



# PLANNING COMMISSION REGULAR MEETING

99 E Ramsey Street, Banning, CA

Wednesday, November 2, 2022 - 6:30 PM

## ACTION MINUTES

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I. CALL TO ORDER at 6:30 p.m.

**ROLL CALL**

COMMISSIONERS	PRESENT	ABSENT
Brosious Scott	X	
Figueroa Alannah	X	
Krick Richard	X	
Lopez David	X	
Shaw Eric	X	

II. PUBLIC COMMENTS: (ITEMS NOT ON THE AGENDA)

Public comments opened by Chair Brosious.

**Inge Schuler**, resident of Banning said she wants to make sure that people that live North of the Sun Lakes Community are aware that they are part of District 3.

**John Hagen**, resident of Banning said the State is considering a 1,000 ft. set-back to any large warehousing projects adjacent to any residential zone. He feels the City should see the need for this also. The City's Ordinance originally called for a 600-foot setback, for Cannabis facilities, from residential areas. This item went to the City Council who voted for a Zero (0) set-back without asking for comments from the public. (NOTE: The City Council actually eliminated any zone-related setback above and beyond that of the underlying zoning district).

Fires are well known for happening at cannabis facilities and the City does not have a Fire station on the south side of the freeway Mr. Hagen feels there's enough reason to have the set-back reinstated or follow the State's example and increase it to 1,000 ft. Mr. Hagen also asked the Commission to help reinstate some type of buffer.

**Lynnea Hagen**, resident of Banning read articles relating to cannabis growth facilities. She said we are in a drought and were told to cut back on water consumption; 209 gallons of water times the square footage of the building is used in cannabis growth facilities a year for irrigation. She said regulations about the cannabis odor are not being kept at the cannabis building on Hathaway and Westward Street.

**Jack Anderson** said Banning residents are dealing with the stench coming from the Westward and Hathaway facility daily.

**Cierra Rounds** said she’s opposed to the cannabis warehouse being proposed tonight on Charles Street mainly because of the bad stench.

**Stewart McKensie**, resident of Banning said he has not seen anything about improving District 2 with shops and other retails stores.

**Sherie Flynn**, said she’s a resident of Banning on District 3. She said there is an upcoming recall election on December 13<sup>th</sup>. The ballot will have two specific questions. She said it’s imperative that the first question is answered first to be able to move to question number two, which will ask who you wish to vote for to replace the Council member that resigned.

Public comments closed by Chair Brosious.

**III. CONSENT CALENDAR ITEM:**

**Motion to approve minutes of September 7, 2022, Regular Meeting.**

Motion by Commissioner Shaw.  
Seconded by Vice Chair Krick.

COMMISSIONERS	YES	NO	ABSTAIN	RECUSE	ABSENT
Brosious Scott	X				
Figueroa Alannah	X				
Krick Richard	X				
Lopez David	X				
Shaw Eric	X				

Motion approved by a vote of (5-0-0) passed.

**IV. PUBLIC HEARINGS: opened at 6:50 p.m.**

1. NOTICE OF EXEMPTION FOR CONSIDERATION OF CONDITIONAL USE PERMIT (CUP) 22-8011, A PROPOSAL TO ALLOW FOR THE OPERATION OF A MEDICAL CLINIC IN AN EXISTING BUILDING LOCATED AT 161 WEST RAMSEY STREET, WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONING DISTRICT. (APN: 540-167-029).

Adam Rush, Community Development Director presented the staff report.

Public comments opened.

**Juanita Diaz**, resident of Banning said she's in favor of this project. Many people that may not have health insurance will be able to use this facility without having to travel to the neighboring City.

Public comments closed by Chair Brosious.

Motion that the Commission adopts Resolution 2022-16.

- I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities); and
- II. Approve Conditional Use Permit (CUP) 22-8011 to permit the operation of a Medical Clinic in the Downtown Commercial (DC) Zoning District.

Motion by Vice Chair Krick.

Seconded by Commissioner Shaw.

COMMISSIONERS	YES	NO	ABSTAIN	RECUSE	ABSENT
Brosious Scott	X				
Figueroa Alannah	X				
Krick Richard	X				
Lopez David	X				
Shaw Eric	X				

Motion approved by a vote of (5-0-0) passed.

2. NOTICE OF EXEMPTION FOR CONSIDERATION OF DESIGN REVIEW (DR 22-7005, PROPOSAL TO CONSTRUCT AN 82,204 SQUARE FOOT LIGHT INDUSTRIAL BUILDING IN THE INDUSTRIAL (I) ZONE ON REAL PROPERTY LOCATED ON THE NORTH SIDE OF CHARLES STREET, 1,260 FEET EAST OF HATHAWAY STREET (APN: 532-180-045).

Adam Rush, Community Development Director presented a PowerPoint describing the proposed project and recommending the Planning Commission take the following action:

- Open the Public Hearing
- Solicit and accept Public Testimony
- Continue the Public Hearing to the December 7<sup>th</sup> Planning Commission meeting.

Public comments opened.

Three letters of opposition were received by email from Lozeau Drury, Tracy Miranda, Bridget Nigh and Kathleen Dale and Tiffany Nash-Jordon. Copies were received and filed.

Twelve (12) members of the public spoke against the project. The top concerns are quality of life issues, such as increased traffic impacts on Charles Street, air quality control, water, and noise.

Public comments closed by Chair Brosious

Motion by Vice Chair Krick, Seconded by Commissioner Shaw to continue the Public Hearing to the December 7<sup>th</sup> Planning Commission meeting.

COMMISSIONERS	YES	NO	ABSTAIN	RECUSE	ABSENT
Brosious Scott	X				
Figueroa Alannah	X				
Krick Richard	X				
Lopez David		X			
Shaw Eric	X				

Motion approved by a vote of (4-1-0) passed, with Commissioner Lopez voting no.

3. NOTICE OF EXEMPTION FOR CONSIDERATION OF TENTATIVE PARCEL MAP NO. 38367 (TPM 22-4001), A PROPOSAL TO SUBDIVIDE ONE (1) LOT INTO THREE RESIDENTIAL LOTS LOCATED WESTERLY OF N. 16<sup>TH</sup> STREET, NORTHERLY OF W. WILLIAMS STREET, AND SOUTHERLY OF W. NICOLET STREET, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) ZONING DISTRICT (APN: 538-142-018).

Emery Papp, Senior Planner presented the staff report.

Public comments opened.

An email from Carolina Perez was received on November 1<sup>st</sup> opposing the project. Copy was received and filed.

No further comments from the public.

Public comments closed by Chair Brosious.

Motion that the Commission adopts Resolution 2022-19 recommending that the City Council:

- I. Decide under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions); and
- II. Approve Tentative Parcel Map No. 38367 (TPM 22-4001) to subdivide one (1) lot into three (3) residential lots in the Low Density Residential (LDR) Zoning District.

Motion by Vice Chair Krick.

Seconded by Commissioner Lopez.

COMMISSIONERS	YES	NO	ABSTAIN	RECUSE	ABSENT
Brosious Scott	X				
Figueroa Alannah	X				
Krick Richard	X				
Lopez David	X				
Shaw Eric	X				

Motion approved by a vote of (5-0-0) passed.

4. NOTICE OF INTENT TO ADOPT AN ADDENDUM, TO A PREVIOUSLY PREPARED ENVIRONMENTAL IMPACT REPORT (EIR), AND PUBLIC HEARING FOR TENTATIVE TRACT MAP (TTM) 37389, PROPOSING TO SUBDIVIDE APPROXIMATELY 153 ACRES FOR OPEN SPACE PURPOSES. THE PROJECT IS IN THE BUTTERFIELD SPECIFIC PLAN ZONING DISTRICT (PA 5A, 5B, 9A, 9C, 10-13, 19, 27-30, 35A) ON REAL PROPERTY LOCATED NORTHERLY OF WILSON STREET, WESTERLY OF HIGHLAND HOME ROAD, AND SOUTHERLY OF 14<sup>th</sup> STREET (APN 408-120-006; -019; -024; -026; -028; AND PORTIONS OF 408-120-001; -020).

Adam Rush, Community Development Director said an error was made by noticing Tentative Tract Map (TTM) 37389 which was previously approved. Staff will bring Tentative Trac Map (TTM) 37388 at the next meeting.

Motion by Vice Chair Krick to take the item off the calendar.  
Seconded by Commissioner Figueroa.

COMMISSIONERS	YES	NO	ABSTAIN	RECUSE	ABSENT
Brosious Scott	X				
Figueroa Alannah	X				
Krick Richard	X				
Lopez David	X				
Shaw Eric	X				

Motion approved by a vote of (5-0-0) passed.

5. NOTICE OF EXEMPTION FOR CONSIDERATION OF DESIGN REVIEW (DR) 21-7016, A PROPOSAL TO ALLOW FOR THE CONSTRUCTION OF A 93,435 SQUARE FOOT BUILDING INTENDED FOR FUTURE CULTIVATION OF COMMERCIAL CANNABIS LOCATED IN THE INDUSTRIAL (I) ZONE ON REAL PROPERTY LOCATED ON THE EAST OF SOUTH JUAREZ STREET; SOUTH OF WESTWARD AVENUE; AND NORTH OF CHARLES STREET (APN: 543-090-019).

Adam Rush, Community Development Director presented a PowerPoint describing the proposed project and recommending the Planning Commission take the following action:

- Open the Public Hearing
- Solicit and accept Public Testimony
- Continue the Public Hearing to the December 7<sup>th</sup> Planning Commission meeting.

Public comments opened.

Three letters of opposition were received by email from Lozeau Drury, Bridget Nigh and Kathleen Dale. Copies were received and filed.

Twenty (20) members of the public spoke against the project. The top concerns are quality of life issues, such as increased traffic impacts, air quality control, water, noise, and decrease residential property values.

Public comments closed by Chair Brosious.

Motion by Vice Chair Krick, Seconded by Commissioner Shaw to continue the Public Hearing to the December 7<sup>th</sup> Planning Commission meeting.

COMMISSIONERS	YES	NO	ABSTAIN	RECUSE	ABSENT
Brosious Scott	X				
Figueroa Alannah		X			
Krick Richard	X				
Lopez David		X			
Shaw Eric	X				

Motion approved by a vote of (3-2-0) passed, with Commissioner’s Figueroa and Lopez voting no.

**V. PLANNING COMMISSIONER COMMENTS**

The Commission asked for Directors comments.

**VI. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

Nate Smith, Deputy Director of Public Works said the Public Works Department is currently working on the Complete Streets Revitalization Plan and the Active Transportation Plan (ATP). He said Staff is seeking input from the community for a strategic document that includes planning and recommendations to serve all users of public roadway. For more information click on the link below:

<https://engagebanning.civilspace.io/en/projects/banning-active-transportation-plan>

Director Rush gave a status update on current projects and introduced Steve Flower, Assistant City Attorney to the Commission.

**VII. ADJOURNMENT**

Adjournment of the Planning Commission of the September 7, 2022, Meeting at 9:37 p.m.

The next regular meeting of the Banning Planning Commission is scheduled for Wednesday, December 7, 2022, at 6:30 p.m. in the City Council Chambers.

Minutes prepared by:

**Sandra B. Calderon**

Sandra B. Calderon  
Planning Commission Secretary

***The entire discussion of this meeting may be viewed here:***

**<https://banninglive.viebit.com/player.php?hash=4z4tJah8Hntp>**

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

**<https://www.banningca.gov/ArchiveCenter/ViewFile/Item/2732>**

**2023 PLANNING COMMISSION  
AGENDA/STAFF REPORT SCHEDULE  
(1ST WEDNESDAY OF THE MONTH)**

Planning Commission Meeting 6:30PM	20-day Environmental Ad Deadline to Submit to Newspaper	10-day Ad deadline to Submit to Newspaper	Reports to CD Director	Reports to Asst. City Attorney for Review	Property Owner Notices	Final Reports (with attachments due to Sandra in AM)
1/11/2023	12/13/2022	12/27/2022	12/23/2022	12/27/2022	12/30/2022	1/5/2023
2/1/2023	1/3/2023	1/17/2023	1/13/2023	1/17/2023	1/20/2023	1/26/2023
3/1/2023	1/31/2023	2/14/2023	2/10/2023	2/14/2023	2/17/2023	2/23/2023
4/5/2023	3/7/2023	3/21/2023	3/17/2023	3/21/2023	3/24/2023	3/30/2023
5/3/2023	4/4/2023	4/18/2023	4/14/2023	4/18/2023	4/21/2023	4/27/2023
6/7/2023	5/9/2023	5/23/2023	5/19/2023	5/23/2023	5/26/2023	6/1/2023
7/12/2023	6/13/2023	6/27/2023	6/23/2023	6/27/2023	6/30/2023	7/6/2023
NO MEETING						
9/6/2023	8/8/2023	8/22/2023	8/18/2023	8/22/2023	8/25/2023	8/31/2023
10/4/2023	9/5/2023	9/19/2023	9/15/2023	9/19/2023	9/22/2023	9/28/2023
11/1/2023	10/3/2023	10/17/2023	10/13/2023	10/17/2023	10/20/2023	10/26/2023
12/6/2023	11/7/2023	11/21/2023	11/17/2023	11/21/2023	11/24/2023	11/30/2023