



*The following information comprises the minutes for a 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**

**09/28/2021  
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Mayor Colleen Wallace  
Mayor Pro Tem David Happe  
Council Member Mary Hamlin  
Council Member Alberto Sanchez  
Council Member Kyle Pingree\* *joined 5:10 p.m.*

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager  
Kevin Ennis, City Attorney  
Marie Calderon, City Clerk  
Caroline Patton, Deputy City Clerk  
Art Vela, Public Works Director\*  
Adam Rush, Community Development Director  
Matthew Hamner, Chief of Police  
Ralph Wright, Parks and Recreation Director\*  
Suzanne Cook, Finance Director\*  
Tom Miller, Electric Utility Director  
Cherie Johnson, Human Resources Manager\*  
James Wurtz, Economic Development Manager  
Laurie Sampson, Executive Assistant\*  
Mark de Manicor, Contract Planner\*  
Holly Stuart, Management Analyst\*  
Alejandro Geronimo, City Treasurer\*  
Shiloh Rogers, Purchasing Manager\*

\*Participated via Zoom.

**1. CALL TO ORDER**

Mayor Wallace called the regular meeting to order at 5:00 p.m.

- 1.1. Invocation  
Bill Dunn, Vicar of St. Stephen's Episcopal Church gave the invocation.
- 1.2. Pledge of Allegiance  
Mayor Wallace led the Pledge of Allegiance.
- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Hamlin, Mary	X	
Happe, David	X	
Pingree, Kyle**	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

*\*\*Arrived at 5:10 p.m.*

## **2. AGENDA APPROVAL**

### **2.1. Approve Agenda**

#### **Motion to approve the agenda.**

Motion by Council Member Hamlin  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

## **3. CLOSED SESSION**

Assistant City Attorney Serita Young made the closed session announcement.

### **3.1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: Banning Municipal Airport, 200 So. Hathaway Street, Banning, CA 92220, (including APNs: 532-130-011, 012 and 018)

City Negotiators: Doug Schulze, City Manager

Negotiating Party: Grandave Capital, LLC, Ruben Islas, Manager

Under Negotiation: Price and terms for long-term lease of property

### **3.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 150 East Ramsey Street, Banning, California

City Negotiator: Doug Schulze, City Manager

Negotiating Parties: Jafar Rahman, Jalal Rahman, Basam Abdelhady and Kahlid Ali of JK Partners,

Under Negotiation: Price and terms for potential sale or property

- 3.3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION,**  
Potential Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of  
Section 54956.9 (One Case)  
Tolling Agreement re Potential Claim by City against Southern California  
Edison for failure to make repairs to the Flume and the failure to maintain  
delivery of water through the Flume to the City

Mayor Wallace announced the Council would go into closed session at 5:07 p.m.  
City Council returned from closed session at 6:04 p.m.

## 5. **PRESENTATION(S)**

- 5.1. Proclamation – Public Power Month

Mayor Wallace read the proclamation for Public Power Month.

## 4. **REPORT ON CLOSED SESSION**

Assistant City Attorney Young gave a report on closed session. For items 3.1 and 3.2 there was no final or reportable action. On item 3.3, the City Council voted 5-0 to approve a Tolling Agreement related to the Flume with Southern California Edison and the Banning Heights Mutual Water Company.

## 6. **PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT**

- 6.1. **PUBLIC COMMENTS**

**Inge Schuler** noted that the minutes for the September 14, 2021, meeting were not on the agenda. She said that the non-profit Faith in Action of the San Geronio Pass is currently suspended with the Secretary of State's office.

**Kenneth Downs** praised the community but said there was corruption. He said his home burnt down and staff in code enforcement would not allow them to reconnect water service.

**Diana Walker** said she lives on 364 E Hoffer Street and the home across the street burned down. She said it is creating a public nuisance and the city is not addressing it.

**Harry Sullivan** asked the Council to address his request to require the negotiations with Grandave be conducted in public meetings.

**Marco Santana** promoted his project, Banning Future Fellows.

- 6.2. **CORRESPONDENCE**  
None

### 6.3. APPOINTMENTS

Appointments to CDBG Ad-Hoc Committee

#### **Motion to appoint Council Members Sanchez and Hamlin to the CDBG Ad-Hoc Committee.**

Motion by Mayor Wallace

Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

### 6.4. CITY COUNCIL COMMITTEE REPORTS

Council Member Hamlin shared that she and Mayor Wallace attended the annual CalCities conference the previous week. She said it was a learning experience and she met people from other cities that have experienced the same problems facing the city.

Mayor Wallace said she was appointed as an alternate to serve on the CalCities Riverside Division and that she will be representing the City of Banning.

### 6.5. CITY MANAGER REPORT

City Manager Schulze said that the September 14, 2021, meeting minutes will be on the October 12, 2021, regular meeting of the City Council. He shared that Faith in Action of the San Geronio Pass is not currently receiving any public funds and that there are two "Faith in Action" groups.

He said staff are aware of the nuisance properties and staff are working toward resolving issues with both residential and commercial properties within the city. He said that city staff spent the day cleaning the homeless encampment on E Williams Street but will be returning to continue their work.

### 6.6. CITY ATTORNEY REPORT

None

## 7. CONSENT ITEMS

7.1. Approval of Minutes from the September 7, 2021, City Council Meeting

7.2. Receive and File Contracts Approved Under the City Manager's Signature Authority, including CUPPCAA Projects, for the Month of August 2021

- 7.3. Receive and File Police Department Statistics for the Month of August 2021
- 7.4. Receive and File Fire Department Statistics for the Month of August 2021
- 7.5. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of August 2021
- 7.6. Receive and File Cash, Investments and Reserve Report for the Month of August 2021
- 7.7. Public Works Capital Improvement Project Tracking List
- 7.8. City of Banning General Plan Annual Progress Report for Calendar Year 2020
- 7.9. Resolution 2021-89 to update and restate the City's Surplus Lands Act Declaration for Property at APN 419-190-041
- 7.10. Resolution 2021-03 SA, Reconveying the Deed of Trust and Resolution 2021-04 SA, Terminating the Covenants, Conditions and Restrictions recorded on Banning Ventures, LLC (DBA Coyne Motorsports) Located at 2301 W. Ramsey Street (APN 538-162-016)
- 7.11. Updating Resolution 2021-75, a Joint Resolution Approving the I-10 Corridor Strategic Plan
- 7.12. Adopting Resolution 2021-83, "Authorizing Participation in the California Arrearages Payment Program to Request Funding for Unpaid Electric Utility Services Incurred During the Covid-19 Pandemic"
- 7.13. San Gorgonio Construction Contract
- 7.14. Second Reading of Ordinance 1577, Incorporating Micro-Businesses into the Banning Municipal Code (BMC) by Amending Chapters 5.33 and 5.35 of Title 5 and Chapters 17.04, 17.08, 17.12, 17.20, and 17.53 of Title 17 and Making Findings in Accordance with CEQA
- 7.15. Update the Environmentally Preferable Purchases and Practices Policy (EPPP) and Recycled Products Purchasing Policy (RCP) B-37
- 7.16. Approving an Emergency Purchase Order for Programmable Logic Controller (PLC) Replacement and Programming at the City of Banning Wastewater Treatment Plant (WWTP) Completed by Prime Systems Industrial Automation, Inc. of Riverside, California in the Amount of \$37,500
- 7.17. Accept the Right-of-Way Dedication for 1219 E Nicolet Street (Assessor's Parcel Number 541-091-010) from Innovation Remodel Corporation for Public Road and Utilities Purposes
- 7.18. Adopt Resolution 2021-86 Authorizing the Purchase of Two ENC EZ-Rider II CNG Buses from Creative Bus Sales through the utilization of the California Association for Coordination Transportation (CALACT) - Morongo Basin Transit Authority (MBTA) Competitive Bid Process in the amount of \$1,109,371
- 7.19. Resolution 2021-89, Approving Revisions to the Compensation and Classification Plan

#### Public Comments

**Paul Perkins** said that Item 7.9 should not be approved and provided the Council with a proposed site plan that went before the Planning Commission. He requested more transparency when it comes to surplus property.

**Frank Connolly** said Item 7.7 was one of the most important things they receive from staff and would like the city to distribute a larger, print version to the residents.

**Motion to approve consent agenda items 7.1 to 7.11, 7.13 to 7.17, and 7.19.**

Motion by Council Member Sanchez  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 7.12. Adopting Resolution 2021-83, "Authorizing Participation in the California Arrearages Payment Program to Request Funding for Unpaid Electric Utility Services Incurred During the Covid-19 Pandemic"

Council Member Happe asked several clarifying questions.

Public Comments

None

**Motion to approve consent agenda item 7.12.**

Motion by Council Member Happe  
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 7.18. Adopt Resolution 2021-86 Authorizing the Purchase of Two ENC EZ-Rider II CNG Buses from Creative Bus Sales through the utilization of the California Association for Coordination Transportation (CALACT) - Morongo Basin Transit Authority (MBTA) Competitive Bid Process in the amount of \$1,109,371

Council Member Happe asked staff to elaborate on the funding sources for this purchase.

Public Comments

None

**Motion to approve consent agenda item 7.18.**

Motion by Council Member Happe  
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

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

- 8.1. Continuation of the First Reading of Ordinance 1576 Amending and Restating Existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code, and Finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines

Public Works Director, Art Vela presented the staff report.

Public Comments

**Cindy Barrington** said she was concerned about the charges for replacement bins since she has had two bins stolen and one dropped by Waste Management. She said neighbors would be incentivized to steal bins from one another.

**Frank Connolly** asked who would fix the locks if broken.

Lily Quiroa of Waste Management said the customer just needs to call customer service and they will work with the customer to replace bins and locks.

City Clerk Calderon read the ordinance by title only.

**Motion to waive further reading of Ordinance 1576.**

Motion by Council Member Happe  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

**Motion to introduce Ordinance 1576 for a first reading.**

Motion by Council Member Happe  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 8.2. Resolution 2021-90, considering a recommendation by the Planning Commission to approve Tentative Tract Map 37389, a proposed residential development of 16 lots, including one detention basin/open space lot. The tentative tract map also includes a new public street located adjacent to Hoffer Street & Gilman Street, between Cherry Street and Evans Street, finding the project will be categorically exempt from the requirements of the California Environmental

Adam Rush, Community Development Director, presented the staff report.

Public Comments

None

**Motion to approve Resolution 2021-90.**

Motion by Mayor Wallace  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 8.3. Resolution 2021-84 Recommending the City Council make a determination of exemption under CEQA Guidelines Section 15301 and approve Conditional Use Permit 21-8012, to allow for commercial cultivation of cannabis in an existing industrial building located at 313 South Galleher Way, Unit 101 (APN: 541-220-023) in the Industrial (I) Zoning District

Adam Rush, Community Development Director, presented the staff report.

Public Comments

None

**Motion to approve Resolution 2021-84.**

Motion by Council Member Happe

Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle		X			
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-1.

Council Member Pingree left the meeting.

- 8.4. Resolution 2021-85 Recommending the City Council make a determination of exemption under CEQA Guidelines Section 15301 and approve Conditional Use Permit 21-8013, to allow for commercial cultivation of cannabis in an existing industrial building located at 313 South Galleher Way, Unit 102 (APN: 541-220-023) in the Industrial (I) Zoning District

Adam Rush, Community Development Director, presented the staff report.

Public Comments

**Frank Connolly** said Galleher was never finished, and he recommended that they paint the curb red to prohibit street parking that would block the business.

Public Works Director Vela clarified that the curb was painted red but may be fading.

**Motion to approve Resolution 2021-85.**

Motion by Council Member Happe

Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

- 8.5. First Reading of Ordinance 1575 Amending Titles 5 and 15 of the Banning Municipal Code revising regulations pertaining to the permitting, operation, and maintenance of alarm systems within the City of Banning and providing for fees and penalties for false alarms and violations

Chief of Police, Matthew Hamner, presented the staff report.

Public Comments

**Paul Perkins** said the annual fee would be an issue for homeowners. He asked about discounts for residents or senior citizens. He suggested adding this as part of the business license program in the city.

**Harry Sullivan** said he did not think there is enough time spent on false alarms to warrant a false alarm permit program.

**Frank Connolly** said he agreed that people should pay for tying up police officers' time with a malfunctioning alarm. He recommends a condition that if they get a permit within 30 days that the violation fine be forgiven.

Assistant City Attorney Young said it was possible to add that to the ordinance.

City Clerk Calderon read the ordinance by title only.

**Motion to waive further reading and introduce Ordinance 1575 for a first reading.**

Motion by Council Member Happe  
Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

## 9. REPORT OF OFFICERS

- 9.1. Approval of a Professional Service Agreement with Kosmont Companies for Formation of a Community Revitalization Investment Authority in the City of Banning

Economic Development Manager James Wurtz provided the staff report and introduced Ken Hira of Kosmont Companies. Mr. Hira presented some draft findings from the city's CEDS study and introduced the idea of a Community Revitalization Investment Authority (CRIA) in Banning. Joe Dieguez of Kosmont Companies provided a presentation explaining tax increment financing (TIF).

### Public Comments

**Harry Sullivan** asked what portion of the taxes collected would go to the city.

Mr. Dieguez explained it was about 20 cents on every dollar.

**Motion to approve the professional services agreement with Kosmont Companies for formation of a Community Revitalization Investment Authority Plan in an amount not to exceed \$27,500.**

Motion by Council Member Sanchez  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle					✗
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 absence.

Mayor Wallace called a recess at 8:39 p.m. The City Council meeting was reconvened at 8:50 p.m.

- 9.2. Approval of an Agreement Between the Banning Police Department and the Banning Unified School District for Three (3) School Resource Officers (SROs)

Chief of Police Matthew Hamner presented the staff report. Dr. Baker, Superintendent of the Banning Unified School District, addressed City Council regarding school safety and the role of School Resource Officers (SROs). She said the Board of Trustees was looking at this as a partnership between the schools and the city.

Kelly Sedochenkoff, Deputy District Attorney from the Riverside County District Attorney's Office, said she works with a variety of school districts to stop truancy to cut off the school-to-prison pipeline. She said that studies show SROs contribute to reduced truancy in the community.

Detective Smith shared his experience as an SRO at Banning High School.

Public Comments

**Frank Connolly** said it was a great idea and asked if the school district or police department had looked for grant funding to help support the program.

**Motion to approve an agreement with the Banning Unified School District for the use of three School Resource Officers.**

Motion by Council Member Sanchez  
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

- 9.3. Resolution 2021-95, SB 743 Vehicle Miles Traveled (VMT) Thresholds for California Environmental Quality Act (CEQA) Compliance Related to Transportation Analysis

Adam Rush, Community Development Director, presented the staff report.

Public Comments

None

**Motion to approve Resolution 2021-95.**

Motion by Mayor Wallace  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

**Motion to continue the meeting past 10 P.M.**

Motion by Council Member Sanchez  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

- 9.4. Approve Contract Award for Total Classification and Compensation Study to Public Sector Personnel Services

Cherie Johnson, Human Resources Manager, presented the staff report.

Public Comments

None

**Motion to approve contract award to Public Sector Personnel Services.**

Motion by Council Member Sanchez  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle					X
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

**10. DISCUSSION ITEMS**

None

**11. ITEMS FOR FUTURE AGENDAS**

**11.2. New Items:**

1. Amending City Code to be more Business-Friendly (Wallace)
2. Changing of Committee Officers for RCTC

**11.3. Pending Items:**

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. ~~Scholarship/Internship Program~~
4. Census/Redistricting
5. Golf Cart/EV Ordinance
6. Airport Advisory Commission
7. Retail Marijuana (Happe)
8. Credit Card Fees (Happe)
9. ~~Dog Tethering Ordinance (Pingree)~~

**12. ADJOURNMENT**

Mayor Wallace adjourned the meeting at 10:09 p.m.

Minutes Prepared by:

  
Caroline Patton, Deputy City Clerk

**This entire meeting may be viewed here:**

**<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>**

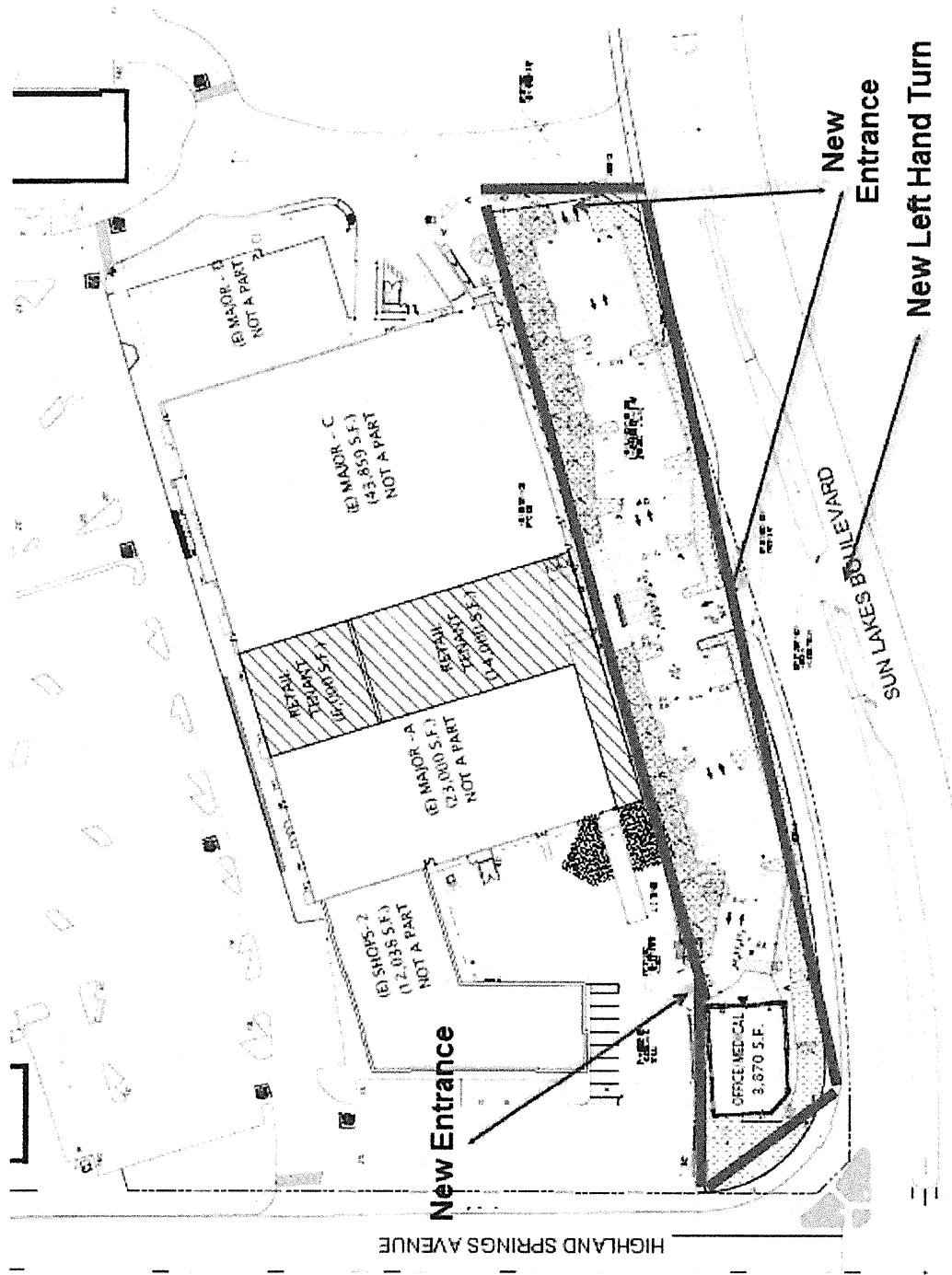
**All documents related to this meeting are available here:**

**<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2532>**

9/28/2021

Received from Paul Perkins  
Consent Agenda Public Comment

## EXHIBIT A



# EXHIBIT B

## Ordinance 1576

Amending and Restating  
Existing Title 8, Chapter  
8.28, Garbage Collection  
and Disposal of the  
Banning Municipal Code



*Together,*  
**PUTTING WASTE  
IN ITS**  
*Place*

City Council Meeting: September 28, 2021

1

## THE “ACT”

Requires the City to reduce, reuse, and recycle, solid waste generated in the City to the maximum extent feasible before landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

- 1989 • AB 939: Integrated Waste Management Act
- 2006 • AB 32: Global Warming Solutions Act
- 2012 • AB 341: Mandatory Commercial Recycling
- 2016 • AB 1826: Mandatory Commercial Organics Recycling
- 2022 • SB 1383: Short-lived Climate Pollutants

2

# EXHIBIT B

## Senate Bill 1383

Requires the reduction and diversion of organics. Regulations, become effective January 1, 2022 (the "SB 1383 Regulations"), and require multiple entities including the City, residential households, commercial businesses, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets.

Builds on existing legislation and requires:

- Organics Recycling Programs for all accounts
- Capacity and Facility Planning
- Ordinance and Enforcement Mechanism for Monitoring Programs
- Revised Purchasing Policy
- Edible Recovery Programs

3

## Ordinance Goals

- Obtain compliance with State mandate (the "Act")
- Supports the newly adopted franchise agreement



4

## EXHIBIT B

### Key Elements

- Solid Waste Collection Services
- Commercial Edible Food Generators and Food Recovery Organizations
- Inspection and Investigations
- Enforcement
- Tax Roll, Delinquencies
- Locking Containers



5

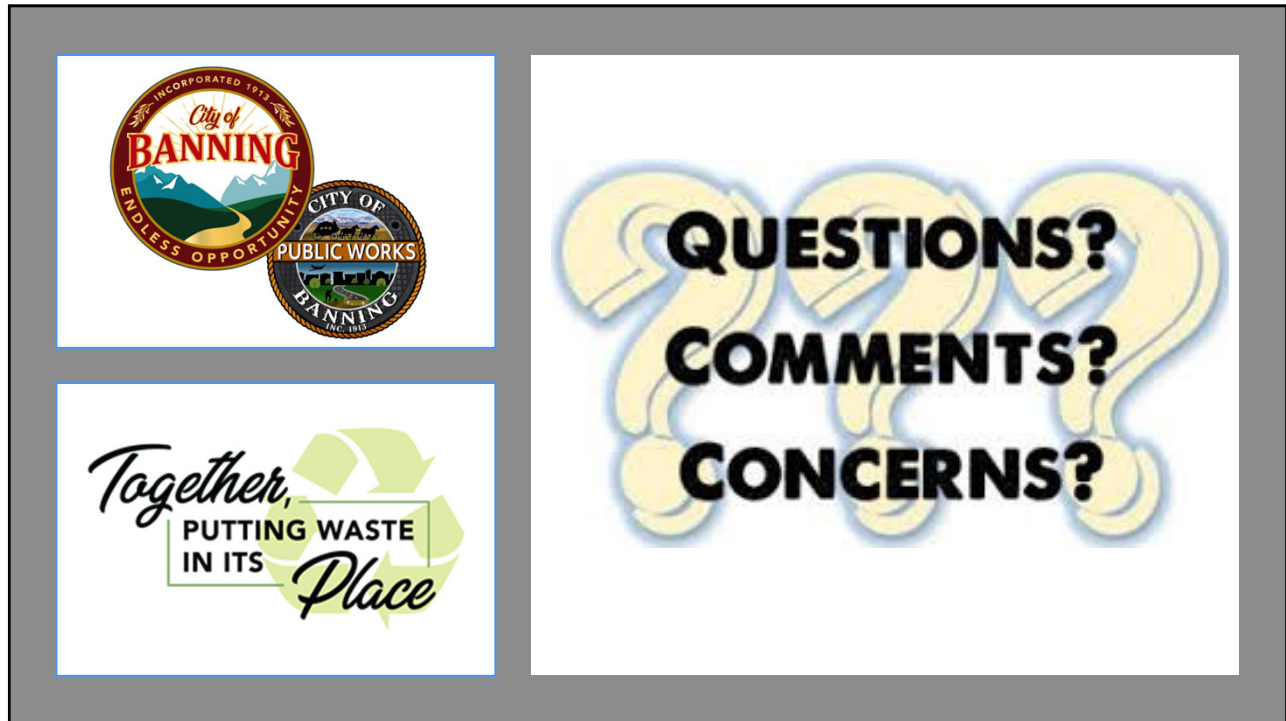
### Modifications

- **“Hauler”** defined as meaning a person who collects material from a Generator and delivers it to a reporting entity, end user, or destination outside of the state. Hauler includes an Authorized Collector, public contract haulers, Food Waste Self-Haulers, and Self-Haulers. A person who transports material from a reporting entity to another person is a transporter, not a hauler.
- **“Downtown”** defined as the main business and commercial area of the City bounded on the east by Hargrave Street, on the west by Sunset Avenue, on the south by Interstate-10, and north by Williams Street.
- **Locking Containers:** Residential premises removed from Downtown area and locking container requirement




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## EXHIBIT B




# EXHIBIT C



## CITY COUNCIL ITEM 8.2 PUBLIC HEARING SEPTEMBER 28, 2021

**TENTATIVE TRACT MAP NO. 37898, A PROPOSAL FOR  
DEVELOPMENT OF A PHASED 15-LOT RESIDENTIAL  
SUBDIVISION, INCLUDING ONE DETENTION BASIN LOT  
AND NEW PUBLIC STREET LOCATED ALONG HOFFER  
STREET BETWEEN CHERRY STREET AND EVANS STREET**

1



## Vicinity Map

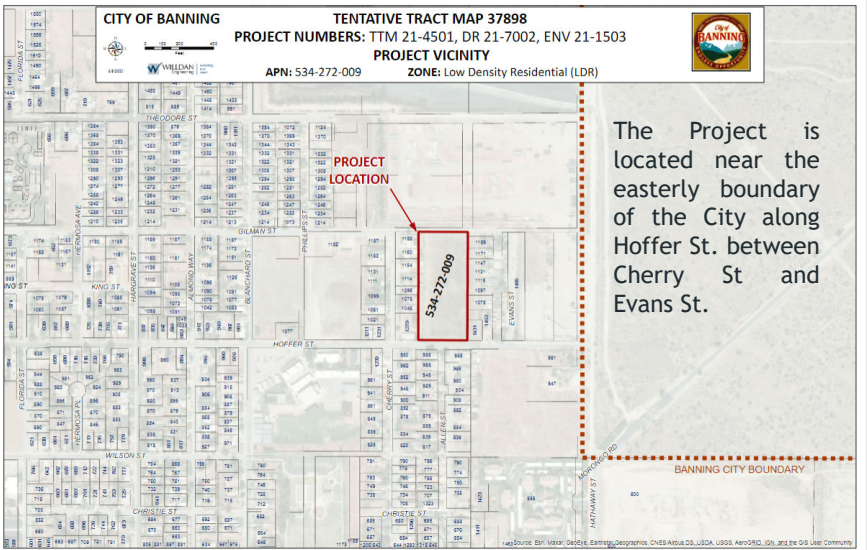
**CITY OF BANNING**

**TENTATIVE TRACT MAP 37898**

**PROJECT NUMBERS: TTM 21-4501, DR 21-7002, ENV 21-1503**

**PROJECT VICINITY**

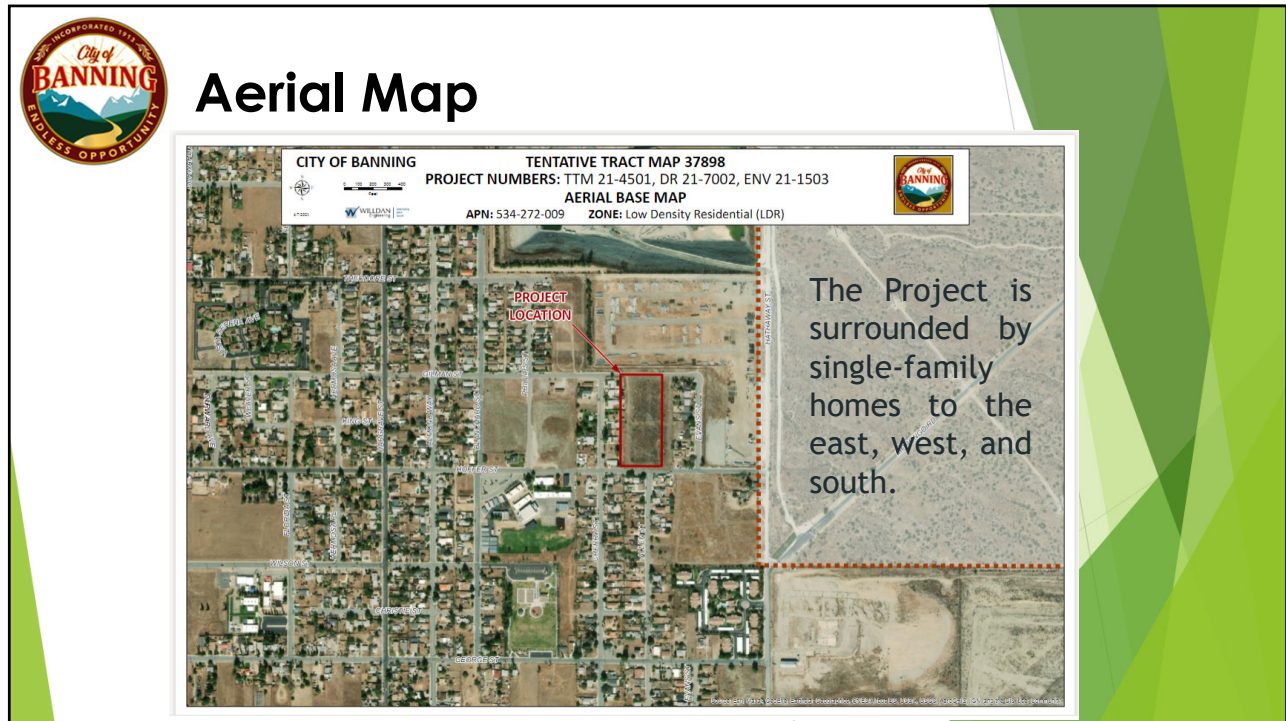
**APN: 534-272-009**      **ZONE: Low Density Residential (LDR)**



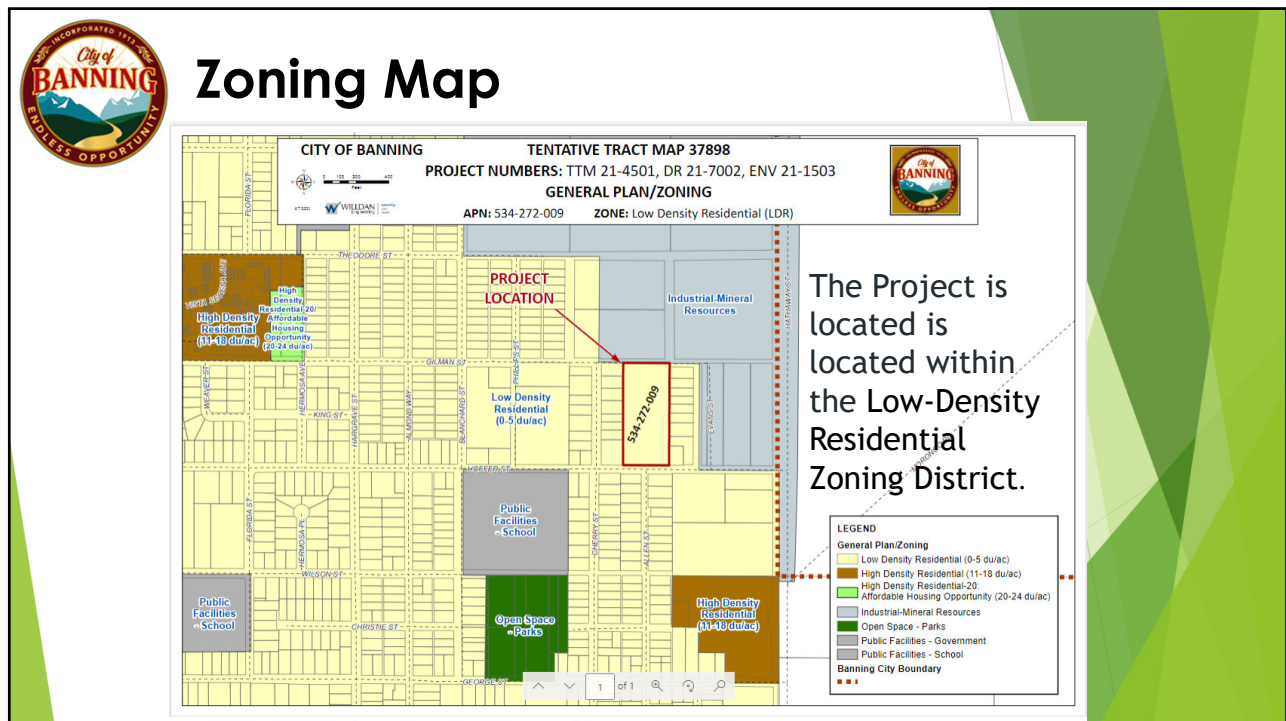
The Project is located near the easterly boundary of the City along Hoffer St. between Cherry St and Evans St.

2

# EXHIBIT C



3



4

# EXHIBIT C



## Site Photos



NO. 1 - LOOKING NORTH WEST FROM GILMAN STREET NORTH OF SITE



NO. 2 - LOOKING DUE NORTH FROM GILMAN STREET NORTH OF SITE



NO. 3 - LOOKING DUE WEST ALONG GILMAN STREET NORTH OF SITE



NO. 4 - LOOKING DUE EAST FROM THE WEST SIDE OF THE SITE

5



## Site Photos



NO. 5 - LOOKING NORTHEAST FROM WEST SIDE OF THE SITE



NO. 6 - LOOKING DUE EAST AT THE CENTER OF THE SITE TO EVANS ST



NO. 7 - LOOKING DUE EAST FROM THE WEST SIDE OF THE SITE



NO. 8 - LOOKING DUE EAST FROM THE WEST SIDE OF THE SITE

6

# EXHIBIT C



## Site Photos



9 - LOOKING DUE EAST ALONG HOFFER ST. @ SOUTH SIDE OF THE SITE



NO. 11 - LOOKING DUE SOUTH ALONG ALLEN ST. FROM HOFFER ST.



10 - LOOKING DUE NORTH FROM THE SOUTH SIDE OF THE SITE @ HOFFER ST.



12 - LOOKING DUE EAST @ THE SOUTH SIDE OF THE SITE @ HOFFER ST.

7



## Site Photos



NO. 13 - LOOKING DUE WEST FROM THE EAST SIDE OF THE SITE



15 - LOOKING DUE WEST FROM THE EAST SIDE OF THE SITE TO GILMAN ST.



NO. 14 - LOOKING DUE WEST FROM THE EAST SIDE OF THE SITE



16 - LOOKING DUE EAST FROM NORTH SIDE OF THE SITE @ GILMAN ST.

8

# EXHIBIT C



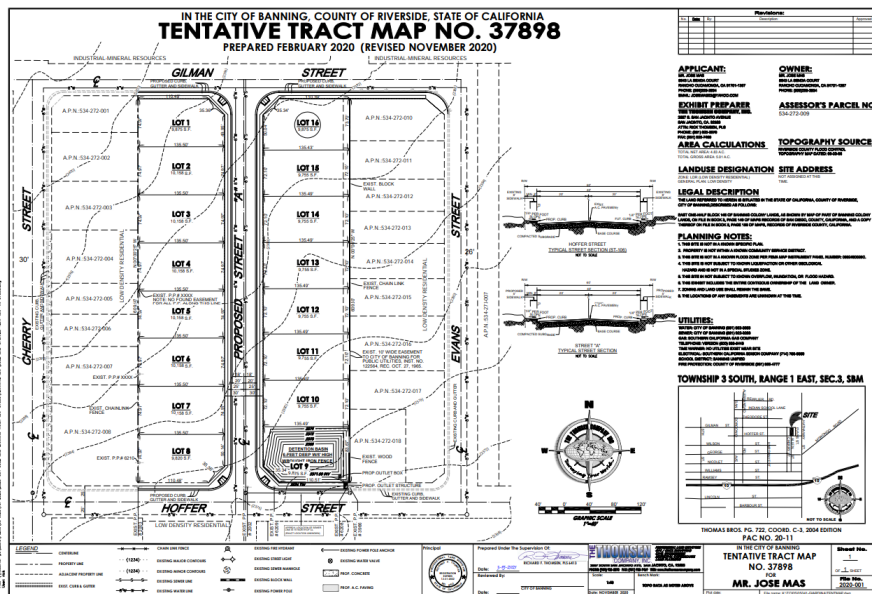
## Project Description

- ▶ 15 single-family residential lots and create a new public street
- ▶ 1 detention basin lot
- ▶ New public street

9

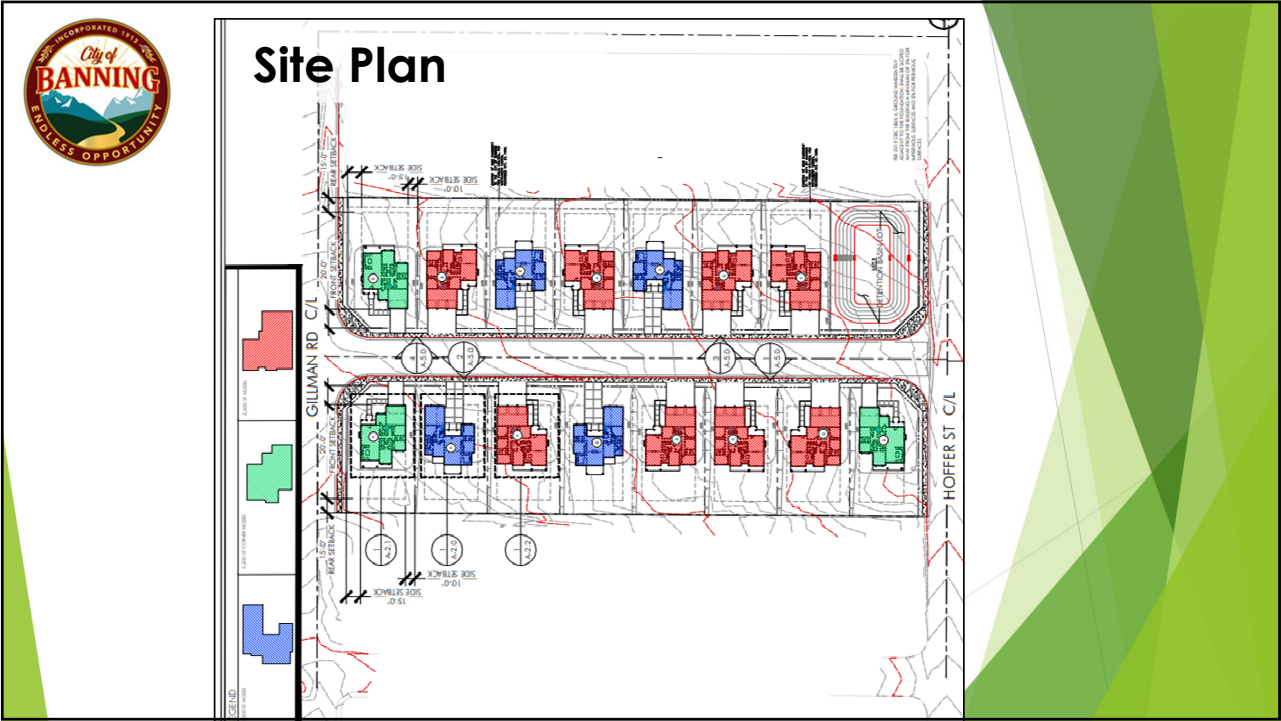


## Tract Map

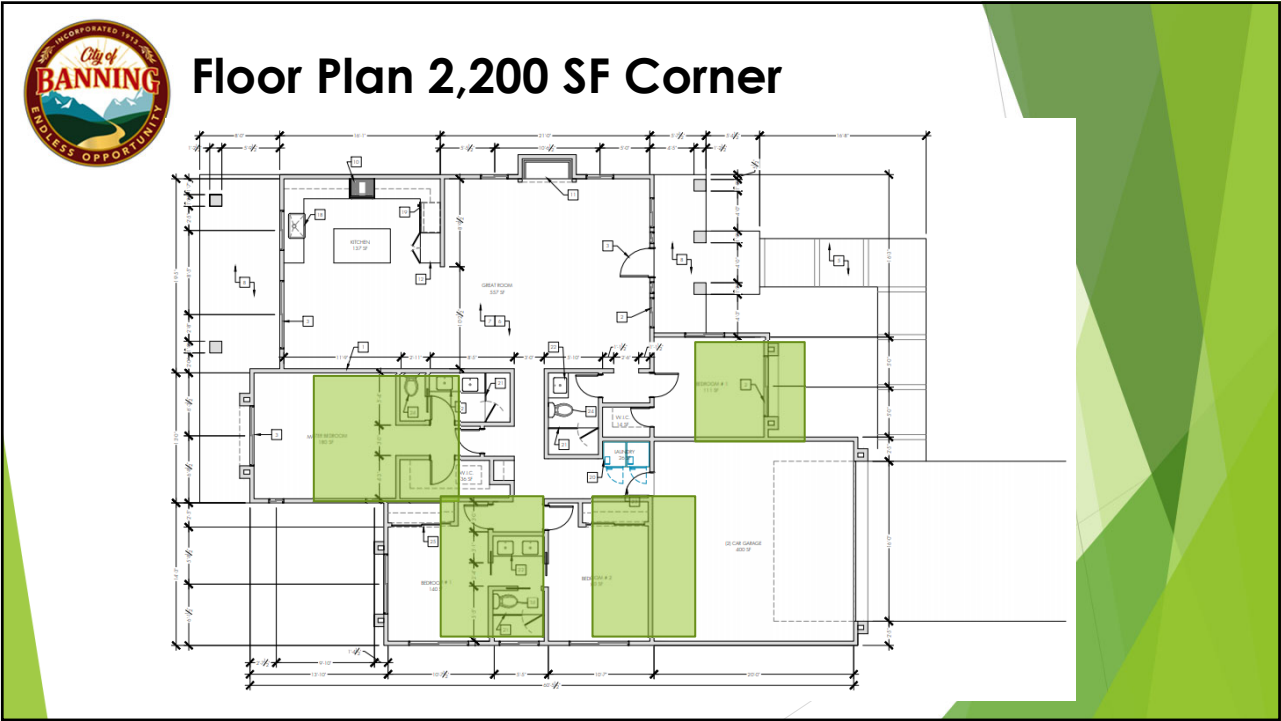


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# EXHIBIT C

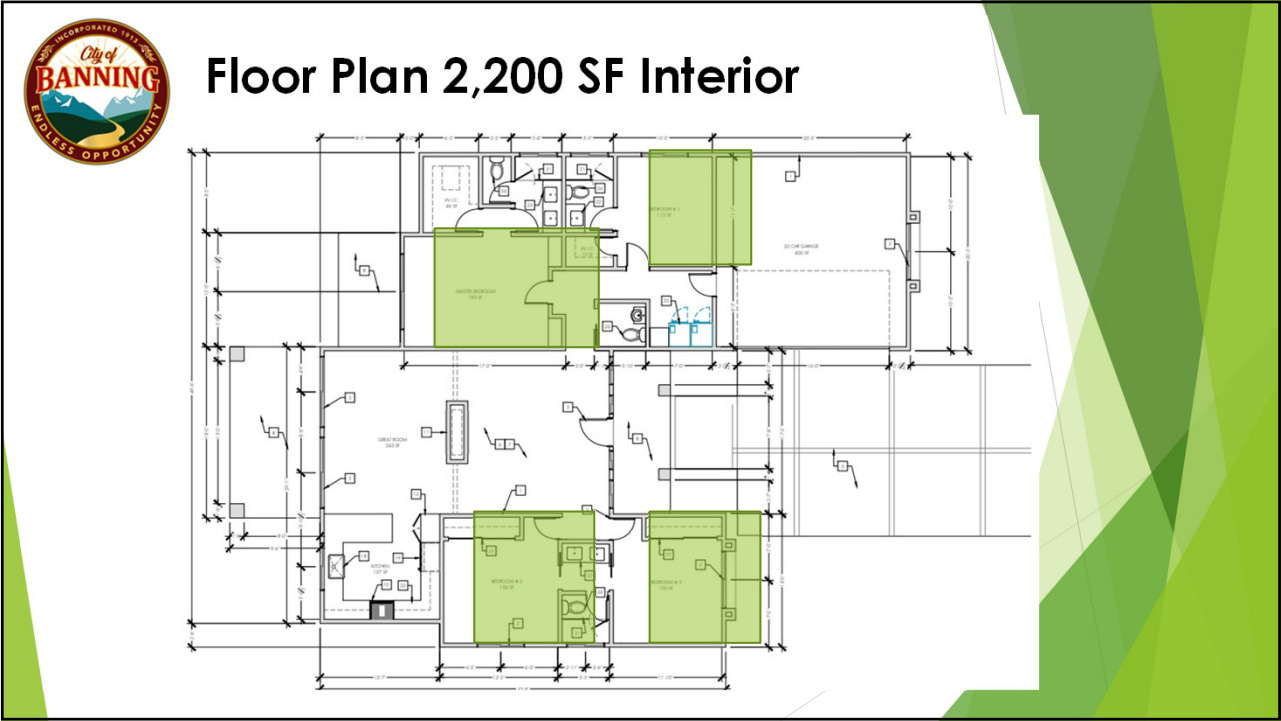


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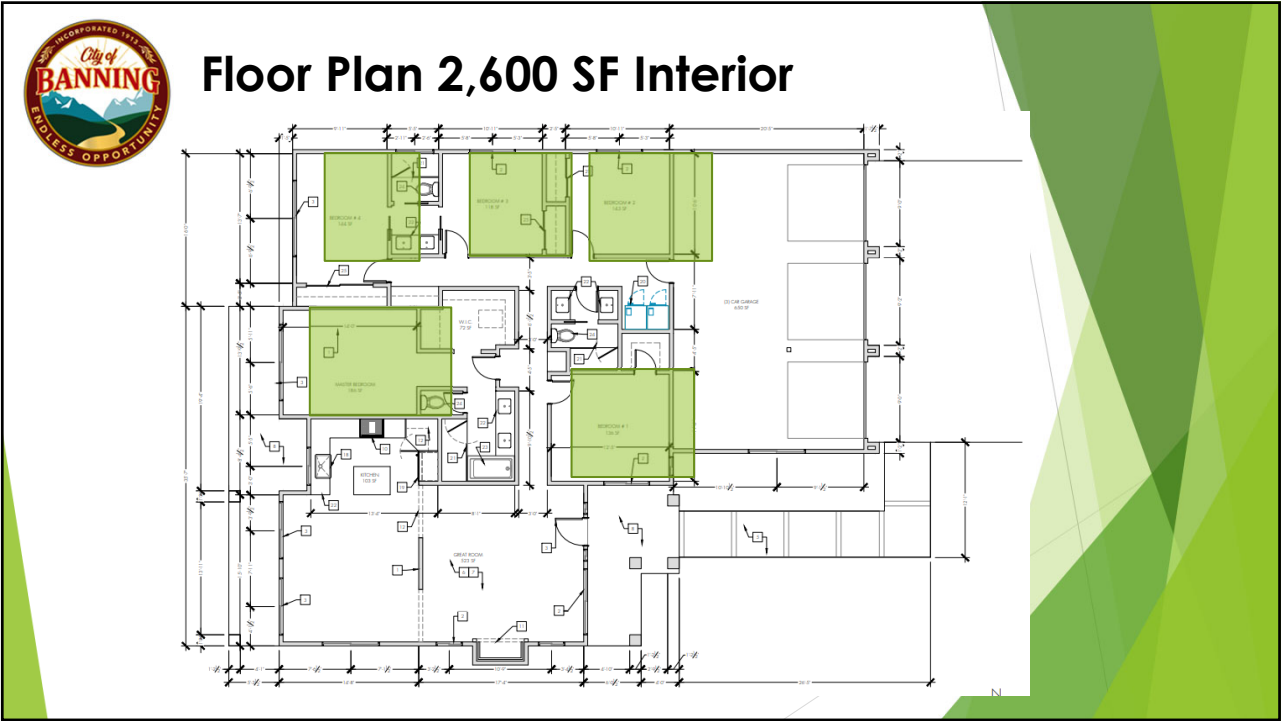


12

# EXHIBIT C




13




14


# EXHIBIT C




## Elevations



ELEVATION 2,600 MODEL - A



ELEVATION 2,200 CORNER MODEL - A



ELEVATION 2,200 MODEL - A



## Elevations



ELEVATION 2,600 MODEL - B

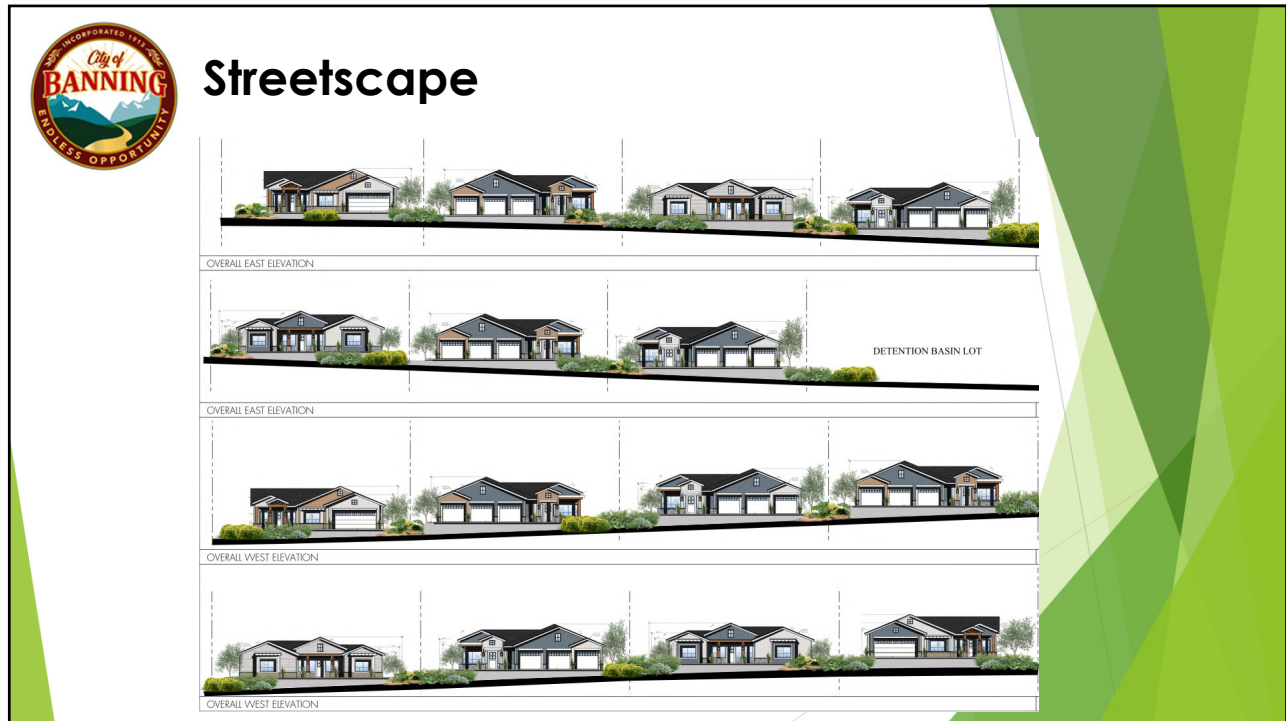


ELEVATION 2,200 CORNER MODEL - B




ELEVATION 2,200 MODEL - B

# EXHIBIT C



17



## Environmental Determination

Section 15332 (Class 32 - Infill Developments) because:

- ▶ <5 acres or less in size
- ▶ Consistent with the General Plan and zoning requirements
- ▶ No value as habitat for endangered, rare or threatened species
- ▶ Would not result in any significant effects relating to traffic, noise, air quality, or water quality
- ▶ The site can adequately be served by all required utilities and public services

*A Notice of Exemption has been prepared for adoption with the project.*

18

# EXHIBIT C



## City Council Recommendation

Adoption of Resolution No. 2021-90:

- ▶ Determination of Categorically Exempt pursuant to CEQA Section 15332 (Class 32 - Infill Developments)
- ▶ Approve Tentative Tract Map No. 37898, subject to the:
- ▶ Conditions of Approval contained in Planning Commission Resolution No. 2021-13

19




## Conclusion

**THE END**  
**THANK YOU**

20

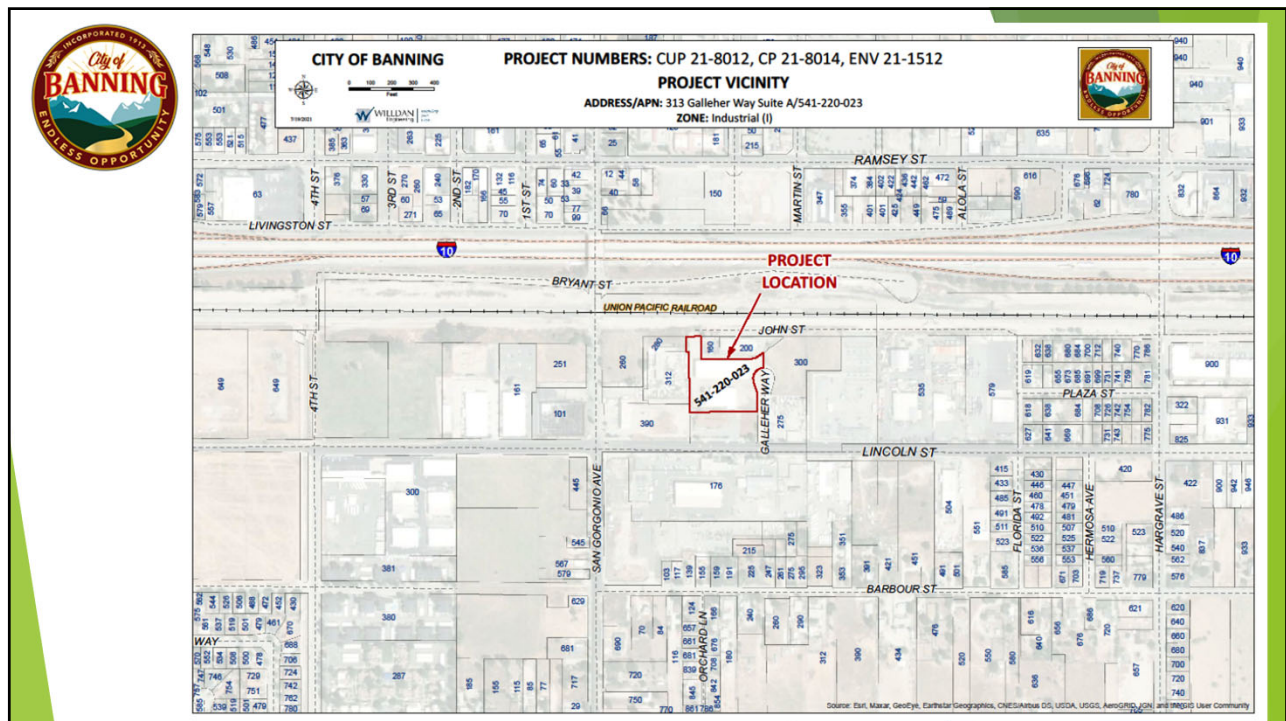
# EXHIBIT D



## CITY COUNCIL ITEM 8.3 PUBLIC HEARING SEPTEMBER 28, 2021

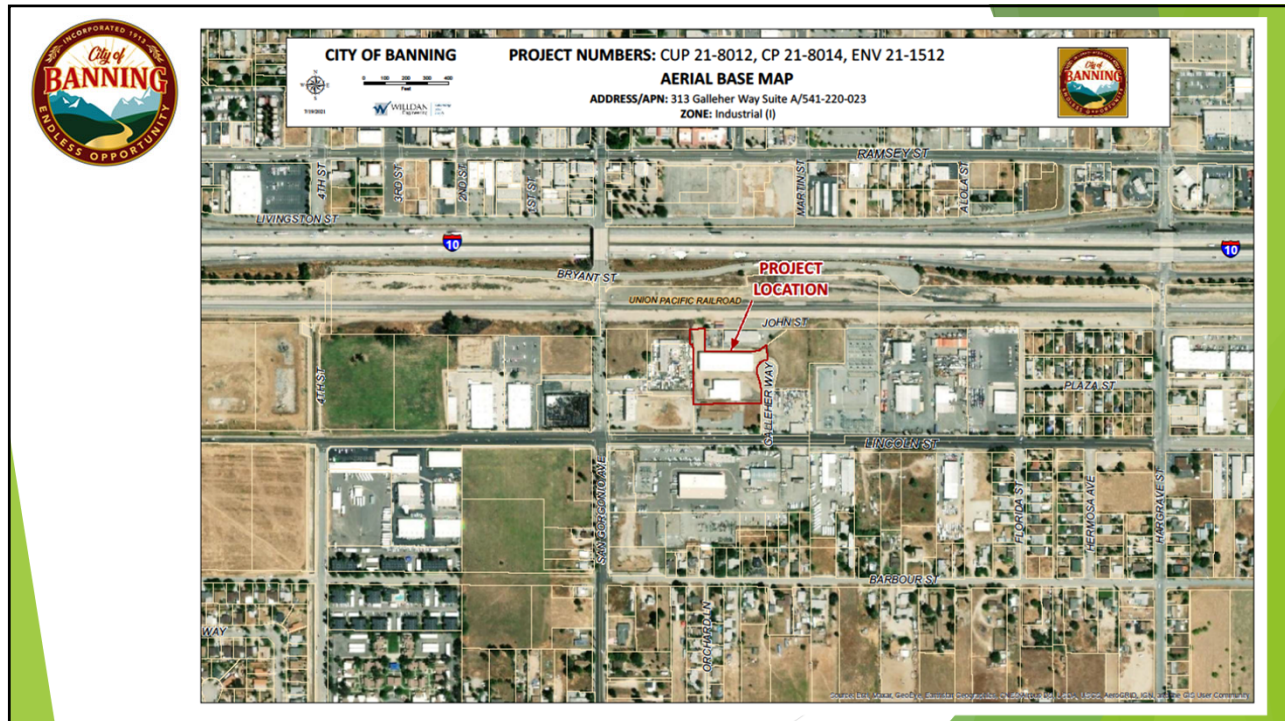
### Consideration of Conditional Use Permit 21-8012 to authorize the operation of a Commercial Cannabis Cultivation Facility in the Industrial zoning district located at 313 Galleher Way, Unit 101

1

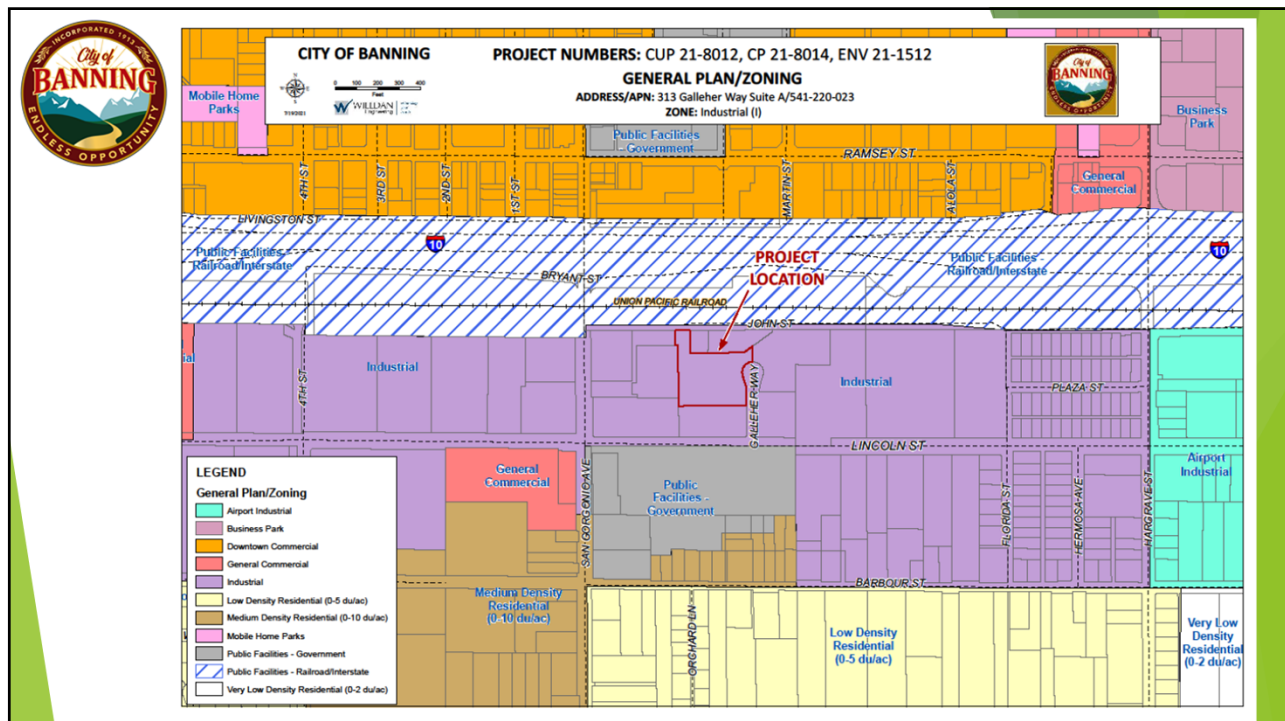


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# EXHIBIT D

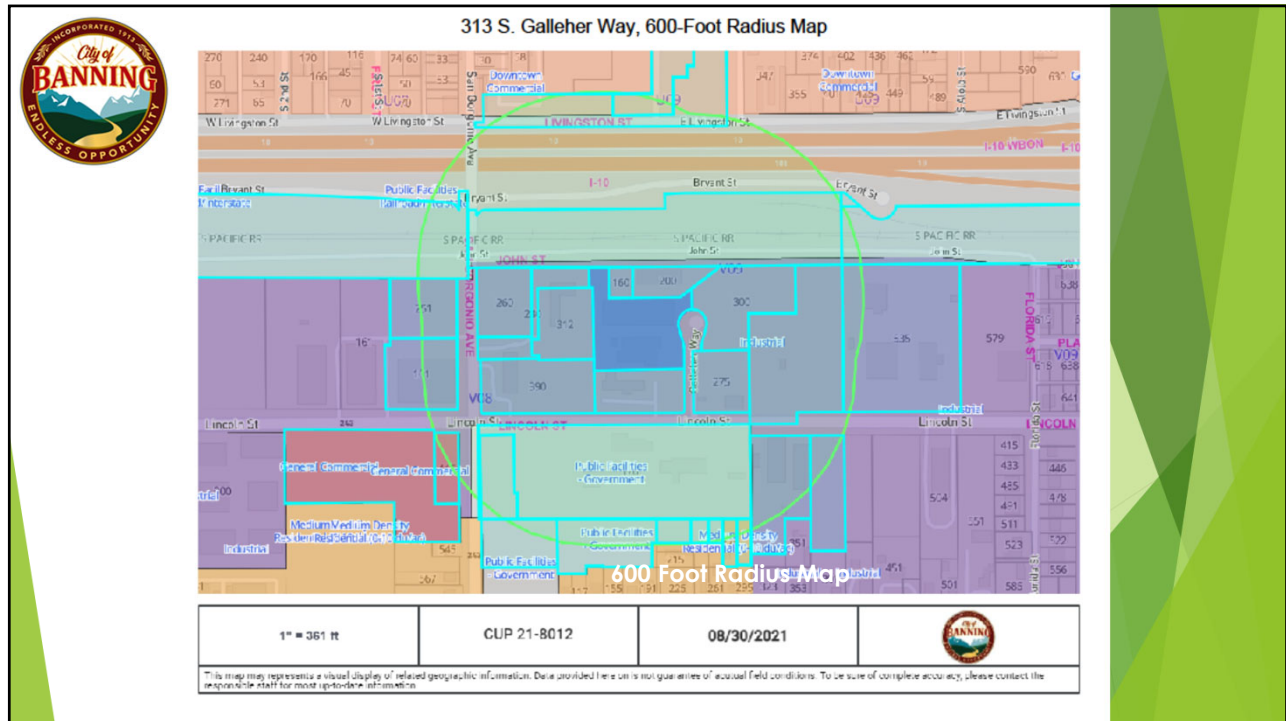


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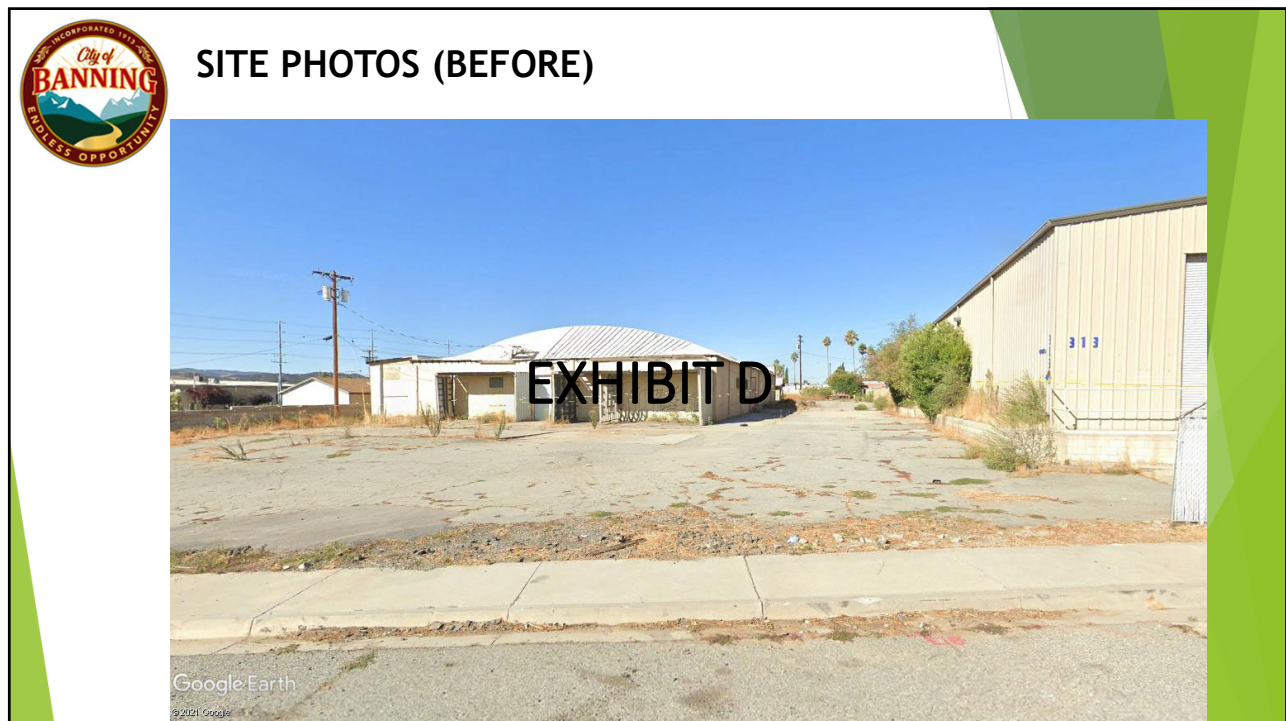


4

# EXHIBIT D



5



6

EXHIBIT D



7



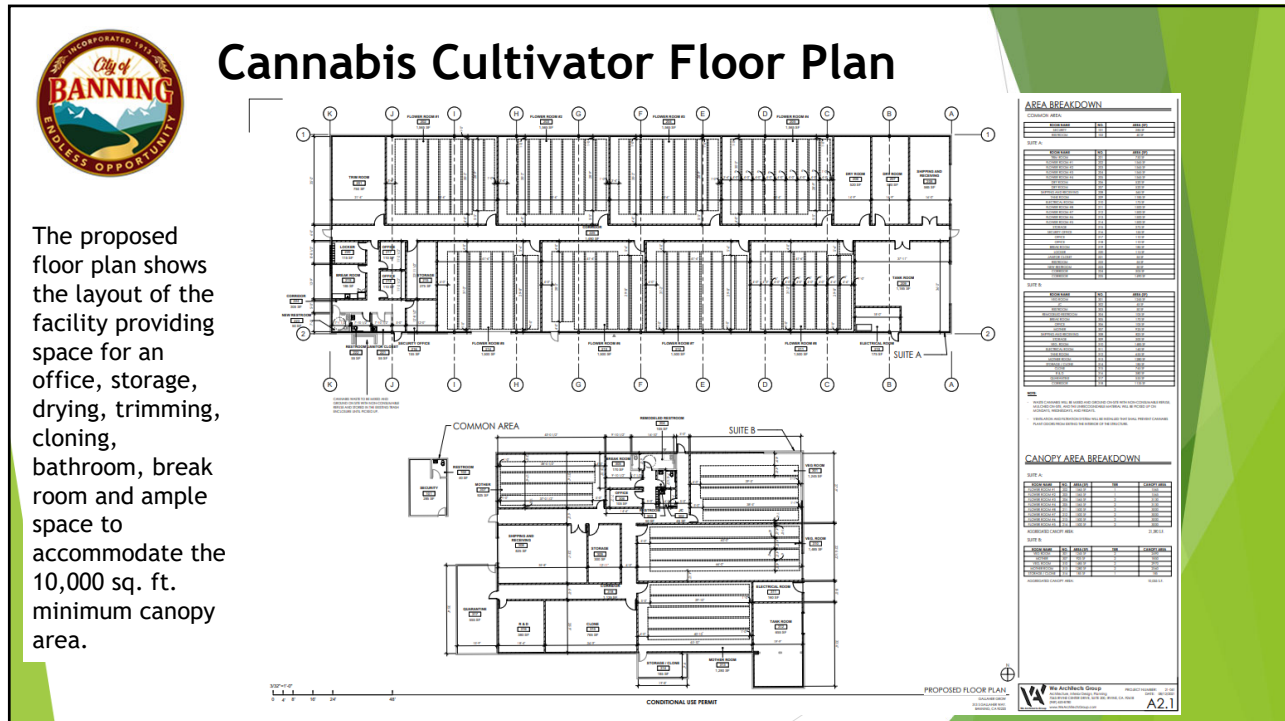
8

# EXHIBIT D

[illegible]

10

# EXHIBIT D



11

**Background**

- ▶ The applicant proposes the operation of a Commercial Cannabis Cultivation facility in the Industrial Zoning District located at 313 Galleher Way, Unit 101.
- ▶ A business plan was submitted that demonstrates the applicant will be compliant with current code regulations regarding cannabis cultivation which includes; site plan, floor plan, lighting plan, security plan, air filtration plan and other proprietary information for the operation of the facility.

City of Banning  
1999 INCORPORATED 1910-2000  
ENDLESS OPPORTUNITY

12

# EXHIBIT D



## Environmental Determination

- ▶ The project qualifies as a Class 1 Categorical Exemption pursuant to section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as the project is operating out of an existing facility and only minor tenant improvements are proposed.
- ▶ A Notice of Exemption has been prepared for adoption with the project.

13



## City Council Recommendation

Staff recommends the City Council adopt Resolution 2021-84 making a determination that the Project is exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) and approve Conditional Use Permit 21-8012 to allow a Commercial Cannabis Cultivation facility in an existing industrial building located at 313 Galleher Way, Unit 101 (APN: 541-220-023) in the Industrial (I) Zoning District.

14

# EXHIBIT D



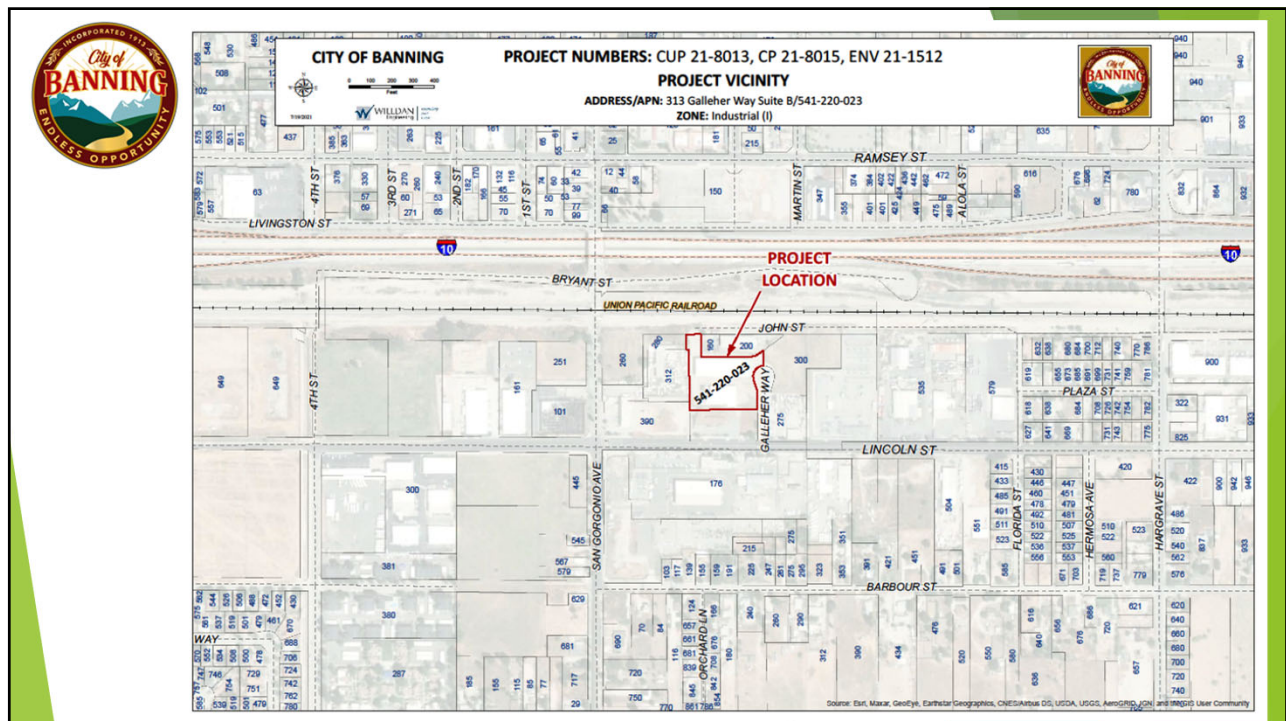
# EXHIBIT E



**CITY COUNCIL ITEM 8.4  
PUBLIC HEARING  
SEPTEMBER 28, 2021**

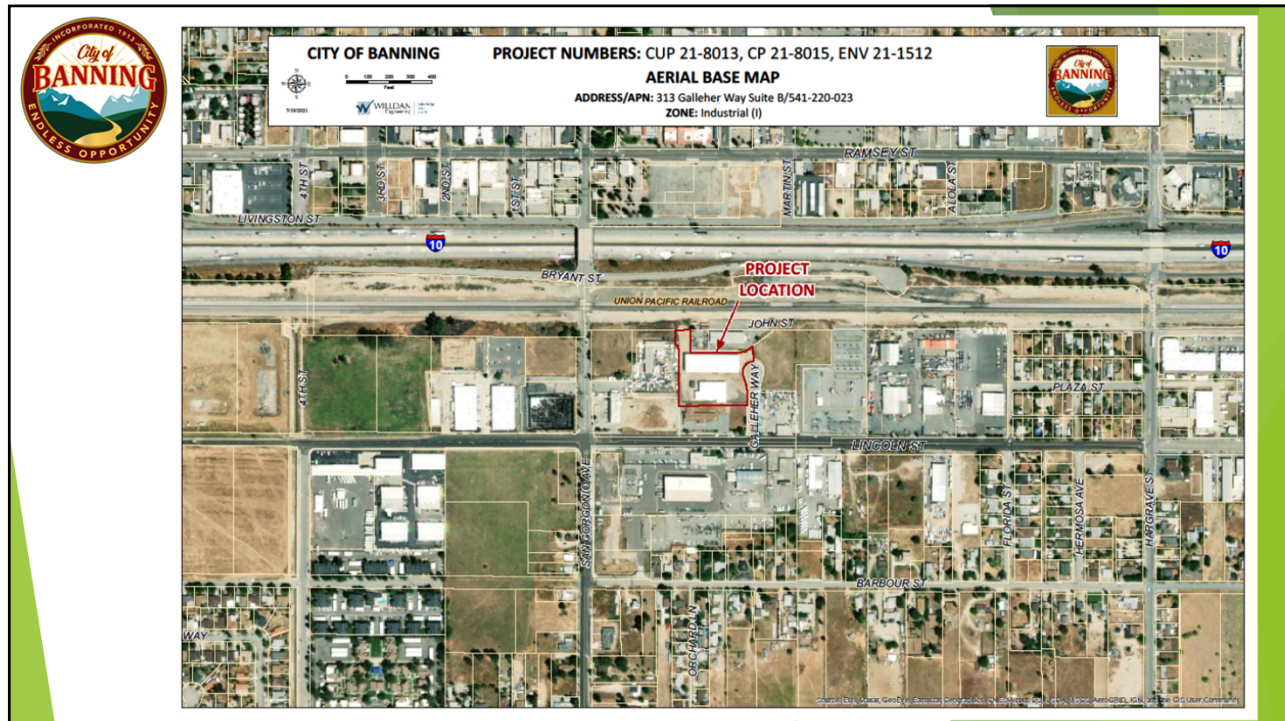
**Consideration of Conditional Use Permit 21-8013 to authorize the operation of a Commercial Cannabis Cultivation Facility in the Industrial zoning district located at 313 Galleher Way, Unit 102**

1

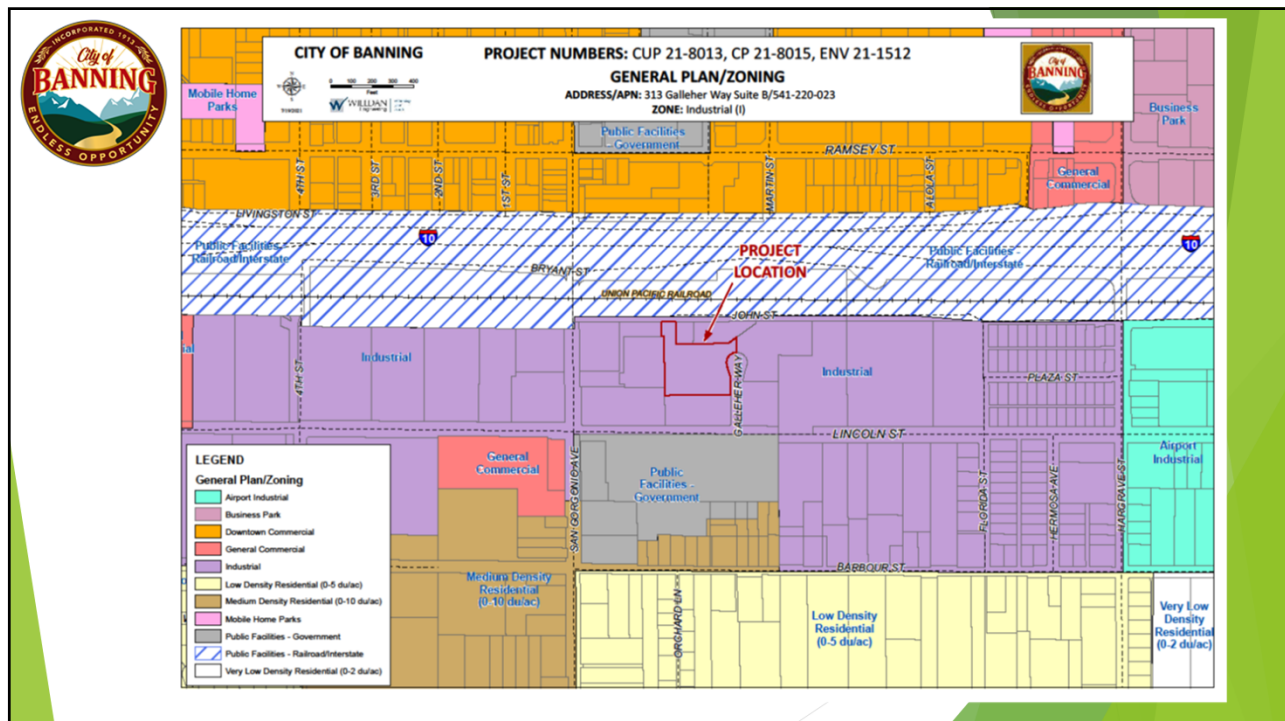


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# EXHIBIT E



3



4



# EXHIBIT E



## SITE PHOTOS



7



## SITE PHOTOS

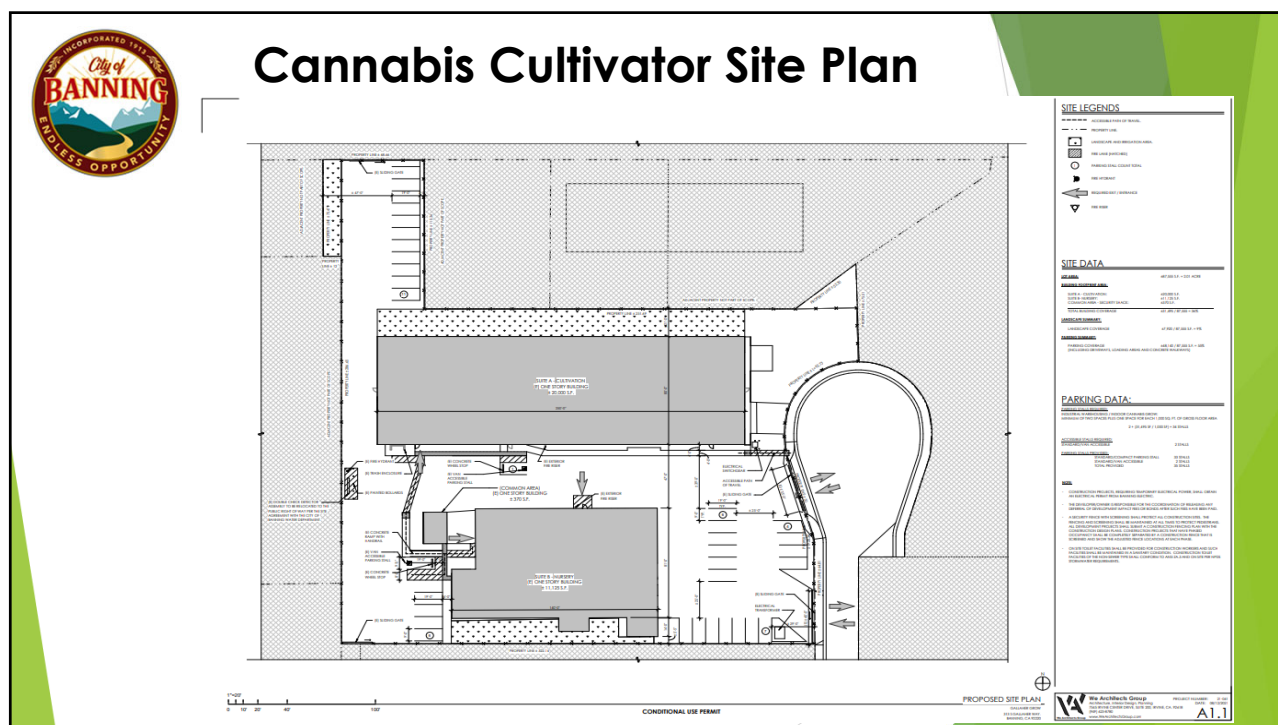


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# EXHIBIT E

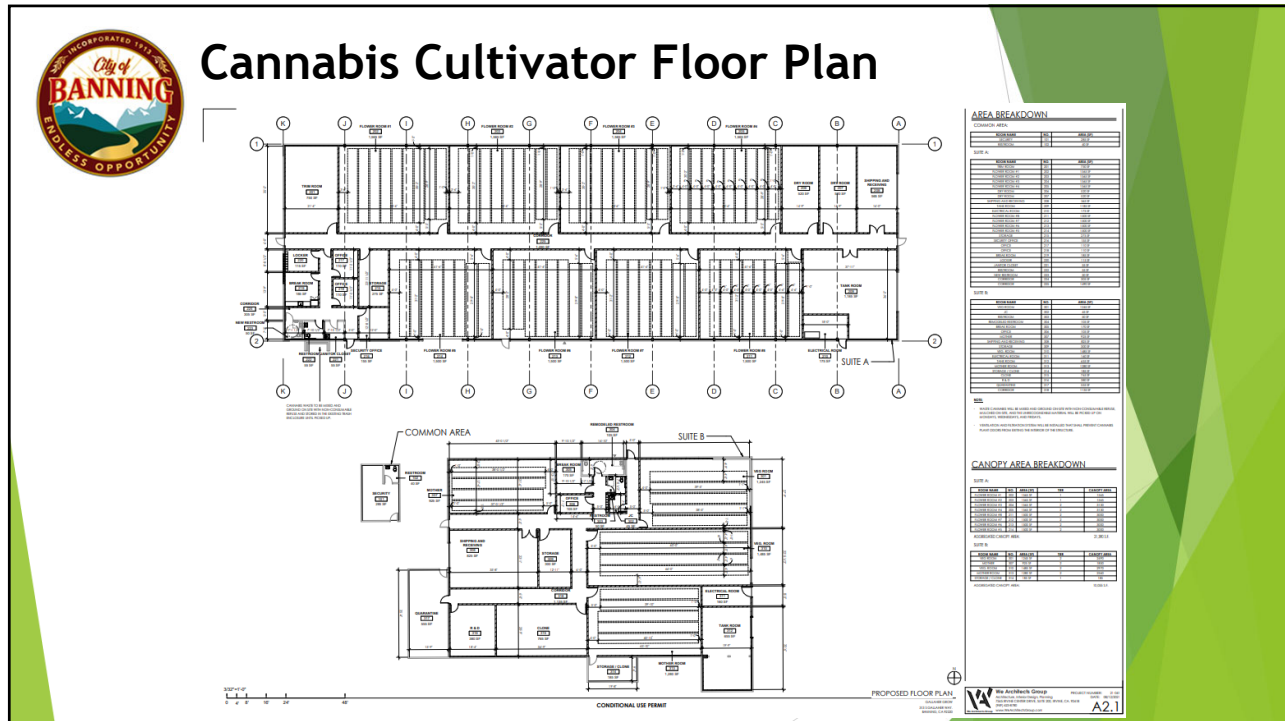


9



10

# EXHIBIT E



11

**Background:**

- ▶ The applicant proposes the operation of a Commercial Cannabis Cultivation facility in the Industrial Zoning District located at 313 Galleher Way, Unit 102.
- ▶ A business plan was submitted that demonstrates the applicant will be compliant with current code regulations regarding cannabis cultivation which includes; site plan, floor plan, lighting plan, security plan, air filtration plan and other proprietary information for the operation of the facility.

12

# EXHIBIT E



## Environmental Determination

- ▶ The project qualifies as a Class 1 Categorical Exemption pursuant to section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as the project is operating out of an existing facility and only minor tenant improvements are proposed.
- ▶ A Notice of Exemption has been prepared for adoption with the project.

13



## City Council Recommendation


Staff recommends the City Council adopt Resolution 2021-85 making a determination that the Project is exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) and approve Conditional Use Permit 21-8013 to allow a Commercial Cannabis Cultivation facility in an existing industrial building located at 313 Galleher Way, Unit 102 (APN: 541-220-023) in the Industrial (I) Zoning District.

14

# EXHIBIT E



# EXHIBIT F



**City of Banning SB 743  
Implementation**  
(Report of Officers Item 9.3)  
September 28, 2021

**Presented By: Adam Rush, AICP & Art Vela, PE**

**Contributions By: LSA & Associates & SCAG**  
(Southern California Association of Governments)

1

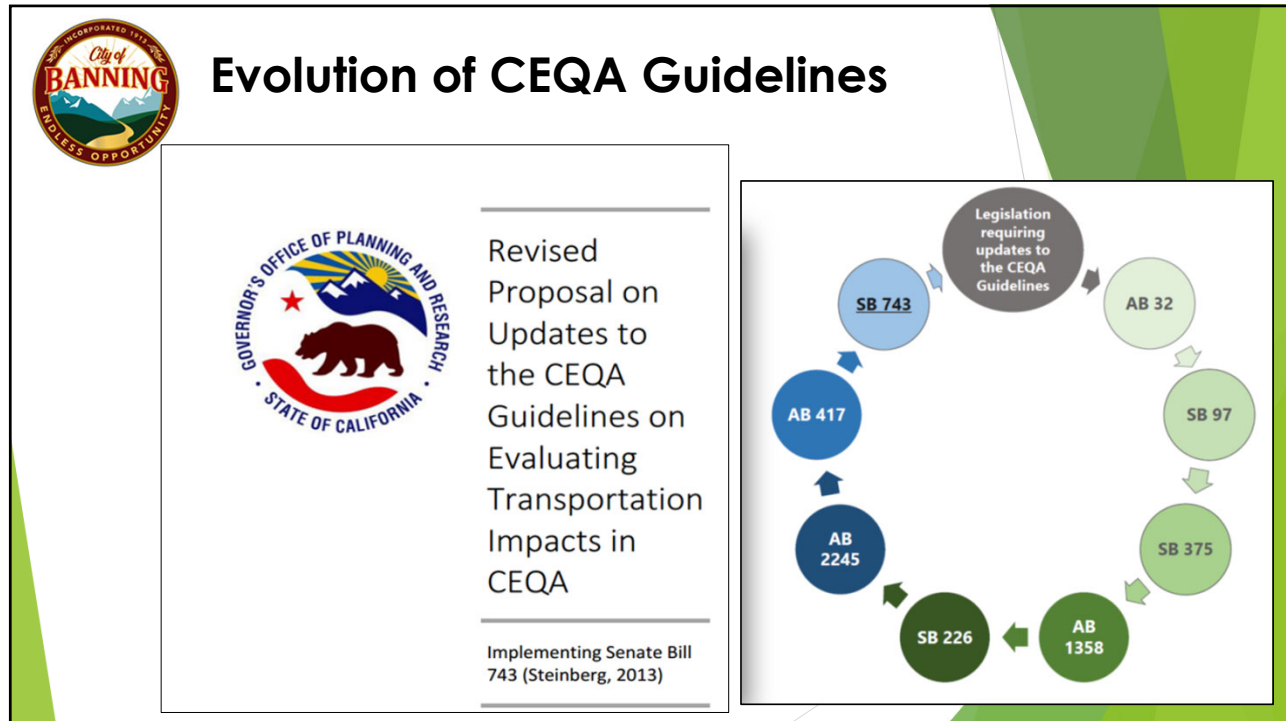


## Agenda

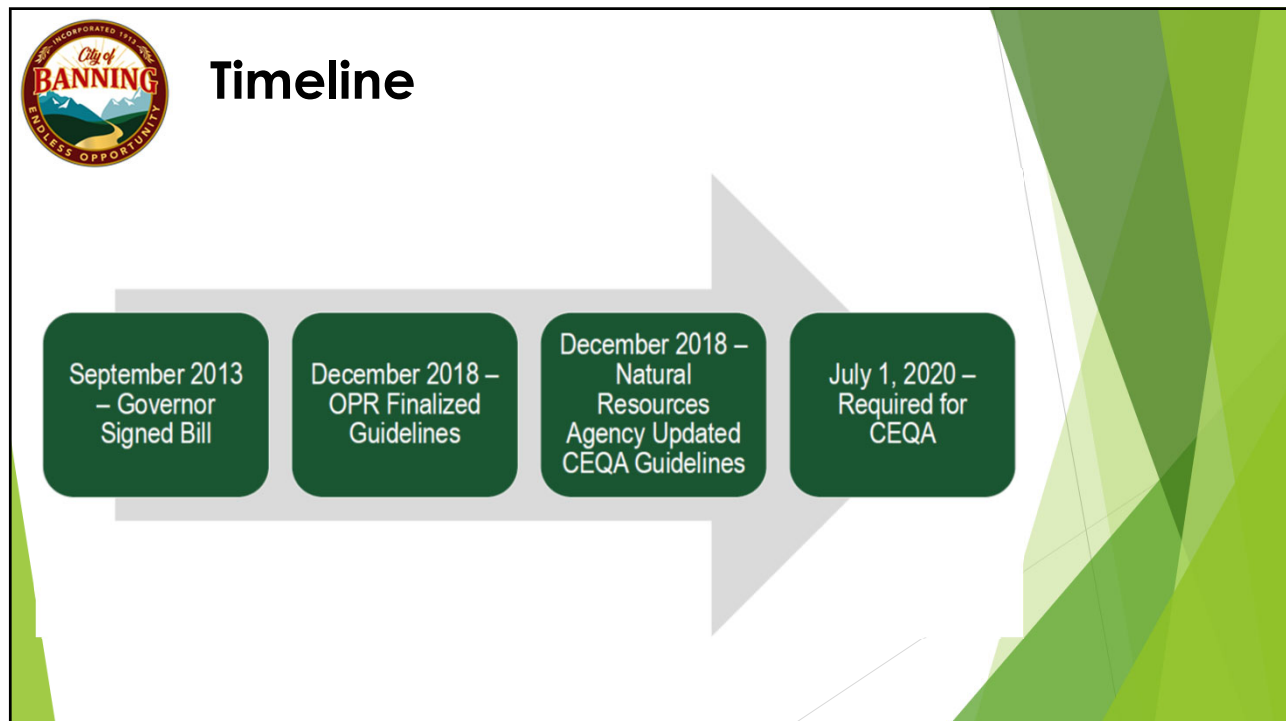
- ▶ Why are we here?
  - ▶ What is Senate Bill 743
  - ▶ What is VMT?
- ▶ Why are we here?
  - ▶ Methodology for calculating VMT
  - ▶ Thresholds of Significance
  - ▶ Screen Criteria
  - ▶ Changes in Mitigation

2

# EXHIBIT F




3




4


# EXHIBIT F




## Intent of Legislation



Infill Development




Promote public health through active transportation (e.g., walking, biking)



Reduce GHG

5



## Goals of SB 743

- ▶ Shift in focus to better align with the following State goals:
  - ▶ Reducing greenhouse gas (GHG) emissions
  - ▶ Encouraging infill development
  - ▶ Improving public health through increased active transportation
- ▶ New Criteria should promote:
  - ▶ Development of multi-modal transportation networks
  - ▶ Diversity of land uses
  - ▶ Ensure that the environmental impacts of traffic, air pollution, and safety concerns continue to be addressed and mitigated through CEQA.

6

# EXHIBIT F



## Current LOS Methodology

- ▶ Level of Service (LOS)
  - ▶ Measures the congestion of roadways, intersections, & freeway ramps
  - ▶ LOS typically focuses on motorized vehicles
  - ▶ Impacts are related to the degradation of traffic flow
  - ▶ Mitigation focuses on reducing congestion through a physical and/or operational improvement.
  - ▶ Mitigating LOS impacts typically result in increasing road capacity and raising the speed limits to move traffic at a more efficient rate.

7



## Current LOS Methodology



LOS A



LOS F

8

# EXHIBIT F



## Methodological Changes

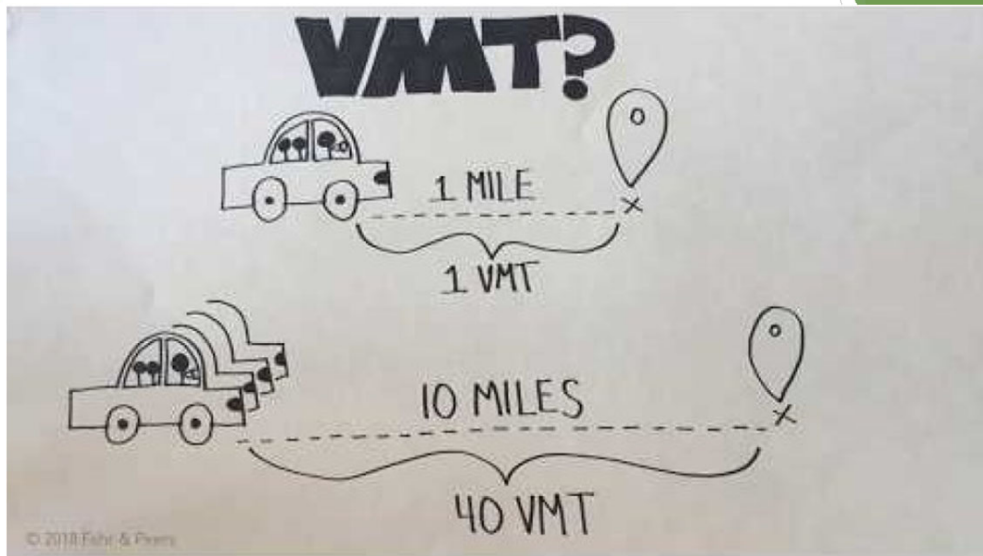
- ▶ Eliminates LOS as a CEQA Metric
- ▶ Replaces LOS with VMT
- ▶ Provides guidance to establish Thresholds of Significance and Implementation Measures.
- ▶ Modifies existing Significance Criteria
- ▶ Establishes new Mitigation Measures.



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## What is VMT



VMT = Volume x Distance or Trips x Length of Trip

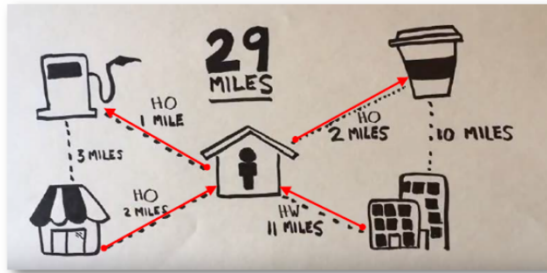
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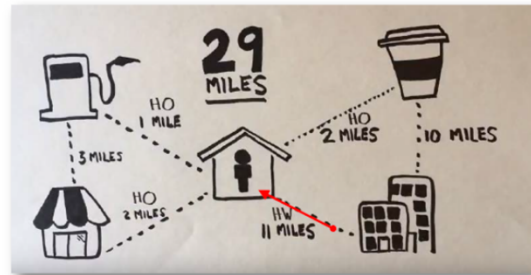
## EXHIBIT F



### Different Types of VMT



Residential  
Home-Based Generated VMT



Office/Employment  
Home-Based Work Generated VMT

11



### VMT Project Screening Analysis

- ▶ Per State guidelines, projects that meet one or more of the following screening criteria are exempt:
  - ▶ Small projects (<110 ADT)
  - ▶ Locally-serving retail (<50,000 SF)
  - ▶ Locally-serving land uses (e.g., schools, day care, senior centers, etc.)
  - ▶ Projects located in a Low VMT generating area
  - ▶ Projects located in a Transit Priority Area (TPA)

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# EXHIBIT F



## Examples of Small Projects

- ▶ This generally corresponds to the following “typical” development potentials:
- ▶ 11 single-family housing units
- ▶ 16 multi-family, condominiums, or townhouse units
- ▶ 10,000 SF office projects
- ▶ 15,000 SF industrial projects
- ▶ 63,000 SF warehousing projects
- ▶ 79,000 SF “high-cube” logistic or short-term storage

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## Locally-Serving Retail

- ▶ Locally-serving retail uses qualify if 50,000 SF or less:
  - ▶ Gas Stations
  - ▶ Banks
  - ▶ Sit-down restaurants
  - ▶ Neighborhood Shopping Centers
  - ▶ Cannabis Retail Dispensaries
  - ▶ Fast-food/Drive-thru restaurants
  - ▶ Stand-alone general retail (e.g., drug stores, grocery, general merchant, etc.)

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## EXHIBIT F



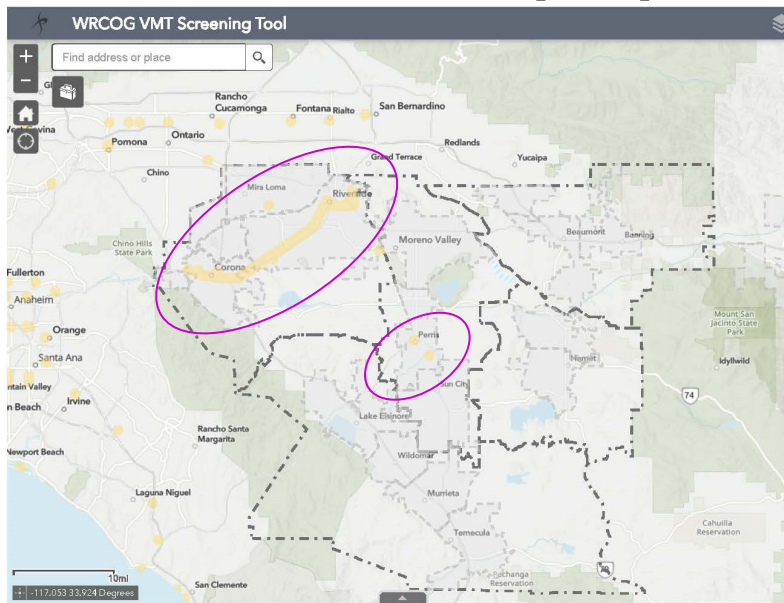
### Examples of Non-Retail Uses

- ▶ Public Schools (K-12), Parks, Libraries, Fire & Police Stations
- ▶ Day care centers, Community centers, Places of worship
- ▶ Hotels (non-destination hotels, such as Morongo)
- ▶ Student housing projects & Community Colleges
- ▶ Affordable housing
- ▶ Assisted living
- ▶ Senior housing (as defined by HUD)

15

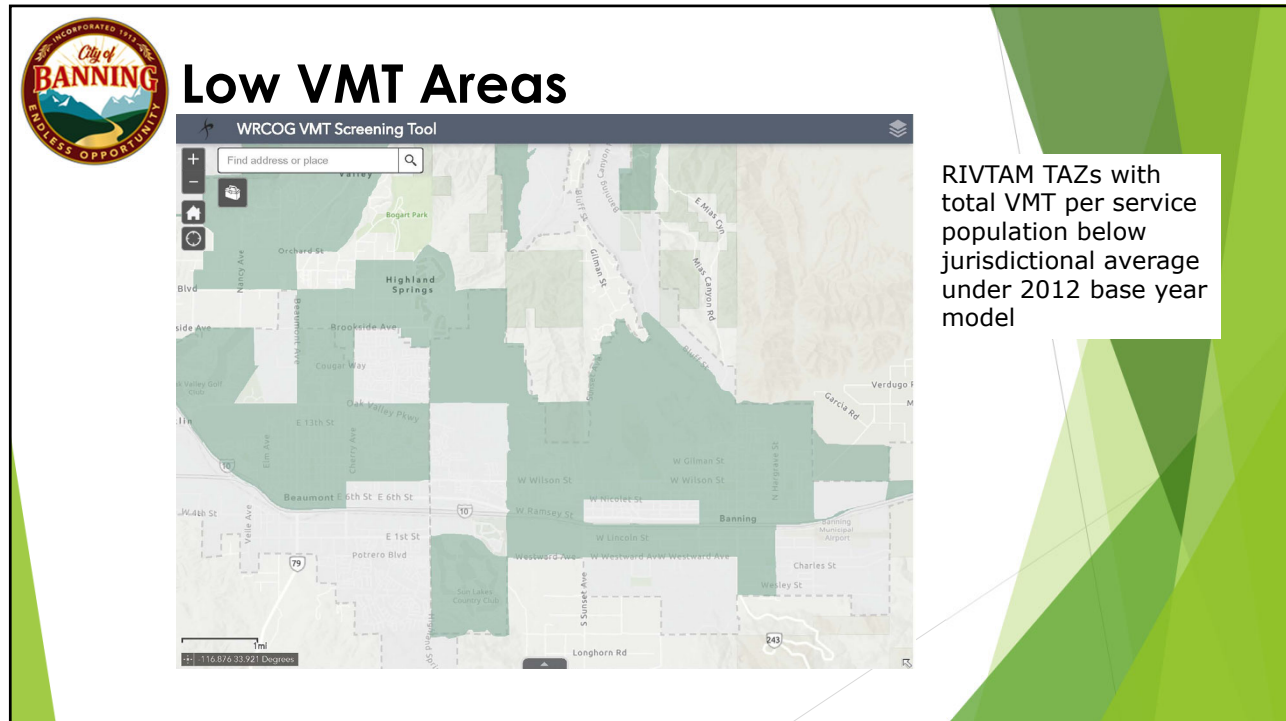


### Transit Priority Areas (TPA)



16

# EXHIBIT F



17

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ENDLESS OPPORTUNITY

## Non-Screened Projects

- ▶ Estimate project VMT
- ▶ Compare project generated VMT to thresholds of significance
- ▶ If a project results in VMT Impact, then mitigation is required.
- ▶ If full mitigation is not feasible, then an Environmental Impact Report (EIR) and Statement of Override is required.

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# EXHIBIT F



## VMT Mitigation Strategies

- ▶ To reduce VMT, new development will need to explore options to reduce single-occupancy vehicle trips.
  - ▶ Encourage Telecommuting and Alternative Work Schedules
  - ▶ Increase Diversity of Land Uses
  - ▶ Provide Pedestrian Network Improvements
  - ▶ Provide Traffic Calming Measures and Low-Stress Bicycle Network Improvements
  - ▶ Implement Car-Sharing and Ride-Sharing Programs
  - ▶ Increase Transit Accessibility
  - ▶ Commute Trip Reduction Programs
  - ▶ Parking Management

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## How does the City Comply?

- ▶ Adopt the new traffic impact thresholds of significance
- ▶ Publish Traffic Impact Study Guidelines with Screening Criteria, VMT Analysis Methodology, and Thresholds
- ▶ Analyze VMT for all projects/plans as follows:
  - ▶ Calculate Project VMT
  - ▶ Compare Project VMT to thresholds
  - ▶ If VMT exceeds threshold, document impact
  - ▶ Identify mitigation to reduce VMT below a level of significance

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# EXHIBIT F



## City Council Recommendation

Adopt Resolution 2021-95 adopting SB 743 Vehicle Miles Traveled (VMT) Thresholds for California Environmental Quality Act (CEQA) Compliance Related to Transportation Analysis

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## Conclusion

*Questions & Answers*

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