



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**

9/13/2022

REGULAR MEETING

COUNCIL MEMBERS PRESENT:

Council Member David Happe
Council Member Rick Minjares
Mayor Pro Tem Alberto Sanchez
Mayor Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT:

Doug Schulze, City Manager
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Art Vela, Director of Public Works
Adam Rush, Community Development Manager
Laurie Sampson, Assistant City Manager
John Garside, Multimedia Specialist

*Participated via Zoom.

1. CALL TO ORDER

Mayor Wallace called the regular meeting to order at 5:26 p.m.

- 1.1. Invocation – Reverend Gregg Schafer of Morongo Moravian Church performed the invocation.
- 1.2. Pledge of Allegiance - Council Member Happe led the Pledge of Allegiance.
- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Happe, David	X	
Minjares, Rick	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

2. AGENDA APPROVAL

- 2.1. Approve Agenda

Motion to approve the agenda.

Motion by Council Member Happe
Seconded by Mayor Pro Tem Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	×				
Minjares, Rick	×				
Sanchez, Alberto	×				
Wallace, Colleen	×				

Motion approved by a vote of 4-0.

3. PRESENTATION(S)

3.1. Comments on New Council Chambers Lobby Exhibits from San Gorgonio Pass Historical Society President John McLaughlin

John McLaughlin welcomed Council Member Minjares, saying they had known each other for a long time. McLaughlin thanked the City for reaching out to do a display in the showcase areas in the Council Chambers lobby, saying John Garside, the City's Multimedia Specialist, and Pat Murkland of the San Gorgonio Pass Historical Society (SGPHS) were instrumental in its creation.

McLaughlin spoke about other local partners and events the SGPHS participates in to share the history of the Pass area, saying that they like to teach good stewardship of historical items and buildings. He emphasized they would like growth with a conscience, which included preserving historical facilities owned by the City.

Mickey Valdivia representing local County Supervisor Jeff Hewitt said Riverside County was there to celebrate the SGPHS on their work in the community. John McLaughlin thanked Supervisor Hewitt

3.2. Proclamation – Hispanic Heritage Month

Mayor Wallace read the proclamation aloud.

3.3. Banning Beautification Award Presentation - September 2022

Mayor Wallace read the Beautification Award, awarded to Ramsey Self Storage for September 2022.

3.4. Riverside County Transportation Commission (RCTC) Coachella Valley Rail Project Update

Art Vela, Director of Public Works, introduced Aaron Hake, RCTC's Deputy Executive Director, who presented on behalf of RCTC.

Public Comments

None

4. REPORT ON CLOSED SESSION

4.1. City Attorney Ennis reported there were three items on the closed session agenda. For all three agenda items, there was no final nor reportable action.

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT**5.1. PUBLIC COMMENTS**

Ellen Carr said she was under the impression CALFIRE did not need the airport, but on Facebook she's seen they have been using it a lot. Carr stated she thought the airport was essential to the area. She asked the City Council to reconsider selling the airport.

Rick Diaz, Sr. thanked City staff and Stagecoach Days Chair Amy Pippenger for their work on the annual Stagecoach Days event. He thanked City staff for their hard work.

Jessica Munoz said she represented Voices for Children, a non-profit serving Riverside County as advocates for foster children. Munoz said in the coming months their organization will be conducting outreach in the City to recruit additional community volunteers. Last year they served 18 kids in the City of Banning, but have a waiting list for 7 more.

Carol Allbaugh said was the president of Faith in Action, a local non-profit helping homeless individuals get on their feet again. She clarified they have received short term funding from COVID-19 vaccine grants and fundraisers, but have never received any funding from the City of Banning. Allbaugh gave a summary of the services they provide and several success stories from the City's Opportunity Village. She concluded that they could not continue their work without help from the City.

Mary Ann Rickinaw spoke in support of Faith in Action, saying they have four navigators that work in the community with the homeless in Banning. Next Saturday they will be holding a community assist event with 25 vendors that will come help people in need. She said a lot of local seniors qualify for their services.

Mickey Valdivia shared that on September 15th at 9:00 a.m. there will be a water symposium with several water districts. He thanked Art Vela for communications regarding the Mias Canyon debris flows.

Bill Hobbs welcomed City Council Member Minjares, saying he was looking forward to change. He commented on the stock market and inflation, saying he has noticed a greater homeless presence in the City. Hobbs commented that he had seen a “breakdown in communication” between the staff of the cities of Banning and Beaumont.

Charles Zylman said he agreed with the previous comments on communication between the City staff of the cities of Banning and Beaumont. Zylman suggested that instead of a warehouse, they should build a TopGolf. He said the City was spending too much money on legal fees.

Harry Sullivan showed the City Council a letter they had received from CALFIRE, saying it turned out to be “a lot of hoopla.” Sullivan also reported on an emergency landing at the airport from several months ago. He asked City staff for a revenue audit on the drag races.

“Alex” Alejandro de la Cruz spoke in support of decriminalizing drugs and ending the war on drugs.

5.2. CORRESPONDENCE

None

5.3. APPOINTMENTS

5.3.1. Selection of New Mayor Pro Tem through ~~December 13, 2022~~ the next Council Reorganization

Mayor Wallace nominated Council Member Sanchez.

Council Member Happe nominated Council Member Happe.
Seconded by Council Member Minjares

Mayor Wallace nominated Council Member Sanchez.
Seconded by Council Member Sanchez.

Motion to close nominations.

Motion by Mayor Wallace.
Seconded by Council Member Sanchez.

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 4-0.

Motion to appoint Council Member Sanchez as Mayor Pro Tem until the next Council Reorganization.

Motion by Mayor Wallace
Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David		X			
Minjares, Rick		X			
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion failed by a vote of 2-2.

Motion to appoint Council Member Happe as Mayor Pro Tem until the next Council Reorganization.

Motion by Council Member Happe
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto		X			
Wallace, Colleen		X			

Motion failed by a vote of 2-2.

City Attorney Ennis advised the City Council of the consequences of not appointing a Mayor Pro Tem.

Motion to appoint Council Member Sanchez as Mayor Pro Tem until the next Council Reorganization.

Motion by Mayor Wallace
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David		X			
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 3-1.

5.4. CITY COUNCIL COMMITTEE REPORTS

Council Member Happe reported on a Western Riverside Council of Governments (WRCOG) meeting he attended virtually.

Mayor Pro Tem Sanchez reported on the League of California Cities Annual Conference.

Mayor Wallace reported on the League of California Cities Annual Conference, as well as recent meetings of Southern California Association of Governments (SCAG), the Regional Conservation Authority (RCA). She reported she had been appointed to the Executive Board for the Riverside County Division of CalCities. She added she will be serving on the Racial Equity and Regional Planning Subcommittee.

5.5. CITY MANAGER REPORT

City Manager Schulze responded to public comment before updating the City Council on Opportunity Village, the Grandave/First Industrial Exclusive Negotiating Agreement, and the City's first Hispanic Heritage Festival.

5.6. CITY ATTORNEY REPORT

City Attorney Ennis reported on attending the League of California Cities Annual Conference.

5.7. CITY TREASURER REPORT

City Treasurer Alejandro Geronimo

6. CONSENT ITEMS

- 6.1. Minutes of the August 18 and 23, 2022 City Council Meetings
- 6.2. Report on Anticipated Special Election Costs
- 6.3. Receive and File Fire Department Statistics for the Month of June 2022
- 6.4. Consideration of Resolution 2022-118, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for Coordinated Transit Services
- 6.5. Consideration of Resolution 2022-120, Establishing a Vendor List and Annual Expenditure Budget of \$75,000 per Year for Auto Body and Repair Services
- 6.6. Consideration of Resolution 2022-121, Approving a Surplus Lands Act Declaration for Banning Electric Utility Property located at 1581 East Charles Street (APN 543-090-008)
- 6.7. Consideration of Resolution 2022-122 Approving Final Tract Maps 37389-1, 37389-2, 37389-3, and 37389-5 and Release the Maps for Recordation; Authorize Staff to Sign the Subdivision Improvement Agreements and Final Tract Maps; Accept Faithful Performance and Labor Bonds for Public Improvements; Authorize Staff to Accept Lot in Fee Dedication for Lot "K."
- 6.8. Consideration of Resolution 2022-123, Approving a Funding Agreement between the County of Riverside and the City of Banning in the Amount of \$5,049,202 for Two Non-Potable Water Infrastructure Projects

- 6.9. Consideration of Resolution 2022-124, Approving a Short-Term Rental Agreement with Misael Castillo for Use of City-Owned Property located at 150 East Ramsey Street in Banning
- 6.10. Consideration of Resolution 2022-125, Approving the Third Amendment to the Custodial Services Agreement with Dynamic Building Maintenance, Inc. of Riverside, California for Parks Facility Maintenance for Fiscal Year 2023 in the amount of \$13,500
- 6.11. Consideration of Resolution 2022-126, Approving an Amendment to the GovInvest Contract for Financial Forecasting and Compensation Modules
- 6.12. Consideration of Resolution 2022-12 UA, Approving an Agreement in the Amount of \$190,374 with Cla-Val for the Servicing of the City's Cla-Val Water Valves
- 6.13. Approve an Amendment with National Restroom Trailers to Provide a 5 Station, 23' Shower Restroom Laundry Trailer with 750 Gallon Waste Tank by \$12,295.00 to Add for ADA Access for a Total of \$92,263.00
- 6.14. Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Improvement Bonds for Tract 37298-3 (Atwell Planning Area 1B), Accept Street Monuments for Tracts 37298-2, 37298-3, and 37298 (Atwell Planning Areas 1A, 1B, and 2A) and Release Monumentation Bonds

Public Comments

None

Motion to approve the consent agenda, excepting agenda item 6.9.

Motion by Mayor Pro Tem Sanchez
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

Council Member Happe recused himself for Agenda Item 6.9.

- 6.9. Consideration of Resolution 2022-124, Approving a Short-Term Rental Agreement with Misael Castillo for Use of City-Owned Property located at 150 East Ramsey Street in Banning

Motion to approve Resolution 2022-124.

Motion by Mayor Pro Tem Sanchez
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David					X
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 3-0.

City Manager Doug Schulze recused himself for Agenda Item 7.1.

7. PUBLIC HEARING(S)

7.1. Consideration of (1) An Addendum to an Adopted Initial Study/Negative Declaration Prepared for the 6th RHNA Cycle for the 2021-2029 Housing Element, (2) A General Plan Amendments (GPA 22-3501), (3) An Amendment to the Official Zoning Map (ZC-22-2501), and (4) A Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2023 Housing Element

Community Development Director Adam Rush presented the staff report.

Public Comment

None

Motion to approve Resolution 2022-85.

Motion by Council Member Happe
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

Motion to introduce Ordinance 1583 for a first reading and waive further reading.

Motion by Mayor Pro Tem Sanchez
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				

Sanchez, Alberto	X
Wallace, Colleen	X

Motion approved by a vote of 4-0.

Motion to introduce Ordinance 1584 for a first reading and waive further reading.

Motion by Mayor Pro Tem Sanchez
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

Mayor Wallace announced a recess at 8:17 p.m. The meeting was reconvened at 8:22 p.m.

8. REPORTS OF OFFICERS

8.1. Consideration of Ordinance 1585, Adopting Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters

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

Public Comment
None

Motion to introduce Ordinance 1585 for a first reading and waive further reading.

Motion by Council Member Happe
Seconded by Mayor Pro Tem Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

8.2. Approval of the Water and Wastewater Rate Study and Authorization of Staff to Proceed with Proposition 218 Noticing in Connection with Proposed Water and Wastewater Rate Adjustments

Director of Public Works, Art Vela, presented the staff report.

Public Comment

None

Motion to approve the Water and Wastewater Rate Study and authorize of staff to proceed with Proposition 218 noticing.

Motion by Council Member Happe
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	×				
Minjares, Rick	×				
Sanchez, Alberto	×				
Wallace, Colleen	×				

Motion approved by a vote of 4-0.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

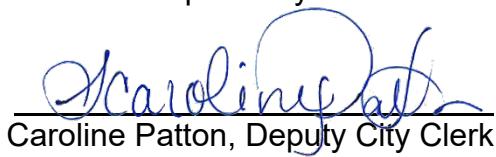
10.2. Pending Items:

1. Affordable Housing Solutions
2. Internship Program
3. Traffic Circles/Diverging Diamonds (Happe)
4. Cannabis Regulations (Happe)

11. ADJOURNMENT

Mayor Pro Tem Wallace adjourned the meeting at 8:50 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=2684>

ATTACHMENTS:

Exhibit A – Handouts from Public

Exhibit B – Materials related to Agenda Item 7.1

Exhibit C – Materials related to Agenda Item 8.1

Exhibit D – Materials related to Agenda Item 8.2



THE NAVIGATOR

SEPTEMBER 2022

VOLUME 1 ISSUE #3

CONTACT

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San Gorgonio Pass**
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Board of Directors

Carol Allbaugh,
President

Mary Ann Ricken, Co-Vice president

Sandra Glickman, Co-Vice President

Gail Wright, Secretary

Vacant, Treasurer

Vacant, Representative from homeless population

Steve Crews, Director

Amy Campanella, Director

Michael Owen, Director

PRESIDENT'S MESSAGE

This issue is all about the social impact that **Faith in Action** is having on people in the Banning, Beaumont, and Cabazon area. Every day brings someone to our door needing assistance of some kind--sometimes just a cold bottle of water!! We listen, ask questions, list options for them, and try to get them to work with FIA on a consistent basis and move in a self-sufficient direction.

This work is difficult because it involves people who are in situations that are a result of many factors. As navigators, we try to concentrate on a housing first approach, but that's easier said than done. FIA is currently working with 4 individuals who will hopefully be placed in housing using county vouchers! This is after 2 years of working with some of these individuals during Covid, life threatening accidents, disappearances, their encampment being destroyed, addictions, pain medicine, lost phones, stolen tents, paperwork back and forth with Housing Authority. We have been working with property owners who are willing to work with **Faith in Action and their Safety Net Program**. They are like gold to us!

STORIES OF IMPACT

Thank you for everything that you guys have done for me and Hazel. Faith in Action is the real answer for someone that needs help and I would highly recommend any one to their program. No matter what they are going through they can and will help you. Thank you again for your help we are safe and sound and going back home to be with family. Misty

Sam was being evicted from his residence due to the owner selling the property. FIA-SGP navigators helped him to receive his SS card, apply for housing through IEHP and apply for his birth certificate. Once he had his identification, he could apply for an emergency voucher.

FIA navigator helped a church member's son apply for food stamps. The Church member came to an orientation meeting and is going to be a volunteer for FIA-SPG.

BB called this morning to let us know how much she appreciates our help. BB arrived at our door several weeks ago pregnant, homeless & 3 days from her due date. FIASGP connected her with Julie Jeansonne @ Olive Crest who took her to Food 4 Less and purchased, as Bryanna put it, bags & bags of supplies and food to help her get through. BB is happy to announce that she delivered a healthy baby girl, Sierra, and they are residing comfortably at her grandma's for the next few weeks.

STORIES OF IMPACT (cont.)

Annie came to one of our community events hosted at Our Savior Lutheran Church in Banning. She was behind on her rent due to churches being closed during the pandemic. FIA helped her apply to Lift to Rise-- An organization that helps with back rent and utilities. Annie received 12 months of rent and her past due utilities were paid.

From FIA navigator: Jeff came to our navigation office looking for housing. I ran into Jeff and started a conversation with him. After talking with him for a few weeks, I took him to MFI in Banning and he picked up an enrollment packet. I helped him fill out the packet and took him for an appointment. He was enrolled in an outpatient program twice a week. MFI is a recovery center located in Banning.

A 65-year-old mother and 45-year-old son are homeless living in a car because his mental impairments prevent him from working and her husband will not allow them to stay in the house with him. The son recently lost his job because of his mental condition. The mother is awaiting a Section 8 voucher. They came to Faith in Action seeking a motel room or at least a safer place to park the car at night. We contacted the police department and asked for, and were given, a list of safe and legal places to park. We placed them on the waiting list for space in the Opportunity Village. They have been given space at the Opportunity Village and are expecting to receive a housing voucher soon.

Joe was homeless because his mental impairments prevent him from seeking employment. He is waiting for a housing voucher from Home Connect. He came to Faith in Action in need of temporary housing until he received his housing voucher. Because motel vouchers were unavailable, we gave him a tent and some food. A few days later he returned to Faith in Action. He said his tent, personal identification, and other possessions had been stolen. We assisted him in contacting relatives in the Los Angeles area who agreed to allow him to stay with them until he received his housing voucher if he would agree to certain conditions. Two of the conditions were that he test negative for Covid 19 and that he arranges and pays for his own transportation to Los Angeles. We scheduled a test for him at a nearby pharmacy. Faith In Action paid for a motel room for two nights while he waited for the results of the test. The results were negative and Faith in Action gave him funds to purchase a bus/train ride to Los Angeles. Presently, he has received his housing voucher and continues to live in Los Angeles while Faith in Action is assisting him to locate housing in Riverside County.

Your Caring FIA-SGP Staff



**Community Assistance event
hosted by FIA. Cordell Thomas
spoke about “Budgeting 101”**



Be the Change Campaign

BE THE CHANGE!

Become a Donor & Help the Cause!

Your monthly patronage supports homeless prevention and transition services such as:

- Rental and utility application assistance
- Obtaining identification documents
- Enrolling in social service programs
- Applying for section 8 housing and follow up
- Bus passes , gas cards, tents, emergency supplies
- AND MORE

GO TO THE LINK BELOW TO BECOME A DONOR!

<https://www.fia-sgp.org/donationplans>



Open up your camera
on your phone and hover
over the QR code!



FIA ETSY Shoppe

Upscale items at bargain prices

Faith in Action Thriftique Etsy shoppe

<https://www.etsy.com/shop/FIAThriftique>

New items posted each week.

All funds support work of the Navigation Office.

Did you know that you can support FIA-SGP with every purchase you make on Amazon?

Are you an online Amazon shopper? What about your family and friends?

Did you know that Amazon will donate 0.5% of your eligible purchases to your favorite charity?

Please choose "Faith in Action of the San Gorgonio Pass" as your desired charity.

Here's how:

1. Type **smile.amazon.com** in the address bar.
2. Sign in with the same account you use for Amazon.com
3. Select your charity...Faith in Action of the San Gorgonio Pass
4. Start shopping! Remember to checkout at smile.amazon.com to generate donations for your chosen charity.

Our GoFundMe.com Account



Help our navigation center continue to help low-income and displaced persons in the San Gorgonio Pass Area.

1. Type **GoFundMe.com** in the address bar.
2. Under search, type **Banning Navigation Center**.
3. Click on the photo with the hands coming together.
4. Click "Donate Now" and make your much needed donation.
5. You can also click "Share" and add it to your Facebook account.

.....Spread the word!



BANNING'S 1ST EVER DIA DE LOS MUERTOS



PUMPKIN PATCH OCTOBER 1ST-31ST

10am - 9pm

Black Out Dates - Oct. 3rd, Oct. 4th, Oct. 10th,
Oct. 11th, Oct. 17th, Oct. 24th

FREE ENTRANCE

Pumpkins, Inflatables,
Rides, Vendors &
Much More!



Presented by
Castillo Rentals
www.castillosrentals.com



Co Sponsored by
BANNING
CHAMBER OF COMMERCE

150 E. Ramsey St, Banning, CA 92220

HALLOWEEN FEST

Trunk or Treat/Car Show
by Sauvasitos & Banning PD,
EWF Wrestling Match & More

OCTOBER 28TH

60 E. Ramsey St. Banning Ca.
4pm - 8pm

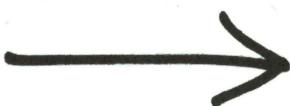
Interested in being a sponsor, vendor, or volunteer?
Contact Us!

FREE CANDY ON HALLOWEEN DAY!

GET A CHANCE TO

WIN A FREE PUMPKIN!

1. Hover over the QR Code
2. Follow directions on the Instagram post
3. We will select 25 winners on October 1st!





PUBLIC HEARING ITEM NO. 7.1: HOUSING ELEMENT ZONING CONSISTENCY

General Plan Amendment 22-2501; Zone Change 22-3501; Zone Text Amendment 22-97501; and Addendum to the 6th RHNA Cycle Housing Element Initial Study/Mitigated Negative Declaration



PROJECT OUTLINE

- Consideration of An Addendum to an Adopted Initial Study/Negative Declaration, Prepared for the 6th RHNA Cycle for the 2021-2029 Housing Element;
- Approval of General Plan Amendment (GPA 22-2501) to update the Land Use for 17 parcels;
- Introduction of an Amendment to the Official Zoning Map (ZC-22-3501), which corresponds to the Land Use Amendments; and
- Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2029 Housing Element.



Project Description

- City-initiated General Plan Amendment (“GPA”); Zone Text and Zoning Map Amendment (“Zone Change”) to implement programs established in the 6th Cycle RHNA Housing Element (“Housing Element”).
 - ✓ These amendments affect properties within two categories:
 - ✓ Housing Element Program 4, requires that the City re-designate and rezone nine (9) parcels for affordable housing development at the highest density possible (24 DU/AC).
 - ✓ Parcel size ranges from 0.55 to 9.25 acres which can yield 577 dwelling units.



Project Description

- Program 5 of the 5th RHNA Cycle Housing Element (adopted by the City Council on January 28, 2014)
 - ✓ Program 5 required the City to establish the High Density Residential-20 (HDR-20) Zone and the Affordable Housing Opportunity (AHO) overlay Zone (HDR-20/AHO).
 - ✓ Due to the lack of success and complexity of this overlay to generate affordable housing units of any type or form, the requirement to maintain the HDR/AHO zone was not included in the current Housing Element.



Project Description

- Program 5 of the 5th RHNA Cycle Housing Element (adopted by the City Council on January 28, 2014).
 - ✓ Program 5 required the City to establish the High Density Residential-20 (HDR-20) Zone and the Affordable Housing Opportunity (AHO) overlay Zone (HDR-20/AHO).
 - ✓ Due to the lack of success and complexity of this overlay to generate affordable housing units of any type or form, the requirement to maintain the HDR/AHO zone was not included in the current Housing Element.
 - ✓ Removal of the Overlay requires updates to the City's Official Zoning Map on 8 parcels and changes to Section 17.08.010B.10 and Chapter 17.08 of Title 17.



Project Description

- Housing element is one of the state-mandated elements of a city's general plan
- In 2014, HCD required the establishment of the HDR-20/AHO overlay, allowing up to 27 DU/AC.
- Market-rate projects would not be eligible for a density increase, nor would projects within the AHO overlay area be required to include affordable units.
- The overlay provided an alternative development option for property owners if they chose to provide affordable housing.
- The Overlay failed to produce any units, affordable or otherwise.



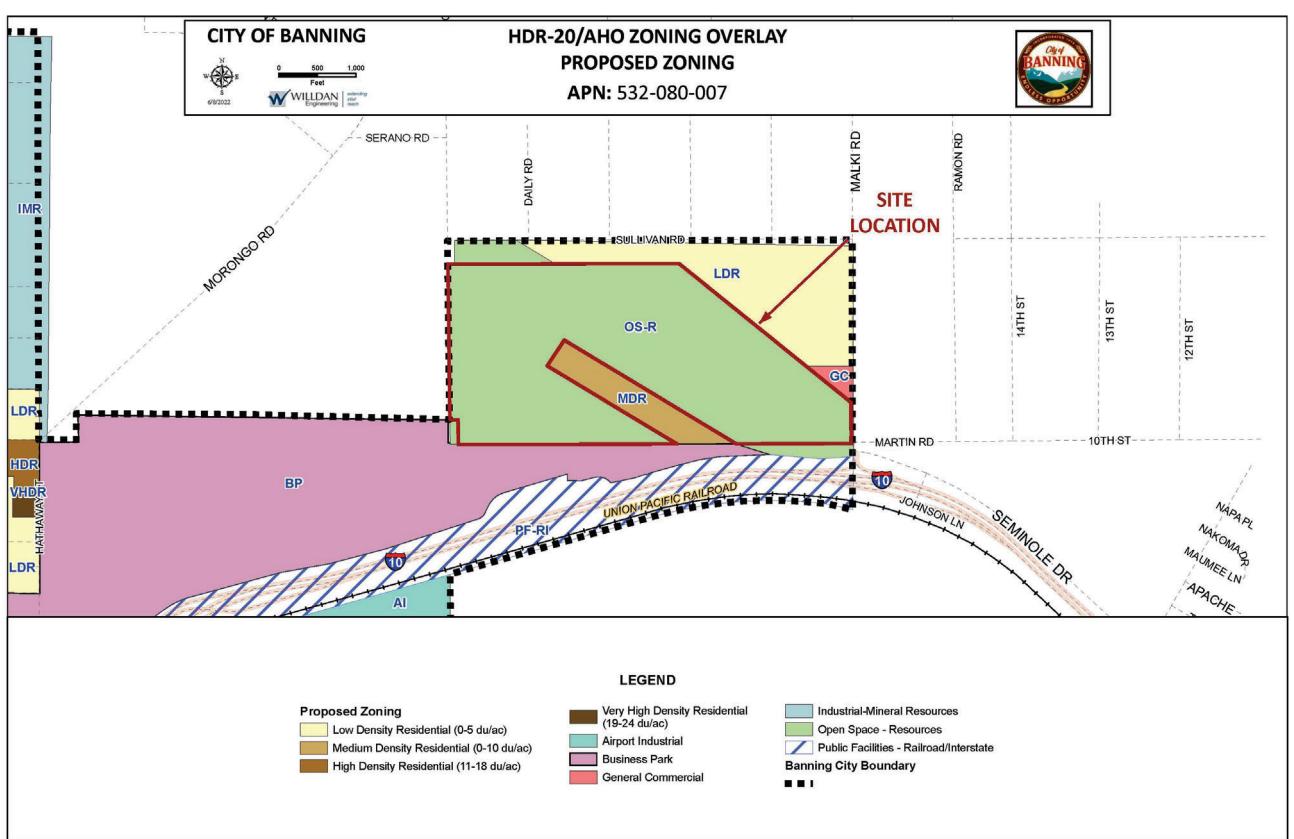
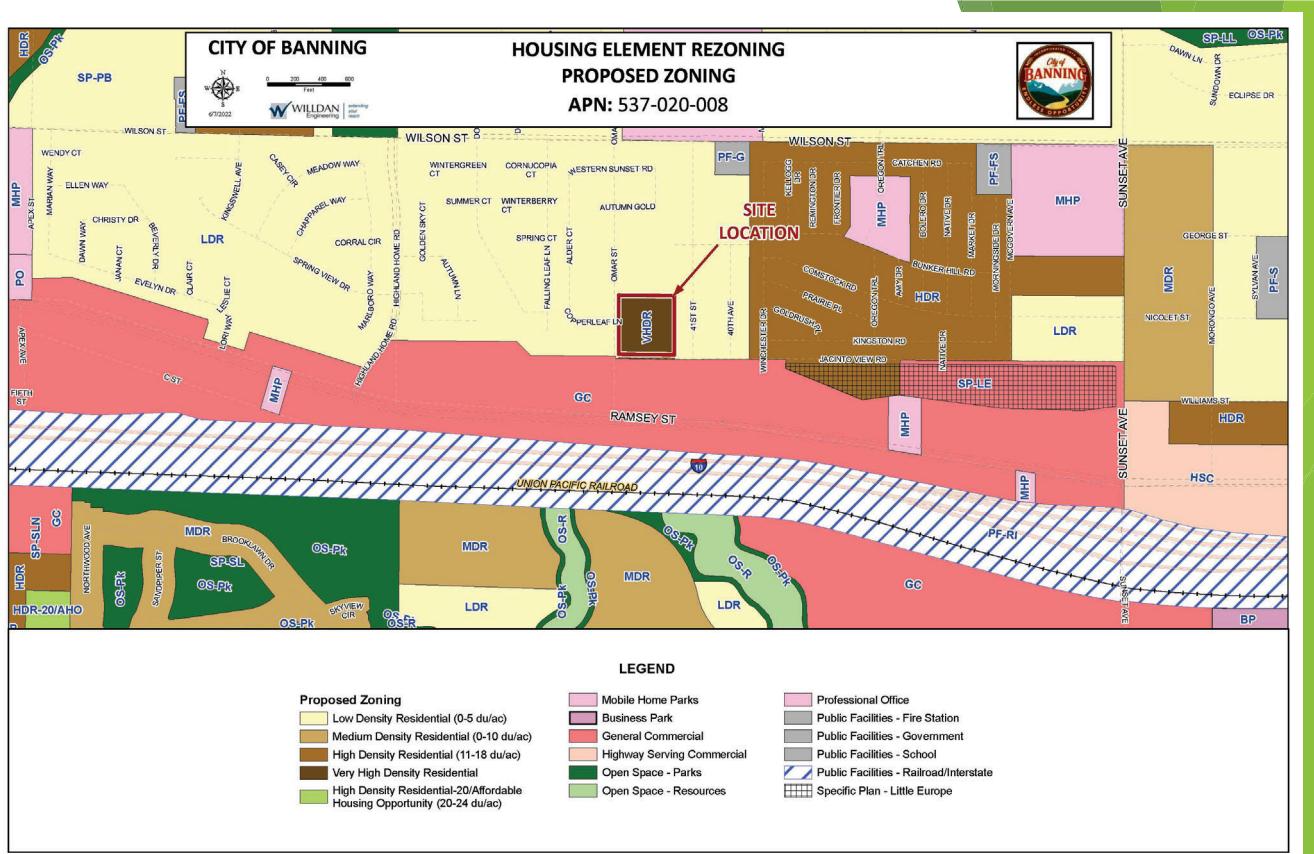
Project Description

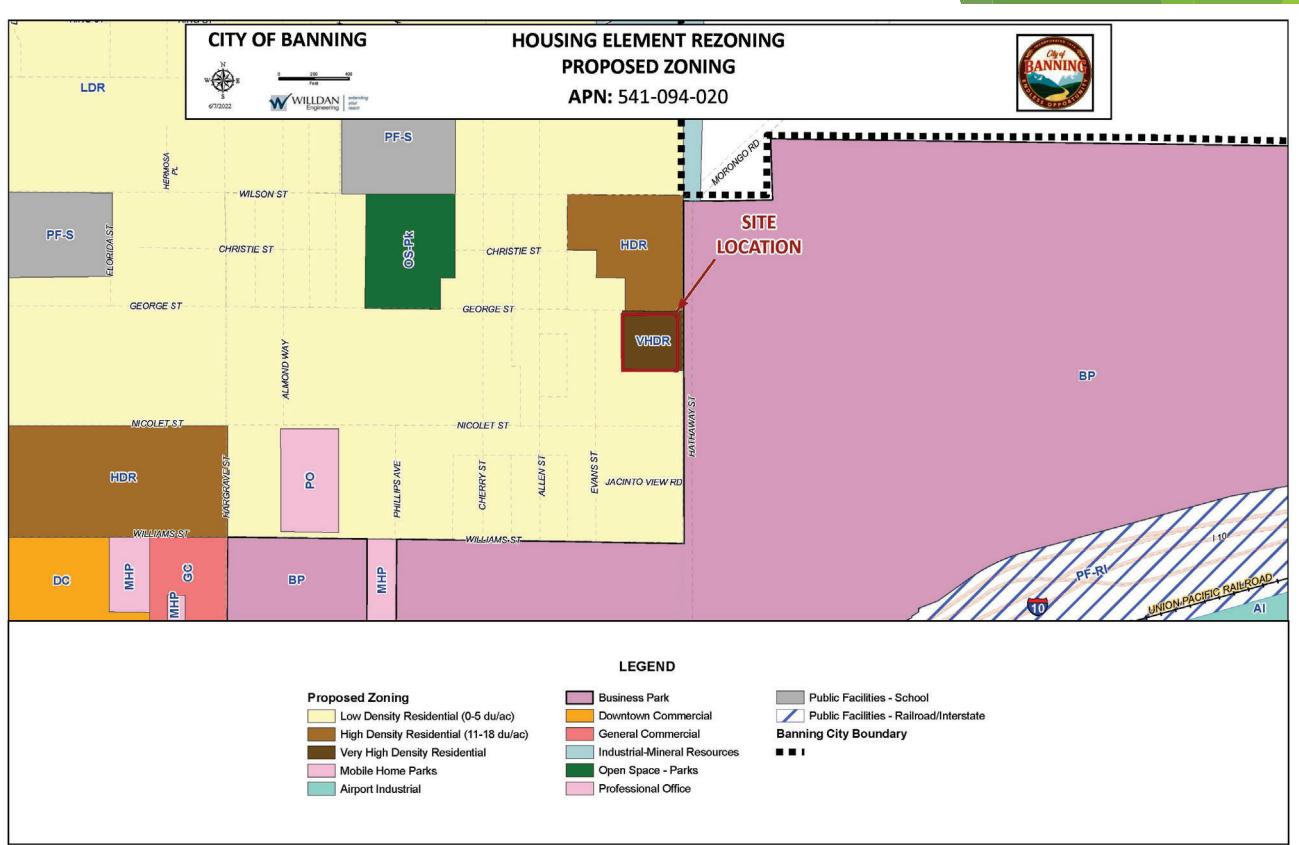
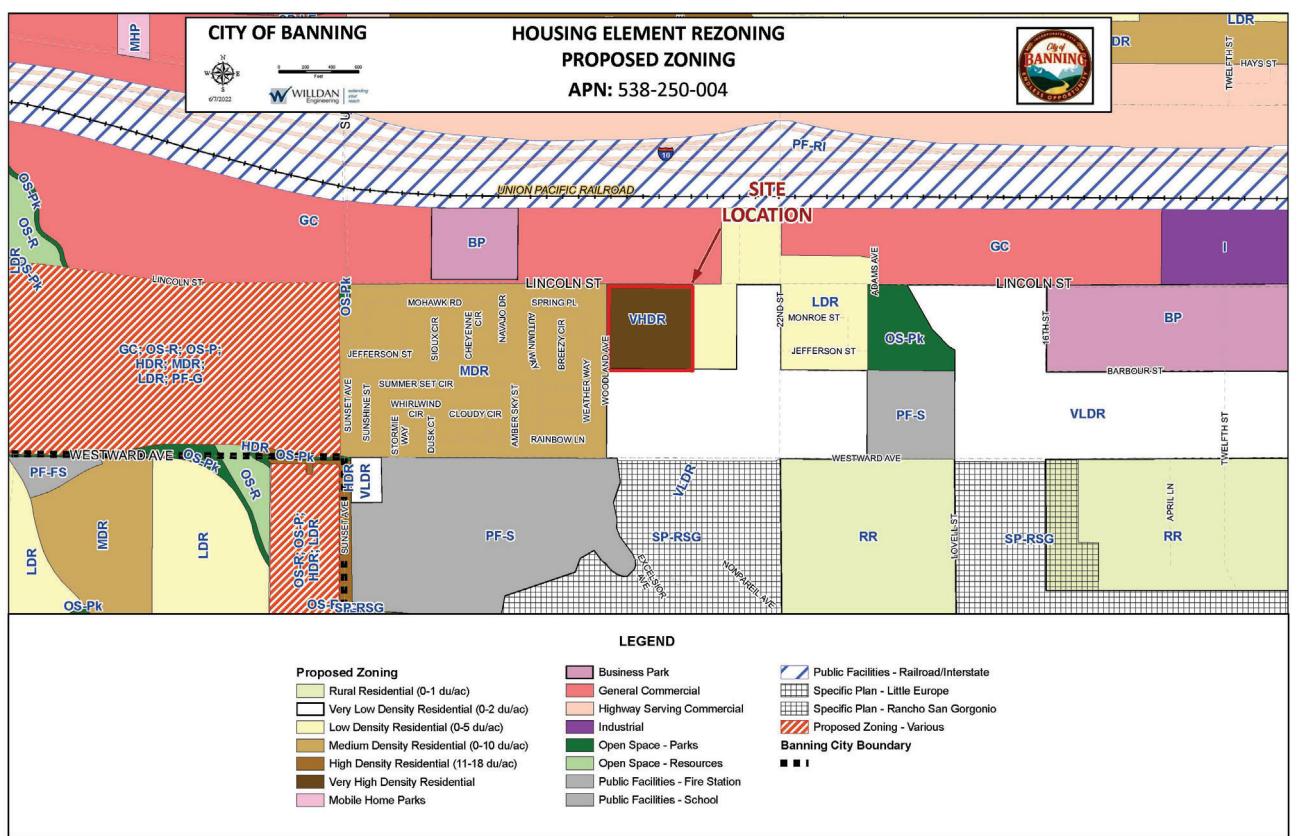
- Program 5 required the amendment of Sections 17.08.010.B.10 and 17.08.020 to add the following language:
 - ✓ *High Density Residential-~~20/AHO~~^{20/Affordable Housing Opportunity} (HDR-~~20/AHO~~²⁰⁻²⁴ 11-18 DU/AC). Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space by-right at a minimum density of 20 dwelling units per acre ~~and a maximum density of 24 dwelling units per acre~~ when at least ~~2050%~~ of the units are reserved for lower-income households in conformance with Program 5 of the Housing Element. Projects requesting a density increase above 18 units/acre shall execute a Density Bonus Housing Agreement in conformance with Section 15.60.130 of this code. Affordable units shall be distributed throughout the development and shall be comparable to market rate units in design and quality. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. Home Occupations may be appropriate with approval of a Home Occupation permit.*

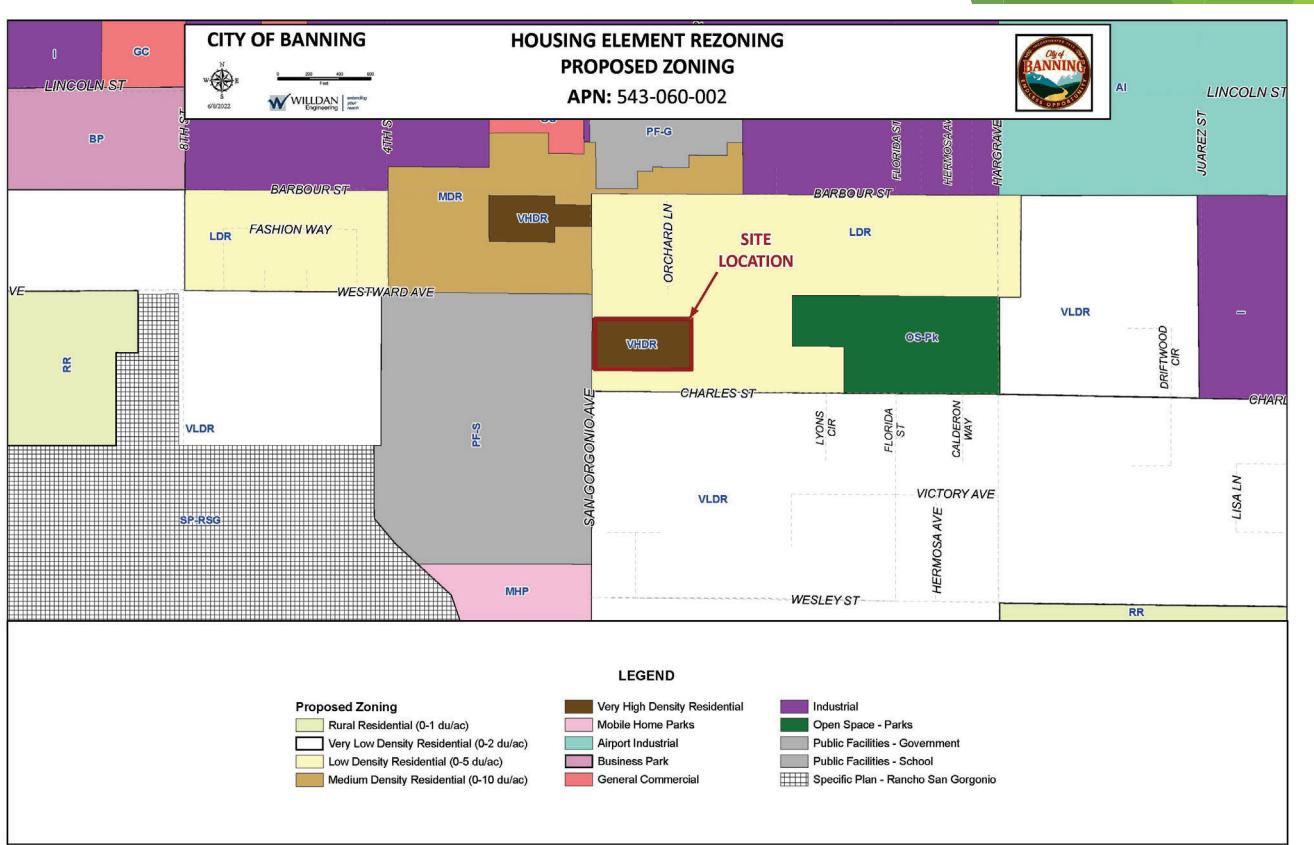
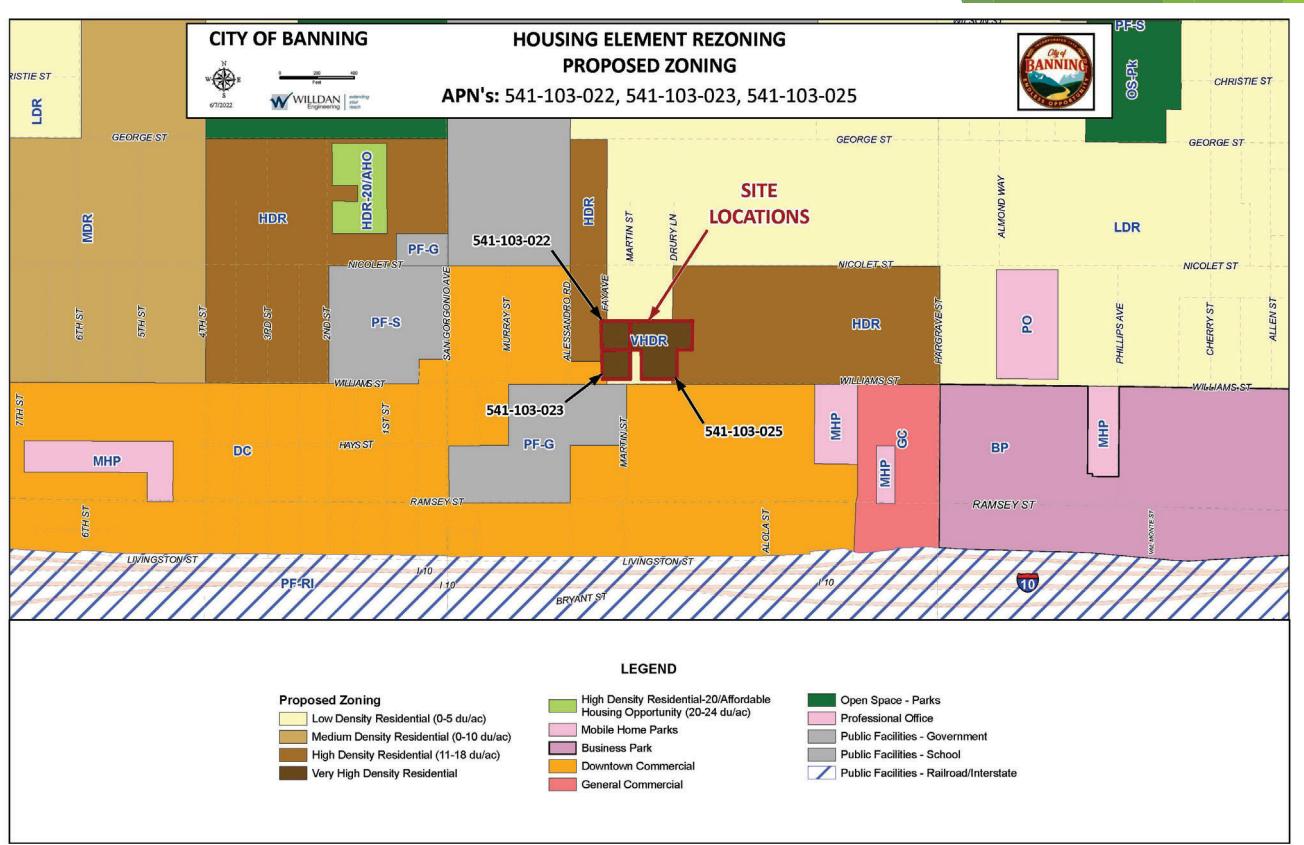


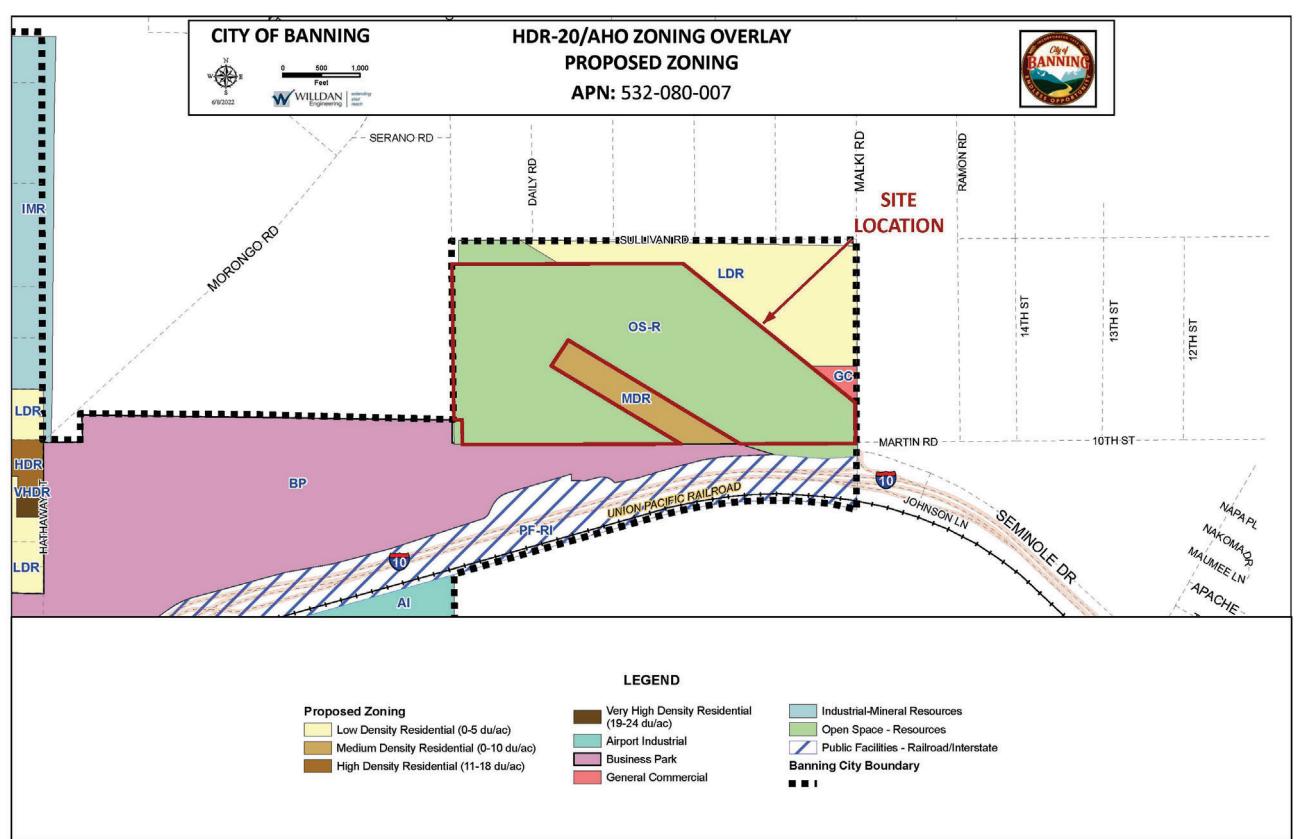
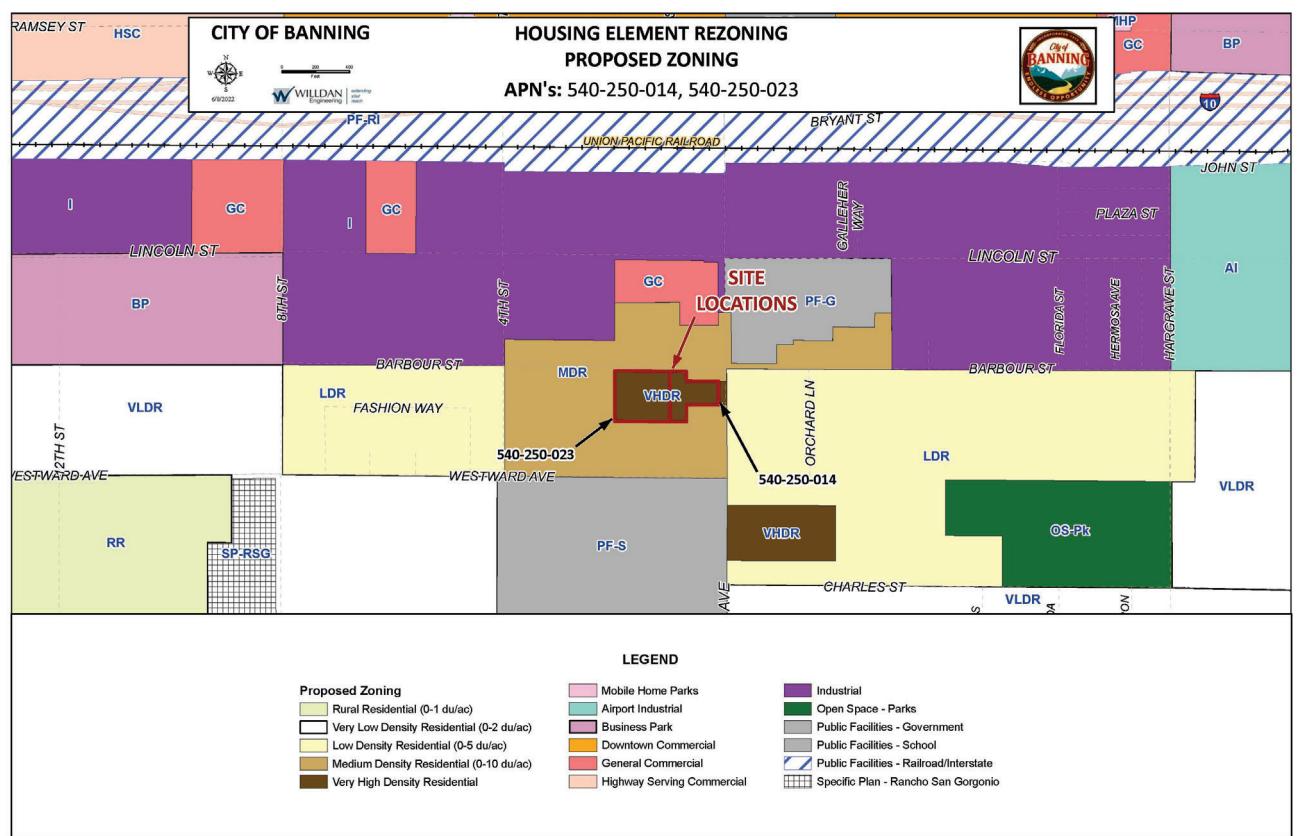
Project Description

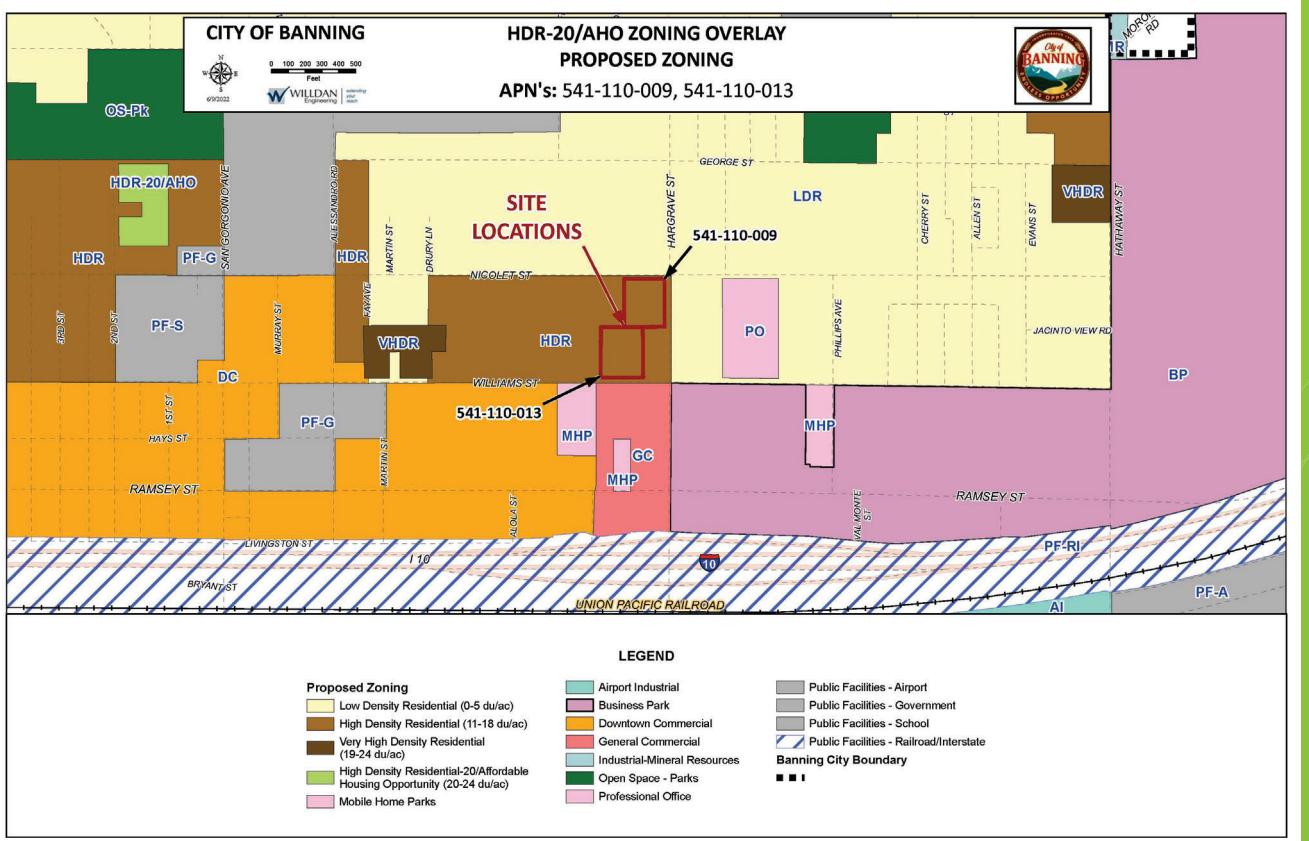
- Zoning Code Table 17.08.020 will amend the HDR footnote as follows:
 - ✓ **Housing developments in the HDR-~~20/AHO~~²⁰⁻²⁴ district are permitted at a density of 11-18 ~~20-24~~ dwelling units per acre when at least ~~2050%~~ of the units are reserved for lower-income households in conformance with Program 5 of the Housing Element. Development standards for qualifying developments shall be as provided for the HDR district in Chapter 17.24.*
- The City's RHNA is 1,673, including a shortfall of 510 lower-income units which is accommodated through implementation of Program 4.
- The rezoning of 17 parcels provide sufficient zoning capacity to accommodate housing opportunities for low-income households.











Recommendation

Staff recommends that the City Council:

1. Adopt Resolution 2022-85, A Resolution of the City Council of the City of Banning, California, Approving General Plan Amendment (GPA) 22-2501.
2. Making Findings Pursuant to CEQA, Determinations that no Further CEQA Review is Required, and Adopting an Addendum;
3. Waive full reading and introduce, as read by title only, Ordinance 1583, An Ordinance of the City of Banning, California, Amending Sections 17.08.010.B.10. and 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code, and Making Findings Pursuant to CEQA; and
4. Waive full reading and introduce, as read by title only, Ordinance 1584, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone.



Thank You & Questions



EXHIBIT B to Resolution 2022-85

TABLE 1: VHDR & HDR-20/AHO PARCEL LIST														
Owner	Site Address	Mailing Address	Assessor Parcel Number	Previous APN	Parcel Size (Acres)	Current General Plan Designation	Current Zoning	Maximum Units Allowed (E)	Proposed Zoning	Minimum Units Required (P)	Midpoint Units Allowed (P)	Maximum Units Allowed (P)	Vacant/ Nonvacant	Description of Existing Uses
VERY HIGH DENSITY RESIDENTIAL (VHDR) PARCEL CHANGES														
JAMES C NICE & LESLIE A NICE	135 N 41ST ST, BANNING CA - 92220		537020008		4.06	LDR	LDR	20.30	VHDR (19-24)	77.13	87.27	97.42	Vacant	Vacant
SELECT VENTURES INC	530 E 2100 HWY 101, COVINA CA - 91723		539250004		0.25	LDR	LDR	48.24	VHDR (19-24)	175.70	198.82	221.94	Vacant	Vacant
SALEM PROP HOLDINGS	1800 E GEORGE ST, BANNING CA - 92220	2785 PACIFIC COAST HWY, TORRANCE CA - 90505	541094020		2.29	LDR	LDR	11.47	VHDR (19-24)	43.00	49.34	55.08	Vacant	Vacant
CLARK FAMILY INV	38657 BEARS PAW DR, MURRIETA CA - 92562		541103022		0.56	LDR	LDR	2.78	VHDR (19-24)	10.55	11.94	13.33	Vacant	Vacant
CLARK FAMILY INV	38657 BEARS PAW DR, MURRIETA CA - 92562		541103023		0.55	LDR	LDR	2.73	VHDR (19-24)	10.37	11.73	13.10	Vacant	Vacant
BELETE DEMISIE, AMSAL BERHANU DEMISIE	4671 N SAN GORONIO AVE, BANNING CA - 92220		541103025		1.89	LDR	LDR	9.46	VHDR (19-24)	35.95	40.88	45.41	Vacant	Vacant
ANTHONY EMAL ELEYASI	3159 W BASELINE RD, LA VENUE AZ - 85338		543060002		4.71	LDR	LDR	23.57	VHDR (19-24)	89.56	101.35	113.13	Vacant	Vacant
SHAHUL SHALIZI	1612 CONIFER CIR, CORONA CA - 92879		540250014		1.29	MDR	MDR	12.87	VHDR (19-24)	24.45	27.86	30.88	Vacant	Vacant
WEST LINCOLN PROP. MATTSON FAMILY TRUST	201 W LINCOLN ST, BANNING CA - 92220		540250023		2.26	MDR	MDR	22.55	VHDR (19-24)	42.85	48.49	54.12	Vacant	Vacant
SUB-TOTAL UNITS					26.85			151.96		519.15	577.28	644.40	Net Gain/Loss (+/-)	425.32
HDR-20/AHO ZONING OVERLAY PARCEL CHANGES														
USA MORONGO BAND CAHUILLA MISSION INDIANS	14581 POTRERO RD, BANNING CA - 92220	532080007	532-080-004	215.48	HDR	HDR-20/AHO	0.00	OS-R	0.00	0.00	0.00	0.00	Vacant	Morongo Reservation Trust Lands
JOHN YAACOUBLI HANNA, DIANA MARIE HANNA	766 PALMYRITA AVE #8, RIVERSIDE CA - 92507	534161008		0.40	HDR	HDR-20/AHO	10.95	VHDR (19-24)	7.60	8.60	9.60	Vacant	Vacant	
JOHN YAACOUBLI HANNA, DIANA MARIE HANNA	766 PALMYRITA AVE #8, RIVERSIDE CA - 92507	534161009		0.61	HDR	HDR-20/AHO	16.47	VHDR (19-24)	11.59	13.12	14.64	Vacant	Vacant	
JOHN YAACOUBLI HANNA, DIANA MARIE HANNA	766 PALMYRITA AVE #8, RIVERSIDE CA - 92507	534161010		0.91	HDR	HDR-20/AHO	24.57	VHDR (19-24)	17.20	19.57	21.84	Vacant	Vacant	
NP BANNING INDUSTRIAL	4825 NW 41ST ST #500, RIVERSIDE MO - 64150	537110014	532-110-008	9.00	HDR	HDR-20/AHO	243.00	HDR (11-18) (Pre-Zone)	99.00	135.00	162.00	Vacant	Vacant	
NP BANNING INDUSTRIAL	4825 NW 41ST ST #500, RIVERSIDE MO - 64150	537120034		8.20	HDR	HDR-20/AHO (Pre-Zone)	221.40	HDR (11-18) (Pre-Zone)	99.20	123.00	147.60	Nonvacant	Located in City SOI	
REY YSAIS, MARGARET YSAIS	728 E Nickel St, Banning, CA - 92220	8457 SARAH ST, ROSEMead CA - 91770	541110009		1.80	HDR	HDR-20/AHO	43.20	HDR (11-18)	17.85	24.00	28.80	Vacant	Vacant
REY YSAIS, MARGARET YSAIS	725 E Williams St, Banning, CA - 92220	8457 SARAH ST, ROSEMead CA - 91770	541110013		1.68	HDR	HDR-20/AHO	45.36	HDR (11-18)	19.48	25.20	30.24	Vacant	Vacant
SUB-TOTAL UNITS					237.86			383.40		171.56	225.48	287.12	Net Gain/Loss (+/-)	-157.02
TOTAL NET CHANGE IN UNITS:					264.71			535		682	803	912	Total Net Gain/Loss (+/-)	267.40

NOTE-1: General Plan Policy allows for fractional dwelling units to be rounded to the nearest whole unit (267.40 = 268)

NOTE-2: APNs 532-080-007 & 537-120-034 are not counted towards units lost as the City did not have land use control of these properties as of January 1, 2018. APN 532-080-007 is part of the Morongo Reservation and APN: 537-120-007 is located within City Sphere of Influence (SOI)

NOTE-3: The Midpoint Density is calculated by taking the average between the top and bottom of the Density Range. (e.g., HDR has a density floor of 11 DU/AC and a density ceiling of 18 DU/AC; therefore, the Midpoint Density is 14.5 DU/AC)

NOTE-4: Density Calculations are completed after GPA/ZC is effective.

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Exhibit B - Agenda Item 7.1 (Cont.)

ORDINANCE 1583

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTIONS 17.08.010.B.10. AND 17.08.020 OF CHAPTER 17.08 OF TITLE 17 OF THE BANNING MUNICIPAL CODE, AND MAKING FINDINGS PURSUANT TO CEQA

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

SECTION 1. Findings and Purpose.

- A. California Government Code Section 65302 requires that the City's General Plan include eight mandated elements, including a housing element.
- B. On November 9, 2021, the City Council adopted Resolution No. 2021-19, adopting an Initial Study/Negative Declaration prepared for General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, and adopted findings pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines ("adopted IS/ND").
- C. Goal 2.0 of the 2021-2029 Housing Element states: "Provide adequate sites for new residential construction to meet the needs of all segments of the community without compromising the character of the City".
- D. Policy 2.1 of the 2021-2029 Housing Element states: "Provide adequate sites for a range of new housing construction to meet the Regional Housing Need Assessment (RHNA) for Banning of 1,673 units during the 2021-2029 planning period".
- E. Policy 2.2 of the 2021-2029 Housing Element states: "Support the development of housing affordable to all income groups by utilizing a variety of public and private efforts".
- F. The goals and policies contained in the Housing Element address the identified housing needs in the City and are implemented through a series of housing programs, which programs define the specific actions the City will take to achieve the specific goals and policies.
- G. The 2021-2029 Housing Element removed a prior Program 5 contained in the City's 5th Cycle Housing Element, which required that the City establish an Affordable Housing Opportunity ("AHO") overlay zone. Consistent with this requirement from the 5th Cycle Housing Element, the City Council adopted Ordinance 1466 on August 13, 2013, establishing the High Density Residential-20 (maximum 20 du/acre) zoning district, and adopted Ordinance 1482 on January 13, 2015, establishing the AHO overlay within the HDR zoning district ("HDR-20/AHO").
- H. Program 5 from the 5th Cycle Housing Element was not incorporated into the 2021-2029 Housing Element because the HDR-20/AHO land use designation and zoning district has not furthered the development of affordable housing in the City nor

has it produced affordable housing units or developments for very-low-, low-, or moderate-income households.

I. Program 9 (“Zoning Ordinance Monitoring”) of the 2021-2029 Housing Element provides that the City will actively monitor its Zoning Ordinance to ensure that standards do not excessively constrain affordable residential development and to continuously update the Zoning Ordinance to address changes among a range of issues and State/federal laws.

J. Program 10 (“Flexibility in Development Standards”) of the 2021-2029 Housing Element provides that the City may propose changes to the Municipal Code to encourage development of low- and moderate-income housing.

K. Program 4 (“Residential Sites Inventory and Rezone Program”) of the 2021-2029 Housing Element provides that, to accommodate the City’s shortfall of lower-income RHNA of 510 units, the City will undergo a General Plan amendment and zoning change amendment to develop standards for the Very High Density Residential (“VHDR”) Zone with a minimum density of 20 du/acre and maximum of 30 du/acre by October 2023. Rezoned sites will permit owner-occupied and rental multifamily uses by right pursuant to Government Code Section 65583.2(i) for housing developments in which 20 percent or more of the units are affordable to lower income households;

L. One of the objectives for Program 4 of the 2021-2029 Housing Element states that the City will, by October 2023, change the land use designations and zoning classifications of properties identified as proposed VHDR Zone in Appendix B to the 2021-2029 Housing Element to address any shortfall of sites to accommodate the City’s remaining RHNA requirements. Appendix B to the 2021-2029 Housing Element identifies seven parcels to be redesignated and rezoned from Low Density Residential (“LDR”) to VHDR, and two parcels to be redesignated and rezoned from Medium Density Residential (“MDR”) to VHDR to accommodate the City’s remaining RHNA requirements.

M. Under the existing LDR and MDR land use designations and zoning, these nine (9) parcels could accommodate a maximum of 152 dwelling units; and

N. Under the proposed VHDR land use designation and zoning, these nine (9) parcels could accommodate 577 dwelling units; and

O. Under the existing HDR-20/AHO land use designation and zoning, these eight (8) parcels could accommodate 535 dwelling units; and

P. Under the proposed VHDR and HDR land use designation and zoning, eight (8) parcels could accommodate 803 dwelling units; and

SECTION 2. Findings for Approval of ZTA 22-97501.

~~Chapter 17.116.030 of the Banning Municipal Code provides that the Planning Commission shall make a written recommendation on a proposed amendment to the~~

~~Zoning Ordinance whether to approve, approve in modified form, or disapprove based upon their findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that ZTA 22-97501 should be adopted because:~~

BMC Section 17.116.040 provides that upon receipt of the Planning Commission's recommendation for approval, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance. Further, BMC Section 17.116.050 provides that an amendment to the Zoning Ordinance may be adopted only if the following findings are made. The City Council hereby finds and determines as follows:

A. Finding No. 1: The proposed Amendment is consistent with the goals and policies of the General Plan.

1. **Findings of Fact:** The proposed ZTA 22-97501 is consistent with the goals and policies of the General Plan. The proposed ZTA 22-97501 will implement General Plan Policy 1 by maintaining a land use map which assures a balance of residential, commercial, and industrial open space and public lands. The proposed ZTA 22-97501 will increase the opportunity for diverse housing by offering lower cost units and reducing the unbuilt housing needs.
2. **Findings of Fact:** The proposed ZTA 22-97501 is also consistent with General Plan Policy 3 by establishing new land use categories of the highest quality possible through the implementation of efficiently built units within blighted and lower-income demographics.
3. **Findings of Fact:** The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.

B. Finding No. 2: The proposed Amendment is internally consistent with the Zone Change.

1. **Findings of Fact:** The proposed zone change is internally consistent with the Zoning Ordinance because the zone change will implement zoning map changes required under state housing element law (Section 65583 et. al.). The City is required to provide sufficient zoning capacity to meet the Regional Housing Needs Assessment (RHNA) allocation established by the Southern California Association of Governments (SCAG). Furthermore, this proposed zone change will act as compliance with Senate Bill 330, which prohibits the City from approving a reduction in the total amount of residential zoning capacity for any property zoned the same, without providing for the residential zoning capacity on another site. The zone

change facilitates compliance with these two provisions, which are incorporated into the City's Municipal Code, as a matter of reference.

C. Finding No. 3: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act (CEQA and MSHCP Findings).

1. **Findings of Fact:** California Environmental Quality Act (CEQA). The City Council hereby makes the following environmental findings and determinations in connection with approval of proposed GPA 22-2501:
2. **Findings of Fact:** On November 9, 2021, the City Council adopted Resolution No. 2021-19, adopting an Initial Study/Negative Declaration prepared for General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, and adopted findings pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines ("adopted IS/ND").
3. **Findings of Fact:** An Addendum to the adopted IS/ND was prepared for the approval of the Project pursuant to CEQA and CEQA Guidelines Section 15164. On June 1, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project and the Addendum, reviewed the staff report, and accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the Addendum and the Project and adopted Resolution 2022-08 recommending that the City Council adopt the Addendum for the Project.
4. **Findings of Fact:** On September 13, 2022, the City Council, at a duly noticed public hearing, considered the proposed ZTA 22-97501 and the Addendum, at which time City staff presented their report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project and the Addendum.
5. **Findings of Fact:** The City Council has reviewed the Addendum to the adopted IS/ND, along with the adopted IS/ND and, in the exercise of its independent judgment, concludes that the Addendum accurately describes the environmental ramifications of implementing the goals, policies, and programs of the 2021-2029 Housing Element by approving the proposed ZTA 22-97501.
6. **Findings of Fact:** The City Council finds, based on the evidence in the record, including the Addendum, that the Project does not require supplemental or subsequent environmental review because the Project (i) is not a substantial change to the 2021-2029 Housing Element analyzed under the adopted IS/ND that would require major revisions to the

previously adopted IS/ND, (ii) is not a substantial change in the circumstances under which the City of Banning General Plan, including the 2021-2029 Housing Element, is being undertaken that would require major revisions to the adopted IS/ND, and (iii) does not constitute new information of substantial importance that was not known at the time the IS/ND was adopted.

7. **Findings of Fact:** If the proposed ZTA 22-97501 is approved by the City Council, the impacts associated with the approval of the Project would be the same or less than those identified for the 2021-2029 Housing Element in the adopted IS/ND, for the reasons set forth in the Addendum.
8. **Findings of Fact:** The City Council, exercising its independent judgment after considering the administrative record, hereby adopts the Addendum to the adopted IS/ND, attached hereto as Exhibit A, reaffirms the findings adopted as part of the IS/ND adoption and set forth in Resolution No. 2021-19 as remaining applicable to the Project.
9. **Findings of Fact:** The custodian of records for the documents and other materials that constitute the record of the proceedings upon which the City Council's decision is based, including, but are not limited to, the staff reports for the Project, all of the materials that comprise and support the Addendum to the adopted IS/ND and all of the materials that support the staff reports for the Project, is the Planning Division of the Community Development Department of the City of Banning. Those documents are available for public review in the Planning Division of the Community Development Department of the City of Banning located at 99 E. Ramsey Street, Banning, California 92220.

SECTION 3. Subsection (B)(10) of Section 17.08.010 ("Purpose") of Article I ("General Provisions") of Chapter 17.08 ("Residential Districts") of Division II ("Land Use Districts") of Title 17 ("Zoning) of the Banning Municipal Code is hereby deleted and amended to read as follows:

"10. Reserved."

SECTION 4. The starred footnote to Table 17.08.020 ("Permitted, Conditional and Prohibited Residential Uses") of Section 17.08.020 ("Permitted, Conditional and Prohibited Uses") of Article I ("General Provisions") of Chapter 17.08 ("Residential Districts") of Division II ("Land Use Districts") of Title 17 ("Zoning) of the Banning Municipal Code is hereby amended to read as follows:

~~"*Housing developments in the HDR-20/AHO district are permitted at a minimum density of 20-24 dwelling units per acre when at least 50% of the units are reserved for lower-income households in conformance with Program 5 of the Housing Element. Development standards for qualifying developments shall be as provided for the HDR district in Chapter 17.24."~~

SECTION 5. CEQA. The City Council hereby makes the following environmental findings and determinations in connection with approval of the proposed Zoning Text Amendments set forth in Sections 1 and 2 of this Ordinance (the “Project”):

- A. On November 9, 2021, the City Council adopted Resolution No. 2021-19 adopting an Initial Study/Negative Declaration prepared for General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, and adopted findings pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines (“adopted IS/ND”).
- B. An Addendum to the adopted IS/ND was prepared for the approval of the Project pursuant to CEQA and CEQA Guidelines Section 15164.
- C. On June 1, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project and the Addendum, reviewed the staff report, and accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the Addendum and the Project and adopted Resolution 2022-08 recommending that the City Council adopt the Addendum for the Project.
- D. On September 13, 2022, the City Council, at a duly noticed public hearing, considered the proposed Project and the Addendum, at which time City staff presented their report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project and the Addendum. Based upon the evidence presented at the hearing, and the staff report and oral testimony, the City Council, by separate Resolution 2022-85 adopted on September 13, 2022, adopted the Addendum for the Project as set forth in Exhibit A to City Council Resolution 2022-85.
- E. All actions taken by City have been duly taken in accordance with all applicable legal requirements, including CEQA, and all other requirements for notice, public hearings, findings, votes and other procedural matters.
- F. The custodian of records for the documents and other materials that constitute the record of the proceedings upon which the City Council’s decision is based, including, but are not limited to, the staff reports for the Project, all of the materials that comprise and support the Addendum to the adopted IS/ND and all of the materials that support the staff reports for the Project, is the Planning Division of the Community Development Department of the City of Banning. Those documents are available for public review in the Planning Division of the Community Development Department of the City of Banning located at 99 E. Ramsey Street, Banning, California 92220.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7. Effective Date. This Ordinance shall take affect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be published and/or posted as required by law.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2022.

Colleen Wallace, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance 1583 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 13th day of September 2022, and was duly adopted at a regular meeting of said City Council on the ____ day of _____ 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

Exhibit B - Agenda Item 7.1 (Cont.)

ORDINANCE 1584

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF BANNING OFFICIAL ZONING MAP CHANGING THE ZONE OF (1) NINE PARCELS (APNS: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023) FROM LOW DENSITY RESIDENTIAL (LDR) AND MEDIUM DENSITY RESIDENTIAL (MDR) ZONES TO VERY HIGH DENSITY RESIDENTIAL (VHDR) ZONE; (2) AN APPROXIMATELY 215.46 GROSS ACRE PARCEL (APN: 532-080-007) FROM HIGH DENSITY RESIDENTIAL-20 DU/ACRE (HDR-20)/AHO ZONE TO OPEN SPACE – RESOURCES (OS-R) ZONE; (3) AN APPROXIMATELY 0.40 GROSS ACRE PARCEL (APN: 534-161-008) FROM HDR-20/AHO ZONE TO VHDR ZONE; (4) AN APPROXIMATELY 0.61 GROSS ACRE PARCEL (APN: 534-161-009) FROM HDR-20/AHO ZONE TO VHDR ZONE; (5) AN APPROXIMATELY 0.91 GROSS ACRE PARCEL (APN: 534-161-010) FROM HDR-20/AHO ZONE TO VHDR ZONE; (6) APPROXIMATELY 9.00 GROSS ACRES OF A 72.3 ACRE PARCEL (APN: 537-110-014) FROM HDR-20/AHO ZONE TO HIGH DENSITY RESIDENTIAL (HDR) ZONE; (7) AN APPROXIMATELY 8.20 GROSS ACRE PARCEL (APN: 537-120-034) FROM HDR-20/AHO PRE-ZONE TO HDR PRE-ZONE; (8) AN APPROXIMATELY 1.60 GROSS ACRE PARCEL (APN: 541-110-009) FROM HDR-20/AHO ZONE TO HDR ZONE; AND (9) AN APPROXIMATELY 1.68 GROSS ACRE PARCEL (APN: 541-110-013) FROM HDR-20/AHO ZONE TO HDR ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

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

SECTION 1. Findings and Purpose.

- A. California Government Code Section 65302 requires that the City's General Plan include eight mandated elements, including a housing element.
- B. On November 9, 2021, the City Council adopted Resolution No. 2021-19, adopting an Initial Study/Negative Declaration prepared for General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, and adopted findings pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines ("adopted IS/ND").
- C. Goal 2.0 of the 2021-2029 Housing Element states: "Provide adequate sites for new residential construction to meet the needs of all segments of the community without compromising the character of the City".
- D. Policy 2.1 of the 2021-2029 Housing Element states: "Provide adequate sites for a range of new housing construction to meet the Regional Housing Need Assessment (RHNA) for Banning of 1,673 units during the 2021-2029 planning period".

E. Policy 2.2 of the 2021-2029 Housing Element states: "Support the development of housing affordable to all income groups by utilizing a variety of public and private efforts".

F. The goals and policies contained in the Housing Element address the identified housing needs in the City and are implemented through a series of housing programs, which programs define the specific actions the City will take to achieve the specific goals and policies.

G. The 2021-2029 Housing Element removed a prior Program 5 contained in the City's 5th Cycle Housing Element, which required that the City establish an Affordable Housing Opportunity ("AHO") overlay zone. Consistent with this requirement from the 5th Cycle Housing Element, the City Council adopted Ordinance 1466 on August 13, 2013, establishing the High Density Residential-20 (maximum 20 du/acre) zoning district, and adopted Ordinance 1482 on January 13, 2015, establishing the AHO overlay within the HDR zoning district ("HDR-20/AHO").

H. Program 5 from the 5th Cycle Housing Element was not incorporated into the 2021-2029 Housing Element because the HDR-20/AHO land use designation and zoning district has not furthered the development of affordable housing in the City nor has it produced affordable housing units or developments for very-low-, low-, or moderate-income households.

I. Program 9 ("Zoning Ordinance Monitoring") of the 2021-2029 Housing Element provides that the City will actively monitor its Zoning Ordinance to ensure that standards do not excessively constrain affordable residential development and to continuously update the Zoning Ordinance to address changes among a range of issues and State/federal laws.

J. Program 10 ("Flexibility in Development Standards") of the 2021-2029 Housing Element provides that the City may propose changes to the Municipal Code to encourage development of low- and moderate-income housing.

K. Program 4 ("Residential Sites Inventory and Rezone Program") of the 2021-2029 Housing Element provides that, to accommodate the City's shortfall of lower-income RHNA of 510 units, the City will undergo a General Plan amendment and zoning change amendment to develop standards for the Very High Density Residential ("VHDR") Zone with a minimum density of 20 du/acre and maximum of 30 du/acre by October 2023. Rezoned sites will permit owner-occupied and rental multifamily uses by right pursuant to Government Code Section 65583.2(i) for housing developments in which 20 percent or more of the units are affordable to lower income households.

L. One of the objectives for Program 4 of the 2021-2029 Housing Element states that the City will, by October 2023, change the land use designations and zoning classifications of properties identified as proposed VHDR Zone in Appendix B to the 2021-2029 Housing Element to address any shortfall of sites to accommodate the City's remaining RHNA requirements. Appendix B to the 2021-2029 Housing Element

identifies seven parcels to be redesignated and rezoned from Low Density Residential (“LDR”) to VHDR, and two parcels to be redesignated and rezoned from Medium Density Residential (“MDR”) to VHDR to accommodate the City’s remaining RHNA requirements.

M. Under the existing LDR and MDR land use designations and zoning, nine (9) parcels could accommodate a maximum of 152 dwelling units.

N. Under the proposed VHDR land use designation and zoning, those nine (9) parcels could accommodate 577 dwellings units, using the midpoint density of 21.5 dwelling units per acre.

O. Under the existing HDR-20/AHO land use designation and zoning (and pre-land use designation and pre-zone), eight (8) parcels could accommodate 535 dwellings units.

P. Under the proposed VHDR, HDR, and OS-R land use designations and zoning, those eight (8) parcels could accommodate 912 dwellings units.

SECTION 2. CEQA. The City Council hereby makes the following environmental findings and determinations in connection with approval of the proposed Zone Changes as set forth in Section 4 of this Resolution and depicted in Exhibit A (the “Project”):

- A. On November 9, 2021, the City Council adopted Resolution No. 2021-19 adopting an Initial Study/Negative Declaration prepared for General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, and adopted findings pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines (“adopted IS/ND”).
- B. An Addendum to the adopted IS/ND was prepared for the approval of the Project pursuant to CEQA and CEQA Guidelines Section 15164.
- C. On June 1, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project and the Addendum, reviewed the staff report, and accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the Addendum and the Project and adopted Resolution 2022-08 recommending that the City Council adopt the Addendum for the Project.
- D. On September 13, 2022, the City Council, at a duly noticed public hearing, considered the proposed Project and the Addendum, at which time City staff presented their report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project and the Addendum. Based upon the evidence presented at the hearing, and the staff report and oral testimony, the City Council, by separate Resolution 2022-85 adopted on September 13, 2022,

adopted the Addendum for the Project as set forth in Exhibit A to City Council Resolution 2022-85.

- E. All actions taken by City have been duly taken in accordance with all applicable legal requirements, including CEQA, and all other requirements for notice, public hearings, findings, votes, and other procedural matters.
- F. The custodian of records for the documents and other materials that constitute the record of the proceedings upon which the City Council's decision is based, including, but are not limited to, the staff reports for the Project, all of the materials that comprise and support the Addendum to the adopted IS/ND and all of the materials that support the staff reports for the Project, is the Planning Division of the Community Development Department of the City of Banning. Those documents are available for public review in the Planning Division of the Community Development Department of the City of Banning located at 99 E. Ramsey Street, Banning, California 92220.

SECTION 3. Findings for Approval of ZC 22-3501.

~~Chapter 17.116.030 of the Banning Municipal Code provides that the Planning Commission shall make a written recommendation on a proposed amendment to the Zoning Ordinance whether to approve, approve in modified form, or disapprove based upon their findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that ZC 22-3501 should be adopted because:~~

BMC Section 17.116.040 provides that upon receipt of the Planning Commission's recommendation for approval, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance. Further, BMC Section 17.116.050 provides that an amendment to the Zoning Ordinance may be adopted only if the following findings are made. The City Council hereby finds and determines as follows:

- A. Finding No. 1: The proposed Amendment is consistent with the goals and policies of the General Plan.
 - 1. Findings of Fact: The proposed ZC 22-3501 is consistent with the goals and policies of the General Plan. The proposed ZC 22-3501 will implement General Plan Policy 1 by maintaining a land use map which assures a balance of residential, commercial, and industrial open space and public lands. The proposed ZC 22-3501 will increase the opportunity for diverse housing by offering lower cost units and reducing the unbuilt housing needs.
 - 2. Findings of Fact: The proposed ZC 22-3501 is also consistent with General Plan Policy 3 by establishing new land use categories of the highest quality

possible through the implementation of efficiently built units within blighted and lower-income demographics.

3. Findings of Fact: The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.

B. Finding No. 2: The proposed Amendment is internally consistent with the Zone Change.

1. Findings of Fact: The proposed zone change is internally consistent with the Zoning Ordinance because the zone change will implement zoning map changes required under state housing element law (Section 65583 et. al.). The City is required to provide sufficient zoning capacity to meet the Regional Housing Needs Assessment (RHNA) allocation established by the Southern California Association of Governments (SCAG). Furthermore, this proposed zone change will act as compliance with Senate Bill 330, which prohibits the City from approving a reduction in the total amount of residential zoning capacity for any property zoned the same, without providing for the residential zoning capacity on another site. The zone change facilitates compliance with these two provisions, which are incorporated into the City's Municipal Code, as a matter of reference.

C. Finding No. 3: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act (CEQA and MSHCP Findings).

1. Findings of Fact: California Environmental Quality Act (CEQA). The City Council hereby makes the following environmental findings and determinations in connection with approval of proposed GPA 22-2501:
2. Findings of Fact: On November 9, 2021, the City Council adopted Resolution No. 2021-19, adopting an Initial Study/Negative Declaration prepared for General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, and adopted findings pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines ("adopted IS/ND").
3. Findings of Fact: An Addendum to the adopted IS/ND was prepared for the approval of the Project pursuant to CEQA and CEQA Guidelines Section 15164. On June 1, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project and the Addendum, reviewed

the staff report, and accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the Addendum and the Project and adopted Resolution 2022-08 recommending that the City Council adopt the Addendum for the Project.

4. Findings of Fact: On September 13, 2022, the City Council, at a duly noticed public hearing, considered the proposed ZC 22-3501 and the Addendum, at which time City staff presented their report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project and the Addendum.
5. Findings of Fact: The City Council has reviewed the Addendum to the adopted IS/ND, along with the adopted IS/ND and, in the exercise of its independent judgment, concludes that the Addendum accurately describes the environmental ramifications of implementing the goals, policies, and programs of the 2021-2029 Housing Element by approving the proposed ZC 22-3501.
6. Findings of Fact: The City Council finds, based on the evidence in the record, including the Addendum, that the Project does not require supplemental or subsequent environmental review because the Project (i) is not a substantial change to the 2021-2029 Housing Element analyzed under the adopted IS/ND that would require major revisions to the previously adopted IS/ND, (ii) is not a substantial change in the circumstances under which the City of Banning General Plan, including the 2021-2029 Housing Element, is being undertaken that would require major revisions to the adopted IS/ND, and (iii) does not constitute new information of substantial importance that was not known at the time the IS/ND was adopted.
7. Findings of Fact: If the proposed ZC 22-3501 is approved by the City Council, the impacts associated with the approval of the Project would be the same or less than those identified for the 2021-2029 Housing Element in the adopted IS/ND, for the reasons set forth in the Addendum.
8. Findings of Fact: The City Council, exercising its independent judgment after considering the administrative record, hereby adopts the Addendum to the adopted IS/ND, attached hereto as Exhibit A, reaffirms the findings adopted as part of the IS/ND adoption and set forth in Resolution No. 2021-19 as remaining applicable to the Project.
9. Findings of Fact: The custodian of records for the documents and other materials that constitute the record of the proceedings upon which the City Council's decision is based, including, but are not limited to, the staff reports for the Project, all of the materials that comprise and support the Addendum

to the adopted IS/ND and all of the materials that support the staff reports for the Project, is the Planning Division of the Community Development Department of the City of Banning. Those documents are available for public review in the Planning Division of the Community Development Department of the City of Banning located at 99 E. Ramsey Street, Banning, California 92220.

SECTION 4. Approval of ZC 22-3501.

- A. Based on the foregoing, the City Council hereby approves ZC 22-3501.
- B. Official Zoning Map Amendments. The City Council hereby directs the Community Development Director to amend the City of Banning Official Zoning Map, as depicted in Exhibit A to this Ordinance, to amend the zoning classifications of:
 1. Real properties identified as APNs 537-020-008, 538-250-004, 541-094-020, 541-103-022, 541-103-023, 541-103-025, and 543-060-002 from Low Density Residential (LDR) to Very High Density Residential (VHDR) (19-24 du/acre);
 2. Real properties identified as APNs 540-250-014 and 540-250-023 from Medium Density Residential (MDR) Zone to Very High Density Residential (VHDR) (19-24 du/acre) Zone;
 3. Real property identified as APN 532-080-007 (formerly 532-080-004) from High Density Residential-20 (HDR-20)/Affordable Housing Opportunity (AHO) overlay (HDR-20/AHO) Zone to Open Space – Resources (OS-R) Zone;
 4. Real properties identified as APNs 534-161-008, 534-161-009, and 534-161-010 from HDR-20/AHO Zone to VHDR Zone;
 5. 9.00 gross acres of a 72.3-acre real property identified as APN 537-110-014 (formerly 537-110-008) from HDR-20/AHO Zone to High Density Residential (HDR) Zone;
 6. Real property identified as APN 537-120-034 from HDR-20/AHO Pre-Zone to HDR Pre-Zone; and
 7. Real properties identified as APNs 541-110-009 and 541-110-013 from HDR-20/AHO Zone to HDR Zone.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7. Effective Date. This Ordinance shall take affect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be published and/or posted as required by law.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2022.

Colleen Wallace, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance 1584 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 13th day of September 2022, and was duly adopted at a regular meeting of said City Council on the ____ day of _____ 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

EXHIBIT A

(Attached)



REPORT of OFFICERS ITEM NO. 8.1: ORDINANCE 1585 (BUILDING CODE) AMENDMENT

**Ordinance Amendment and Resolution
Adopting Local Standards and Procedures
for the Design, Site Development, and
Operation of Homeless Shelters**



BACKGROUND

- The number of homeless adults and children has been increasing in the City of Banning;
- The COVID-driven loss of employment and income has led to increases in homeless populations;
- The City has several illegal homeless encampments, creating a public health and safety concerns; and
- Homeless populations create increased risk of exacerbating existing conditions.



Project Description

- Ordinance 1585 will add a new Chapter 15.80 to Title 15
- Amend Appendix “O” and Appendix “X” of the California Building/Residential Codes
- Create local standards and procedures for design, site development, and operation of homeless shelters and facilities



Project Description

- Site specific design standards are needed due to the type of temporary shelter products reasonable available in the market









Scope of Amendments

- **EMERGENCY HOUSING.** Housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units, and tents constructed in accordance with this appendix. Emergency Housing includes “homeless shelters” as defined in Government Code Section 8698.4(c)(1).



Scope of Amendments

- **OCCUPANT LOAD.** Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area *shall not be less than 30 square feet* (2.8 m²) for one occupant. Where more than one person occupies the building/structure, the *required floor area shall be increased at a rate of 30 square feet* (2.8 m²) for each occupant in excess of one.



Exceptions to Occupant Load Definition

- 1. Tents.
- 2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable.
- 3. For emergency housing, including emergency sleeping cabins, the minimum interior floor area may be reduced to 30 square feet (2.8 m²) if the enforcing agency determines that 30 square feet (2.8 m²) is adequate space for a single-occupancy sleeping unit.



Exceptions

- **Egress window or hatch.** The bottom of the clear opening of the egress window or hatch shall not be more than 44 inches (1118 mm) above the floor. The egress window or hatch shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window or hatch shall have a minimum net clear opening area of 5 square feet (0.465 m²).



Recommendation

That the City Council, Introduce Ordinance 1585, and Schedule a Public Hearing for October 11, 2022, per Gov. Code, § 50022.3.



Thank You & Questions

Exhibit D - Agenda Item 8.2



NOTICE OF PUBLIC HEARING OF THE CITY OF BANNING REGARDING PROPOSED ADOPTION OF WATER AND WASTEWATER SERVICE RATE ADJUSTMENTS AND INCREASES

You are receiving this notice because you are the owner of record of a property that receives water and/or wastewater (sewer) services from the City of Banning ("City") or are a property tenant that is directly liable for payment of the City's water and/or wastewater service charges. The City proposes to adopt adjustments to the water and wastewater service charge rate structures, which includes increases to the water and wastewater charges. This notice describes the proposed service rate adjustments and increases required to recover the cost of providing reliable water and sewer service to City customers.

NOTICE IS HEREBY GIVEN that the City will hold a public hearing on November 8, 2022 at 5:00 p.m., or as soon thereafter as the matter may be heard, to consider the adoption of proposed increases to the water and wastewater service rates. The public hearing will be held in the City Council Chambers, located at 99 E. Ramsey Street, Banning, CA 92220. Please check the November 8, 2022 City Council agenda once it is posted on the City's website for information as to how to participate in the City Council meeting.

Reasons for the Proposed Increases to the Water and Wastewater Service Rates

The City is committed to establishing equitable charges and providing high quality and reliable water service and uninterrupted sewer service at the lowest possible rates for its customers. It is critically important for the City to maintain, repair and, when needed, replace aging system infrastructure and keep pace with increasing operating costs.

While focused on balancing affordability with reliability, the City has identified several priority projects needed to operate the water and wastewater systems. Notable water system projects include: water main replacements, well rehabilitation, new water production well, booster stations and fire flow improvement projects. Notable wastewater system projects include: various wastewater treatment plant improvements to provide tertiary treatment and production of recycled water; and sewer collection system improvements.

Monthly water and sewer service fees are the primary source of revenue used to cover the expenditures to provide water and wastewater services to the City's customers. The City hired an independent consultant to conduct a water and wastewater rate study to determine the cost of providing reliable water and wastewater services and develop suitable rate schedules. The rate study recommended that the City increase its current water and wastewater service rates over a five-year period based upon increased costs for purchased water, increased operating costs, capital program requirements, infrastructure maintenance and repair, debt service and reserve requirements.

The current rate structure for water service includes a fixed, monthly base meter charge based on water meter size and a variable usage charge based on units of consumption (1 unit = 1HC = 748 gallons) determined on an inclining three-tier structure. The proposed rate adjustments include increases over a five-year period to the base meter rates and the commodity

rates, the restructuring of the three-tiers to modify the tier break points, establishment of a new fire service charge for private fire service connections based on meter size to cover maintenance and capacity costs associated with private fire protection costs, and a new drought surcharge to recover revenue losses as a result of decreases in consumption due to drought conditions.

The current rate structure for wastewater services includes a monthly fixed charge based on equivalent dwelling units (EDUs) and a tertiary surcharge based on EDUs. The proposed rate adjustments include increases over a five-year period to the fixed charge and the establishment of separate rates for residential and commercial customer classes. The following tables provide the current and proposed water and wastewater service rates for all customers. If approved following the public hearing, the adjustments will take effect on January 1, 2023, with additional increases effective on July 1, 2023 (wastewater only), January 1, 2024, January 1, 2025, January 1, 2026 and January 1, 2027 as shown below.

FIXED BASE WATER METER RATES

Customer Class	Current	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Effective Date		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Service Charge (\$/Month)						
5/8"	\$24.28	\$25.74	\$27.75	\$30.92	\$33.64	\$35.66
3/4"	\$24.28	\$25.74	\$27.75	\$30.92	\$33.64	\$35.66
1"	\$36.81	\$38.36	\$41.08	\$44.84	\$48.97	\$51.91
1-1/2"	\$68.10	\$69.90	\$74.39	\$79.63	\$87.31	\$92.53
2"	\$105.66	\$107.75	\$114.37	\$121.38	\$133.31	\$141.27
3"	\$193.33	\$208.68	\$220.97	\$232.72	\$255.98	\$271.25
4"	\$318.60	\$322.23	\$340.91	\$357.97	\$393.98	\$417.48
6"	\$631.56	\$637.64	\$674.05	\$705.90	\$777.33	\$823.68
8"	\$1,007.21	\$1,016.14	\$1,073.82	\$1,123.41	\$1,237.34	\$1,311.11

WATER USEAGE RATES

Customer Class	Current	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Effective Date		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Commodity Charges (\$/HCF)						
All Customers						
Tier 1 (0-12 HCF)*	\$2.13					
Tier 2 (13-25 HCF)*	\$2.71					
Tier 3 (26+ HCF)*	\$3.06					
Tier 1 (0-7 HCF)	N/A	\$2.42	\$2.76	\$3.10	\$3.48	\$3.96
Tier 2 (8-15 HCF)	N/A	\$2.62	\$2.97	\$3.31	\$3.72	\$4.23
Tier 3 (16+ HCF)	N/A	\$3.15	\$3.52	\$3.88	\$4.31	\$4.83

*Note the proposed revisions to the three-tiered structure.

FIRE SERVICE RATES

Customer Class	Current*	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Effective Date		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Fire Service (\$/Month)						
2"	N/A	\$24.25	\$25.45	\$25.56	\$28.78	\$30.69
4"	N/A	\$38.79	\$40.72	\$40.89	\$46.05	\$49.10
6"	N/A	\$77.59	\$81.43	\$81.78	\$92.09	\$98.21
8"	N/A	\$121.23	\$127.24	\$127.79	\$143.89	\$153.45
10"	N/A	\$242.46	\$254.48	\$255.57	\$287.79	\$306.90
12"	N/A	\$387.94	\$407.16	\$408.91	\$460.46	\$491.04

*Currently there is no fee for a dedicated fire service line.

DROUGHT SURCHARGE

Description	Additional Conservation compared to Baseline					Greater than

	10%	20%	30%	40%	50%	50%*
FY 2023	\$0.18	\$0.42	\$0.71	\$1.11	\$1.66	\$2.49
FY 2024	\$0.22	\$0.49	\$0.84	\$1.30	\$1.95	\$2.93
FY 2025	\$0.25	\$0.57	\$0.98	\$1.52	\$2.28	\$3.43
FY 2026	\$0.30	\$0.66	\$1.14	\$1.77	\$2.65	\$3.98
FY 2027	\$0.34	\$0.77	\$1.32	\$2.05	\$3.07	\$4.61

* “Greater than 50%” represents surcharge for of up to 60% conservation. Surcharge for conservation greater than 60% will have to be calculated.

FIXED SEWER RATES AND SURCHARGE

Customer Class	Current	FY 2023	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027
Fixed Charge (\$/Month/EDU)							
Effective Date		1/1/2023	7/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Residential	\$21.42	\$30.20	\$37.75	\$47.12	\$49.01	\$49.69	\$51.35
Commercial	\$21.42	\$32.81	\$41.01	\$51.57	\$51.03	\$56.06	\$56.98
Tertiary Surcharge	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32

Public Hearing and Protest Process

At the public hearing, the City Council will hear and consider all objections or protests to the proposed increases to water and wastewater service rates. Any property owner or property tenant that is directly responsible for payment of water service charges (each a “water customer”) may submit a written protest against the proposed increases to the water rates. Any property owner or property tenant that is directly responsible for payment of wastewater service charges (each a “sewer customer”) may submit a written protest against the proposed increases to the wastewater rates. If a parcel has more than one water customer and/or sewer customer, only one written protest against the proposed increases to the water or wastewater rates, as applicable, will be counted. A majority protest against the water rate increases will exist if at the end of the public hearing there are written protests submitted by a majority of the water customers subject to the proposed water rate increases. A majority protest against the wastewater rate increases will exist if at the end of the public hearing there are written protest submitted by a majority of the sewer customers subject to the projected wastewater rate increases. The City Council cannot adopt the proposed increases to the water rates or wastewater rates if a majority protest exists.

Written protests may be emailed to CityClerks@banningca.gov, mailed to City Clerk’s Office, PO Box 998, Banning, CA 92220 or personally delivered to the City Clerk’s Office, Banning City Hall, 99 E. Ramsey Street, Banning, CA 92220. Written protests may also be emailed or personally delivered to the City Clerk’s Office during the public hearing. To be counted, the protest must (1) be in writing, (2) state opposition to the proposed increases to the water and/or wastewater rates, (3) identify the parcel (by assessor’s parcel number or street address), (4) include the original signature of the water customer and/or sewer customer, submitting the protest, and (5) be received before the conclusion of the public hearing on November 8, 2022. Protests which are mailed to City Hall must arrive at City Hall prior to 5:00 p.m. on November 8, 2022 to be counted. **All written protests, including those received by email, must include a signature of the customer to be counted.**

For your convenience, the City has enclosed a Proposition 218 Protest Form with this notice. You may, but are not required to, use this form to submit a written protest.

For questions or additional information regarding the proposed increases to water and wastewater service charges, you may call the Public Works Department at (951)922-3130.

Este aviso tiene información importante sobre los aumentos de tarifas propuestos. Por favor, hágalo traducir o hable con alguien que entienda la información.



City of Banning

**PROPOSITION 218 PROTEST FORM
PROPOSED ADOPTION OF INCREASES TO WATER
AND WASTEWATER SERVICE RATES**

By checking the applicable box(es) and signing below, I protest the proposed increases to the water and/or wastewater service rates described in the Notice of Public Hearing of the City of Banning regarding Proposed Adoption of Increases to Water and Waterwater Service Charges.

<input type="checkbox"/>	I protest the rate adjustments for water service.
<input type="checkbox"/>	I protest the rate adjustments for wastewater service.

Complete this section if you own a property that receives water and/or wastewater (sewer) services from the City of Banning

Property Owner and Parcel Information

Property Owner Name: _____

Assessor's Parcel Number (APN): _____

Street Address: _____

City, State, Zip Code: _____

Complete this section if you are a property tenant that is directly liable for payment of City of Banning water and/or wastewater service charges

Customer Information

Customer Name: _____

Customer Account Number: _____

Service Street Address: _____

City, State, Zip Code: _____

Property Owner or Customer Signature: _____

Signature Date: _____

Email to CityClerks@banningca.gov, mail to City Clerk's Office, PO Box 998, Banning, CA 92220 or personally deliver this form to the City Clerk's Office, Banning City Hall, 99 E. Ramsey Street, Banning, CA 92220 or email to or personally deliver this form to the City Clerk's Office during the Public Hearing. Forms which are mailed to City Hall must arrive at City Hall prior to 5:00 p.m. on November 8, 2022 to be counted.