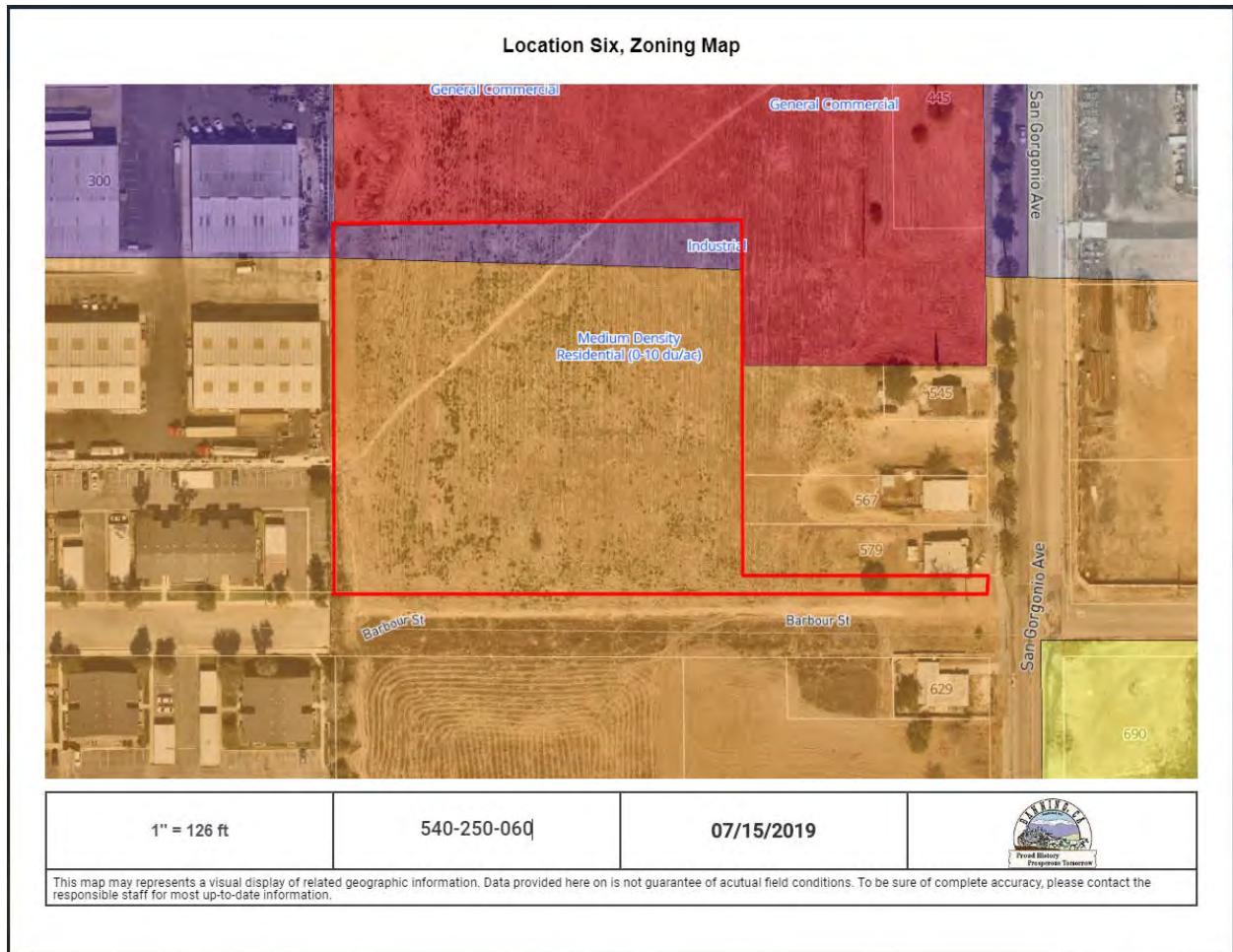


**Figure 15, Location Five, Vicinity Map (REMOVED BY PLANNING COMMISSION)**



6. **Location Six** consist of one parcel which is identified as Assessor's Parcel Number 540-250-060. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Industrial zoned portion of the property to Medium Density Residential to be consistent with the remainder of the lot. See Figure 16 below.

**Figure 16, Location Six, Zoning Map**

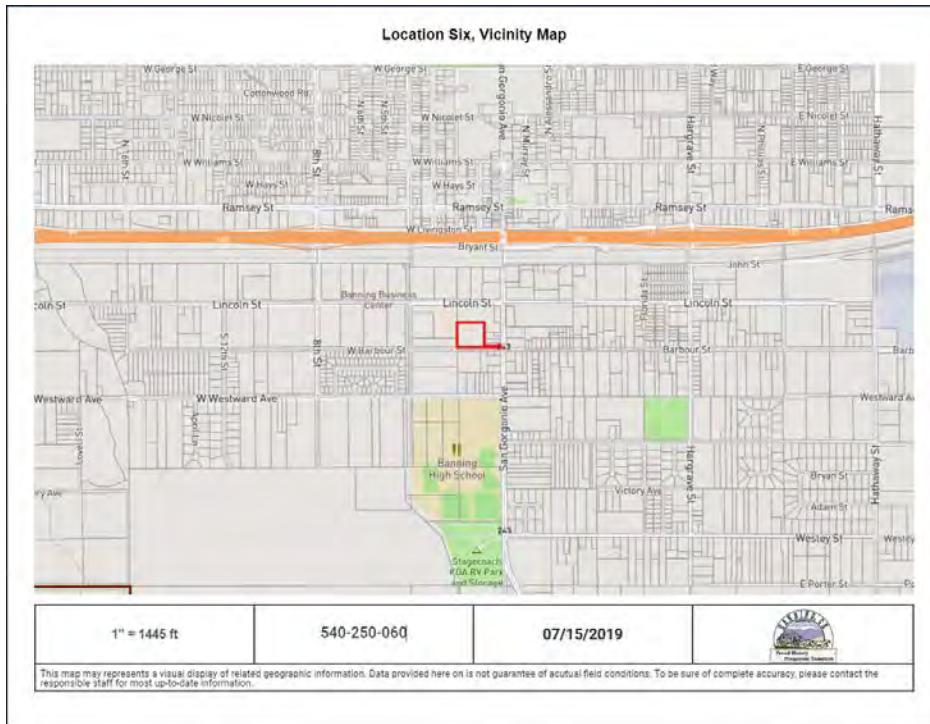


The parcel consists of approximately 3.22-acres located west San Gorgonio Avenue and north of Barbour Street. The site is a relatively flat and gently slopes downward from the northwest to the southeast. There are no unique landforms, rock outcroppings, drainage courses, structures or forest. The site has little existing vegetation and appears to have been heavily disked in the past for weed abatement and fire prevention. See Figures 17 and 18 below.

### Figure 17, Location Six, Aerial Map

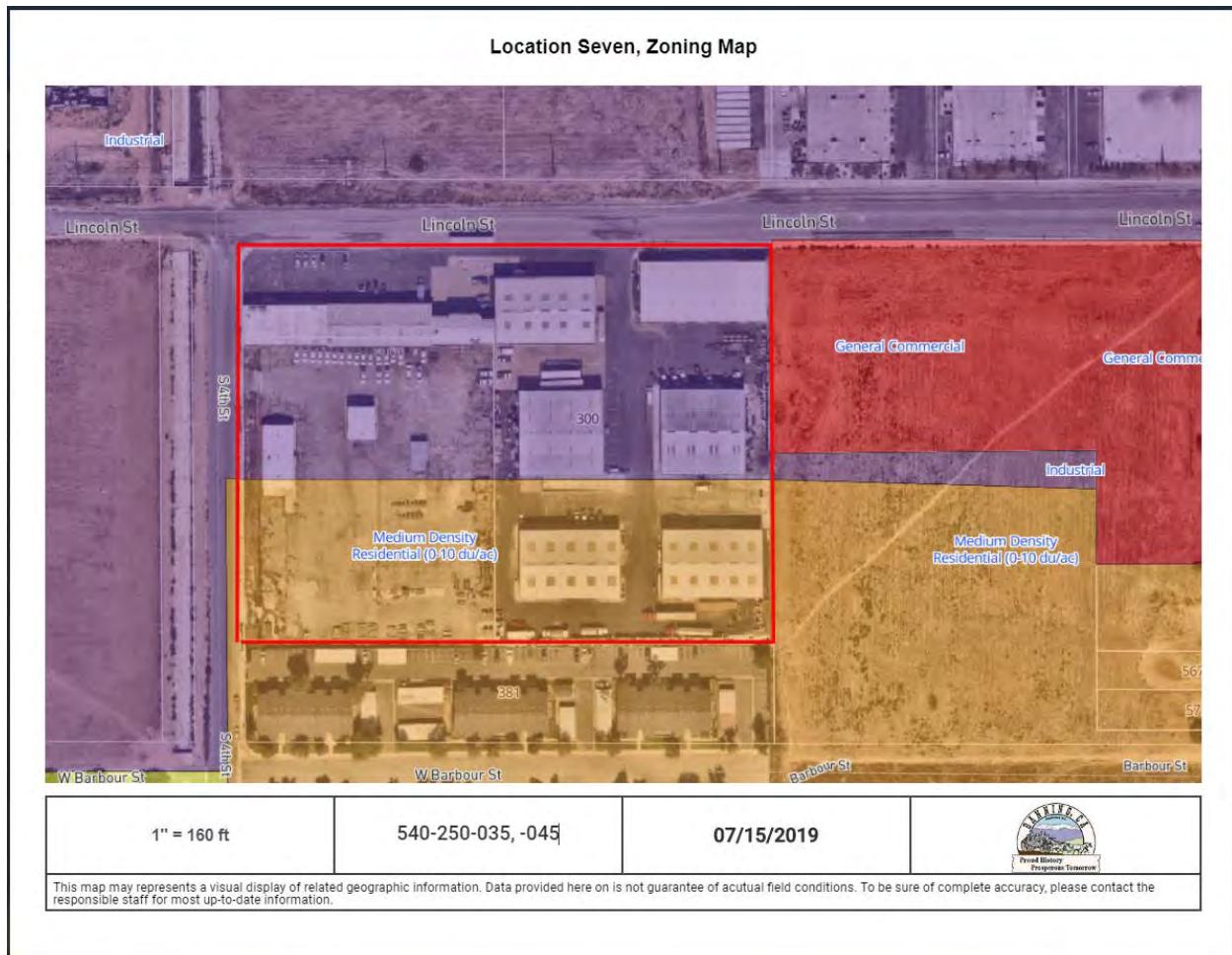


## Figure 18, Location Six, Vicinity Map



7. **Location Seven** consists of two parcels which are identified as Assessor's Parcel Number's 540-250-035 and 045. The northern area of the property is currently zoned Industrial. The remaining part of the property is zoned Medium Density Residential. The City proposes to change the Medium Density Residential zoned portion of the properties to Industrial to be consistent with the remainder of the Industrial developed site. See Figure 19 below.

**Figure 19, Location Seven, Zoning Map**



The two parcels consist of approximately 6.84-acres located on the south east corner of South 4<sup>th</sup> Street and Lincoln Street. The site is a relatively flat developed property with existing structures, parking and storage areas. The site is surrounded by vacant and developed industrially zoned properties to the north and west, vacant commercial and medium density residential to the east and developed medium density residential to the south. See Figures 20 and 21 below.

Staff Report: Ordinance 1557

January 14, 2020

Page 18 of 23

**Figure 20, Location Seven, Aerial Map**

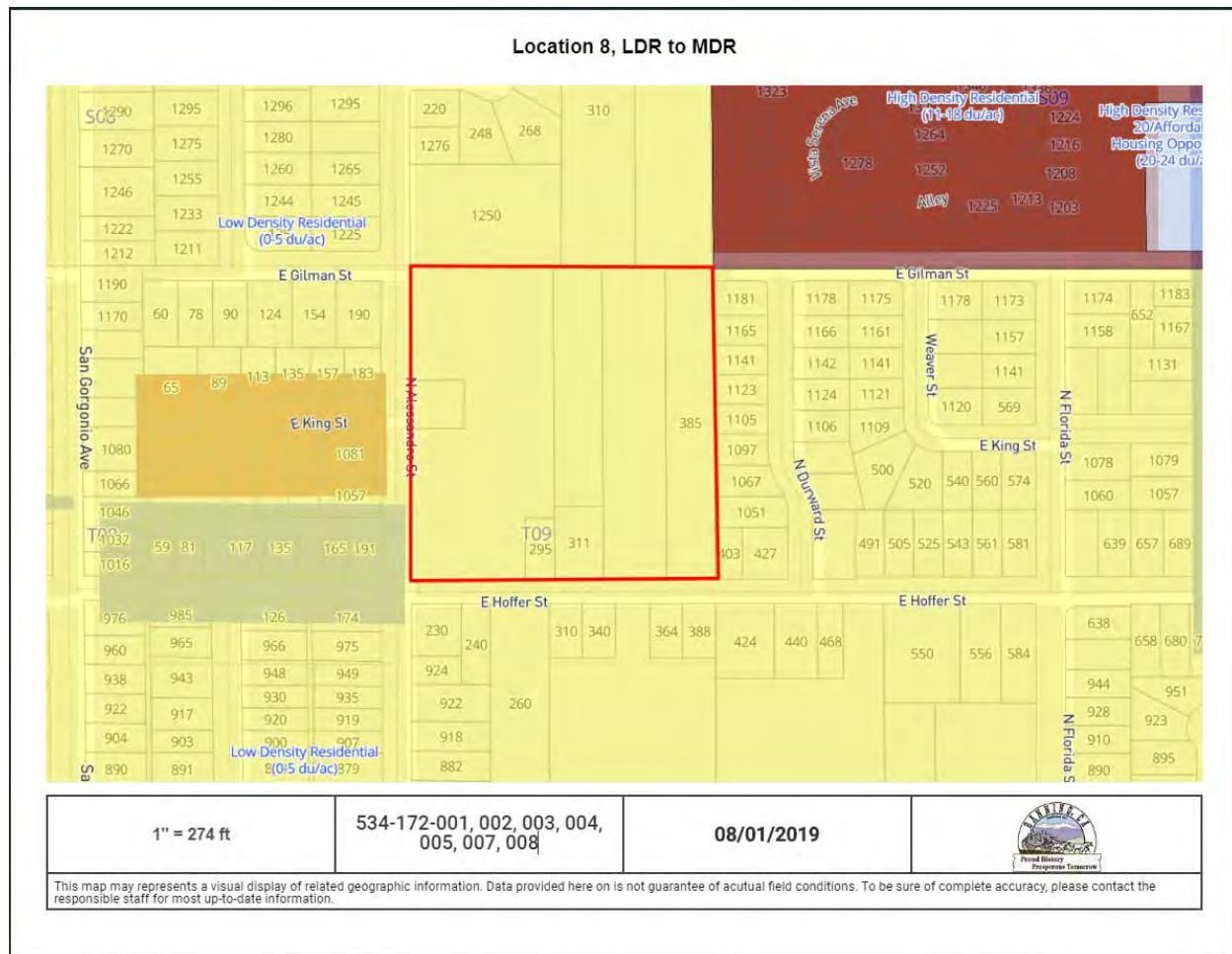


**Figure 21, Location Seven, Vicinity Map**



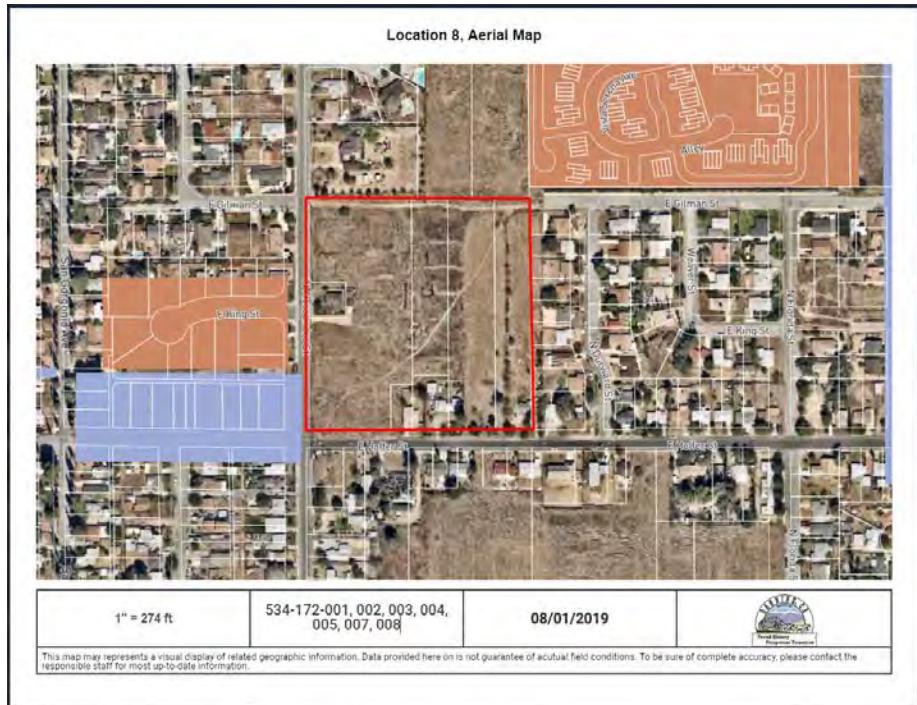
~~8. Location Eight consists of seven parcels which are identified as Assessor's Parcel Number's 534 172-001, 002, 003, 004, 005, 007 and 008. The site is currently zoned Low Density Residential. The City proposes to rezone the site to Medium Density Residential to allow for a higher density like the Medium Density Residential zone to the west. See Figure 22 below.~~

**Figure 22, Location Eight, Zoning Map (REMOVED BY PLANNING COMMISSION)**



~~The parcels consist of approximately 9.13 acres located east of North Alessandro Street, west of North Florida Street and north of East Hoffer Street. The site is a relatively flat partially developed property with a gentle slope downward from the northwest corner to the southeast corner. The site is surrounded by Low Density Residential zoning to the east, north and south and to the east is Medium Density Residential and Low Density Residential. See Figures 23 and 24 below.~~

**Figure 23, Location Eight, Aerial Map (REMOVED BY PLANNING COMMISSION)**



**Figure 24, Location Eight, Vicinity Map (REMOVED BY PLANNING COMMISSION)**



9. **Location Nine** consist of one parcel which is identified as Assessor's Parcel Number 534-152-025. The vacant site is currently zoned Low Density Residential. The City proposes to rezone the site to Public Facilities-Government to allow the future construction and operation of an Electrical Substation Facility. See Figure 25 below.

**Figure 25, Location Nine, Zoning Map**



The parcel consists of approximately 1.12-acres located east of North Hargrave Street, and north of East Theodore Street. The site is a relatively flat undeveloped property with a gentle slope downward from the northwest corner to the southeast corner that has been heavily disturbed by human activity and there are signs of disking for weed abatement and fire prevention. The site is surrounded by existing Low Density Residential zoning and development. See Figures 26 and 27 below.

**Figure 26, Location Nine, Aerial Map****Figure 27, Location Nine, Vicinity Map**

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

The proposed General Plan Amendment 19-2503 and Zone Change 19-3501 are considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.). An Initial Study (EA 19-1505) has been prepared and made available for public review beginning on October 11, 2019 and closing on October 30, 2019.

Based upon analysis contained in the Initial Study, staff determined that all effects on the environment are less than significant level and that the preparation of a Negative Declaration (ND) was appropriate.

**TRIBAL CONSULTATION:**

In accordance with Senate Bill (SB) 18 and Assembly Bill (AB) 52, letters requesting consultation were sent to the Native American Heritage Commission (NAHC), all tribes listed on the NAHC list, and all tribes who contacted the City requesting notification according to AB 52. As of the date of this report, no tribes have requested consultation.

**PUBLIC COMMUNICATION:**

The proposed General Plan Amendment and Zone Change was advertised in the Record Gazette newspaper on November 29, 2019 (Attachment 5). As of the date of this report, staff has not received any comments.

**ATTACHMENTS:**

1. Ordinance 1557

<https://banningca.gov/DocumentCenter/View/6790/Attachment-1-Ordinance-1557-with-Exhibit-A>

Approved by:



Douglas Schulze  
City Manager

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## CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

**TO:** **BANNING UTILITY AUTHORITY**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Art Vela, Director of Public Works  
Luis Cardenas, Senior Civil Engineer**

**MEETING DATE:** **January 14, 2020**

**SUBJECT:** **Notice of Completion for Project No. 2019-04WW, "Iron Sponge Media Replacement"**

---

**RECOMMENDED ACTION:**

That the City Council accept Project No. 2019-04WW, "Iron Sponge Media Replacement" as complete, authorize the City Manager or his designee to sign the Notice of Completion, and direct the City Clerk to record the Notice of Completion.

**BACKGROUND:**

On March 26, 2019, the City awarded an agreement to Prominent Systems, Inc. for Project No. 2019-04WW, "Iron Sponge Media Replacement". The project was approved in the amount of \$36,760.84.

The scope of work included all parts, labor, equipment and materials required for the removal and remediation of previous media, interior coating repair of containment vessels, welding of a new bottom plate, installation of new media, and clean-up at the City of Banning Waste Water Treatment Plant located at 2242 East Charles Street.

**JUSTIFICATION:**

The lowest qualified bidder, Prominent Systems, Inc., was awarded the contract and work was completed on November 25, 2019. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory and that the contractor had met the required contract obligations.

December 10, 2019

Page 2 of 2

**FISCAL IMPACT:**

The project was completed in the amount of \$39,150.84, within the approved 10% project contingency and was funded by the Wastewater Fund, Account No. 680-8000-454.95-12 (Treatment Plant Improvements). The single change order, in the amount of \$2,390 was for the replacement of a wooden pallet with a steel bottom plate to hold the media in place. Typically the wooden pallet needs replacement every few years, but the steel plate is expected to have the same useful life as the vessels themselves.

**ALTERNATIVE:**

City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

**ATTACHMENT:**

1. Notice of Completion

<https://banningca.gov/DocumentCenter/View/6768/Attachment-1---Notice-of-Completion---Prominent>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jim Steffens, Power Resources & Revenue Manager  
Tom Miller, Electric Utility Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Resolution 2020-1, amending two of the Electric Utility's rate tariffs: "Schedule NMS – Net Metering Surplus Production" and "Schedule DSG – Distributed Self Generation", for the purpose of adjusting the compensation rates to reflect current market conditions and for modifying certain provisions.

---

### **RECOMMENDED ACTION:**

The City Council consider adopting Resolution 2020-1:

1. Amending Schedule NMS – Net Metering Surplus Production ("Schedule NMS") as indicated herewith in Exhibit "A" of Attachment 1.
2. Amending Schedule DSG – Distributed Self Generation ("Schedule DSG") as indicated herewith in Exhibit "B" of Attachment 1.
3. Authorizing the Electric Utility Director and/or the Customer Service/Billing Manager to implement the changes to Schedule NMS and Schedule DSG.

### **BACKGROUND:**

Schedule NMS was adopted in 2010 and applies to customers with solar energy systems installed under the Net Metering Program. In 2018 the Banning Electric Utility ("Utility") met its Net Metering Cap, and accordingly adopted Schedule DSG as a successor tariff to Schedule NMS.

Schedule NMS and Schedule DSG both need updating and modification in order to be equitable and be consistent with standard industry practices. One update needed in both Schedules is adjusting the method used in calculating the compensation given to the customers for their excess solar production. Currently, the compensation is set at the

lowest cost WREGIS certified renewable resource that is produced or procured by the Utility. In theory this methodology is logical; however, in practice it has resulted in the Utility paying substantially over-market prices for our customers' excess solar energy. We are currently paying customers \$0.063 per kWh for their excess production. This figure is based upon the Utility's Power Purchase Agreement ("PPA") for the Astoria 2 solar project, which was signed in 2014. The prices of solar PPAs have dropped dramatically since 2014 and are currently in the range of \$0.019 to \$0.024 per kWh. However, the Utility has enough solar in its energy portfolio, and has no intentions of entering a new solar PPA anytime soon. With the current methodology, the Utility is stuck with the outdated and over-market price of \$0.063. A new methodology is needed in order to ensure that the Utility is paying closer to market value for its customers' excess solar production. The methodology that the Utility is proposing is to set the compensation price at the average price of the California Independent System Operator (CAISO) Day Ahead wholesale energy prices during the hours when solar is producing. With this methodology, the Utility will be paying its customers the same price for their excess solar production as the Utility would have to pay if the Utility were to buy the energy in the CAISO wholesale markets. This methodology is equitable, as the Utility shouldn't pay its customers a price greater or less than what the Utility would have to pay for the energy in the competitive CAISO wholesale markets.

Some cleanup language, clarification language, and modifications were also needed in the tariffs. In Schedule NMS, the most substantive modification is reducing the number of years that the customers are grandfathered in Schedule NMS, before being switched over to Schedule DSG. Once a utility has met its Net Metering cap, it has discretion over how long it will allow customers to stay in the Net Metering Program. For the sake of fairness, the Utility is proposing a two-prong grandfathering rule. For those customers whose date of interconnection was prior to 2015, they will be grandfathered for 15 years or until the closing of their account, whichever occurs first. For those customers whose date of interconnection was 2015 or later, they will be grandfathered for 7 years. One of the reasons for this two-pronged approach is that the cost of solar has dropped considerably over the last 10 years. For example, in 2010 the cost for solar was approximately \$7 - \$8 per watt. Today, the cost is closer to \$4 per watt. It will take longer for the early purchasers to recoup their investment.

In Schedule DSG, the most substantive modification is that the Utility will now be compensating the customers only for the energy that they return to the Utility's distribution system. Currently, the Utility compensates the customer for all the energy that they generate, even if the customer consumes the energy themselves. The current policy is not very practical or equitable, as the Utility should not be compensating the customer for energy that the customer is consuming. The Utility should only be compensating the customer for the excess energy that they return to the Utility's distribution system.

#### **ISSUES/ANALYSIS:**

These updates and modifications to Schedule NMS and Schedule DSG will make the tariffs more equitable and more consistent with common industry standards.

**FISCAL IMPACT:**

Because the Utility will no longer be paying greater than market prices for its customers' excess solar, these updates will have a positive fiscal effect upon the Utility. The magnitude of this positive fiscal impact will be dependent upon the volume of excess solar generated by the customers. The Utility will be paying \$0.035 less for each kWh of excess solar generated by its customers. Additionally, the Utility will no longer be paying Schedule DSG customers for the energy that they generate and consume themselves.

**ALTERNATIVE:**

1. Reject Resolution 2020-1 and provide direction.

**ATTACHMENTS:**

1. Resolution No. 2020-1

<https://banningca.gov/DocumentCenter/View/6773/2020-1-Resolution-Amending-Tariff>

Approved by:



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Douglas Schulze  
City Manager

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## **SUCCESSOR AGENCY BOARD REPORT CITY OF BANNING**

**TO:** **SUCCESSOR AGENCY BOARD**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Suzanne Cook, Deputy Finance Director**

**MEETING DATE:** **January 14, 2020**

**SUBJECT:** **Approval of the Recognized Obligation Payment Schedule 20-21 A and B**

---

### **RECOMMENDATION:**

Approval of Resolution 2020-01 SA, approving Recognized Obligation Payment Schedule 20-21 A and B for the period of July 2020 through June 2021, \$2,858,945; and approving certain related actions.

### **JUSTIFICATION:**

At its meeting on January 30, 2020, the Countywide Oversight Board for the Successor Agency ("Oversight Board") to the dissolved Community Redevelopment Agency of the City of Banning ("Successor Agency") will approve the Fiscal Year 2020-2021 Recognized Obligation Payment Schedule ("ROPS") with the adoption of Resolution TBA (Number To Be Assigned) (Oversight Board Resolution).

### **BACKGROUND:**

Pursuant to Health and Safety Code (the "HSC") § 34172 (a) (1), the Community Redevelopment Agency of the City of Banning was dissolved on February 1, 2012. Consistent with the provisions of the HSC, the City Council of the City of Banning previously elected to serve in the capacity of the Successor Agency. The Oversight Board has been established pursuant to HSC § 34179 to assist in the wind-down of the dissolved redevelopment agency.

Per HSC § 34177 (o) (1), the Successor Agency is required to prepare a ROPS before each twelve-month fiscal year period. Pursuant to HSC § 34180 (g), Oversight Board approval is required for the establishment of each ROPS. Pursuant to HSC § 34177 (o) (1), an Oversight Board-approved ROPS 20-21 A and B for the period of July 2020 through June 2021 must be submitted to the State Department of Finance, State Controller's Office and to the County Auditor-Controller not later than February 1, 2020. The Oversight Board will approve the establishment of ROPS 20-21 A and B.

The Successor Agency staff has prepared the proposed Recognized Obligation Payment Schedule for the period of July 1, 2020 through June 30, 2021 ("ROPS 20-21"), substantially in the form shown in Exhibit "A", attached hereto and incorporated herein by this reference.

The Successor Agency staff has prepared an administrative budget for the fiscal period commencing on July 1, 2020 and continuing through June 30, 2021 ("FY 2020-21 Administrative Budget"), substantially in the form shown in Exhibit "B", attached hereto and incorporated herein by this reference.

Successor Agency is entitled to an administrative cost allowance (the "Administrative Cost Allowance") pursuant to Health and Safety Code Sections 34171(b) and 34183(a)(3) in the approximate amount of [\$250,000] for the 2020-21 fiscal year of which approximately [\$125,000] will be disbursed July 1, 2020 and approximately [\$125,000] will be disbursed January 2, 2021.

**FISCAL IMPACT:**

Per HSC § 34177, the Successor Agency is legally required to continue to make payments due for enforceable obligations. The Oversight Board has approved the establishment of ROPS 20-21 A and B, which will ensure that the Successor Agency has the authority to continue to pay its enforceable obligations.

**ATTACHMENTS:**

1. Resolution 2020-01 SA with Exhibit A – ROPS 20-21 A & B and Exhibit B Administrative Budget  
<https://banningca.gov/DocumentCenter/View/6778/Resolution-2020-01-SA-Approving-ROPS>  
<https://banningca.gov/DocumentCenter/View/6777/Attachment-1---Exhibit-A---Banning-ROPS-20-21-on-DOF-Form-v1-7-20-With-Cash-Balances-Form>  
<https://banningca.gov/DocumentCenter/View/6775/Attachment-1---Exhibit-B---City-of-Banning-SA-Admin-Budget-FY-20-21>
2. Resolution TBA OB to be approved on January 30, 2020 by the Countywide Oversight Board  
<https://banningca.gov/DocumentCenter/View/6776/Attachment-2---2020-TBA-Countywide-Oversight-Board-Resolution-Approving-ROPS-and-Admini>

Approved by:



Douglas Schulze, City Manager



## **CITY OF BANNING BANNING UTILITY AUTHORITY REPORT**

**TO:** **BANNING UTILITY AUTHORITY**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Art Vela, Director of Public Works/City Engineer  
Perry Gerdes, Water/Wastewater Superintendent**

**MEETING DATE:** **January 14, 2020**

**SUBJECT:** **Adopt Resolution 2020-2 UA, Approving the Agreement with E.R. Block Plumbing Inc., of Riverside, California for City wide Backflow Testing and Repair Services in the Amount of \$25,000**

---

### **RECOMMENDED ACTION:**

Staff Recommends that the Banning Utility Authority adopt Resolution 2020-2 UA:

1. Approving an Agreement with E.R. Block Plumbing, Inc., of Riverside, California for Backflow Testing and Repair Services in the amount of \$25,000.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Agreement with E.R. Block Plumbing, Inc. for Backflow Testing and Repair Services.
3. Authorizing the City Manager to execute the Agreement, including term extensions not to exceed a total of five years, with E.R. Block Plumbing, Inc.

### **BACKGROUND:**

Title 22 and Title 17 of the California Code of Regulations requires public water systems to use backflow prevention devices that have been laboratory and field tested by a recognized testing organization that has demonstrated its competency to the California Water Boards Department. The water supplier shall assure that adequate maintenance and periodic testing are provided by the water user to ensure their proper operation.

Backflow preventers shall be tested at least annually or more frequently if determined to be necessary by the health agency or water supplier. The City adopted Water Rule #13 on June 28, 1988, which established a monthly fee charged to customers who are required to have backflow devices. The fee covers the cost for testing and minor repairs to the devices. The City currently has approximately 700 backflows within the system that are annually tested. These devices range in size from  $\frac{3}{4}$  inch to 10 inch.

The City of Banning issued a Request for Proposals (RFP) on October 24, 2019 through its Planet Bids website. Six firms' submitted proposals for consideration using competitive pricing.

The evaluation pricing are summarized as follows:

| <u>Company</u>                          | <u>Pricing per Backflow</u>         |
|-----------------------------------------|-------------------------------------|
| E.R. Block Plumbing Inc.                | \$20.00                             |
| Arrowhead Group Inc. dba Basic Backflow | \$40.00                             |
| Hazzard Backflow Inc.                   | \$49.00                             |
| Temecula Valley Backflow Inc.           | \$79.00                             |
| Verne's Plumbing Inc.                   | \$135.00                            |
| Johnsons Controls Fire Protection       | \$43,200.00 (submitted as lump sum) |

**JUSTIFICATION:**

The agreement is required to maintain the City's Backflow and Cross Connection program as required by California Water Board Permit 05-20-06P-004.

**FISCAL IMPACT:**

The required amount of \$25,000 to fund the agreement with E.R. Block Plumbing, Inc. is budgeted annually in Account Number 660-6300-471.33-11. Expenses are mostly recovered by a monthly fee of four dollars charged to customers who have a backflow device.

**ALTERNATIVE:**

Reject Resolution 2020-2 UA and provide further direction to staff.

**ATTACHMENTS:**

1. Resolution 2020-2 UA  
<https://banningca.gov/DocumentCenter/View/6761/Attach-1-Resolution-2020-2UA>
2. Request for Proposals (RFP)  
<https://banningca.gov/DocumentCenter/View/6762/Attach-2-Request-for-Proposal>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Ralph Wright, Parks and Recreation Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Resolution 2020-3, Resolution of the City Council of the City of Banning, California, recognizing the importance of the 2020 United States Census and supporting a complete, fair and accurate count of all Banning residents.

---

### **RECOMMENDED ACTION:**

The City Council adopt Resolution 2020-3 approving the following:

1. Recognizing the importance of the 2020 US Census and supporting the complete and accurate count of all Banning residents.

### **BACKGROUND:**

Every ten years the U.S. Census Bureau conducts a Census. The next Census is set for 2020. The data collected during each Census is used to calculate the distribution levels of federal funds to local communities. More than 70 federal programs that benefit local governments use the Bureau's Census numbers as part of their funding formulas. For these reasons a complete, fair and accurate count of the population of Banning is necessary to best provide services to the community.

The State has invested over \$187 million toward strategies and activities to ensure an accurate and successful count in California. Riverside County is one of the ten counties that has been designated as a Census region and is attempting to work with local municipalities to aid in the accurate count and is providing funding to local cities to perform outreach.

To that end, Riverside County has requested to work with the City of Banning to provide outreach to the Community regarding the importance and value of an accurate Census and to aid and support the process.

The first step in this process is the adoption of a resolution supporting the 2020 Census.

**JUSTIFICATION:**

A complete, fair and accurate count of the residents of the City of Banning will have a significant positive effect on the City and its residents.

**FISCAL IMPACT:**

There is no direct financial impact from the adoption of Resolution 2020-3.

**OPTIONS:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Resolution 2020-3

<https://banningca.gov/DocumentCenter/View/6770/Attachment-1---Reso-2020-3---Support-of-2020-US-Census-1>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING RESOLUTION

**TO:** **CITY COUNCIL**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Matthew Hamner, Chief of Police**  
**Jeff Horn, Captain**

**MEETING DATE:** **January 14, 2020**

**SUBJECT** **Resolution 2020-4: Authorizing a change order to the police department's current blanket purchase order with Dell Marketing LP C/O Dell USA, LP in the amount of \$25,000 to allow for the purchase of additional computers and related equipment.**

---

### **RECOMMENDATION:**

The City Council adopt Resolution 2020-4, a Resolution of the City of Banning, California, authorizing a change order to the police department's current blanket purchase order with Dell Marketing LP C/O Dell USA, LP in the amount \$25,000 to allow for the purchase of additional computers and related equipment.

### **JUSTIFICATION:**

The requested change order will allow the police department to continue updating its current inventory of computers, as needed.

### **BACKGROUND:**

During the first six months of FY 2019-2020, the Banning Police Department has been replacing old and inefficient computers throughout the station. To date, the initial purchasing blanket order in the amount of \$25,000 has been exhausted and a change order for additional funding is required to continue with the modernization of the department's computer systems. The new computers provide a more efficient and reliable platform for department members, as they conduct their assigned duties.

Dell Marketing LP C/O Dell USA, LP is already on the City's approved vendor list. Subsequently, a bidding process is not required to add a change order to the current blanket purchase order.

**FISCAL IMPACT:**

The funding for the initial purchasing blanket order and the requested change order are covered by existing funds in the Supplemental Law Enforcement Services Allocation (SLESA) account. Subsequently, no general funds are required for this request.

**OPTIONS:**

1. Adopt Resolution 2020-4
2. Reject Resolution 2020-4 and provide direction to staff.

**STRATEGIC PLAN OBJECTIVE:**

This request supports the City's strategic goal related to "Public Health and Safety".

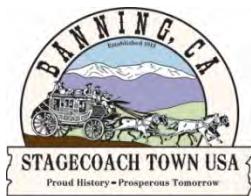
**ATTACHMENT:**

1. Resolution 2020-4  
<https://banningca.gov/DocumentCenter/View/6769/Resolution-2020-4-Dell-Amendment>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** January 14, 2020

**SUBJECT:** Adopt Resolution 2020-5, Approving Amendment No. 1 to the Professional Services Agreement with Engineering Resources of Southern California for an Additional \$350,000 for Plan Check, Inspections and Related Administrative Services

---

### **RECOMMENDED ACTION:**

City Council adopt Resolution 2020-5:

1. Approving Amendment No. 1 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) for an additional \$350,000 for plan check, inspections and related administrative services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement Amendment No. 1 with ERSC.
3. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with ERSC.

### **BACKGROUND:**

The Public Works Department, currently staffed with two full-time engineers and one inspector, administers an array of services including management of capital improvement and infrastructure projects related to the design and construction of water, wastewater, streets, storm drain and building infrastructure. In addition to managing public works projects, staff is also responsible for processing private land development projects.

Due to staff resources and the anticipated work load increase related to land development projects such as the Atwell Development (previously known as the Butterfield Specific Plan), the City Council adopted Resolution 2019-5 on January 8, 2019 awarding a professional services agreement to ERSC for plan checks, inspections and related administrative services in the amount of \$250,000 on an as needed basis.

The amount of plan checks and inspections related to the Atwell Development have exceeded staff's expectations and has resulted in a need to increase the Professional Services Agreement with ERSC by \$350,000 in order to continue receiving their services.

**JUSTIFICATION:**

The original Professional Services Agreement amount of \$250,000 is expected to be fully exhausted by the end of the month. In order to continue receiving ERSC's services to assure that technical studies, plan checks and inspections are completed in a timely manner the Professional Services Agreement must be increased. Staff has estimated that \$350,000 is sufficient to get through the remainder of fiscal year 2020.

**FISCAL IMPACT:**

An appropriation from the General Fund in the amount of \$350,000 to Account No. 001-3000-442.33-53 is necessary and will be directly offset by revenues collected from plan check and inspection fees collected by the Public Works Department. Funds exhausted to date have been 100% recovered by said fees.

**ALTERNATIVE:**

Do not approve Resolution 2020-5. This alternative would cause a reduction in the level of service to private development applicants in the processing of their projects. Additionally, staff would have less time to work on the City's capital improvement projects.

**ATTACHMENTS:**

1. Resolution 2020-5  
<https://banningca.gov/DocumentCenter/View/6763/Attach1-Resolution-2020-5>
2. Amendment 1 to Professional Services Agreement (C00472)  
<https://banningca.gov/DocumentCenter/View/6830/C00472-ENGINEERING-RESOURCES-OF-SOUTHERN-CALIFORNIA-AMENDMENT-1>

Approved by:



Douglas Schulze, City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jennifer Christensen, Administrative Services Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Resolution 2020-9, Approving a New Travel & Meeting Policy

---

### **RECOMMENDATION:**

Adopt Resolution 2020-9, approving the new Travel & Meeting Policy to establish a travel and expense policy for the City of Banning (City) elected officials and City employees as well as provide guidelines to ensure proper control of travel costs as they relate to official City business, and compensate individuals for actual and necessary travel related expenses.

### **JUSTIFICATION:**

Policies must be established to set standards for internal controls and guidelines to carry out related procedures. Occasionally, it is necessary for City officials and/or personnel to travel to meetings to conduct City business, attend conferences, training seminars and other work related events.

### **BACKGROUND:**

On August 28, 2001 the City Council approved the Travel & Meeting Policy E-1, and Mileage Reimbursement Policy E-2. On June 27, 2017 Purchasing Policy B-30 was adopted and approved by City Council which included a section on Travel, superseding Policies E-1 and E-2.

It was determined that the Travel section of Purchasing Policy B-30 was inadequate, and required more comprehensive guidelines in order to establish better controls, clear and concise requirements, and updated standards.

Staff was assigned to research policies and forms from other Municipalities, collect relevant data, and establish a new Travel & Meeting Policy which clarifies the rules and requirements related to traveling on official City business, and includes expectations for fiscal responsibility and accountability.

Staff completed a comprehensive Travel & Meeting Policy which is intended to supersede all previous travel related policies.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

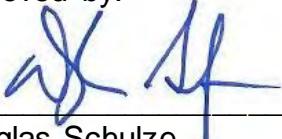
1. Resolution 2020-9

<https://banningca.gov/DocumentCenter/View/6798/Attachment-1--Resolution-2020-9-Travel-and-Meeting-Policy>

2. Travel & Meeting Policy E-3

<https://banningca.gov/DocumentCenter/View/6797/Attachment-2---Travel-and-Meeting-Policy>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**MEETING DATE:** January 14, 2020  
**SUBJECT:** Lease Termination 2041 W Nicolet Street (Armory)

---

### **RECOMMENDED ACTION:**

City Council approve a motion authorizing Mayor Andrade to execute the Lease Termination Agreement with the State of California Department of General Services for property located at 2041 W Nicolet Street.

### **BACKGROUND:**

The City of Banning and State of California entered into a lease agreement for property located at 2041 W Nicolet Street on July 28, 1953. The agreement was amended in 1964. The property lease was for a California National Guard Armory located at 2041 W Nicolet Street in Banning. The lease agreement termination date is July 27, 2052, but the facility has not been used as a National Guard Armory for several years so the facility has been vacant and mostly unused for multiple years.

In early 2019, contact was initiated with California Military Department personnel to inquire whether there was any interest in early termination of the lease agreement. At that time, the response to the inquiry was negative. However, in October 2019, it became clear that the facility and landscaping was not being maintained. An email was sent to the CA National Guard Adjutant General with photographs of the facility. Shortly thereafter, communication was received expressing interest in mutual termination of the lease agreement.

The City of Banning does not have adequate facilities for emergency operations and the Armory building could function extremely well as an emergency operations center. Upon approval of the lease termination agreement and City possession of the property, staff will walk through the facility to determine other potential uses of the facility in addition to the emergency operations center.

**JUSTIFICATION:**

The property is owned by the City of Banning and is no longer being used or maintained by the Lessee. The Lessee agrees to early termination of the lease agreement, which will give the City full possession and control of the property.

**FISCAL IMPACT:**

Annual maintenance and operations costs to be determined based on future use(s). Facility could also be used for special events, which could generate revenue.

**OPTIONS:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Lease Termination Agreement  
<https://banningca.gov/DocumentCenter/View/6799/Military-Banning-Lease-Termination-Ltr-pt>

Approved by:

---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Continued Public Hearing for Ordinance 1552 of the City Council of the City of Banning, California, an Ordinance Approving Zoning Text Amendment 19-97503 Amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," Table 17.12.020 of Section 17.12.020 "Permitted, Conditional And Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts" and Adding a New Section, 17.24.180, "Commercial Cargo/Storage Containers" Establishing Regulations for Commercial Cargo/Storage Containers, of Title 17 "Zoning" of the Banning Municipal Code and Making Findings Pursuant to CEQA

---

### **RECOMMENDED ACTION:**

The Planning Commission recommends that the City Council consider Zoning Text Amendment (ZTA) No. 19-97503 and adopt Ordinance 1552, and take the following actions:

1. Make a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendment is not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378.
2. Introduce, and read by title only, Ordinance No. 1552 (Attachment 3), an Ordinance of the City Council of the City of Banning, California, Approving Zoning Text Amendment (ZTA) No. 19-97503 amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and adding a new Section 17.24.180, "Commercial cargo/storage containers" establishing regulations for commercial cargo/storage containers, of Title 17 "Zoning" of the Banning Municipal Code.

**APPLICANT INFORMATION:**

Applicant: City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

Property: All parcels and properties (Banning, CA)

**BACKGROUND:**

December 10, 2019 City Council:

At the City Council meeting of December 10, 2019, the Council continued the public hearing for the project to allow time for staff to prepare a Storage Container Amnesty Program. The Council asked staff to include storage container *amnesty language* to be included in the Ordinance Amendment; which may provide existing residents, with storage containers currently located on their properties, an additional time to comply with the new regulations. Furthermore, the City Council requested that City Staff provided additional consideration for existing storage containers to achieve compliance under modified design guidelines and subject to a streamlined administrative review process. Staff has included the requested information, including recommendations for supplement language within the Municipal Code, for the Council's consideration which is attached herein.

November 6, 2019 Planning Commission:

The proposed Zoning Text Amendment (ZTA) was re-advertised for the November 6, 2019 Planning Commission Public Hearing. Staff from the City's Community Development Department provided a summary of the Council's direction and suggested provisions to the ZTA which included the authorization of more than one storage container on residential lots larger than one half acre provided compliance of the design standards set forth within the proposed amendment. The Planning Commission debated, accepted additional public testimony, and revised their recommendation to the City Council to adopt the Ordinance Amendment include the authorization of one storage container for lots with a minimum size of 20,000 square feet, a maximum of two storage containers for residential lots not less than 20,000 but not more than 2-acres, and a maximum of five storage containers for residential lots not less than 2-acres but not more than ten-acres.

September 10, 2019 City Council:

Subsequent from the August 14<sup>th</sup> Planning Commission the Zoning Text Amendment was scheduled before the Banning City Council at a Public Hearing advertised for September 10<sup>th</sup>. The City Council opened the public hearing, accepted testimony from residents and constituents on the item. Following the acceptance of public comments, the Mayor solicited questions from the Council.

Several members of the City Council expressed concerns that only one commercial cargo/storage containers are authorized for residential property within the proposed Amendment. Staff responded that a minimalist approach is preferred and that future updates could be brought forth as the need arises. However, the Council requested additional deliberation on this matter. As such, the item was referred back to the Planning Commission for further discussion.

As such, City Staff has revised the Ordinance Text and update the Planning Commission Resolution (Reso No. 2019-24) to reflect these additional provisions.

At the meeting of August 14, 2019 the Planning Commission recommended to the City Council approval of Zoning Text Amendment 19-97503, establishing regulations for commercial cargo/storage containers.

Commercial cargo/storage containers are generally used to transfer goods from point A to point B. It is widely used in overseas shipping industry and ground distribution throughout the world. In the City of Banning, commercial cargo/storage containers are being used primarily for temporary storage of building materials and tools, household goods, personal items, seasonal overstock and other materials for use on a limited or temporary basis. The sizes of such commercial cargo/storage containers vary by the nature of their use. Many corporations are now offering temporary storage containers for moving purposes such as "PODs" by PODs, "PackRat" by Lowes, "U-Box" by U-Haul and many others and are sized generally 8X7X8 and 8X8X16 feet. Some retailers offer smaller versions. Traditional commercial cargo/storage container are typically sized at 8X8X20 to 8X8X53 feet.

Currently, the Banning Municipal Code (BMC) authorizes storage containers, for a period not to exceed 60-days, unless the cargo container is used for a construction project with a valid building permit, in which case the temporary use permit may be granted for up to 365-days. There is no zoning district which authorizes commercial cargo/storage containers as either a permanent or semi-permanent ancillary use through any type of permit or authorization.

City staff understands and acknowledges the convenience and low cost of commercial cargo/storage containers and their growing popularity in utilizing them in both residential and commercial construction.

In utilizing commercial cargo/storage containers as permanent, but ancillary uses; the city should develop design guidelines to ensure that commercial cargo/storage containers are screened from public right-of-ways (R/W) and compatible with the surrounding neighborhood. The architectural guidelines and enhancements are developed to promote compatibility within established zoning districts, and that containers are developed in accordance with applicable building codes. The use of commercial cargo/storage containers, as permanent construction elements, does not in any way preclude the application of required building code compliance, including, but

not limited to the California Building Code, Green Building Code, and the Mechanical, Electrical, and Plumbing (M.E.P.) codes.

### **ANALYSIS:**

The four major components, necessary for consideration of both the temporary and permanent use of containers are their concealment, their color, the placement, and the size of proposed container usage and storage. These four components are vital considerations across all zoning districts, including residential and commercial/industrial districts.

#### **Land Uses:**

For residential application, staff is reviewing the needs during construction and moving. For construction use, a temporary use permit is appropriate to allow an opportunity for residents and/or property owners to meet their temporary storage needs. For moving purposes, no permit is required by the resident or the property owner.

For commercial and industrial applications, staff is reviewing the needs for temporary uses such as seasonal overstock storage, construction storage of materials and tools, and remodel storage of existing furnishings and goods during tenant improvements. This is limited to a short period of time not to exceed 60 days, or a maximum of 365-days but only in conjunction with an active construction project.

The permanent storage use would include the long term storage of maintenance equipment such as garden tools, disposable parts, overstock of goods, files/documents, event furniture and appliances, and miscellaneous items used in daily operation of a business. This is to assist in providing additional storage for those businesses that may not have adequate storage spaces within their current building square footage. This is also a quick and inexpensive method of gaining storage space without the high cost and time of the traditional construction method.

#### **Site Standards:**

The site standards for residential, commercial, and industrial will address the placement on site/setbacks, color, conditions of the container, size, and screening. All of the criteria are to minimize the impact commercial cargo/storage containers have on the neighborhoods and commercial/industrial developments in the city and not create hazardous situations or negative visual impacts.

### **ENVIRONMENTAL DETERMINATION:**

#### **A. California Environmental Quality Act (CEQA)**

City staff has determined that the proposed Zoning Text Amendment 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. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, 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. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.

B. Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to the proposed Zoning Text Amendment will not require an individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**ADDITIONAL REQUIRED FINDINGS**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. Findings for Zoning Text Amendment No. 19-97503 are made and can be found in the attached Planning Commission Resolution 19-20 (attachment 1) and Ordinance 1552 (attachment 3).

**PUBLIC COMMUNICATION:**

This hearing was advertised in the Record Gazette newspaper on August 30, 2019 and notices were posted in two public places in compliance with the City's noticing requirements for public hearings.

No other written communication has been received as of the writing of this staff report.

**FISCAL IMPACT:**

This Zoning Text Amendment (ZTA) is a City-initiated code amendment and is paid for through the General Fund budget allocations. Approximately 20 total hours have been dedicated to the drafting, review, presentations, and coordination associated with the proposed amendment.

**OPTIONS:**

1. Approve the revised and updated Ordinance Amendment language as proposed by City Staff and the Office of the City Attorney; or
2. Do not approve and provide Staff with additional direction and comments; or
3. Do not approve the Ordinance Amendment in its current form and retain the status quo condition within the City.

**ATTACHMENTS:**

1. Planning Commission Staff Report  
[https://banningca.gov/DocumentCenter/View/6818/ATTACHMENT-1---PC-STAFF-REPORT\\_11-06-19](https://banningca.gov/DocumentCenter/View/6818/ATTACHMENT-1---PC-STAFF-REPORT_11-06-19)
2. Planning Commission Resolution 2019-24  
<https://banningca.gov/DocumentCenter/View/6819/ATTACHMENT-2---PC-Resolution-No-2019-24>
3. Planning Commission Minutes (August 14, 2019)  
[https://banningca.gov/DocumentCenter/View/6820/ATTACHMENT-3---PC-Minutes\\_August-2019](https://banningca.gov/DocumentCenter/View/6820/ATTACHMENT-3---PC-Minutes_August-2019)
4. Ordinance No. 1552 for ZTA 19-97503  
<https://banningca.gov/DocumentCenter/View/6822/Banning---Ordinance-No-1552>
5. Notice of Exemption  
<https://banningca.gov/DocumentCenter/View/6821/ATTACHMENT-5---NOE>
6. Public Hearing Notice  
[https://banningca.gov/DocumentCenter/View/6817/PHN\\_ZTA-19-97503\\_20191210](https://banningca.gov/DocumentCenter/View/6817/PHN_ZTA-19-97503_20191210)

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** **Ordinance 1554, approving Municipal Code and Zoning Text Amendment 19-97504, to add a new chapter 5.88 to, and deleting sections 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code to create a Sidewalk Vending Program consistent with California State Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.**

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### **RECOMMENDED ACTION:**

That the City Council take the following actions:

1. Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Municipal Code and Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378.
2. Introduce for the first reading, Ordinance 1554 approving Municipal Code and Zoning Text Amendment (ZTA) 19-97504, adding 5.88 to, and deleting section 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code (BMC) to create a Sidewalk Vending Program to be consistent with California Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.

### **APPLICANT INFORMATION:**

Applicant: City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

Property: All parcels and properties (Banning, CA)

### **BACKGROUND:**

Planning Commission Recommendation: On December 4, 2019, the Planning Commission of the City of Banning, held a duly noticed public hearing on proposed Municipal Code and ZTA 19-97504 and a Categorical Exemption (CE) and, following

public testimony and the close of the hearing, adopted Planning Commission Resolution 2019-21, by a 5-0-0 vote, recommending that the City Council of the City of Banning, approve Municipal Code and ZTA 19-97504.

On September 17, 2018, Governor Brown signed Senate Bill 946 which limits the City's ability to regulate stationary and mobile sidewalk vending on a public sidewalk or other pedestrian path as defined within the statute. The legislation defines "sidewalk vendor" as a person who sells food or merchandise on a public sidewalk or other pedestrian path. Effective January 1, 2019, the City is prohibited from assessing criminal penalties for violations of the City's sidewalk and stationary sidewalk vending regulations and our ability to prohibit sidewalk vendors on public sidewalks is limited. Without an ordinance amendment that sets forth the regulations on sidewalk vending, the City will not be able to adequately address mitigate the anticipate impacts to the health, safety and welfare of the general public; which includes but is not limited to the following:

1. Limiting hours of operation in a manner consistent with other businesses or uses;
2. Requiring sanitary conditions for food related vending, including proper permits from the Riverside County Department of Environmental Health; and
3. Ensuring no sidewalk vendor may place any cart or display in a manner that obstructs vehicular or pedestrian traffic.

The City is proceeding with an amendment to the Banning Municipal Code; which includes the Business Licenses and Regulations (Title 5) and the Zoning Regulations (Title 17), in order to implement a permitting system to regulate sidewalk and stationary vendors consistent with the provisions set forth in SB 946. The Ordinance Amendment outlines the necessary regulations to ensure public safety and pedestrian mobility within the City Rights-of-Way (R/W) including pedestrian paths. In addition, this Ordinance Amendment will include requirements that the vendors obtain a Seller's Permit and Food Handler's Permit (from the Riverside County Department of Environmental Health) if food is being sold. The proposed regulations also set forth controls on the location in which stationary vendors are positioned within the R/W. The proposed amendment also requires all sidewalk and stationary sidewalk vendors to obtain a "Temporary Special Permit;" in addition to their business license (which is required now) from the City, prior to the commencement of business. The Temporary Special Permit and Business License will have a 12-month term and must be renewed annually (subject to all applicable fees) in order to continue operating within and upon City R/W. The Ordinance Amendment authorizes the City to deny, suspended or revoked the Permit, the License, or both based on a history of repeated, and documented, violations of the ordinance and/or nonpayment of administrative fines.

#### **ANALYSIS:**

The City's process for Ordinance Amendment to the Development Code (Title 17 of the Banning Municipal Code or "BMC") allows proposals to be initiated by the Community Development Director, by the City Attorney, by any member of the Planning Commission or City Council, or by any land owner or his/her agent. Upon receipt of a complete Zoning Ordinance Amendment application, or direction of the City Council, and following Community Development Department review, a hearing shall be set before the Planning Commission for recommendation to the City Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 17.68, Hearings and Appeals.

The Planning Commission shall make a written recommendation of the proposed amendment wherein the Commission can approve, approve in modified form, or disapprove based upon their findings. Planning Commission action recommending that the proposed Zoning Ordinance Amendment be approved, approved in modified form, or disapprove based upon their findings shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission's written recommendation shall be forwarded to the City Council and set for a public hearing at a duly noticed meeting. Upon receipt of the Planning Commission's recommendation, the City Council may also approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to Title 17 of the BMC shall be adopted by ordinance, with an executed copy held with the City Clerk.

An amendment to Title 17 may only be adopted if the following findings are made:

- A. The proposed ZTA is consistent with the goals and policies of the General Plan.
- B. The proposed ZTA is internally consistent with the Zoning Ordinance.
- C. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding have been made and can be found in the attached Ordinance.

**ENVIRONMENTAL DETERMINATION:**

- A. California Environmental Quality Act (CEQA)

City staff has determined and the Planning Commission has recommended that the proposed Municipal Code and Zoning Text Amendment 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. The Municipal Code and Zoning Text Amendment will establish regulations for sidewalk vendors or stationary sidewalk vendors. In addition, adoption of the Municipal Code and 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.

- B. Multiple Species Habitat Conservation Plan (MSHCP)

The proposed Municipal Code and Zoning Text Amendment does not relate to any one physical project and are not subject to the MSHCP. In addition, sidewalk and stationary sidewalk vendors will operate their businesses within City Rights-of-Way which are covered facilities under the MSHCP.

**PUBLIC COMMUNICATIONS:**

The proposed Municipal Code and Zone Text Amendment was advertised in the Record Gazette newspaper on January 3, 2020. As of the date of this report, staff has not received any comments regarding the proposed Amendment.

**ATTACHMENTS:**

1. Ordinance 1554 (Sidewalk Vending)  
<https://banningca.gov/DocumentCenter/View/6782/ALL-ATTACHMENTS-1>
2. Planning Commission Staff Report  
<https://banningca.gov/DocumentCenter/View/6783/ALL-ATTACHMENTS-2>
3. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/6784/ALL-ATTACHMENTS-3>
4. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/6779/ALL-ATTACHMENTS-4>
5. Bill Text - SB-946 Sidewalk vendors  
<https://banningca.gov/DocumentCenter/View/6780/ALL-ATTACHMENTS-5>
6. League of California Cities Brief  
<https://banningca.gov/DocumentCenter/View/6781/ALL-ATTACHMENTS-6>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Resolution 2020-6, approving, Conditional Use Permit 19-8006, authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District.

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### **RECOMMENDED ACTION:**

Staff recommends the City Council adopt Resolution 2020-6, approving Conditional Use Permit 19-8006 making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District.

### **PROJECT / APPLICANT INFORMATION:**

Project Location: 2372 West Ramsey Street, Banning, CA 92220

APN Information: 538-200-025

Project Applicant: Macy Newall  
3385 Michelson Drive, Suite 146  
Irvine, CA 92612

Property Owner: Jessica B. Flores  
2372 West Ramsey Street  
Banning, CA 92220

**BACKGROUND:**

Planning Commission Recommendation: On December 4, 2019, the Planning Commission of the City of Banning, held a duly noticed public hearing on proposed Conditional Use Permit (CUP 19-8006) and a Categorical Exemption (Existing Facilities 15301) and, following public testimony and the close of the hearing, adopted Planning Commission Resolution 2019-23 (revised), by a 5-0 vote, recommending that the City Council of the City of Banning, approve CUP 19-8006.

**DESCRIPTION:**

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for the retail sales and delivery of cannabis products at an existing developed property located at 2372 West Ramsey Street, Banning, CA 92220. The applicant also intends to sell other ancillary retail products such as; t-shirts, pipes, papers and other cannabis related merchandise.

The applicant, Macy Newell submitted an application on February 12, 2109, for a Cannabis Regulatory Permit and was deemed eligible to participate in the Cannabis Lottery. Macy was the second person to be selected in the cannabis lottery on May 23, 2019, and the first to submit an application for a Cannabis Retailer Conditional Use Permit, October 9, 2019.

The applicant proposes to operate out of an existing developed commercial facility located at 2372 West Ramsey Street. The approximately 2,500 square foot unit is to be remodeled to accommodate a lobby/reception area, retail sales area, office, storage room, security room and break room.

In accordance with Banning Municipal Code, the applicant proposes a security plan with cameras, guards and surveillance equipment. There will be adequate security lighting and protocols to minimize potential security threats. Additionally, a two stage air filtration system will be installed to prevent odors from leaving the premises.

The applicant proposes that the business be open to the public between the hours of 9:00 a.m. to 9:00 p.m.; although, staff may be working as early as 7:00 a.m., and as late as 11:00 pm, to prepare for the days' business.

**Surrounding Land Use**

The site is located on an existing commercial lot between a Motel and a RV Sales lot.

The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for City Council consideration in the following table.

Land Use Summary Table

|                     | Existing Land Use           | Zoning Classification    | General Plan Designation |
|---------------------|-----------------------------|--------------------------|--------------------------|
| <b>Subject Site</b> | Commercial Center           | (HSC)                    | (HSC)                    |
| <b>North</b>        | Coyne Power Sports          | (HSC)                    | (HSC)                    |
| <b>South</b>        | I-10 Freeway                | (PF-Railroad/Interstate) | (PF-Railroad/Interstate) |
| <b>East</b>         | Motel                       | (HSC)                    | (HSC)                    |
| <b>West</b>         | Vacant Developed Commercial | (HSC)                    | (HSC)                    |

PROJECT ANALYSIS:Zoning

Table 17.12.020 (“*Permitted, Conditional and Prohibited Commercial and Industrial Uses*”) of Section 17.12.020, of Chapter 17.12 of Title 17 of the Banning Municipal Code provides that Cannabis Retailers are permitted in the Highway Serving Commercial (HSC) Zoning District, subject to approval of a Cannabis CUP by the City Council, and recommendation by the Planning Commission, and subject to the requirements of Chapters 17.52 and 17.54 of the Zoning Code.

Additional requirements identified in the Code state the cannabis retailer must be at least 200 feet from any residential district and 600-feet from any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, or park. The proposed location of the Cannabis Retailer is compliant with the above mentioned requirements.

Conditional Use Permit

In accordance with Section 17.52.010, the purpose of a Conditional Use Permit is:

- A. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.

B. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the City Council might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

Section 17.52.050 – Findings states:

After a public hearing, the Commission shall record the decision in writing the findings upon which such decision is based. The Commission may approve and/or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

- A. The proposed use is consistent with the General Plan;
- B. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Ordinance;
- C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
- D. The subject site is physically suitable for the type and intensity of land use being proposed;
- E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- F. There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
- G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

**Staff has determined that above-referenced findings can be made. The support for the findings can be found in City Council Resolution 2020-6 (attachment 1).**

Section 17.54.060, Procedures and findings for approval of cannabis retailer conditional use permit states:

A. A cannabis retailer conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.52, Conditional Use Permits, with the following exceptions:

1. Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the cannabis retailer conditional use permit and that the approval of such permit shall be made by the City Council.
2. Sections 17.52.020 (Application Procedures) and 17.52.080 (Modifications) shall not apply.
3. Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.

B. An applicant for a cannabis retailer conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis retailer conditional use permit shall be granted until the requisite CEQA review has been conducted.

Staff believes that approval of the CUP will serve the community by providing a convenient location for the purchase of cannabis products, providing for jobs and tax revenue, and assisting highway consumers traveling and staying in the surrounding area.

#### **ENVIRONMENTAL DETERMINATION:**

##### **California Environmental Quality Act (CEQA)**

The Planning Commission recommended the City Council determine that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure involving negligible or no expansion of a former use, including interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The Project will consist of remodeling the subject tenant suite to accommodate a lobby/reception area, retail sales and display area, office, storage room, security room, and break room.

##### **Multiple Species Habitat Conservation Plan (MSHCP).**

The project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

**PUBLIC COMMUNICATION:**

Proposed Conditional Use Permit 19-8006 was advertised in the Record Gazette newspaper on January 3, 2020 (Attachment 6). As of the date of this report, staff has received two written comment letters, both from the same property owner, (Coyne Motor Sports) who owns a business across the street at, 2301 West Ramsey Street, Banning, CA 92220.

**ATTACHMENTS:**

1. City Council Resolution 2020-6  
Exhibit A – Project Plans  
Exhibit B – Conditions of Approval  
<https://banningca.gov/DocumentCenter/View/6803/ALL-ATTACHMENTS-1>
2. Project Plans  
<https://banningca.gov/DocumentCenter/View/6804/ALL-ATTACHMENTS-2>
3. Cannabis eligibility letter  
<https://banningca.gov/DocumentCenter/View/6805/ALL-ATTACHMENTS-3>
4. Applicant's Lottery Notification Letter  
<https://banningca.gov/DocumentCenter/View/6806/ALL-ATTACHMENTS-4>
5. Planning Commission Staff Report  
<https://banningca.gov/DocumentCenter/View/6800/ALL-ATTACHMENTS-5>
6. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/6801/ALL-ATTACHMENTS-6>
7. Notice of Exemption  
<https://banningca.gov/DocumentCenter/View/6802/ALL-ATTACHMENTS-7>

Approved by:



Douglas Schulze, City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** **CITY COUNCIL**

**FROM:** **Doug Schulze, City Manager**

**PREPARED BY:** **Adam B. Rush, Community Development Director**

**MEETING DATE:** **January 14, 2020**

**SUBJECT:** **Resolution 2020-7, approving, Conditional Use Permit 19-8010, authorizing a Cannabis Retailer at an existing developed property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District**

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**RECOMMENDED ACTION:**

Staff recommends the City Council adopt Resolution 2020-7, approving Conditional Use Permit 19-8010, making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District.

**PROJECT / APPLICANT INFORMATION:**

Project Applicant: Black Sun Medicals  
1484 West Ramsey Street  
Banning, CA 92220

Project Location 1474 West Ramsey Street, Banning, CA 92220

APN Information: 540-180-001

Property Owner: Elaine Gurrola for Greco-Mexica 1978 Trust  
1510 West Ramsey Street  
Banning, CA 92220

**BACKGROUND:**

Planning Commission Recommendation: On December 4, 2019, the Planning Commission of the City of Banning, held a duly noticed public hearing on proposed Conditional Use Permit (CUP 19-8010) and a Categorical Exemption (Existing Facilities 15301) and, following public testimony and the close of the hearing, adopted Planning Commission Resolution 2019-26 (revised), by a 5-0 vote, recommending that the City Council of the City of Banning, approve CUP 19-8010.

**DESCRIPTION:**

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for the retail sales and delivery of cannabis products at an existing developed property located at 1474 West Ramsey Street, Banning, CA 92220. The applicant also intends to sell other ancillary retail products such as; t-shirts, pipes, papers and other cannabis related merchandise.

The applicant, Michelle West, owner of Black Sun Medicals, Inc., submitted an application on February 20, 2019, for a Cannabis Regulatory Permit and was deemed eligible to participate in the Cannabis Lottery. Michelle was the first person to be selected in the Cannabis Lottery on May 23, 2019, and the second to submit an application for a Cannabis Retailer Conditional Use Permit on November 3, 2019.

The applicant proposes to operate within an existing multi-tenant commercial building located at 1474 West Ramsey Street, occupying one of the retail suites. The total space is approximately 3,500 square feet and will be remodeled to accommodate a lobby/reception area, retail sales and display area, office, storage room, security room and break room.

In accordance with Banning Municipal Code (BMC), the applicant proposes a security plan with cameras, guards and surveillance equipment. There will be adequate security lighting and protocols to minimize potential security threats. Additionally, a two stage air filtration system will be installed to prevent odors from leaving the premises.

The applicant proposes that the business be open to the public between the hours of 9:00 a.m. to 9:00 p.m.; although, staff may be working as early as 7:00 a.m. and as late as 11:00 p.m. in order to prepare and close down from the daily business activities.

**Surrounding Land Use**

The site is located in an existing multi-tenant commercial building between existing Antique and Furniture Stores.

The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for City Council consideration in the following table:

**Land Use Summary Table**

|                     | Existing Land Use | Zoning Classification    | General Plan Designation |
|---------------------|-------------------|--------------------------|--------------------------|
| <b>Subject Site</b> | Commercial Center | (HSC)                    | (HSC)                    |
| <b>North</b>        | Offices           | (HSC)                    | (HSC)                    |
| <b>South</b>        | I-10 Freeway      | (PF-Railroad/Interstate) | (PF-Railroad/Interstate) |
| <b>East</b>         | Antique Store     | (HSC)                    | (HSC)                    |
| <b>West</b>         | Furniture Store   | (HSC)                    | (HSC)                    |

**PROJECT ANALYSIS:**

**Zoning**

Table 17.12.020 (“*Permitted, Conditional and Prohibited Commercial and Industrial Uses*”) of Section 17.12.020, of Chapter 17.12 of Title 17 of the Banning Municipal Code provides that Cannabis Retailers are permitted in the Highway Serving Commercial (HSC) Zoning District, subject to approval of a Cannabis CUP by the City Council, and recommendation by the Planning Commission, and subject to the requirements of Chapters 17.52 and 17.54 of the Zoning Code.

Additional requirements identified in the Code state the cannabis retailer must be at least 200-feet from any residential district and 600-feet from any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, or park. The proposed location of the Cannabis Retailer is compliant with the above mentioned requirements.

**Conditional Use Permit**

In accordance with Section 17.52.010, the purpose of a Conditional Use Permit is:

- A. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.

B. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the City Council might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

Section 17.52.050 – Findings states:

After a public hearing, the Commission shall record the decision in writing the findings upon which such decision is based. The Commission may approve and/or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

- A. The proposed use is consistent with the General Plan;
- B. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Ordinance;
- C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
- D. The subject site is physically suitable for the type and intensity of land use being proposed;
- E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- F. There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
- G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

**Staff has determined that above-referenced findings can be made. The support for the findings can be found in City Council Resolution 2020-7 (attachment 1).**

Section 17.54.060, Procedures and findings for approval of cannabis retailer conditional use permit states:

A. A cannabis retailer conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.52, Conditional Use Permits, with the following exceptions:

1. Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the cannabis retailer conditional use permit and that the approval of such permit shall be made by the City Council.
2. Sections 17.52.020 (Application Procedures) and 17.52.080 (Modifications) shall not apply.
3. Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.

B. An applicant for a cannabis retailer conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis retailer conditional use permit shall be granted until the requisite CEQA review has been conducted.

Staff believes that approval of the CUP will serve the community by providing a convenient location for the purchase of cannabis products, providing for jobs and tax revenue, and assisting highway consumers traveling and staying in the surrounding area.

#### **ENVIRONMENTAL DETERMINATION:**

##### California Environmental Quality Act (CEQA)

The Planning Commission recommended the City Council determine that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure involving negligible or no expansion of a former use, including interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The Project will consist of remodeling the subject tenant suite to accommodate a lobby/reception area, retail sales and display area, office, storage room, security room, and break room.

##### Multiple Species Habitat Conservation Plan (MSHCP).

The project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

**PUBLIC COMMUNICATION:**

Proposed Conditional Use Permit 19-8010 was advertised in the Record Gazette newspaper on January 3, 2020 (Attachment 6). As of the date of this report, staff has not received any written comments on the project.

**ATTACHMENTS:**

1. City Council Resolution 2020-7  
<https://banningca.gov/DocumentCenter/View/6810/CUP-19-8010-PC-Resolution-2020-7>  
Exhibit A – Project Plans  
<https://banningca.gov/DocumentCenter/View/6814/2019-11-20-Stamped-and-Signed-Plans>  
Exhibit B – Conditions of Approval  
[https://banningca.gov/DocumentCenter/View/6809/CUP-19-8010-COA\\_md](https://banningca.gov/DocumentCenter/View/6809/CUP-19-8010-COA_md)
2. Project Plans  
<https://banningca.gov/DocumentCenter/View/6814/2019-11-20-Stamped-and-Signed-Plans>
3. Applicant's Regulatory Permit Application Approval Letter  
<https://banningca.gov/DocumentCenter/View/6807/Cannabis-eligibility-letter-19-9507>
4. Applicant's Lottery Notification Letter  
<https://banningca.gov/DocumentCenter/View/6808/Cannabis-lottery-letter-19-9507>
5. Planning Commission Staff Report  
[https://banningca.gov/DocumentCenter/View/6811/CUP-19-8010-PC-Staff-Report\\_abr\\_20191125](https://banningca.gov/DocumentCenter/View/6811/CUP-19-8010-PC-Staff-Report_abr_20191125)
6. Public Hearing Notice  
[https://banningca.gov/DocumentCenter/View/6812/PHN\\_CUP-19-8010\\_md](https://banningca.gov/DocumentCenter/View/6812/PHN_CUP-19-8010_md)
7. Notice of Exemption  
<https://banningca.gov/DocumentCenter/View/6813/Notice-of-Exemption>

Approved by:



Doug Schulze, City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**PREPARED BY:** Kevin G. Ennis, City Attorney  
Sonja De La Fuente, Deputy City Clerk  
**MEETING DATE:** January 14, 2020  
**SUBJECT:** Filling Council Vacancy

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### **RECOMMENDED ACTION:**

City Council direct staff to advertise and recruit a qualified candidate from District 2 for appointment to fill the vacancy until a candidate is elected during the regular election on November 3, 2020.

### **BACKGROUND:**

Councilmember Peterson submitted a letter of resignation to Councilmember Welch on January 2, 2020. This letter was received in the City Clerk's office on January 6, 2020. In the letter, Councilmember Peterson stated that his resignation would be effective January 13, 2020. Upon Councilmember Peterson's resignation taking effect, that resignation will create a vacancy on the City Council for the approximate eleven months that remain in his four-year term. He was re-elected to his second four-year term on the City Council from District 2 in November 2016.

Government Code Section 36512(b) provides that, within 60 days of an office becoming vacant, the City Council shall either (1) fill the vacancy by appointment or (2) call a special election to fill the vacancy. Theoretically, the City Council has three potential options to satisfy this duty. However, as explained below, the latter two options are not feasible given the relatively short time between the effective date of his resignation and the next available regular election date of November 3, 2020.

#### **1. Appointment**

A person appointed to fill a vacancy occurring in the second half of a city council member's term would hold office for the remainder of the former incumbent's term. (Gov. Code §

36512(b)(2)(B).) As Councilmember Peterson was re-elected in 2016, a person appointed to fill his seat could hold office until December 2020 (approximately 11 months).

Councilmember Peterson was elected as a representative from Council District No. 2. Therefore, a person appointed to fill his vacancy would need to be an elector from District 2. This means that the person must reside in and be registered to vote in District 2.

State law does not mandate a particular process for making such an appointment. The City Council could, but is not required to, solicit applications and conduct interviews of potential candidates. Whatever process the City chooses to follow, all discussions and deliberations regarding the appointment must be held in open session and at duly noticed public meetings held in compliance with the Brown Act. The City Council may call one or more special meetings to consider the process for and to make an appointment to fill the position.

## **2. Special Election**

Alternately, the City Council may call for a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. (Gov. Code § 36512(b)(1).) The person elected will hold office for the unexpired term of the former incumbent.

The next regular election date is November 3, 2020. (Banning Municipal Code § 1.12.030; Elections Code §§ 1000, 1002.) Therefore, any special election called to fill the vacancy would coincide with the date of the general election for Councilmember Peterson's seat. Calling a special election would not result in the vacancy being filled prior to the election of Councilmember Peterson's successor and would mean that Councilmember Peterson's seat would remain vacant for the remaining 11 months of his term.

## **3. Appointment Until Date of a Special Election**

Lastly, state law provides for a theoretical third option. The City Council may adopt an ordinance providing that a person appointed to fill a vacant city council member seat will hold office only until the date of a special election, to be held on the next regularly established election date not less than 114 days from the call of the special election. (Gov. Code § 36512(c)(3).) This option would have the same result as option 2 above because it would require holding a special election on the same day that Councilmember Peterson's seat is to be filled at the regular general election.

In summary, the only viable option is to appoint a person to fill the vacancy. The person appointed would serve until a successor is elected at the November 2020 election. As indicated above, the City Council would need to make that appointment on or before the 60th day from the date that the office became vacant. Sixty (60) days from January 13, 2020 is March 13, 2020.

**JUSTIFICATION:**

Due to the short period of time between now and the regular election, plus the added cost of a special election, staff recommends filling the vacancy by appointment until a candidate may be elected during the regular election in November 2020.

**FISCAL IMPACT:**

None, if approved as recommended.

**OPTIONS:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Municipal Code Section 2.04.040  
<https://banningca.gov/DocumentCenter/View/6793/Attachment-1---Municipal-Code-Section-204040>
2. Government Code Section 36512  
<https://banningca.gov/DocumentCenter/View/6794/Attachment-2---Government-Code-Section-36512>
3. Elections Code Sections 1000-1003  
<https://banningca.gov/DocumentCenter/View/6791/Attachment-3---Elections-Code-Sections-1000-1003>
4. Municipal Code Section 1.2.030  
<https://banningca.gov/DocumentCenter/View/6792/Attachment-4---Municipal-Code-Section-112030>

Approved by:



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Douglas Schulze  
City Manager

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** **CITY COUNCIL**

**FROM:** **Douglas Schulze, City Manager**

**MEETING DATE:** **January 14, 2020**

**SUBJECT:** **Resolution 2020-8, Authorizing Waiver of Fees for Habitat for Humanity to construct a Single-Family Residence (SFR) located at Lot No. 17 (APN: 541-042-010), Wilson St. in the City of Banning, CA**

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### **RECOMMENDED ACTION:**

Staff recommends the City Council adopt Resolution 2020-8, authorizing waiver of fees for Habitat for Humanity to construct a SFR at Lot No. 17; which is located on Wilson St. in the City of Banning.

### **BACKGROUND:**

Habitat for Humanity is a not for profit organization that specializes in refurbishing and constructing new homes for low income residents in the community. Habitat for Humanity has been engaged in the San Gorgonio Pass Area for the past nineteen years.

This not for profit has completed several homes within the City of Banning and recently engaged on another property; which is referenced herein. During the September 10, 2018 City Council meeting, an affordability covenant was executed to cover the cost of the fee waiver for a previous property; however, this funding source is no longer available to the City.

The requested fee waiver would incorporate the City's application fees for Plan Check Review, Permits, Inspections, and Development Impact Fees (DIF). The application of the WRCOG TUMF and WRMSHCP related impact fees are likely not applicable or waived based upon the implementing ordinances, respectively; however, the City does not administer either of these fee programs and the Community Development Department only collects the MSHCP impact fees as a "pass through" to the Regional Conservation Authority (RCA).

The total fee estimate is calculated by staff to be approximately \$20,000; which is inclusive of the fees referenced above. This amount is only an estimate as plans have

yet to be transmitted for plan check, inspections have not been conducted, and construction has not commenced.

**JUSTIFICATION:**

The Governor has declared a “Housing Crisis” and signed 18 bills to increase housing production across all income categories in California. The provision of low cost and Affordable Housing is in short supply and the addition of new housing construction to the City’s existing housing stock provides for a wide range of economic benefits.

**FISCAL IMPACT:**

The fee waiver will have an impact to the City’s General Fund in the amount of approximately \$20,000 realized within Fiscal Year 19/20.

**OPTIONS:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENT:**

1. Resolution 2020-8  
<https://banningca.gov/DocumentCenter/View/6796/Attachment-1---Resolution-2020-8>
2. Fee Estimate Detail  
<https://banningca.gov/DocumentCenter/View/6795/Attachment-2---Fee-Estimate-Detail>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jennifer Christensen, Administrative Services Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Statement of Investment Policy

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### **RECOMMENDED ACTION:**

That the City Council adopt the Statement of Investment Policy, Administrative Policy No. B-11.

### **BACKGROUND:**

This Statement of Investment Policy pertains to those funds under the control of the City Council, designated for the ongoing operations of the City, the Banning Finance Authority, the Banning Utility Authority and the Successor Agency to the City of Banning Redevelopment Agency. The Statement of Investment Policy concerns the deposit, maintenance, and safekeeping of all such funds, and the investments made with these funds. This Policy does not apply to pension funds, deferred compensation funds, bond funds (the investment of which is governed by the bond documents), trustee, and certain other non-operating funds.

The Statement of Investment Policy addresses the key areas that should be included in an investment policy as indicated in the Local Agency Investment Guidelines published by the California Debt and Investment Advisory Commission (CDIAC) including a list of securities in which the City may invest and conflict of interest prohibitions.

### **JUSTIFICATION:**

The investment policy serves as the foundation of a local agency's investment goals and priorities. If the investment policy should be reviewed regularly to assure that it continues to meet the agency's goals/priorities for its portfolio, it can help protect the assets of the organization. The existence of an approved investment policy demonstrates that the governing body is performing its fiduciary responsibilities, thereby, inspiring trust and confidence among the public that it serves.

Although not mandated, Section 53646(a)(2) states that the chief fiscal officer of any other local agency may annually render to the legislative body at a public meeting. While not required by statute, it is recommended that the investment policy be presented to and discussed with the agency's legislative body, and then have the policy approved by a vote of the legislative body. A public vote signifies that the legislative body shares fiduciary responsibility with the treasurer, increases the authority and legitimacy of the investment policy, and provides transparency and disclosure.

The proposed Statement of Investment Policy has been prepared in consideration of the primary investment objectives of safety of principal, liquidity that ensures the City can meet all of its cash flow needs while earning a fair market rate of return on available funds.

**FISCAL IMPACT:**

No fiscal impact.

**OPTIONS:**

1. Approve Statement of Investment Policy as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Statement of Investment Policy, Administrative Policy No. B-11  
<https://banningca.gov/DocumentCenter/View/6816/Admin-Policy-B-11-Statement-of-Investment-Policy>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Douglas Schulze, City Manager  
Art Vela, Public Works Director

**MEETING DATE:** January 14, 2020

**SUBJECT:** Resolutions of Necessity for the Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes in Connection with the Ramsey-Hathaway Street Improvement Project

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### **CONTINUANCE OF ITEM TO THE MEETING OF JANUARY 28, 2020:**

This matter was scheduled for consideration at the December 10, 2019 City Council meeting. At the December 10, 2019 meeting, the City Council continued this matter to the meeting of January 14, 2020. Based on the City's continuing discussions with one of the property owners regarding the proposed acquisition of certain property interests and applicable notice requirements, the City is continuing this matter to the meeting of January 28, 2020. The Property Owners have been advised of the continuance.

### **ISSUES FOR CITY COUNCIL'S CONSIDERATION AT MEETING OF JANUARY 28, 2020:**

At the meeting of January 28, 2020, City Staff will recommend that the City Council take the following actions:

1. Separately consider each of the following five Resolutions, which are Resolutions of Necessity of the City of Banning, declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof in connection with the City's Ramsey/Hathaway Street Improvement Project ("Project"):
  - [Resolution 2019-159](#)
  - [Resolution 2019-160](#)
  - [Resolution 2019-161](#)
  - [Resolution 2019-162](#)

- Resolution 2019-163

2. Open and conduct a hearing on the adoption of the proposed Resolutions of Necessity, receive from City Staff the evidence stated and referred to in the Staff Report (“Report”), take testimony from any person wishing to be heard on issues A, B, C, and D below, and consider all evidence to determine whether to adopt each proposed Resolution of Necessity, each of which requires the City Council’s separate consideration and determination:

- A. The public interest and necessity require the Project;
- B. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The Subject Property Interests described in each Resolution of Necessity are necessary for the Project; and
- D. The City has made an offer as required by Government Code Section 7267.2 to the owner of record of the real property interest it seeks to acquire.

3. If the City Council finds, based on the evidence contained and referred to in the Report, the testimony and comments submitted to the City Council, that the evidence warrants the necessary findings with respect to each of the proposed Resolutions of Necessity, then City Staff recommends that the City Council, in the exercise of its discretion, adopt proposed Resolution of Necessity No. 2019-159, Resolution of Necessity No. 2019-160, Resolution of Necessity No. 2019-161, Resolution of Necessity No. 2019-162, and Resolution of Necessity No. 2019-163 (each of which requires a 4/5ths vote of the entire City Council) and authorize the City Attorney’s office to file eminent domain proceedings to acquire the real property interests described below, which include fee areas and temporary construction easements (referred to below collectively as the “Subject Property Interests” from the five parcels described below:

**1933 E. Ramsey Street, APN 532-120-012) (Liang Parcel)**

- An approximate 3,233 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1933 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor’s Parcel Number 532-120-012, which is owned by Teh Shan Liang (referred to as “Liang Parcel”).
- An approximate 1,321 square foot temporary construction easement with a term of nine months on the Liang Parcel to help facilitate the construction of the Project.

**1483 E. Ramsey Street, APN 541-170-019 (Huynh Trustees Parcel)**

- An approximate 5,285 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1483 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 541-170-019, which is owned by Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust dated August 8, 2007 ("Huynh Trustees Parcel").
- An approximate 90 square foot temporary construction easement with a term of nine months on the Huynh Trustees Parcel to help facilitate the construction of the Project.

**APN 541-170-021; northwest corner of E. Ramsey and N. Hathaway (Huang Parcel)**

- An approximate 12,146 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northwest corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 541-170-021, which is owned by Jen H. Huang (referred to as "Huang Parcel").
- An approximate 3,448 square foot temporary construction easement on the Huang Parcel with a term of nine months to help facilitate the construction of the Project.

**1679 E. Ramsey Street, APN 532-120-019 (Terra Firma Parcel)**

- An approximate 16,182 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1679 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-019, which is owned by Terra Firma Enterprises, LLC, a Wyoming Limited Liability Company (referred to as "Terra Firma Parcel"). The 16,182 square foot fee area from the Terra Firma Parcel includes the underlying fee interest in an approximate 12,700 square foot area previously dedicated as an easement for state highway purposes pursuant to the Record of Survey recorded in July 1937 in Book 11, Page 24 of Official Records. It also includes an approximate 3,482 square foot fee area that is not burdened by an existing easement and is needed for the construction of the Project.

- An approximate 4,752 square foot temporary construction easement with a term of nine months on the Terra Firma Parcel to help facilitate the construction of the Project.

**APN 532-120-020: northeast corner of E. Ramsey Street and N. Hathaway Street (Burgess Trustees Parcel)**

- An approximate 5,692 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northeast corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 532-120-020, which is owned by Frank J. Burgess and Lorna D. Burgess, Trustees of the Burgess Family Trust DOT December 5, 1989 (referred to as "Burgess Trustees Parcel").
- An approximate 2,575 square foot temporary construction easement with a term of nine months on the Burgess Trustees Parcel to help facilitate the construction of the Project.

The Subject Property Interests, comprised of the above-described fee areas and temporary construction easements, are described more particularly in each respective Resolution of Necessity. The Resolutions of Necessity with their respective Exhibits were attached to the Agenda Report for the December 10, 2019 meeting and will also be attached to the Agenda Report for the January 28, 2020 meeting.

4. If the City Council adopts the proposed Resolutions of Necessity, authorize the City Attorney's Office to file and prosecute eminent domain proceedings for the acquisition of the Subject Property Interests by eminent domain.
5. Authorize the City Manager to execute all necessary documents.
6. Authorize the City Clerk to certify the adoption of this resolution and to have said resolution filed in the book of original resolutions.

The Staff Report for the January 28, 2020 meeting will contain a discussion regarding the Project and the findings required for the adoption of the proposed Resolutions of Necessity.

**RECOMMENDED CITY COUNCIL ACTION**

Based on the City's continuing discussions with one of the property owners regarding the proposed acquisition of certain property interests and applicable notice requirements, City Staff recommends that the City Council continue this matter to the meeting of January 28, 2020 in accordance with the notice provided to the property owners.

Staff Report: Resolutions of Necessity for Eminent Domain

January 14, 2020

Page **5** of **5**

Approved by:



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Douglas Schulze  
City Manager

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**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** **CITY COUNCIL**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Adam B. Rush, Community Development Director**

**MEETING DATE:** **January 14, 2020**

**SUBJECT:** **First Reading of Ordinance 1556, Approving Zoning Text Amendment (ZTA) No. 19-97505 Adopting by Reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and making certain clarifying revisions to the landscape provisions within Title 17 of the Banning Municipal Code and finding the project exempt from CEQA Guidelines Section 15378 and adopting a Categorical Exemption**

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**RECOMMENDED ACTION:**

That the City Council take the following actions:

1. Approve for the first reading, Ordinance 1556 approving Zoning Text Amendment 19-97505 adopting by reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and making certain clarifying revisions to the landscape provisions within Title 17 of the Banning Municipal Code; and
2. Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378.

**APPLICANT INFORMATION:**

Applicant: City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

Property: All parcels and property (Banning, CA)

**BACKGROUND:**

Planning Commission Recommendation: On December 4, 2019, the Planning Commission of the City of Banning, held a duly noticed public hearing on proposed Zoning Text Amendment (ZTA) 19-97505 and a Categorical Exemption and, following public testimony and the close of the hearing, adopted Planning Commission Resolution 2019-27, by a 5-0-0 vote, recommending that the City Council of the City of Banning, approve ZTA 19-97505.

Since enacting the requirement for the Model Water Efficient Landscape Ordinance (MWELO) in 2006, the California State Legislature has sought to promote the conservation of water through local regulation of landscaping. On April 1, 2015, the Governor issued Executive Order B-29-15, which ordered substantial water reductions and actions to support such reductions across a variety of agencies. In Directive #11 of this Executive Order, the Governor required the update of the MWELO by the Department of Water Resources, and reporting on the implementation of the updated ordinance by local agencies by December 31, 2015.

The proposed ordinance amendment will incorporate the state-mandated MWELO requirements which require increased water efficiency within private and publically maintained irrigation systems, incentives for graywater usage, improvements for onsite stormwater capture, and limiting the portion of landscapes that can be planted with high water use plants. A discussion of these changes is found in the accompanying flyer from the California Department of Water Resources.

Enforcement of the water efficiency standards will be jointly undertaken by both the City of Banning – Building & Safety and Code Enforcement staff. Since the state's adoption of these standards, the City's plan check process has acted in compliance with these requirements notwithstanding their absence from the Banning Municipal Code. This ordinance amendment will formalize the City's enforcement authority. Furthermore, our current processing requirements largely consist of plan checks of projects that meet the reduced thresholds in the ordinance. Landscaping plan checks are conducted by a Registered Landscape Architect (RLA) provided under contract to the City through our Building & Safety staffing services contract.

**ANALYSIS:**

The proposed Ordinance Amendment intends to satisfy the state requirement for adoption of an ordinance to implement the updated Model Water Efficient Landscaping Ordinance; which was approved by the California Water Commission in 2015. The requirement for the City to adopt the updated ordinance is found in Governor's Executive Order B-29-15.

**ENVIRONMENTAL DETERMINATION:**

A. California Environmental Quality Act (CEQA)

City staff has determined that the proposed Zoning Text Amendment exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15307 and 15308, as an action taken to assure the maintenance, restoration, or

enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment.

**B. Multiple Species Habitat Conservation Plan (MSHCP)**

The proposed Zoning Text Amendment does not relate to any one physical project and are not subject to the MSHCP. In addition, proposed landscaping improvements occur either on private property where they are considered minor alterations to land or within City Rights-of-Way which are covered facilities under the MSHCP.

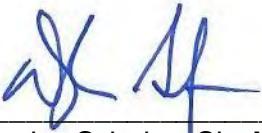
**PUBLIC COMMUNICATIONS:**

This public hearing was advertised in the Record Gazette newspaper January 3, 2020. As of this writing no comments, questions, or inquires have been received.

**ATTACHMENTS:**

1. Ordinance 1556  
<https://banningca.gov/DocumentCenter/View/6829/Ordinance-1556-Model-Water-Efficient-Landscape-Ordinance>
2. Planning Commission Staff Report  
[https://banningca.gov/DocumentCenter/View/6825/Planning-Commission-Staff-Report\\_12-04-19](https://banningca.gov/DocumentCenter/View/6825/Planning-Commission-Staff-Report_12-04-19)
3. California Code of Regulations, Title 23  
<https://banningca.gov/DocumentCenter/View/6826/California-Code-of-Regulations-Title-23>
4. Notice of Exemption (NOE)  
[https://banningca.gov/DocumentCenter/View/6828/NOE-ZTA-19-97505\\_md](https://banningca.gov/DocumentCenter/View/6828/NOE-ZTA-19-97505_md)
5. Model Water Efficiency Landscape Ordinance: 2015 Revision Flyer  
<https://banningca.gov/DocumentCenter/View/6827/Model-Water-Efficiency-Landscape-Ordinance-2015-Revision-Flyer>

Approved by:



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Douglas Schulze, City Manager