



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**

**12/14/2021
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Council Member Mary Hamlin
Council Member David Happe
Council Member Kyle Pingree
Council Member Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager*
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Art Vela, Public Works Director
Ralph Wright, Parks and Recreation Director
Adam Rush, Community Development Director
Thomas Miller, Electric Utility Director
Matthew Hamner, Chief of Police*
Suzanne Cook, Finance Director*
James Wurtz, Economic Development Manager
Cherie Johnson, Human Resources Manager*
Paul Lindley, Fire Marshal
Mark de Manicour, Contract Planner*
Laurie Sampson, Executive Assistant*
Alejandro Geronimo, Treasurer*

*Participated via Zoom.

1. CALL TO ORDER

Mayor Wallace called the regular meeting to order at 5:04 p.m.

- 1.1. Invocation – Ron Duncan 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	

2. AGENDA APPROVAL

2.1. Approve Agenda

Motion to approve the agenda.

Motion by Council Member Pingree
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.

3. REORGANIZATION OF CITY COUNCIL

3.1. City Council Reorganization

City Clerk Calderon asked for nominations for Mayor.

Council Member Sanchez nominated Council Member Pingree.
Council Member Hamlin nominated Council Member Happe.
Council Member Wallace nominated herself.
Council Member Pingree nominated himself.

Motion to close nominations for the position of Mayor.

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.

City Clerk Calderon conducted a roll call vote for choice of Mayor in alphabetical order.

COUNCIL MEMBER	VOTE FOR MAYOR
Hamlin, Mary	Council Member Happe
Happe, David	Council Member Happe
Pingree, Kyle	Council Member Pingree
Sanchez, Alberto	Council Member Pingree
Wallace, Colleen	Council Member Pingree

City Clerk Calderon asked for nominations for Mayor Pro Tem.

Council Member Pingree nominated Council Member Wallace.
Council Member Happe nominated himself.
Council Member Wallace nominated herself.

Motion to close nominations for the position of Mayor Pro Tem.

Motion by Council Member Pingree
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 5-0.

City Clerk Calderon conducted a roll call vote for choice of Mayor Pro Tem in alphabetical order.

COUNCIL MEMBER	VOTE FOR MAYOR
Hamlin, Mary	Council Member Happe
Happe, David	Council Member Happe
Pingree, Kyle	Council Member Wallace
Sanchez, Alberto	Council Member Wallace
Wallace, Colleen	Council Member Wallace

4. PRESENTATION(S)

None

5. REPORT ON CLOSED SESSION

City Attorney Ennis gave a report on closed session agenda items 3.1 to 3.3. For agenda items 3.1 to 3.3, direction was provided to staff and no final or reportable action was taken. Agenda item 3.4 was continued to the next regular meeting.

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

6.1. PUBLIC COMMENTS

Howard Katz spoke in opposition to the Banning Point project near the Sun Lakes community representing the Pass Action Group.

Sheri Flynn spoke in opposition to the Banning Point project near the Sun Lakes community on behalf of the Pass Action Group.

Randy Robbins spoke in opposition to the Banning Point project near the Sun Lakes community on behalf of the Pass Action Group.

John Hagen spoke in opposition to the removal of a required setback for cannabis facilities from residential areas in the City's code.

Gracie Luna said she was a Beaumont resident speaking in opposition to the Banning Point project.

Lynette Smilac said she was a Beaumont resident speaking in opposition to the Banning Point project.

Don Day spoke in opposition to the Banning Point project.

Lillian Aguilera said she was a Sun Lakes resident and spoke about traffic congestion for emergency vehicles on Highland Springs.

Bill Hobbs spoke about history of the city he learned in a book. He said he was in opposition to the Banning Point project.

6.2. CORRESPONDENCE

City Clerk Calderon reported that 4 items of correspondence had been received and included as part of the record.

6.3. APPOINTMENTS

None

6.4. CITY COUNCIL COMMITTEE REPORTS

Council Member Wallace spoke about a recent Southern California Association of Governments (SCAG) meeting.

Council Member Hamlin reported on the most recent Riverside County Transportation Commission (RCTC) meeting, which discussed the LA-Coachella rapid transit project.

Council Member Happe reported on the Transportation Uniform Mitigation Fee (TUMF) meeting regarding regional transportation funding.

Council Member Pingree reported on the Banning Animal Shelter.

6.5. CITY MANAGER REPORT

City Manager Schulze said that due to illness he would provide Council a written report.

6.6. CITY ATTORNEY REPORT

None

7. CONSENT ITEMS

- 7.1. Approval of Minutes of the November 9, 2021 City Council Meetings
- 7.2. Adopt City Council Resolution No. 2021-121, A Resolution of the City Council of the City of Banning, California, Authorizing Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same
- 7.3. Resolution No. 2021-122 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
- 7.4. Receive and File Police Dept. Statistics for the Month of October 2021
- 7.5. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of October 2021
- 7.6. Receive and File Cash, Investments and Reserve Report for the Month of October 2021
- 7.7. Adopt Resolution 2021-116, Approving the Ratified Tentative Agreement with the International Brotherhood of Electrical Workers – Local 47, Representing General Unit Bargaining Unit, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding
- 7.8. Adopt Resolution 2021-118, Approving the Ratified Tentative Agreement with the International Brotherhood of Electrical Workers – Local 47, Representing Utility Unit Bargaining Unit, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding

- 7.9. Authorize the City Manager to Sign the Notice of Completion for Project No. 2018-01W, "Water Improvement Plan – Location 2" as Complete and Direct the City Clerk to Record the Notice of Completion
- 7.10. Adopt Resolution 2021-115, Approving the Banning Municipal Airport Capital Improvement Plan for 2022-2026
- 7.11. Acceptance of Fiscal Year 2020 State Homeland Security Program (SHSP) Grant Award of \$34,741 and Approve Movement of Approved Funding In The Amount of \$26,309 for Fiber Optic Upgrade Project
- 7.12. Accept the Easement from Tri Pointe Homes for Public Water Utility Maintenance Purposes for Tract Map No. 37390-2 within the Atwell Development
- 7.13. Approval of Amendment to the Western Riverside Council of Governments' Joint Powers Agreement
- 7.14. Resolution 2021-119, Approving a Purchase Order with WEG Transformers USA for a Not-To-Exceed Amount of \$2.2 Million for Two (2) Replacement Power Transformers at Midway Substation
- 7.15. Adopt Resolution 2021-120, adopting Caltrans Local Assistance Procedures Manual (LAPM) Chapter 10: Consultant Selection
- 7.16. Resolution 2021-114, Authorizing the Department of Water Resources Urban and Multibenefit Grant Application, Acceptance and Execution for the Critical Well Relocation (M-12A) for Drought Relief Project
- 7.17. Resolution 2021-117, Establishing a Pre-Approved Architect Services Vendor List for the Remainder of Fiscal Year 2021/2022 through Fiscal Year 2025/2026
- 7.18. Approve Resolution 2021-125, Authorizing the Director of Public Works to Vote on Behalf of the City of Banning During a Public Meeting to Adopt the San Gorgonio Pass Groundwater Sustainability Plan
- 7.19. Consider the Potential Uses of Opioid Settlement Funds, Authorize the City Manager to Participate in the National Opioid Settlement, Approve the Agreement with the County for the use of the City's Allocation of those funds, and authorize the City Manager to execute that County/City Agreement
- 7.20. Receive and File Contracts Approved Under the City Manager's Signature Authority, including CUPCAA Projects, for the Month of September, October and November 2021
- 7.21. Review Fiscal Year 2021-22 First Quarter Budget Update and Financial Status Report
- 7.22. Resolution 2021-129, Rejecting All Bids for Project No. 2020-13 "Collection Site Improvements"
- 7.23. Approving Resolution No 2021-126 for Amendment No. 1 to the Agreement (C00689) for Property Tax Management, Audit and Information Services by and Between City of Banning and HdL Coren & Cone

Public Comments

None

Motion to approve the consent agenda items 7.1 to 7.23.

Motion by Council Member Wallace
Seconded by Mayor Pingree

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

Motion approved by a vote of 5-0.

8. PUBLIC HEARING(S):

8.2 Resolution 2021-124, Small Commercial Multi-Phase Tariff Revision

Electric Utility Director Miller presented the staff report.

Public Comments

None

Motion to approve Resolution 2021-124.

Motion by Council Member Sanchez
Seconded by Council Member Wallace

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

Motion approved by a vote of 5-0.

Mayor Pingree announced a recess at 5:52 p.m. The meeting was reconvened at 6:00 p.m.

At 6:01 p.m., Agenda item 8.1 began in accordance with Government Code §21507.1 (d).

8.1 Second Public Hearing to Receive Comments and Input on the Redistricting Process for the Potential Redrawing of Election District Boundaries

City Attorney Ennis presented the staff report.

Executive Assistant Laurie Sampson explained the demographic data behind the draft map proposed by staff.

Public Comments

None

- 8.3 Ordinance 1580 Approving Zone Text Amendment 21-97503, amending Chapters 5.33, 17.12, and 17.54 of the Banning Municipal Code, Eliminating the numeric cap on the number of cannabis retailers permitted in the City, allowing for the operation of cannabis retailers in the General Commercial Zone, allowing cannabis distribution and manufacturing in the Business Park Zone, making additional conforming amendments to regulations pertaining to cannabis retailers, and making a determination that the Zone Text Amendment is exempt from review under CEQA pursuant to CEQA Guidelines Section 15061 (b)(3)

Community Development Director Adam Rush presented the staff report.

Public Comments

Umberto Bagnara said the city was throwing away money by not moving quicker to update the retail cannabis rules, noting he pays Desert Hot Springs \$60-70,000 a month in taxes. He encouraged them to do what was best for the town.

John Hagen said he was opposed to changes to retail cannabis rules, suggesting they are operating well under the current restrictions. He said that the changes would be removing safeguards that allowed the ballot measure to pass. Mr. Hagen asked Council to prohibit retail cannabis in the general commercial area.

Ivan Ivaschuk said there are other businesses that create hazards, but the city does not regulate those businesses. He was opposed to cannabis restrictions and spoke in favor of the proposed changes.

Jason Brown said he was an operator in the city with Culture Cannabis Club. He emphasized that the cannabis microbusinesses allowed by City Council means new dispensaries will be coming to Banning. He said he had concerns about moving forward and agreed that Council should get more information before making a decision.

Thomas spoke in favor of City Council getting more factual information before making a decision and to think of the whole community instead of first-come, first-served.

Laura Leindecker said she was a project manager on the other operator in town, Harvest Corner, and that they were not making as much profit as

anticipated. She emphasized that cannabis profits are not as high as in the past.

Staff clarified that there was consensus to continue discussion of whether to establish a cap on the number of retail cannabis facilities. Staff will bring additional information about potential ways to narrow or screen applicants to the first regular meeting in February.

Mayor Pingree announced a recess at 8:43 p.m. The meeting was reconvened at 8:56 p.m.

9. REPORT OF OFFICERS

- 9.1. Discussion and City Council Consideration Authorizing the City Manager to Enter into a New Exclusive Negotiation Agreement (ENA) and a Preliminary Term Sheet with Grandave Capital, LLC for City-owned Property located at 200 S. Hathaway Street

Economic Development Manager James Wurtz presented the staff report.

Public Comment

John Hagen commented on when the project was introduced two years ago and stated that no progress had been made since that time.

Ruben Islas said he was unaware of any unpaid bills and said he had completed several of the tasks in the ENA.

Fernando Huerta said the plans were prepared for Airport Land Use Commission (ALUC) review and were provided to the city. He said they had also completed the Phase I Environmental assessment.

Motion to approve option 2, approving the extension of the ENA with Grandave Capital, LLC until June 30, 2022, with the term sheet attached as exhibit to the ENA, and upon full payment of all invoices due to the city.

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 5-0.

9.2. Resolution 2021-127 approving the License Agreement with Kids Cures Foundation for use of City-Owned property located at 2041 W Nicolet Street in Banning, commonly known as the Armory Building

Parks and Recreation Director Ralph Wright presented the staff report.

Public Comment

None

Motion to approve Resolution 2021-127.

Motion by Council Member Wallace
Seconded by Council Member Hamlin

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

Motion approved by a vote of 5-0.

9.3. Resolution 2021-123, Authorizing the Use of One-Time Funding from the Settlement Agreement with Tri-Pointe Homes for the Purchase of Seven (7) Police Vehicles to Include Upfitting, In-Car Computers, Police Radio, Graphics, and Tinting in the Amount of \$505,190.00

Chief Hamner presented the staff report.

Public Comment

Alejandro Geronimo disagreed with the source of funding.

Motion to approve Resolution 2021-123.

Motion by Council Member Happe
Seconded by Council Member Pingree

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

Motion approved by a vote of 5-0.

10. DISCUSSION ITEMS

None

11. ITEMS FOR FUTURE AGENDAS

11.1. New Items:

11.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. ~~Retail Marijuana (Happe) See Agenda Item 8.3.~~
6. Business-Friendly Zoning (Wallace)

12. ADJOURNMENT

Mayor Pingree adjourned the meeting at 10:00 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/2567>

EXHIBIT A

Agenda Item 8.3



PLANNING COMMISSION
AGENDA ITEM 8.3
PUBLIC HEARING
DECEMBER 14, 2021

Ordinance 1580 amending Chapters 5.33, 17.12, & 17.54 of the BMC, eliminating the numeric cap on the number of cannabis retailers permitted in the City, allowing for the operation of cannabis retailers in the GC Zone, allowing distribution and manufacturing in the Business Park Zone, making additional conforming amendments to the regulations pertaining to cannabis retailers, and making a CEQA determination of exempt.

1



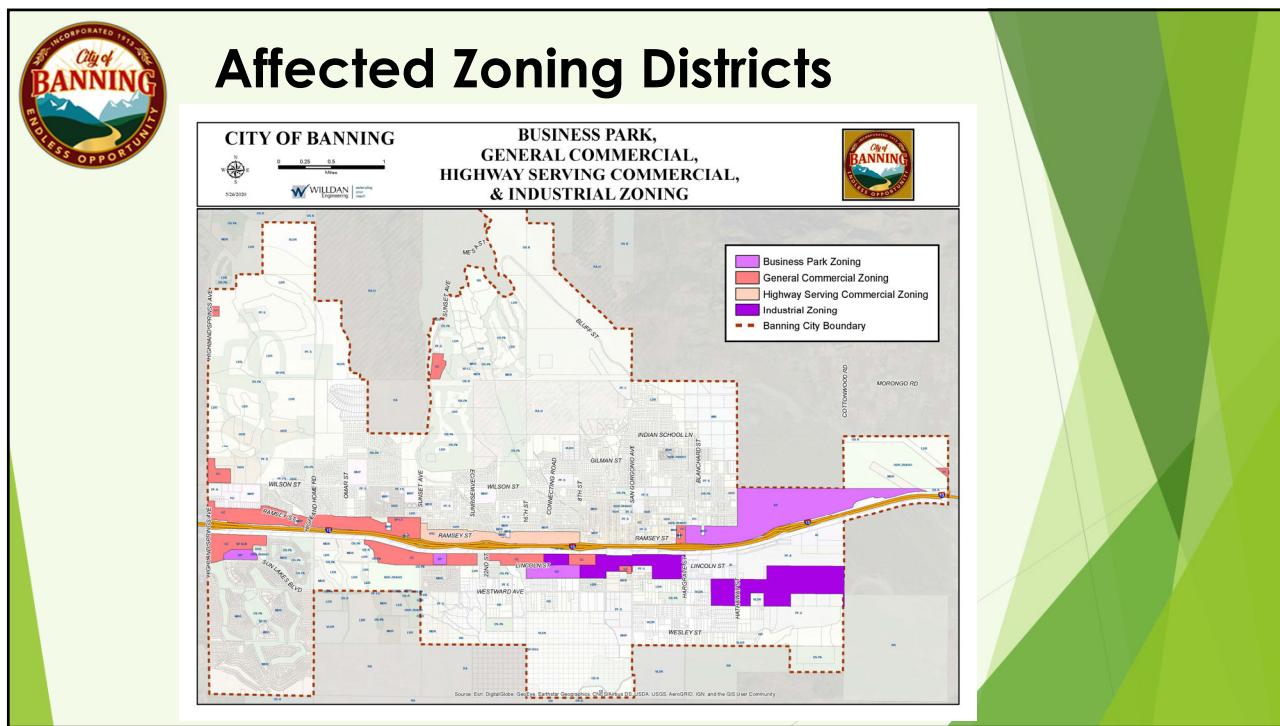
Cannabis Program Background

- ▶ Microbusiness Ordinance 1577 – approved by Council on September 28th.
- ▶ The Council then directed staff to prepare a separate Ordinance Amendment to potentially increase the number of Retail Cannabis Dispensaries.
- ▶ The Council initiated an Ordinance to make the following changes:
 - ▶ Eliminate the May 2019 “Lottery List” that chose the first three Cannabis Retailers
 - ▶ Remove the “CAP”, or the municipal code limitation on Retail Cannabis Dispensaries, from 1 dispensary for every 10,000 residents, to a market-based approach.
 - ▶ Expand the Zoning Capacity, for Retail Cannabis Dispensaries only, by adding the General Commercial (GC) Zoning District in addition to the Highway – Serving Commercial (HSC) Zoning District.
 - ▶ Authorize Distribution and Manufacturing, into the Business Park Zoning District. Previously, such uses were only authorized in the Industrial Zoning District, with CUP approval.

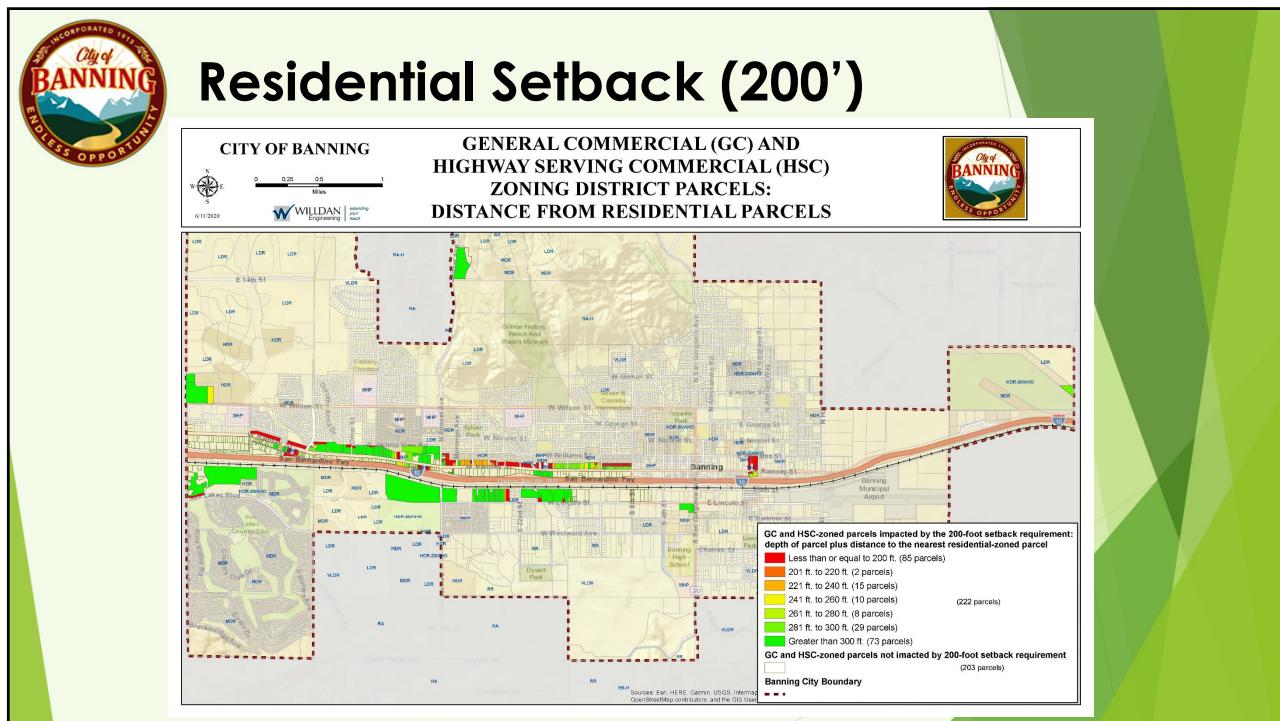
2

EXHIBIT A

Agenda Item 8.3



3



4

EXHIBIT A

Agenda Item 8.3



Residential Setback (200') – cont'd

GC and HSC-zoned parcels impacted by the 200-foot setback requirement:
depth of parcel plus distance to the nearest residential-zoned parcel

- Less than or equal to 200 ft. (85 parcels)
- 201 ft. to 220 ft. (2 parcels)
- 221 ft. to 240 ft. (15 parcels)
- 241 ft. to 260 ft. (10 parcels)
- 261 ft. to 280 ft. (8 parcels)
- 281 ft. to 300 ft. (29 parcels)
- Greater than 300 ft. (73 parcels)

(222 parcels)

GC and HSC-zoned parcels not impacted by 200-foot setback requirement

(203 parcels)

Banning City Boundary

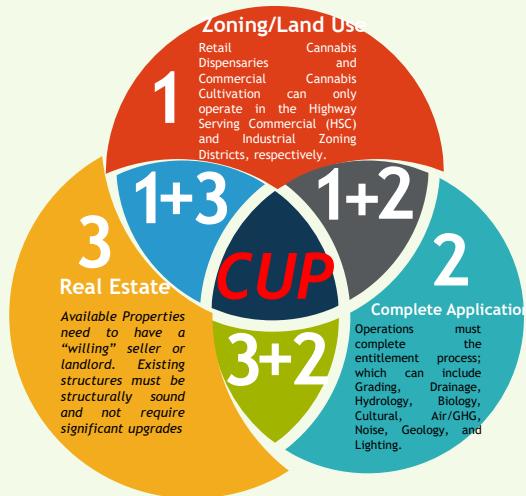
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5



Cannabis Site Selection



Zoning/Land Use

Retail Dispensaries and Cannabis Commercial Cultivation can only operate in the Highway Serving Commercial (HSC) and Industrial Zoning Districts, respectively.

3
Real Estate

Available Properties need to have a "willing" seller or landlord. Existing structures must be structurally sound and not require significant upgrades

1

1+3

3+2

2

Complete Application

Operations must complete the entitlement process; which can include Grading, Drainage, Hydrology, Biology, Cultural, Air/GHG, Noise, Geology, and Lighting.

CUP

6

EXHIBIT A

Agenda Item 8.3



Banning, CA – Census Data

Population	Year	% Change	Median Household Income (\$2019)
31,221	2019	---	\$42,274
29,592	2020	5.5	\$40,254 ¹
+359 (Atwell) ²	2021	1.1	---

¹ https://data.census.gov/cedsci/table?g=51901ge=14000000US06065044101&tid=ACSST5Y2019_S1901

² Email from Jeff Chambers, VP of Forward Development, for Tri-Pointe Homes (dated, November 1, 2021)

7



Proposed Manufacturing, Distribution and Retail Zones

ZONING DISTRICT	TOTAL NUMBER OF PARCELS	TOTAL ACREAGE	Cannabis Type Allowed	Cannabis Type Proposed
General Commercial (GC)	269	728.47	N/A	Retail
Highway-Serving Commercial (H-SC)	154	87.63	Retail*	Retail
Business Park (BP)	121	357.87	Cultivation/ <i>Mic-business</i>	Manufacturing & Distribution
Industrial (I)	180	306.63	Cultivation, Manufacturing, Distribution, <i>Micro-business</i>	N/A

8

EXHIBIT A

Agenda Item 8.3



Proposed Amended Code Sections

Staff proposes the following amendments to the zoning code:

- ▶ Chapter 17.12, Commercial and Industrial Districts; amending Table 17.12.020 to add cannabis manufacturing and distribution as conditionally permitted uses in the Business Park Zoning District; and
- ▶ Add cannabis retail as a conditionally permitted use in the General Commercial Zoning District.
- ▶ Chapter 17.54, Cannabis Retail Conditional Use Permits; amending Section 17.54.080, Separation requirements and other limitations; removing Sub-Section "A" and replacing it with Sub-Section "B".
- ▶ Other proposed amendments:
 - ▶ The draft ordinance also amends Chapter 5.33, removing the cap on retailers, allowing them in the General Commercial zone and removing the lottery system.

9



Environmental Determination

California Environmental Quality Act (CEQA)

- ▶ The Planning Commission finds and determines that this Resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. Adoption of this Resolution is covered by the commonsense exemption in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- ▶ The Community Development Department determined this Resolution to be exempt from review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3). The Planning Commission, through an exercise of its independent judgment, concurs with this determination and, as such, the Planning Commission recommends the City Council adopt a categorical exemption for this Resolution and City Council Ordinance and directs staff to file a Notice of Exemption.

10

EXHIBIT A

Agenda Item 8.3



Recommendation

That the City Council take the following actions:

- ▶ Make a determination, pursuant to Sections 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that the project is exempt from CEQA.
- ▶ Introduce for first reading City Council Ordinance 1580, approving Zoning Text Amendment 21-97503, amending Chapters 5.33, 17.12, and 17.54 of the Banning Municipal Code, and making additional conforming amendments to regulations pertaining to cannabis retailers.

11



Thank You & Questions?

12

Ever since this cannibus issue was considered for the City there have been countless attempts to remove all the safeguards and limitations that were promised to the voters in order to get their foot in the door to get the initiative passed. It seems that ever other month something is proposed to expand its growth. Staff has been blinded by the imaginary dollar signs that they visualize that will never be seen.

Before any of the business even opened up they were insisting that the sales were not generating the prospected income. They continue to fall into the same pitfalls as every other city that has tried this refusing to learn by others mistakes. They have methodically reworked the intended ordinances to just about eliminate any restrictions.

Council falls back on the argument that the vote was to allow cannibus or not was the only vote on the ballot. What they fail to consider in that the argument in favor promised cap limitations, set backs and zoning regulations only allowing sales in the Freeway Commercial zones. They have already done away with the set backs, and opened up the zoning, and now they want to remove the cap and open it up to general commercial zones.

It is obvious that the council will not be satisfied until they have opened this city to uncontrolled growth for the cannibus industry.

I know you have already made up your minds that this is going to pass as you lack the foresight in what this will do to the city.

We need to keep the cap limitations as over saturation of any product is not a good move. You can only sell so much MJ and the consumer will go to where it is sold. There is no need to expose the general commercial areas to this. Ask yourself why all these Cannibus businesses require the extra security? It is simply because this type of product as the propensity to attract more crime. I have news for you, that extra security is not there for public safety, its there to protect their product. They could care less about the surrounding area crime rate. You need to keep these sales areas to a minimum and make them destination locations not exposing the general public to the added potential crime. Once a shopping area has lost its feeling of security people will shop elsewhere and any existing businesses will fade and die, and new businesses will not be interested. It is almost impossible to regain that secure feeling once it is lost. The way this is going you will soon be able to buy it at the guard shacks entering the gated communities as the guards and cameras are already there.

Johns Dagen, Banning Resident

I am here tonight to urge this council to reconsider the setback allowance for the Cannibus Growing facilities.

The Ordnance originally called for a 600 ft setback from residential areas. When it came before the council the agenda item suggested a 300 ft setback. But Mr Happe said he saw no reason for any setback and suggested 0 setback for those facilities . Without any discussion or even a bat of an eye the rest of the council voted for the motion proposed by Happe.

In light of the recent Fire and explosion in Culver City last month that killed 2 and injured 4 others. Destroyed 6 cars and the warehouse I feel there is ample reason to have this set back reinstated. And for a retired fireman that could see no reason for this set back does not say much for his foresight. Part of the reason for the setbacks is to insure public safety and protect the residential areas from incidents such as this.

This city cannot afford the litigation exposure that this neglect would cause. Granted some of you were not on the Council when this occurred but this incident should be taken as fair warning that your neglect to reinstate some sort of safety buffer between these facilities and residential areas is careless and a delectation of duty to the citizens of this city.

Rest assured that the first death or damage to personal property will result in litigation that we cannot afford.

It took several engine companies and several man hours to control and extinguish this fire blaze. There were also 12 firemen injured fighting this fire. Thank God it was not next to a residential area with 0 lot line setbacks. If you are not aware of this fire you could just google Cannibus Warehouse fire in Culver City. By the way when you Google this fire several other cannibus warehouse fires come up reflecting that this is not an uncommon occurrence..

Another issue is that its been over a month and the residents are still complaining of the putrid stench they can't get rid of. This was a legally permitted cultivation facility.

Please reinstate some sort of safety buffer now before its to late. Learn from past events and take action to prevent a catastrophe.

Thank You, John Hagen, Banning resident

EXHIBIT C Non-Agenda Item

From: [Phil Jackson](#)
To: hkatz@twopawz.net; randyllump@yahoo.com; lorijsan1250@yahoo.com; lyntaylor1@verizon.net; Sandra.Calderon; gemball11@msn.com; mwolfs1@verizon.net; Marsha.Midgett (marsha.midgett@sunkakescc.com); BEVERLY.SIMMONS@SUNKAKESCC.COM; LORI.HAZELTON@SUNKAKESCC.COM; LINDA.SPAULDING@SUNKAKESCC.COM; BOBWALTERSLCC1@GMAIL.COM; Colleen.Wallace; David.Happe; Kyle.Pingree; Mary.Hamlin; Alberto.Sanchez; Doug.Schulze; Community.Development.Email.Group; James.Wurtz; rkrick@banningca.gov; Adam.Rush; jhorseman@scng.com
Subject: Warehouse Project Proposal
Date: Monday, December 13, 2021 10:27:12 PM

I'm sorry I won't be at the Banning City Council Meeting tomorrow night. If I was, I'd try to squeeze as much of the following into a three minute allocation as possible.

I understand that it's likely that the final outcome of the warehouse proposal across from Sun Lakes Country Club (SLCC), unless disapproved by the city council, will be decided in court and based on compliance with law and that my musings below probably will not be particularly consequential. However, it seems to me that there are several concerns that have not been raised in opposition to the project that should at least be aired.

Traffic has been discussed by many – especially access to the hospital. But I am perplexed by the apparent silence of San Gorgonio Memorial Hospital (SGMH), The Lakes and everyone who lives South of Ramsey Street (Ramsey) and 6th Street (6th). The Highland Springs Avenue (HSA)/Ramsey/6th intersection is already often blocked by vehicles sitting in the intersection when the signals change for two signal light cycles because of the congestion at the HSA/I-10 intersection. Anyone who has to navigate that intersection to get to SGMH in an emergency should be up in arms over anything that will add to that blockage, as multiple large trucks on HSA will certainly do. A large percentage of Banning and Beaumont residents must transit that intersection to get to SGMH.

I don't know the boundaries of the three partitions of the warehouse development site that are to facilitate financing and conveyance, but the city needs to be very transparent on this. Does one of the partitions separate the six retail/restaurant structures from the main warehouse structure? If so, will this allow this project to become a typical Banning grand development where, after the warehouse is under construction, the developer will come to the city and explain that it can't get financing or tenants for the buildings and therefore can't build them? There are several potential problems with this part of the proposal. It looks like the access to these buildings will be through an entrance across from the SLCC Gate 1 and possibly an entrance at the extreme East border of the property (more on this entrance below). I'll be very surprised if any decent restaurant will opt to build on a site that is difficult to access, hidden from most retail traffic and sitting in diesel fumes. Ditto most retail businesses. Do the city and the developer really believe that this part of the development will ever be built? Will the developer later propose a use more compatible with warehouse operations (how about a truck wash station?)?

The publicly published plan shows close to 100 trees on the property. Will this happen as portrayed even if the six small buildings aren't built?

Can/will the city require that the six buildings be built and that at least some of them have tenants before a use permit is issued for the warehouse itself?

Can/will the city require that tenants for at least a portion the warehouse itself be under contract before construction begins? Or will the hulking building shell end up vacant and attractive to the local homeless population as other of Banning's projects have?

The proposed sound wall "surrounding" the warehouse does not appear in the available plot rendition to even extend the full length of the building, let alone all sides.

It appears that trucks turning right from Sun Lakes Boulevard (SLB) onto HSA will negotiate that narrow curved entrance. There is no traffic light there, requiring a merge into oncoming traffic. Will an additional signal be required there? And large trucks entering in the right lane and having to merge two lanes to the left before reaching the I-10 West bound on ramp with all the traffic from the vicinity of Walmart will be a huge problem, made worse by the intersection blocking already occurring at the intersection with 2nd Street and Sun Lakes Village Drive and retail traffic trying to merge from left to right to get to the I-10 East bound ramp in that same short distance.

Impacts to SLB are numerous and many are not addressed in anything I've seen...

The proposed "cart path" for SLCC residents is farcical. Current laws and agreements with the city do not allow unregistered golf carts to cross SLB anywhere but far to the East at SLCC Gates 3 and 4. Registered carts can and do simply use the existing roadway. Or is the city proposing to allow unregistered carts to transit SLB at long last?

The proposal includes new traffic signals at Sun Lakes Village Drive and at Country Club Drive. With the eventual extension of SLB to Sunset Avenue, truckers destined for the new warehouse will soon learn that exiting and entering I-10 at Sunset and travelling on SLB will avoid the mess on HSA. Who will provide the signals at the entrance to The Lakes and at the SLCC Gate 2 entrance and the currently permitted Gates 3 and 4 crossing that will be necessitated by this truck traffic?

The proposal shows a new entrance to the project at the extreme East property line with no apparent way to get to it from East bound SLB. What is this all about? Is this in anticipation of the afore mentioned truck traffic West bound from Sunset Avenue?

The two proposed new left turn lanes are frightening for what they, alone, will do to SLCC property values. They can only be created by removing the center strips and about 12-20 large trees in them. These center strips currently help define the main entrance to and ambiance of SLCC. The result will also be very narrow turn lanes for large trucks, potentially requiring them to swing into the adjoining lane to make the turn.

And has there been an assessment of how much SLCC property values (and property taxes) will be reduced and to what extent that will offset projected tax revenues from the warehouse project? Has there been an assessment of how the city will be impacted if the residents of SLCC become less enthusiastic about participation in and support of a failed city?

It is long past time for an open and honest portrayal and discussion of this proposed project.

Clifton Jackson
6238 Turnberry Drive
Banning

RECEIVED

RECEIVED
CITY OF BANNING

NOV 16 2021

NOV 15 2021

City of Banning
City Clerk's Office

CITY MANAGER'S OFFICE
BY:

November 10, 2021

Banning City Council

I am a citizen of Banning and
Sun Lakes

I know a industrial warehouse
would be a tax brat for Banning
City but to put it in a residential
area with an estimated 40 truck
a day would be absolutely WRONG.
With the traffic on Highland
Springs Road.

In reality 40 truck a day would
be 50 to 70 trucks a day

I want you
Donald W. Leinier
5886 Myrtle Beach Dr.
Banning Ca.

5284 M. of the Board R.
Banning California



Banning City Council
789 N. So. Gorgonio Blvd.
Banning California
92320

EXHIBIT E Non-Agenda Item

From: Sheri Flynn <lorijean1250@yahoo.com>

Date: December 10, 2021 at 1:51:03 PM PST

To: Sandra Calderon <sc Calderon@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>, David Happe <dhappe@banningca.gov>, Kyle Pingree <kpingree@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>, Alberto Sanchez <asanchez@banningca.gov>

Subject: Comments- Non-Agenda Item- Sun Lakes Village North/Banning Pointe

To be read into the record, and added to the comments in the minutes for the December 14, 2021 City Council Meeting:

To: The Banning City Council Members

RE: Sun Lakes Village North/Banning Point

My name is Sheri Flynn and I am a resident of Sun Lakes Country Club and a Board member of the Pass Action Group. I am 62 years old and have resided in this community for 3 years, however my parents lived here for 24 years before their passing. I understand the history of this wonderful community and want to preserve its future. My belief is that this proposed 620,000 Sq. ft. logistics and cold storage warehouse sited directly across from 3,327 homes on over 1,000 acres, with over 6,000 residents plus just feet away from The Lakes, a 150 bed assisted living, memory, and respite care facility, should not be approved and never built as planned. This poorly planned project will forever change my community with diesel truck traffic adding to an already overburdened I-10 freeway/Highland Springs interchange and with excessive air, noise, and light pollution adding to an already highly polluted area of the State.

For example, the City of Banning is classified by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) as a disadvantaged community due to being disproportionately burdened by multiple sources of pollution.

Furthermore, the elderly people living in close proximity to this project are considered "sensitive receptors." Our census tract rates higher than 67 percent of the rest of the State overall for pollution and socioeconomic vulnerability. We have a higher burden of ozone than 98 percent of the State and our exposure to excessive traffic is higher than 81 percent of the State, along with 78 percent of the residents in Sun Lakes Country Club over 65 (Average age in Sun Lakes is 78.). Our community also ranks in the 95th percentile for incidence of cardiovascular disease and 82nd percentile for asthma, which is made worse by poor air quality and greenhouse gasses.

The Golden State Environmental Justice Alliance wrote a timely critique of the draft EIR (Environmental Impact Report), as did Lozea Drury LLP, along with the environmental consulting firm, SWAPE.

All three concluded that the EIR was wholly inadequate in relation to significant health risks such as air quality, including particulates and nitrogen oxide (NOx) emissions from mobile and idling diesel trucks.

Also, we suffer from noise pollution and greenhouse gasses. All three urged the City Council to not certify the final EIR and not approve the project.

It is my belief that the City of Banning has failed to comply with the California Environmental

Quality Act (CEQA) along with it's own Municipal Zoning Code and therefore, this project should not be approved by the Planning Commission.

Significant effects previously examined will be substantially more severe than shown in the previous EIR. The city admitted in the Final Environmental Impact Report (FEIR) that “the scope of the EIR does not include future warehouse projects and their health risks.” And “Because a health risk assessment analysis is dependent on site specific details, such as the use of the building and the precise location of the building” (author’s comment – all now known), “it was speculative for the EIR to include a Health Risk Assessment.”

Negative environmental impacts, such as traffic and pollution, require a Health Risk Assessment which has not been done. The FEIR produced in 2020 and voted for by the Banning City Council and the Banning Planning Commission members is now totally inadequate and a revised/ subsequent EIR must be done and re-circulated for public comment.

My reasons are as follows:

1. The City didn't approve zoning for industrial at the December 8, 2020 meeting of the City Council—only Business and Warehouse. “Warehouse” is not in the Banning Municipal code as a zoning category (17.04.080). Municipal zoning code 17.04.090 (C) 1: “When a use is not specifically listed in this zoning ordinance, it **shall** be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed”. and (C) 3 states “ In determining “similarity” the Director shall make all of the following findings: 3.c “The proposed use **shall** not adversely impact the public health, safety and general welfare of the City’s residents; and 3. d “The proposed use **shall** share characteristics common with, and NOT be of greater intensity, density, OR GENERATE MORE ENVIRONMENTAL IMPACT, THAN THOSE USES LISTED IN THE DISTRICT IN WHICH IT IS TO BE LOCATED. (FROM THE ORIGINAL GENERAL PLAN USE OF COMMERCIAL/RETAIL). INDUSTRIAL/WAREHOUSE DOES NOT MEET THE CITY’S OWN MUNICIPAL ZONING CODE. (SEE BELOW)

17.04.080 - Establishment of zoning districts. Banning shall be divided into zoning districts which consistently implement the General Plan. The following zoning districts are established:

EXPAND

R/A	Ranch/Agriculture (10 acre minimum lot size)
R/A/H	Ranch/Agriculture - Hillside (10 acre minimum lot size)
RR	Rural Residential (0-1 units per acre)
RR/H	Rural Residential - Hillside (0-1 units per acre)
VLDR	Very Low Density Residential (0-2 units per acre)
LDR	Low Density Residential (0-5 units per acre)

MDR	Medium Density Residential (0-10 units per acre)
HDR	High Density Residential (11-18 units per acre)

EXPAND

GC	General Commercial
DC	Downtown Commercial
HSC	Highway Serving Commercial
PO	Professional Office

EXPAND

BP	Business Park
I	Industrial
AI	Airport Industrial
I/MR	Industrial Mineral Resources

EXPAND

P	Public Facilities
OS/R	Open Space - Resources
OS/P	Open Space - Parks
OS/Pu	Open Space - Public lands

OS/H	Open Space - Hillside Preservation
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B. Adoption of Land Use District Map. The boundaries of the land use districts established by this chapter shall be shown upon the map designated as the "City of Banning Official Zoning Map", on file with the City Clerk, and available at the Planning Department. This map shall be consistent with the adopted General Plan Land Use Map. Amendments shall follow the process outlined in [Chapter 17.64](#), General Plan Amendments.

17.04.090 - General requirements.

- A. Application. All land or structures shall be used and constructed in accordance with the regulations and requirements of this Zoning Ordinance, including obtaining applicable permits prior to use initiation.
- B. Conflicting Permits And Licenses To Be Voided. All permits or licenses shall be issued in conformance with the provisions of this Zoning Ordinance. Any permit or license subsequently issued and in conflict with this Zoning Ordinance shall be null and void.
- C. Similar Uses Permitted.
 - 1. When a use is not specifically listed in this Zoning Ordinance, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.
 - 2. It is further recognized that every conceivable use can not be identified in this Zoning Ordinance, and anticipating that new uses will evolve over time, this chapter establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Ordinance to determine similarity. If an applicant wishes to appeal the Director's interpretation, such appeal shall be made to the City Council, pursuant to the requirements of [Chapter 17.68](#), Hearings and Appeals.
 - 3. In determining "similarity" the Director shall make all of the following findings:
 - a. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the General Plan;
 - b. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
 - c. The proposed use shall not adversely impact the public health, safety and general welfare of the City's residents; and.
 - d. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the district in which it is to be located.
- D. Minimum Requirements. When interpreting and applying the regulation of this Zoning Ordinance, the provisions shall be the minimum requirements, unless otherwise stated.
- E. Conflict with Other Regulations.
 - 1. Where conflicts occur between the provisions of this Zoning Ordinance and the Building and Fire Codes, or other regulations of the City, the more restrictive shall apply.
 - 2. It is not intended that this Zoning Ordinance shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement in effect at the time of adoption. Where this Zoning Ordinance imposes a greater restriction upon the use of structures or land, the provisions of this Zoning Ordinance shall apply.
 - 3. Nothing contained in this Zoning Ordinance shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both. Nor shall anything in this Zoning Ordinance be deemed to repeal or amend the Building Code of the City.
- F. Language. In interpreting this Zoning Ordinance, it is understood that the term "shall" is mandatory, "should" is advisory, and "may" is permissive.
- G. Implementation. All applications which have been accepted as complete by the Department prior to the effective date of this Zoning Ordinance shall be processed in compliance with the regulations and requirements in effect at the time the application was accepted as complete. Applications for extensions of time shall be consistent with this Zoning Ordinance.

(Zoning Ord. dated 1/31/06, § 9101.09.)

Therefore, the change in zoning from Commercial/Retail to Warehouse voted for by both the Planning Commission and City Council on November 4, and December 8, 2021, respectively, violates the Banning Municipal Zoning Code section 17.04.090 in that "Warehouse" will produce greater intensity, density,

and generate more environmental impacts than the previous zoning of “Commercial and Retail”. The change in zoning adopted must be termed null and void.

2. A Notice of Preparation (NOP) is a brief notice sent by the lead agency to notify the responsible agencies, trustee agencies, and involved Federal agencies that the lead agency plans to prepare an EIR with significant impacts for the project. The purpose of the NOP is to solicit guidance from these agencies as to the scope and content of the environmental information to be included in the EIR with significant impacts. However, the NOP dated February 18, 2020, including the Initial Study, was sent to the State Clearing House and to the SCAQMD and the Riverside County Flood Control District.

Under “Project Description” of the NOP, it states that the Specific Land Use Plan is to be amended from “Retail Commercial” to “Business Park” and “Professional Office” along the primary I-10 freeway frontage and “Commercial Retail” along the Sun Lakes Blvd frontage. Never is “INDUSTRIAL and /or “WAREHOUSE” mentioned. This zoning was exactly what we were told at the March, 2020 scoping meeting at which the current developers were present also. There was NO mention of an Industrial or warehouse especially one with diesel trucks every 5 minutes 24/7, as is now proposed. When the question was asked of Adam Rush at that meeting what the big “hole” in the middle of the site plan was no answer was given. When Adam Rush was specifically asked exactly at the 42nd minute mark on the video what the zoning would be changed to he replied “ professional, business, and retail”. When asked directly by another if there would be semi diesel trucks going to the site the question was ignored. This scoping meeting was a classic “BAIT and SWITCH” intentionally perpetrated on the citizens of Sun Lakes by both the City Planners and the Developers who KNEW at the time that an Industrial warehouse was planned all along. And they knew if we knew, we would fight it tooth and nail.

In addition, CARB, AQMD, and Caltrans were either never notified about this project or did not respond because there was no industrial warehouse zoning change listed in the NOP, let alone that it would morph into a 24/7, 620,000 sq. ft. warehouse with cold storage and 150 trucks bays surrounded by a senior residential community. A subsequent EIR must be revised and recirculated to the public.

3. The City produced a draft programmatic EIR, not a Project Specific EIR. And they piggy backed the 2020 EIR off of the original 1991 EIR for Sun Lakes Village North. CEQA analysis is to be project specific. The City admits in the FEIR that it is a programmatic EIR. This is in violation of CEQA. The project has changed dramatically from the original approved project covered by the certified EIR by adding cold storage and fast food in place of sit-down restaurants, by eliminating the previously included “Office and Professional”, and now adding “Industrial Warehouse”. Therefore the previously certified EIR must be revised and recirculated.

4. The City has only done noise studies for construction, not operation. The EIR concludes that construction noise levels at 50 ft from the project site have the potential to reach up to 89 dBA during construction greatly exceeding the City’s construction noise threshold of 55 dBA. Hundreds of trucks will be barreling through with Senior residential homes on either side from Highland Home to the entrance on Sun Lakes Blvd once Sun Lakes Blvd is put through to Sunset. There is no amendment to stop diesel Trucks from going from either Highland Springs to the project and then leaving and going down to the freeway access at Sunset, or vice versa. The City’s Mitigation measure to lower noise from diesel trucks? Make sure the trucks have mufflers! The EIR must be revised and recirculated.

5. Where are all of our letters and emails from the October 19th Planning Commission meeting and the ones written for this meeting? They have never been included in the minutes from that meeting. Also, the email given on the agenda to send comments to was a non-working email ending in dot US instead of dot GOV. How many emails and letters never made it to the Planning Commission?

6. Significant changes require a subsequent EIR. Previously the hours of operation were from 7am to 10pm but were arbitrarily changed to 24/7 at the October 19th PC meeting. That one change doubles the time and amount of significant pollution, traffic, and truck trips. This change alone, well after the programmatic EIR was certified on December 8, 2020, is enough to trigger CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations). There are now new substantial changes which WILL result in new significant environmental effects listed in the prior FEIR. A subsequent EIR must be prepared.

7. The FEIR did not include the addition of Transportation Refrigerated Units or TRU's which need to continually idle while queuing, producing excessive amounts of CO2 pollutants. The City just recently incorporated a high cube refrigerated warehouse into the new traffic studies dated June 10, 2021, October 4, 2021, and November 8, 2021 well after the City Council gave final approval for the EIR that at that time was not project specific to a logistics or cold storage warehouse. This constitutes a significant change. A totally different project is now being proposed requiring a subsequent EIR be completed.

8. SCAQMD requires a Health Risk Assessment for analyzing cancer risks from mobile source diesel idling emissions for CEQA air quality analysis before the project is approved. No Health Risk Assessment has been done but has instead been deferred until the project is approved for the Developer to do. Now that you have known the specifics of the project for the last year, why has this Assessment still not been done? Why has a noise risk assessment not been submitted? A subsequent EIR needs to be done to include this invaluable study.

9. The City Council passed a Statement of Overriding Consideration on December 8, 2020. along with Ordinance 1571, which Mayor Welch immediately made a motion to not read the ordinance into the record. The Council certified the Final EIR at the same time that the zoning change was approved. How can you certify an existing EIR that is based on a zoning change that was just approved that same day? The Statement overriding the significant environmental harm this project will bring must have substantial evidence and documentation to support it. It must show the benefit of not just jobs, but HIGH PAYING JOBS - Minimum non -living wage warehouse jobs with high turnover rates does not meet that criteria set by CEQA. The City must show with substantial evidence that the tax base will be expanded. "If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects the adverse environmental effects may be considered "acceptable".' In its determination to adopt a Statement of Overriding Considerations(CEQA Section 15093) the City did not provide substantial supporting evidence to override the harm done to the environment and the surrounding residents in its Statement so the statement is not CEQA compliant.

10. Transportation Mitigation Fees (TUMF) are required. -The developer stated that they paid \$4 million in mitigation fees. The City of Banning's TUMF fee schedule for an industrial project is \$1.81 per sq.ft. 620,000 X \$1.81 equals \$1.122 million. Using Banning's maximum separate development impact fee of \$645 per 1,000 sq.ft.equals almost \$400,000. Together it totals \$1.522 million. The fees paid are more than 2.5 times the amount the developer should have been charged. Why? Whose pockets are being lined?

11. We requested affidavits of mailing for all public hearings and only the Planning Commission meeting on October 19, 2021 showed an affidavit. Neither the PlanningCommision meeting of November 4, 2020, nor the City Council meeting were noticed correctly. A list is not proof of notices mailed and many of the addresses were incorrect such as The Lakes which was an old address from 8 years ago. This project was pushed through at the height of the COVID19 pandemic. This is a senior community- very few would leave their homes due to sheer panic. Many do not know how to use technology. The City knew this. We were not adequately informed.

12. Shockingly the October 19th, 2021 agenda for the Planning Commission tried to go around the EIR CEQA requirements by requesting a vote for an exemption from CEQA oversight due to the project

being an “infill development”. The City referenced CEQA Section 15332 (Class 32-Infill developments) which actually requires the proposed Project be less than 5 acres to qualify for a CEQA exemption. What games you are playing!

13. Greenhouse gasses are designated as significant impacts. According to the critique submitted October 16, 2020, CalEEmod output sheets calculate the project to generate more than 109,000 metric tons of CO2 annually. The City generated EIR states that only 11, 966 MTCO2 will be produced annually. A new greenhouse gas assessment must be done specific to this Project- The EIR must be revised. Analysis of Consistency with SCAG 2016-2040 RTP/SCS Goal 6 is erroneous. Goal 6 is “to protect the environment and health for our residents by improving air quality.” However, the EIR found significant and unavoidable Air Quality, Greenhouse Gas Emissions, and Transportation impacts. These are made all the worse by the now project specific High- Cube fulfillment Center Warehouse and High Cube Storage Warehouse now being proposed. The EIR must be revised because of this substantial change in the proposed Project.

14. None of the 3 Environmental groups who critiqued the EIR were notified of the November 4th, 2020 Planning Commission meeting, nor the December 8th, 2020 City council meeting, nor any subsequent meetings or notifications which effectively cut off any actions, comments, or the filing of lawsuits by these groups who were highly critical of the deficient EIR.

15. The Institute of Transportation Engineers note that the number of bypass trips should not exceed 10% pass-by volume of adjacent street traffic during the peak hour analysis. The June 10th, October 4th, and November 8th, 2021 TIA’s have a 49% pass-by for FAST FOOD and 89% Pass-by for coffee/donut drive thru. This is inappropriate and skews the total trip projection downward by 3,606 trips. The absurd claim by Adam Rush to the City Council members, (including our own district representative Mary Hamlin), stating in the “public communication” agenda that there will only be 13 diesel trucks in and out each day at the project defies logic! That makes no economic sense whatsoever and is enough reason by itself to not approve this project because it will become a failed economic disaster. Urban Crossroads- the DEVELOPERS traffic consultant, has cleverly manipulated the numbers to fit the developers (and I dare say, the City’s) agenda to put this project through at all costs. Of course those costs are borne by us and those who come after us, forevermore.

URBAN CROSSROADS SEPTEMBER 4, 2020 TRAFFIC ANALYSIS

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Table 4-2

Project Trip Generation Summary (Actual Vehicles)

Land Use	Quantity	Units ¹	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Industrial Park	877.298	TSF							
Passenger Cars:			250	59	309	66	250	316	2,514
Truck Trips:									
2-axle:			6	1	7	1	5	6	74
3-axle:			7	2	9	2	6	8	92
<i>4+-axle:</i>			21	5	26	5	17	22	<i>278</i>
<i>- Truck Trips</i>			34	8	42	8	28	36	<i>444</i>
<i>Industrial Park Subtotal</i>			<i>284</i>	<i>67</i>	<i>351</i>	<i>74</i>	<i>278</i>	<i>352</i>	<i>2,958</i>

Medical Office	52.065	TSF	113	32	145	50	130	180	1,812
<i>Internal Capture</i>			-4	-7	-11	-1	-5	-6	-62
<i>Office Subtotal</i>			109	25	134	49	125	174	1,750
Commercial Retail	37.189	TSF	22	13	35	68	74	142	1,404
<i>Internal Capture</i>			-7	-4	-11	-5	-1	-6	-60
<i>Pass-By (34% PM/Daily)</i>			0	0	0	-21	-21	-43	-458
<i>Retail Subtotal</i>			15	9	24	42	51	93	886
<i>TOTAL TRIPS (Actual Vehicles) 2</i>			408	101	509	165	454	619	5,594
<i>Total Trips from Previous Traffic Study</i>			502	245	747	454	602	1,056	10,828?
<i>Net Difference in Trips</i>			-94	-144	-238	-289	-148	-437	-5,234

¹ TSF = thousand square feet

² TOTAL TRIPS = Passenger Cars + Truck Trips.

Table 4-3

Project Trip Generation Summary (PCE)

Land Use	Quantity	Units ¹	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Industrial Park	877.298	TSF							
Passenger Cars:			250	59	309	66	250	316	2,514
Truck Trips:									
2-axle:			9	2	11	2	7	9	112
3-axle:			14	3	17	3	11	14	184
4+-axle:			64	15	79	14	52	66	834
- Truck Trips			87	20	107	19	70	89	1,130
<i>Industrial Park Subtotal</i>			337	79	416	85	320	405	3,644
Medical Office	52.065	TSF	113	32	145	50	130	180	1,812
<i>Internal Capture</i>			-4	-7	-11	-1	-5	-6	-62
<i>Office Subtotal</i>			109	25	134	49	125	174	1,750
Commercial Retail	37.189	TSF	22	13	35	68	74	142	1,404
<i>Internal Capture</i>			-7	-4	-11	-5	-1	-6	-60
<i>Pass-By (34% PM/Daily)</i>			0	0	0	-21	-21	-42	-458
<i>Retail Subtotal</i>			15	9	24	42	51	93	886
<i>TOTAL TRIPS (PCE) 2</i>			461	113	574	176	496	672	6,280

Total Trips from Previous Traffic Study	502	245	747	454	602	1,056	10,828?
Net Difference in Trips	-41	-132	-173	-278	-106	-384	-4,548

¹ TSF = thousand square feet

² TOTAL TRIPS = Passenger Cars + Truck Trips.

Adam Rush claims in the comments in the December 1, 2021 agenda that only 48 four axle trucks will be coming and going daily. As you can see from Table 2 (September 4, 2020) above there are estimated 278 four axle trucks daily. Suddenly in June of 2021 we have a new traffic study that then adds high cube cold storage and fast food without drive thru and the 13 trucks Adam refers to are under the category of “Commercial Total” not the “Fulfilment Center Warehouse” total which is 294 daily trucks, not the ridiculous 13 claimed.

16. I physically went down to the City and requested from Adam Rush, Planning director, to email any and all documents for the Sun Lakes Village North project including all Health Risk Assessments done and all TIA's on October 17th. I received about 250 documents, none related to my request. I never received a Health Risk Assessment study, nor the September 4, 2020, June 10, 2021, or the October 4, 2021 TIA's Trip Generation Assessments though they were available. The December 1, 2021 Planning Commission Agenda cannot be found on the City website. Many others have also not received requested documents.

17. The Department of Justice publication: *Warehouse Best Practises and Mitigation Measures To Comply With the Environmental Quality Act*, dated March 21, 2021, states in part: “When done properly, these activities (warehouses) can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants diesel trucks visiting warehouses emit nitrogen oxide (NOx)- a primary precursor to smog formation and a significant factor in the development respiratory problems like asthma, bronchitis, and lung irritation-- and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)--a contributor to cancer, heart disease, respiratory illnesses, and premature death. Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after long term exposure. The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts”.

In summary- I strongly oppose this ill conceived Project. This EIR is obsolete. It is flawed. It is not project specific. All impact studies such as an Operational Noise Analysis, a Health Risk Assessment, an analysis relevant to cumulative and potential impacts addressing environmental justice issues, along with greenhouse gas emissions and other significant pollution studies must be done or redone. The City is in violation of its own Municipal Zoning Code and General Plan. The City must prepare a proper, fully studied, and documented PROJECT SPECIFIC EIR in order to comply with CEQA Guidelines Section 15162.

The Planning Commission and City Council have a fiduciary duty of care and loyalty, to act lawfully and in good faith, and to serve and protect their Citizens. Please do your job by voting against this new project and voting for a subsequent EIR to be done by the City in order to comply with CEQA Guidelines.

Sincerely,

Sheri Flynn

Pass Action Board Member and Resident of Sun Lakes

EXHIBIT F Non-Agenda Item

Comments for Banning City Council Regarding
Public Notice and Transparency
12/14/21 Council Meeting, Item 6.1, Non-agenda Item Comments
Submitted by Kathleen Dale

City staff comments at a recent Planning Commission hearing suggested that the City goes above and beyond with respect to public noticing of community development matters. That is simply not the case.

Also, as a concerned resident, I have experienced extreme frustration in efforts to obtain information regarding the status of approved and pending projects in the City.

The impression members of the community are left with in these circumstances is that the City is not being transparent. I would like to offer the following simple observations and suggestions for the City to improve public noticing and transparency.

1. Posting of project sites for Planning Commission and Council hearings. This simple practice is effective in reaching potentially-affected members of the public that may not live within the mailed notification radius. Posting typically occurs concurrently with the direct mailing and the cost is included in application fees.

Please note that while publication in the local newspaper was, in the past, an effective method of more widespread notification, its effectiveness has waned significantly as the number of publications and subscriptions to those limited publications have plummeted.

2. Duplicate mailing to “occupant” or “resident”. This practice entails sending a duplicate notice when the mailing address on the notification labels is an off-site address (for instance, reflecting a rental situation). This is typically handled as an instruction to project applicants for the notification map and label submission, but can also be handled easily by City staff as they are preparing mailings.
3. Throughout the region, local jurisdictions provide online access to information about development applications on public portals. The City should take advantage of this function in its permit tracking software. If the City does not wish to take this important step into modern Planning administration, then a copy of the current report of pending and approved applications should be posted on the City’s website. A weekly report of this nature is typically produced for staff meetings, so this should not create any additional burden on City staff.
4. Throughout the region, members of the public are able to e-mail, call or visit the Planning Department and communicate with a staff person regarding specific planning cases or planning matters of general concern. It is even possible to make appointments to review project files. This is simply not the case in the City of Banning. The requirement for Public Records Requests as a substitute for counter service is simply not acceptable.