



The following information comprises the minutes for a special 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**

**2/17/2022
SPECIAL MEETING**

COUNCIL MEMBERS PRESENT:

Council Member Mary Hamlin
Council Member David Happe
Council Member Alberto Sanchez
Mayor Pro Tem Colleen Wallace
Mayor Kyle Pingree

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT:

Doug Schulze, City Manager
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Adam Rush, Community Development Director
Art Vela, Director of Public Works*
Suzanne Cook, Finance Director*
Tom Miller, Electric Utility Director*
Ralph Wright, Parks and Recreation Director*
Nate Smith, Deputy Director of Public Works/City Engineer*
James Wurtz, Economic Development Manager
Ginetta Giovinco, City Attorney's Office*
Jeff Horn, Police Captain
Emery Papp, Senior Planner
Paul Lindley, Fire Marshal*
Sandra Calderon, Development Project Coordinator
Sandra Castaneda, Office Specialist

*Participated via teleconference.

1. CALL TO ORDER

Mayor Pingree called the special meeting to order at 5:00 p.m.

1.1 Roll Call

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

1.2 Pledge of Allegiance - Mayor Pro Tem Wallace led the pledge of allegiance.

2. PUBLIC HEARINGS

2.1. Banning Point Project – Consideration of a Tentative Subdivision Map to Divide 47 Acres into 3 Parcels of Land and Design Review Approval of a Proposed Industrial Warehouse Building of 619,959 Square Feet, including 10,000 Square Feet of Office Space and Six Retail/Commercial Buildings Totaling 34,000 Square Feet within the Sun Lakes Village North Specific Plan Amendment No. 5 (APN 419-140-057)

Mayor Pingree announced the procedural requirements that would be followed during the public hearing.

Mayor Pro Tem Wallace announced she had met with Bob Walter from Sun Lakes on February 10th and the project developers around November 10th to ask questions about the project.

Council Member Hamlin announced she had met with Josh Zemon on October 18th via Zoom, November 10th and January 19th.

Council Member Happe announced he had met with the applicant (representatives from both Creation Equity and Urban Crossroads) on January 7th and January 19th.

Council Member Sanchez announced he had not met with the applicant or appellants, but has received a lot of emails and public comment.

Mayor Pingree announced he met with the applicant on November 10th and around January 13th.

All members of the City Council said that the information learned in these meetings was already included in the staff report. They brought no predetermined bias and had not made up their mind regarding the determinations they would be considering tonight.

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

Mayor Pingree announced a recess at 6:28 p.m. The meeting resumed at 6:40 p.m.

Applicant Presentation

Josh Zemon of Creation Equity presented on behalf of the project applicant.

Appellant Presentation

Gabriel Ross of Shute, Mihaly & Weinberger LLP presented on behalf of the appellant, Pass Area Action Group.

Public Testimony

- Alphonso Sanchez spoke in support of the project.
- Juan Serrato spoke in support of the project.
- Alex Zamora spoke in support of the project.
- Richard Licerio spoke in support of the project.
- Jose Radillo spoke in support of the project.
- Bill Quisenberry spoke in support of the project.
- Ralph Velador spoke in support of the project.
- Efrain Lopez spoke in support of the project.
- Virginia Cervantes (Regina?) spoke in opposition to the project.
- John Ramey spoke in opposition to the project.
- Randy Robbins spoke in opposition to the project.
- Ken Johnson spoke in opposition to the project.
- Jim Thurow spoke in opposition to the project.
- Bonnie Mitchell spoke in opposition to the project.
- Bill Hobbs spoke in opposition to the project.
- Lynette Smilac spoke in opposition to the project.
- Ron Pitts did not speak to the project.
- Diane Berley spoke in opposition to the project.
- Paul Perkins spoke in opposition to the project.
- William McNees-Smith spoke in opposition to the project.
- Howard Katz spoke in opposition to the project.
- Brown Bruce spoke in opposition to the project.
- Marian Putnam spoke in opposition to the project.
- Charles (Michael) Volz spoke in opposition to the project.
- Beverly Rashidd spoke in support of the project.
- Vickie Sellers spoke in support of the project.
- Bob Messier spoke in opposition to the project.

Mayor Pingree announced a recess at 8:03 p.m. The meeting was reconvened at 8:18 p.m.

- Anita Chatigny spoke in opposition to the project.
- Susan Knepper-Moore spoke in opposition to the project.
- Juanita Diaz spoke in support of the project.

Speakers Jim Johnson and Tom Leamy had left the meeting before they were called to speak.

- Sheri Flynn spoke in opposition to the project.
- Dave Getka spoke in opposition to the project.
- Ann Oliver spoke in opposition to the project.
- Gregg Schafer spoke in opposition to the project.
- Bob Walter spoke in opposition to the project.

- Hebe Tabachnik spoke in opposition to the project.
- Daniel Rappelhofer spoke in opposition to the project.
- Virginia DeBry spoke in opposition to the project.
- Lilly Aguilera spoke in opposition to the project.
- Liliana Hollmann spoke in opposition to the project.
- Ken Fazekas spoke in opposition to the project.
- Richard Meltard spoke in opposition to the project.
- Jose Garcia spoke in support to the project.
- Jayson Baiz spoke in support to the project.
- Thomas Ruiz spoke in support to the project.
- Joanne Graham spoke in opposition to the project.
- Corinne Marshall said she was neutral on the project, but she thought it was a lightning rod for other issues.
- Kathleen Aranda spoke in opposition to the project.
- Kathleen Dale spoke in opposition to the project.
- Karen Amirson spoke in opposition to the project.
- Laura Leindecker said she was neutral on the project but that the city needed development.
- Ron Roy spoke in opposition to the project.

Deputy City Clerk Patton announced that the city had received seven items of correspondence since the agenda was published. Comments received included:

- Letter from Urban Crossroads (Applicant's CEQA consultant) – Received 2/15/2022
- Letter from Shute, Mihaly & Weinberger, LLP (Representing Appellant) – Received 2/16/2022
- Allen Matkins LLP Letter in Support – Received 2/16/2022
- Kathleen Dale Letter in Opposition – Received 2/17/2022
- Ron Roy Letter of Opposition – Received 2/17/2022
- Prejext CEQA Consultant Response to Comments – Received 2/17/2022

Additional written comments following Public Comment included:

- Ron Pitts Public Comment in Opposition – Submitted in Meeting 2/17/2022
- Paul Perkins Public Comment in Opposition – Submitted in Meeting 2/17/2022

Appellant Rebuttal

Gabriel Ross provided a response to comments made in public testimony on behalf of the appellant.

Applicant Rebuttal

Josh Zemon and project consultants responded on behalf of the applicant.

City Council asked questions of the applicant and staff regarding potential conditions of approval.

Mayor Pingree announced a recess at 10:39 p.m. The meeting was reconvened at 11:00 p.m.

Mayor Pingree closed the public hearing at 11:23 p.m.

Motion to approve the Resolution 2022-14 as amended with three added conditions of approval:

- Divide Condition 11 into two parts. Existing Condition 11 is retitled 11b, and an additional section be added to be titled 11a, which will read “Prior to the issuance of the Temporary Certificate of Occupancy for the warehouse building the developer shall install all landscaping specified for the retail service district pursuant to city approved landscape plans.”
- Update Condition 103, to read, “The developer shall pay for and install traffic signal preemption devices on up to 5 traffic signal intersections from and including Ramsey/Highland Springs to Sun Lakes Boulevard/Highland Springs, not to exceed the cost of \$100,000. The applicant shall coordinate these efforts with both the City of Banning and Beaumont.”
- Additional requirement that the applicant contribute an amount equal to the Development Impact Fee (DIF) payment for the development, \$175,000, to go toward a fire apparatus for a future fire station in the area.

Motion by Council Member Sanchez
Seconded by Mayor Pro Tem Wallace

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

Motion approved by a vote of 4-1.

3. ADJOURNMENT

The Special City Council meeting adjourned at 11:27 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/Archive.aspx?ADID=2594>

Public Record Materials

1. Public Comment submitted by Pass Area Action Group – Received 1/24/2022
<http://banning.ca.us/718/%5bhttps%3A/banningca.gov/DocumentCenter/View/10099/Att-13-Public-Comment-from-PAAG>
2. Project CEQA Consultant Response to Comments – Received 2/15/2022
https://banningca.gov/DocumentCenter/View/10135/Applicant-Rebuttal-Letter_02-15-2022
3. Allen Matkins Leck Gamble Mallory & Natsis LLP Letter of Support – Received 2/16/2022
https://banningca.gov/DocumentCenter/View/10153/Allen-Matkins-et-al_Letter-of-Support_02-16-2022
4. Appellant Supplement Letter – Received 2/16/2022
https://banningca.gov/DocumentCenter/View/10155/Appellant-Supplemental-Letter_02-16-2022
5. Project CEQA Consultant Response to Comments – Received 2/17/2022
https://banningca.gov/DocumentCenter/View/10158/Urban-Crossroads-Response_02-17-2022

Exhibit A - Comment Cards



CITY COUNCIL – PUBLIC COMMENT CARD FEBRUARY 17, 2022 SPECIAL MEETING

#1
~~2000~~

1000

Name (First and Last)

Alfonso Sanchez

Residential Address

Representing (if applicable)

LUNA

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD FEBRUARY 17, 2022 SPECIAL MEETING

2

0002

Name (First and Last)

JUAN SERRATO

Residential Address

Representing (if applicable)

LUNA

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

3
0003

Name (First and Last)

Alex Zamora

Residential Address

Representing (if applicable)

Luna

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

4
0004

Name (First and Last)

Richard Licerio

Residential Address

Representing (if applicable)

Luna

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Jose Radiello

Residential Address

Representing (if applicable)

LIUNA

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Bill Quisenberry

Residential Address

Representing (if applicable)

LIUNA

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

7

Name (First and Last)

Ralph Velador

Residential Address

Representing (if applicable)

LIUNA

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

8

Name (First and Last)

Efrain Lopez

Residential Address

Representing (if applicable)

LIUNA

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

9

Name (First and Last)

Virginia Cervantes

Residential Address

350 Northwood

Representing (if applicable)

Community

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

10

Name (First and Last)

John Ramsey

Residential Address

1485 Las Colinas Banning

Representing (if applicable)

Self

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

9

Name (First and Last)

RANDY ROBBINS

Residential Address

5972 INDIAN CANYON DR.

Representing (if applicable)

PASS ACTION GROUP

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

10

Name (First and Last)

KEN JOHNSON

Residential Address

2429 BIRDIE DR

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

11

Name (First and Last)

Jim Thurrow

Residential Address

1550 Rio Grande, Beaumont

Representing (if applicable)

Self

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

12

Name (First and Last)

Bonnie Mitchell

Residential Address

464 Sandpiper

Representing (if applicable)

myself

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

13

Name (First and Last)

Eric Hobbs

Residential Address

5175 Rio Bravo, Banning

Representing (if applicable)

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

14

Name (First and Last)

Lynette Smiley

Residential Address

1536 Williamson Park
Beaumont 92223

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

15

Name (First and Last)

Ron Pitts

Residential Address

1523 Paradise Island Ln.

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

16

Name (First and Last)

Diane Berley

Residential Address

753 Torrey Pines

Representing (if applicable)

(Pass Action Group)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Paul Perkins

Paul Perkins

Residential Address

4807 Cypress Circle

Representing (if applicable)

Self

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

William McNeese-Smith

Residential Address

854 Twin Hills Dr

Representing (if applicable)

Self

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

19

Name (First and Last)

Howard Kab3

Residential Address

6351 Turn Berry Dr. Banning

Representing (if applicable)

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

20

Name (First and Last)

Brown Bruce

Residential Address

512 Sandpiper St., Banning, CA

Representing (if applicable)

Self

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

21

Name (First and Last) MARIAN PUTNAM

Residential Address 677 La Costa, Banning

Representing (if applicable) _____

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

21

Name (First and Last) Charles M. Volk VOLZ

Residential Address 5970 Myrtle Beach Dr

Representing (if applicable) PAS

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Beverly Rashid

Residential Address

905 Twin Hills Dr

Representing (if applicable)

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Vickie Seller

Residential Address

2579 W Williams St

Representing (if applicable)

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Bob MESSIER

Residential Address

844 Pine Valley Rd

Representing (if applicable)

Speaking in: Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Anita Chatigny

Residential Address

5984 Myrtle Beach Dr

Representing (if applicable)

Banning

Speaking in:

 Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Susan Knepper-Moore

Residential Address

6106 Spanish Trail CV

Representing (if applicable)

Sun Lakes

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Jenik Diaz

Residential Address

1310 S. Hargrave St.

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

29

Name (First and Last)

Jay Johnson

Residential Address

440 Brookland Dr. Banning

Representing (if applicable)

Self

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

30

Name (First and Last)

Tom Leamy

Residential Address

6083 Warwick Hills Way

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

31

Name (First and Last)

Sheri Flynn

Residential Address

Representing (if applicable)

Pass Action Group

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Dave Getka

Getka

Residential Address

1554 Rio Grande

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

33

Name (First and Last)

Ann Oliver



Residential Address

1878 Fairway Oaks

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

34

Name (First and Last)

Gregg Schader

Residential Address

11440 Patres Rd, Banning

Representing (if applicable)

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Bob WALTERResidential Address 4113 Skyview circleRepresenting (if applicable) myself + SLLC

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

HEBEName (First and Last) Hebe TABACHTIKchnikResidential Address 1384 Pine Valley Rd.

Representing (if applicable) _____

Speaking in: Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

DANIEL RAPECHOFER

Residential Address

5935 TURNBERRY DR BANNING CA 92220

Representing (if applicable)

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Virginia De Bry

Residential Address

5259 W. Pinehurst Dr
Banning CA 92220
my self

Representing (if applicable)

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Lilly Aguilera
Banning

Residential Address

2722 Spring Place

Representing (if applicable)

225 Residents of Serrano
Del Vista

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Liliana Hollmann

Residential Address

1425 ARCHER AVE.

Representing (if applicable)

Speaking in:

Support Opposition Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

41

Name (First and Last)

Ken Fazekas

Residential Address

675 La Quinta Dr

Representing (if applicable)

Sun Lakes residents

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

42

Name (First and Last)

Richard McHard

Residential Address

4816 W. Glen Abbey Way, Banning

Representing (if applicable)

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.

43



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Jose Garcia

Residential Address

Representing (if applicable)

LiUNA

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.

44



CITY COUNCIL – PUBLIC COMMENT CARD

FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last)

Jayson Bajz

Residential Address

Representing (if applicable)

LiUNA

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

45

Name (First and Last)

THOMAS RUTZ

Residential Address

Representing (if applicable)

LABORERS UNION

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.



CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

46

Name (First and Last)

JOANNE GRAHAM

Residential Address

1454 Pine Valley Rd

Representing (if applicable)

Speaking in:

Support Opposition Neutral

To allow an opportunity for all to speak, a **2:00 minute time limit** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY.** Speaker cards must be handed into the City Clerk to be called for comment.

Exhibit B - Written Public Comment

From: Kathleen Dale <kdalennm@aol.com>
Sent: Thursday, February 17, 2022 10:13 AM
To: Caroline Patton
Subject: City Council Special Meeting 2/17/22 - Comments
Attachments: 021722_CComments.pdf

Good morning - please share the attached comments with each Council member and appropriate City staff.

Please ensure that these comments are included in the project record.

Thank you,

Kathleen Dale
Resident and Property Owner, District 4

Comments for Banning City Council Regarding
Banning Point Warehouse (Tentative Parcel Map 38164 and Design Review 21-7008)
2/17/22 Special Council Meeting
Submitted by Kathleen Dale
Page 1 of 6

It is abundantly clear from what has transpired over the course of the hearings for this project that this Council and City administration are seriously disconnected from the community. Even if you can dismiss the emotional pleas you have heard from scores of community members, your decision must be based upon evidence and facts in the record before you. **THE SIMPLE FACT IS THAT YOU MAY NOT APPROVE THE DEVELOPER'S PROJECT AS PRESENTED ON THE BASIS OF THE RECORD BEFORE YOU.**

The following is by no means an exhaustive listing of all that is wrong with the record before you, but it is enough to demonstrate that if you want to accommodate the developer's request, you must first amend the Specific Plan, amend the City's Commercial Vehicle Routes (Resolution 2005-91), and conduct an environmental analysis that adequately addresses and mitigates project impacts.

Supporting facts:

- 1. The proposed project conflicts with substantive requirements of the Sun Lakes Village North Specific Plan.**
 - a. Key excerpts from the Specific Plan are provided on page 5 for your convenience. The Specific Plan is only 41 pages and each of you should take the time to read and digest it before taking any action on development of this site.
 - b. Circulation. There is not an exhibit that clearly depicts the proposed parcel boundaries in the current agenda package or any of the prior agenda packages. Based upon language within the staff report, the public can only assume that the proposed parcel configurations conform to the land use designation boundaries under the specific plan (see Figure 2, page 4 of the staff report). The circulation design for the warehouse has usurped the intended access for the Office and Professional District, which besides being in conflict with specific plan provisions requiring truck access to be limited to the Business and Warehouse District, effectively landlocks this parcel.
 - c. Pedestrian Circulation. The expansive foot print of the warehouse building, associated slopes, and the use of the intend access to the Office and Professional District for truck circulation preclude any reasonable implementation of the fundamental concept within the Specific Plan for pedestrian interconnection between the three land use districts. The landscaping plan on page 24 of Attachment 5 of the staff report provides a good overview of the site plan that illustrates the complete lack of consideration for this key specific plan provision.
 - d. Phasing. Specific Plan provisions at Section 4.7.1 clearly provide that the retail uses along the Sun Lakes Boulevard frontage are to go in first. The proposed reversed phasing with this project is in direct conflict with the Specific Plan.

Comments for Banning City Council Regarding
Banning Point Warehouse (Tentative Parcel Map 38164 and Design Review 21-7008)
2/17/22 Special Council Meeting
Submitted by Kathleen Dale
Page 2 of 6

- e. Screening. The conclusory statements in the staff report regarding the effects of landscaping and the future retail buildings in screening the proposed massive warehouse must instead be supported by substantial evidence. This could take the form of illustrative diagrams depicting lines of sight from key perspectives and/or an on-site framework erection (as is used within coastal communities to understand building mass and visibility). Analysis must take into effect comparative finished grades, including that the truck drive adjacent to The Lakes development is 10 feet above that existing facility, and that finished grades for the warehouse pad are up to 10 feet above existing Sun Lakes Boulevard.
- f. Screening. The plans for the warehouse building incredulously include a 14-foot concrete screen wall along the truck docks where they face the railroad and freeway, but a 6-foot open metal fence where the truck docks face Sun Lakes Boulevard (see plan sheet DAB A1.6, page 7 of staff report Attachment 5). Even if the future retail buildings would ultimately provide effective screening, how on earth will a six-foot open fence provide screening in the interim?
- g. Screening. The plans before you include no landscape buffer adjacent to The Lakes development (recall that the warehouse truck drive at this common boundary is perched 10 feet above them). See the landscaping plan on page 24 of Attachment 5 of the staff report.

2. **The CEQA analysis presented for your consideration does not take key project characteristics into consideration**

- a. Analyses for aesthetics, air quality and noise does not appear to take into consideration the relative grade of the source and receptors, namely that the trucks along the eastern access drive are 10 feet above the adjacent receptors.
- b. Analyses for air quality and noise does not appear to take into consideration the design change that pushed the truck access for the warehouse out onto the access panhandle for the Office and Professional District and closer to sensitive receptors (see Exhibit C, page 11 of 2/10/22 air quality memo and Exhibit 8-A, page 36 of 2/7/22 noise study report).
- c. Exhibit 6 on addendum page 69 and Exhibit 7 on addendum page 71 suggest that attenuation effects for a 6-foot wall along the edge of The Lakes development have been considered in the noise analysis – how can such a wall provide any such attenuation when the finished grade on the truck access road is above the top of the wall?

Comments for Banning City Council Regarding
Banning Point Warehouse (Tentative Parcel Map 38164 and Design Review 21-7008)
2/17/22 Special Council Meeting
Submitted by Kathleen Dale
Page 3 of 6

- d. Analysis for air quality and noise appears to erroneously characterize the nature of outdoor use areas for residential receptors across Sun Lakes Boulevard (assumes no outdoor yard areas oriented toward the road; see page 10 of 2/10/22 air quality memorandum).
- e. Analysis of biological impacts does not address the narrow endemic plant species of concern, which are correctly Marvin's Onion and Many-stemmed dudleya (verifiable with interactive mapping tool on Western Riverside County Regional Conservation Agency website).
- f. Analysis of biological impacts does not address the riverine/riparian resources on the site.
- a. The feasibility of the temporary noise barrier noted in Mitigation Measure NOI-1 on page 67 of the addendum must be demonstrated. Slopes and grade differentials at the interface with The Lakes facility suggest it is not likely a temporary noise barrier could be effectively erected. If this is the case, construction noise impacts would be unavoidable and significant and would trigger the requirement for a subsequent EIR.
- b. The resolution presented for your approval claims that Condition of Approval 2 pulls forward all applicable mitigation measures from the prior specific plan EIR (see item F on page 4). No such condition is apparent in the conditions appended to the resolution posted with the staff report.

3. The intended CEQA compliance vehicle for this project only became evident with release of the City Council agenda a few days ago

Prior to issuance of public notices for this hearing sometime between February 1, 2022 and February 4, 2022, notices and staff reports had only disclosed that staff had done a consistency analysis and that a Notice of Determination had been prepared for Planning Commission and City Council consideration. No documentation associated with the purported staff consistency analysis was made available to the public, nor does it appear to have been provided to the Planning Commission, or the City Council until a few days ago. It was only with the release of the agenda packet a few days ago that the 686-page addendum finally surfaced. The fundamental omissions with the applicability of an addendum in this circumstance aside, that document is only dated February 10, 2022, including some of the supporting technical analysis! Even if the City is not required to provide public review for an addendum, how on earth did the Planning Commission consider this information, how on earth has the Council had time to independently review it, and how on earth did the City release a public notice relying on this document before it even existed?

Comments for Banning City Council Regarding
Banning Point Warehouse (Tentative Parcel Map 38164 and Design Review 21-7008)
2/17/22 Special Council Meeting
Submitted by Kathleen Dale
Page 4 of 6

4. City zoning and General Plan designations

The General Plan and Zoning exhibit included as page 28 of Attachment 5 to the staff report depicts land use designations that are the reverse of those in the Specific Plan – namely a Business Park designation is depicted adjacent to Sun Lakes Boulevard and a General Commercial designation is depicted adjacent to the freeway. This fundamental discrepancy in the City's plans must be resolved.

5. Commercial vehicle routes

The City has designated certain streets in the city for use by heavy trucks by means of Resolution 2005-91. A copy of the current map is attached for your convenience. Please note that Sun Lakes Boulevard is not a designated commercial vehicle route.

Comments for Banning City Council Regarding
Banning Point Warehouse (Tentative Parcel Map 38164 and Design Review 21-7008)
2/17/22 Special Council Meeting
Submitted by Kathleen Dale
Page 5 of 6

Sun Lakes Village North Specific Plan (Amendment 5) Excerpts

Section 2.2-1 – Semi-truck access is to be limited to the Business and Warehouse District.

Section 2.2.5 – on-site pedestrian circulation to connect the three districts and facilitate employee access to restaurants and retail uses. Repeated in Section 3.2.1, item 4; Section 3.2.5, item 5; Section 3.2.6, item 5; and Section 3.2.7, item 3.

Section 3.2.1, item 2 – provide a connected internal drive aisle linking the Retail & Service District to the Office & Professional District entry road to allow greater passenger vehicle access. Repeated in Section 3.2.6, Item 2 and Section 3.2.7, item 8.

Section 3.2.1, item 5 – stormwater management facilities are to be developed as landscaped features that integrate with onsite pedestrian circulation system.

Section 3.2.1, item 7 – drive aisles are to be design to minimize conflicts with pedestrian movements.

Section 3.2.2, item 4 – provide enhanced architectural detail for Business Park & Warehouse District building elevations visible from Sun Lakes Boulevard.

Section 3.2.3, item 7 - locate, grade, and design projects to direct stormwater runoff from building roofs and paved areas into swaled landscape areas that serve a dual purpose of retention/infiltration as well as a visual amenity.

Section 3.2.4, item 2 - locate, design, and/or screen truck courts, dock doors, and truck parking areas so they are not visible from Sun Lakes Boulevard. Ensure that these areas are concealed while in use, including the tops of truck trailers. Repeated in Section 3.2.5, item 4.

Section 3.2.4, item 3 - use evergreen screen trees along with shrubs and groundcover to create a 20-foot-wide landscape buffer along the northeastern Specific Plan boundary adjacent to the existing residential parcels. Select tree species and size to ensure a solid tree screen above the existing wall within one year. Repeated in Section 3.2.6, item 4.

Section 3.2.7, item 4 - provide clear and well-designed pedestrian access to buildings from the street, parking lot, and Specific Plan pedestrian circulation system through careful building siting, circulation design, decorative hardscape, and landscaping.

Section 4.6.2 - Specific Plan Amendments are required when proposed changes to text or exhibits significantly alter the intent or development concepts of the Specific Plan. Specific Plan Amendments shall be processed in the same manner as the original Specific Plan approval, which includes review by the Planning Commission and adoption by the City Council.

Section 4.7.1 - construction of development and improvements within the Retail & Service District shall be completed prior to occupancy of development within the Business & Warehouse District.

Comments for Banning City Council Regarding
Banning Point Warehouse (Tentative Parcel Map 38164 and Design Review 21-7008)
2/17/22 Special Council Meeting
Submitted by Kathleen Dale
Page 6 of 6

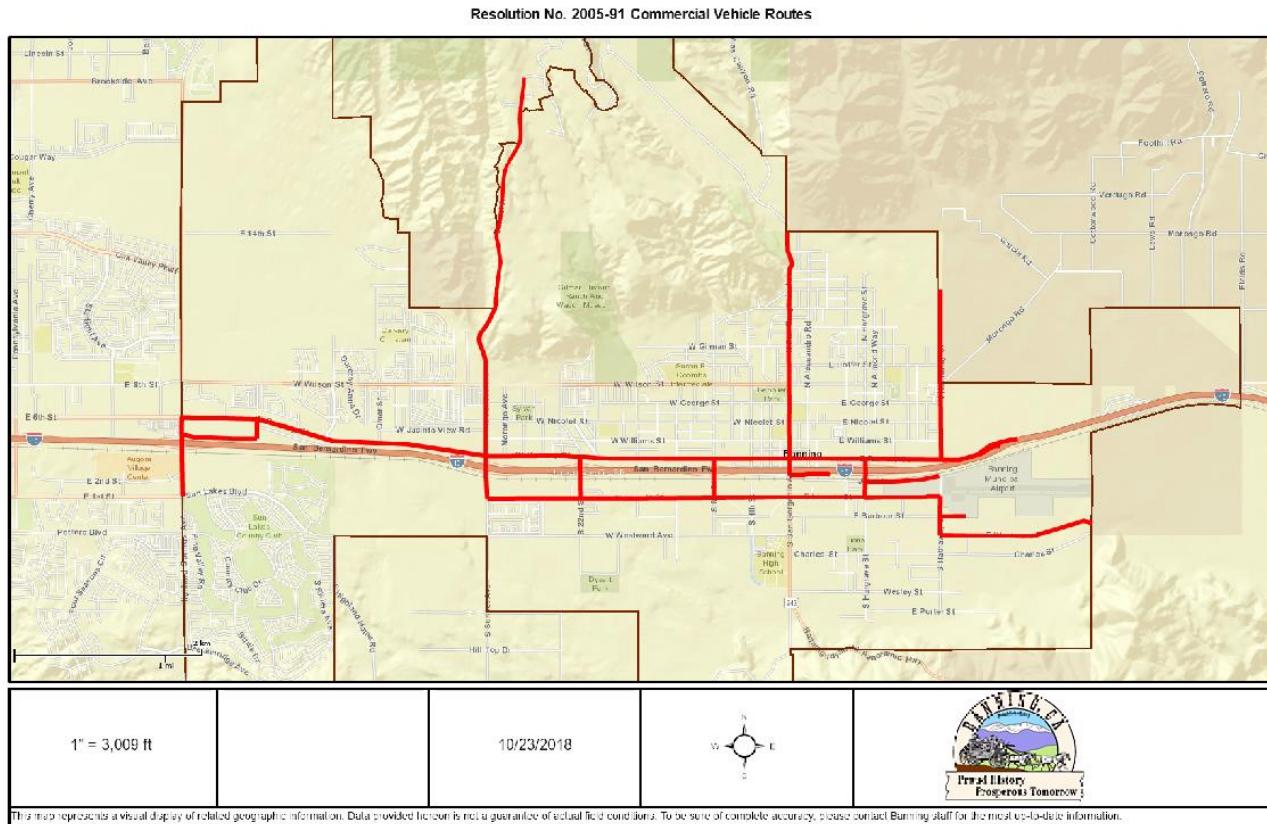


Exhibit B - Written Public Comment

From: Harry Finigan <hfinigan@gmail.com>
Sent: Thursday, January 27, 2022 2:06 PM
To: Caroline Patton
Subject: Banning Point warehouse project

Follow Up Flag: Follow up
Flag Status: Completed

I am opposed to allow a truck warehouse in this location. Senior resident communities. Sun Lakes, Four Seasons, and the Lakes Memory care facilities.

Exhibit B - Written Public Comment
Special City Council Meeting 02-17-2022 on Banning Point Project

You are seeing before you this evening a group of people that have expressed a concern about this project and future projects that will effect our City.

You the City Council need to investigate all areas of what is presented to you to vote on. This means you need to go beyond what is stated by staff to you. This means that information presented may be incorrect or slanted to be made acceptable. I understand that READING all the attachments is time consuming but is necessary to be successful as a Council Member.

If a problem is presented do not through it away, ask for an explanation that is believable.

It is time for the City Council start asking your voters what they want, not what you want or the City Staff wants. I believe you are blocking the will of the Community which makes you out of touch. You are becoming Autocratic, instead of Democratic.

Thank You

Paul Perkins

Exhibit B - Written Public Comment

Good Evening Mayor, City Council, Staff and Residents of Banning,

2/17/2022
Recd CP

My name is Ron Pitts; my Wife's Name is Bobby Pitts. We are residents in District 3 and are respectfully asking for the recusal of Council Member Hamlin in the Banning Point Warehouse vote tonight and are further asking for her resignation as City Council member for District 3 immediately. In addition to the evidence that the lawyer for the Pass Action Group submitted of bias in favor of the Banning Point warehouse project the following additional reasons are provided.

1. Council Member Hamlin has received over 100 emails from concerned citizens asking her to vote NO on this project. She forwarded those emails to city employees like Adam Rush but then forwarded those same emails to Josh Zemon (managing principal, creation equity (developer)), some to Phil Lomardo (Cushman & Wakefield, leasing broker for this project) and some to her public relations company, OPRUSA, often times complaining that she is receiving and I quote "another one." Or "Another one from someone who doesn't understand..."
2. On several occasions she has sent Sun Lakes and Pass Action Group Facebook postings that are private Facebook pages to these same individuals who have no access to them "warning" them of comments and actions i.e. protests, hiring of lawyers, what the Sun Lakes HOA is thinking about, etc. For example and I quote

"This is what is being spread around the community. There are ads in the newspaper, letters to the editor and articles in our community magazine. They are raising funds to sue the City and possibly the developers. You have a real battle on your hands." Or

"I hope I'm not bugging you, but I feel you need to know. These posts are from private groups that only Sun Lakers can see. I want to keep you updated on the "chatter".

3. By her actions and comments she no longer represents the Citizens of District 3 but feels it is her duty to keep the developers and their vendors informed about what her constituents are doing to stop this atrocity. Her numerous emails to the developers (over 100) show that her concern is ensuring the project goes through as planned. And again I quote from emails between the Council Member and Creation Equity.

"Josh

Congratulations on passing the first hurdle with the Planning Commission. As you saw, my constituents are extremely upset with me and don't understand that there was nothing I could do. It was not presented to the Council for a vote - yet. I am sure the group will appeal but probably have no legal grounds to stop the project." Email to Josh Zemon (Creation Equity dated Dec 2, 2021.) (Day after planning commission vote to approve.)

"Josh

I guess your company needs an aggressive campaign to correct the misinformation, speculations, rumors, and fears about the Banning Pointe project. Maybe some sort of handout with the facts might be helpful.

Mary" Email dated 13 Dec 2021@10:30am

4. Her Constituents have no trust in her ability nor do they believe that she can represent them in the future. She even believes this, as on multiple emails she has made the same statements. From the same email above to Josh Zemon (Creation Equity dated Dec 2, 2021.):

"I need to do some damage control. A building is just a building until someone occupies it. I would like to be seen and being involved in finding suitable businesses to occupy the property.

I know that I can't control who leases the property, but if I can be perceived as being part of the selection process, it might go a long way to repair the negativity."

Not only does this particular email show what she believes is a lost of trust from the Constituents of District 3 but also shows her complete bias for voting "Yes" prior to the tonight's hearing on the appeal before the council.

Here is another example in he own words: "I know. All I tried to do is give the facts. When that sign was put up and they heard the word "warehouse" the panic set in. Their ears are closed and their mouths are open.

Now my reputation is ruined. People I have known for 14 years won't speak to me. Some are calling for me to resign, sell my home and move. There is even a recall movement. It's become a nightmare." Email dated 11/29/2021 to Josh Zemon. This seems to enough of a nightmare that she has hired a Public Relations firm (OPRUSA) to repair her reputation, but even with that the voters in her district are organizing a recall campaign because they do not believe or trust her.

5. Mary Hamlin has had several "off the record" meetings with the developers and their representatives. I'm sure they are just "fact" finding but from a perception point of view, individuals (Mr. Santana) have been remove from their positions for far less. Again according to emails between the Leasing Broker for the project and the Council Member:

Council Member Hamlin meet with Phil Lomardo 6 Dec 2021 @ 2:00 pm at Starbucks in Barnes and Noble Citrus Plaza, Redlands to discuss working with Cushman and Wakefield in assisting to choose the tenants for the warehouse.

Or email exchange between Josh Zemon and Mary Hamlin:

"Hi Councilwoman Hamlin – can we plan on 12:00pm PT on 11/10? Location TBD, maybe lunch at a local Banning restaurant? Please let me know and I will circulate an invite.
Thank you,
Josh

"12 noon on the 10th will work for me.
Mary Hamlin"

"Did you decide on a location for Wed? I would vote for Russo's since Station Tap House is owned by a member of the City Council.

Mary Hamlin

Sent from my iPhone"

Exhibit B - Written Public Comment

Based on the above and over 100 emails between Council Member Mary Hamlin, Josh Zemon of Creation Equity (the developers) and their representatives, her bias in favor of this project both by deeds and written word under both State and Local Law require her to reclude herself from consideration of this project, the perception of wrong doing and the most important point the lost of Trust and belief that she can not nor will she represent the Constituents of District 3 in the future. We ask that she reclude herself from the vote and resign her position as Council Member for District 3 tonight.

Thank You

Exhibit B - Written Public Comment

From: Sandra Calderon
Sent: Monday, February 21, 2022 3:54 PM
To: Caroline Patton
Cc: Adam Rush
Subject: FW: Banning Point | Creation Equity

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fcreationequity.com%2fproject%2fbanning-point%2f&c=E,1,1R6xRIVfSBZEcgwBdGMFIUOqjoAWp1D20hdgll3CudGi8hpkv4FOd0oy88Jb01oeillcUICMR1KPRXjybm6JFRZyELxE08xGFRd7rUI88rWuCO_mo7xJNmT&typo=1

-----Original Message-----

From: Kathleen Aranda <karanda2011@gmail.com>
Sent: Thursday, February 17, 2022 9:30 PM
To: Sandra Calderon <scalderon@banningca.gov>
Subject: Banning Point | Creation Equity

Please find attached CREATIONS public information on their website regarding Banning Point wherein CREATION describe the following: Banning Point provides excellent freeway access with a full diamond interchange at Highland Springs Avenue and the I 10 freeway allowing for unparalleled is an access

I am requesting this Document added to the record.

Also aware and it indicates that Banning point is convenient alternative to the perpetual land constrained and expensive inland Empire West market located just 22 miles east of Redlands Banning point provides a scalable solution at a fraction of the cost I would like to make part of the record this entire section a total of six pages from the creation website I have attached a copy of the website for your review if you prefer I can send it to you in PDF form please advise and confirm your receipt I would like to make this part of the public record.

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fcreationequity.com%2fproject%2fbanning-point%2f&c=E,1,1R6xRIVfSBZEcgwBdGMFIUOqjoAWp1D20hdgll3CudGi8hpkv4FOd0oy88Jb01oeillcUICMR1KPRXjybm6JFRZyELxE08xGFRd7rUI88rWuCO_mo7xJNmT&typo=1