



# City of Banning

## Community Development Department

**NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION FOR CONDITIONAL USE PERMIT 22-8003 TO CONSIDER A PROPOSAL TO AUTHORIZE A CANNABIS MANUFACTURING LEVEL 1 FACILITY LOCATED IN THE INDUSTRIAL (I) ZONE ON REAL PROPERTY LOCATED AT 195 E. LINCOLN STREET, BANNING, CA 92220 (APN 541-220-017)**

**NOTICE IS HEREBY GIVEN** of a public hearing before the City of Banning Planning Commission, to be held Wednesday, September 7, 2022, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption and Conditional Use Permit (CUP) 22-8003, a proposal to allow for the operation of a commercial cannabis manufacturing facility. The Community Development Department has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to section 15301 (Existing Facilities).

To observe and participate in the online video portion of the meeting, through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/89561454841?pwd=QmhOcDYzb0t0NDYvejZhNUo0R01LZz09>

Meeting ID: 895 6145 4841  
Passcode: 092220  
Dial in: +1 669 900 9128 US

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: <https://banninglive.viebit.com> or on the Banning Government Channel on Cable Television

Information regarding the Notice of Exemption and Conditional Use Permit, can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at: <https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=>

All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing by accessing the videoconference or by sending their written comments by email to [scalderon@banningca.gov](mailto:scalderon@banningca.gov) or by mail to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission Recording Secretary prior to, at, or during the time the Planning Commission makes its recommendation on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam Rush, M.A., AICP  
Community Development Director

Dated: August 23, 2022  
Publish: August 26, 2022

CITY OF BANNING

PROJECT NUMBERS: CUP 22-8003, CP 22-8004 (Project Code Number CU2208)



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Feet

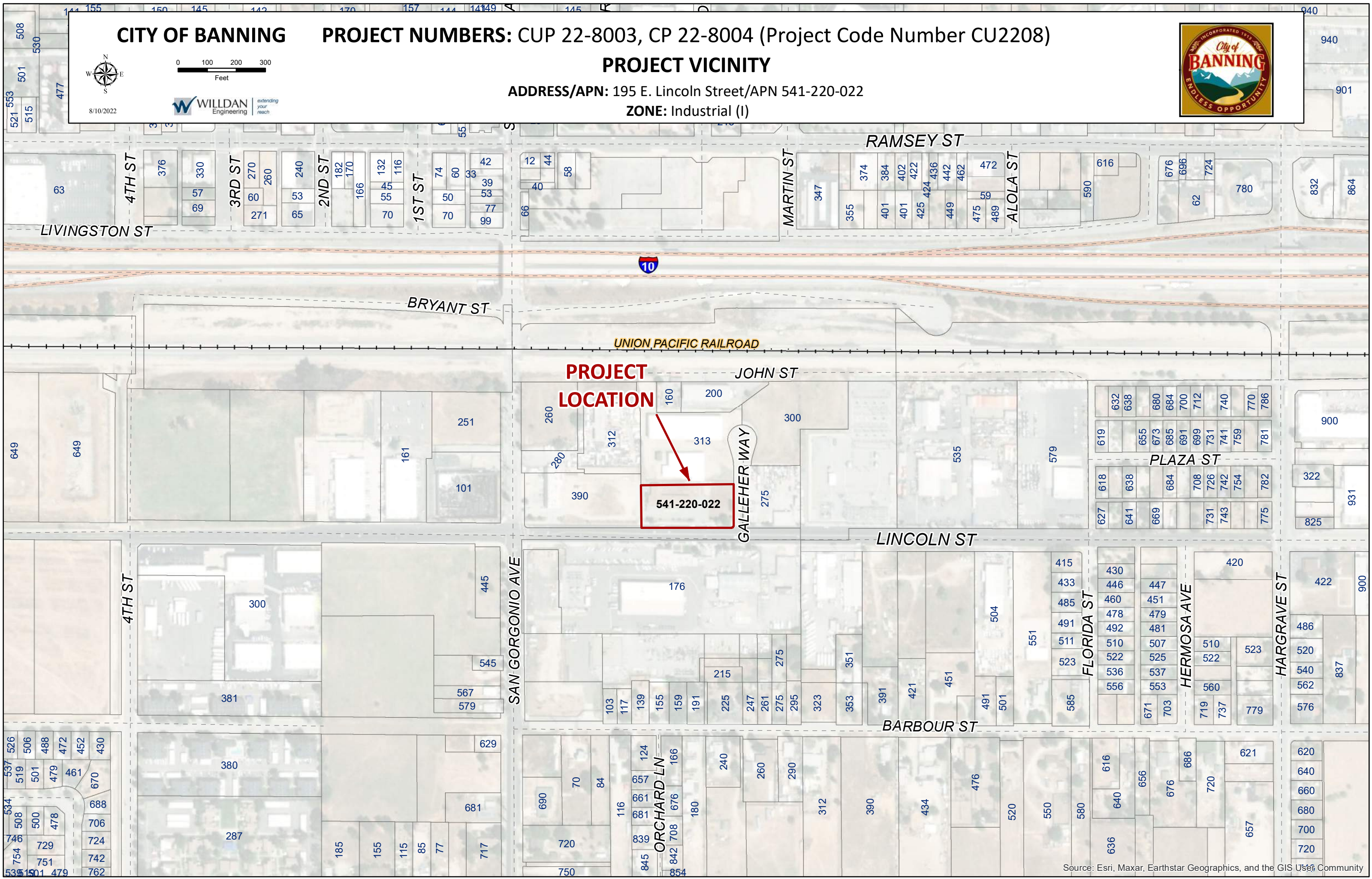


8/10/2022

## PROJECT VICINITY

ADDRESS/APN: 195 E. Lincoln Street/APN 541-220-022

ZONE: Industrial (I)





**CITY OF BANNING  
PLANNING COMMISSION STAFF REPORT**

**TO:** PLANNING COMMISSION

**FROM:** Adam B. Rush, Community Development Director

**PREPARED BY:** Mark de Manincor, Contract Planner

**MEETING DATE:** September 7, 2022

**SUBJECT:** Resolution 2022-12, Recommending that the City Council make a Determination of Exemption under CEQA Guidelines Section 15301 and Approve Conditional Use Permit 22-8003, to Allow the Commercial Manufacturing of Cannabis (Type 6: Non-Volatile Solvent Manufacturing or Mechanical Extraction) within an Existing Industrial Building Located at 195 East Lincoln Street (APN: 541-220-017) in the Industrial (I) Zoning District

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**RECOMMENDED ACTION:**

Staff recommends the Planning Commission adopt Resolution 2022-12, recommending that the City Council make a determination that the Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and approve Conditional Use Permit 22-8003 to allow for commercial manufacturing of cannabis, using non-volatile methods, within an existing industrial building located at 195 East Lincoln Street (APN: 541-220-017) in the Industrial (I) zoning district, subject to the recommended conditions of approval.

**PROJECT / APPLICANT INFORMATION:**

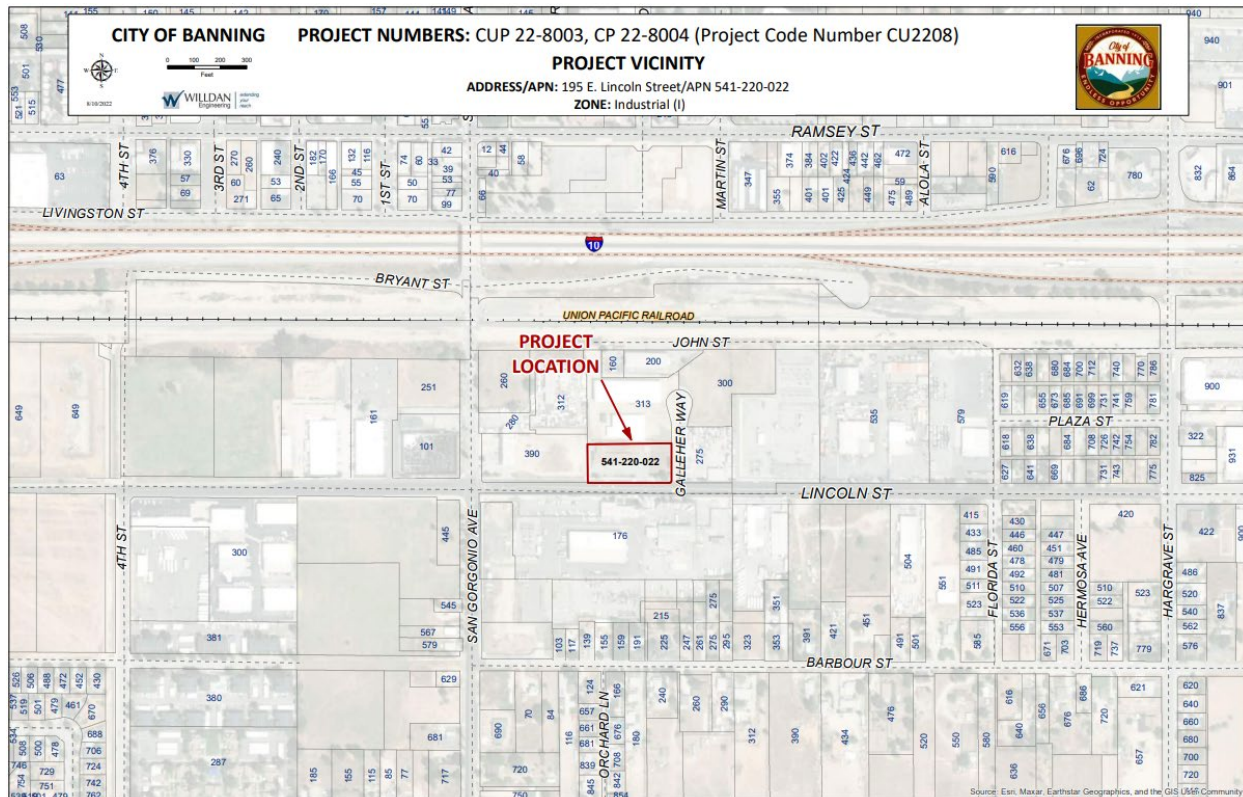
Project Location	195 East Lincoln Street, Banning, CA 92220
APN Information:	541-220-017
Project Applicant:	Tres Jotas Properties, LP Attn: Jeffrey Michael Martinez 27 Sierra Madre Way Rancho Mirage, CA 92270
Property Owner:	Hank Lefler 195 E. Lincoln Street

Banning, CA 92220

**REQUEST:**

The operation of a commercial cannabis manufacturing facility using non-volatile extraction methods under a Type 6 license issued by the Department of Cannabis Control.

**FIGURE 1, Project Vicinity**



**DESCRIPTION:**

The applicant proposes to improve the interior of an existing industrial building that is currently vacant for the operation of a commercial cannabis manufacturing business. The State of California Department of Cannabis Control's regulations provide that the proposed use will manufacture three main products (1) live resin (2) cannabis oil (3) distillate. The activity will include the extraction of oil from raw cannabis flower using a low pressure, closed-loop, non-volatile solvent-based extraction machine.

This industrial building is approximately 6,310 square feet in floor area. The applicant proposes to operate in two phases by utilizing 3,374 square feet for phase 1 and eventually moving into phase 2 whereby an additional 1,649 square feet of floor area will be used for a total of 5,023 square feet. The remaining 1,287 square feet of floor area will remain as storage area for the owner and will be separated from the manufacturing

business by walls and locked doors. The area used for the manufacturing business will contain a lobby, office, storage room, security room, break room, extraction equipment room, decarb oven room, waste storage room and rest room.

In accordance with Banning Municipal Code (BMC), the applicant proposes a security plan with cameras, guards, and surveillance equipment. There will be adequate security lighting and protocols to minimize potential security threats.

### Surrounding Land Use

The site consists of one 6,310 square foot industrial building with parking and a trash enclosure. The property is surrounded by developed industrial uses and structures. The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for the Planning Commission's consideration in Figures 2 and 3 and Table 1, detailed below:

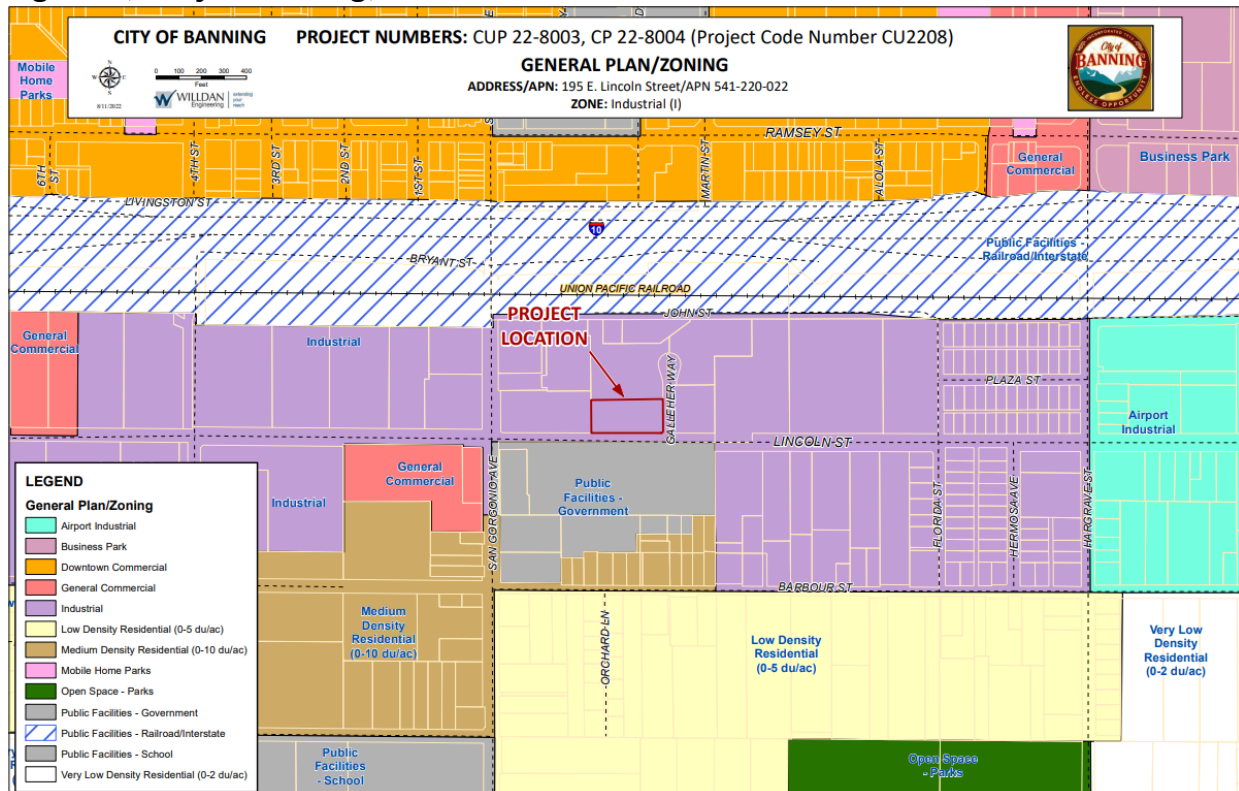
**FIGURE 2, Vicinity Map:**



**TABLE 1, Land Use Summary Table:**

	Existing Land Use	Zoning Classification	General Plan Designation
<b>Subject Site</b>	Developed Industrial	(I)	(I)
<b>North</b>	Developed Industrial	(I)	(I)
<b>South</b>	Developed Public Facility- Government (PF-G)	(PF-G)	(PF-G)
<b>East</b>	Developed Industrial	(I)	(I)
<b>West</b>	Developed Industrial	(I)	(I)

**Figure 3, Project Zoning,**



## **PROJECT ANALYSIS:**

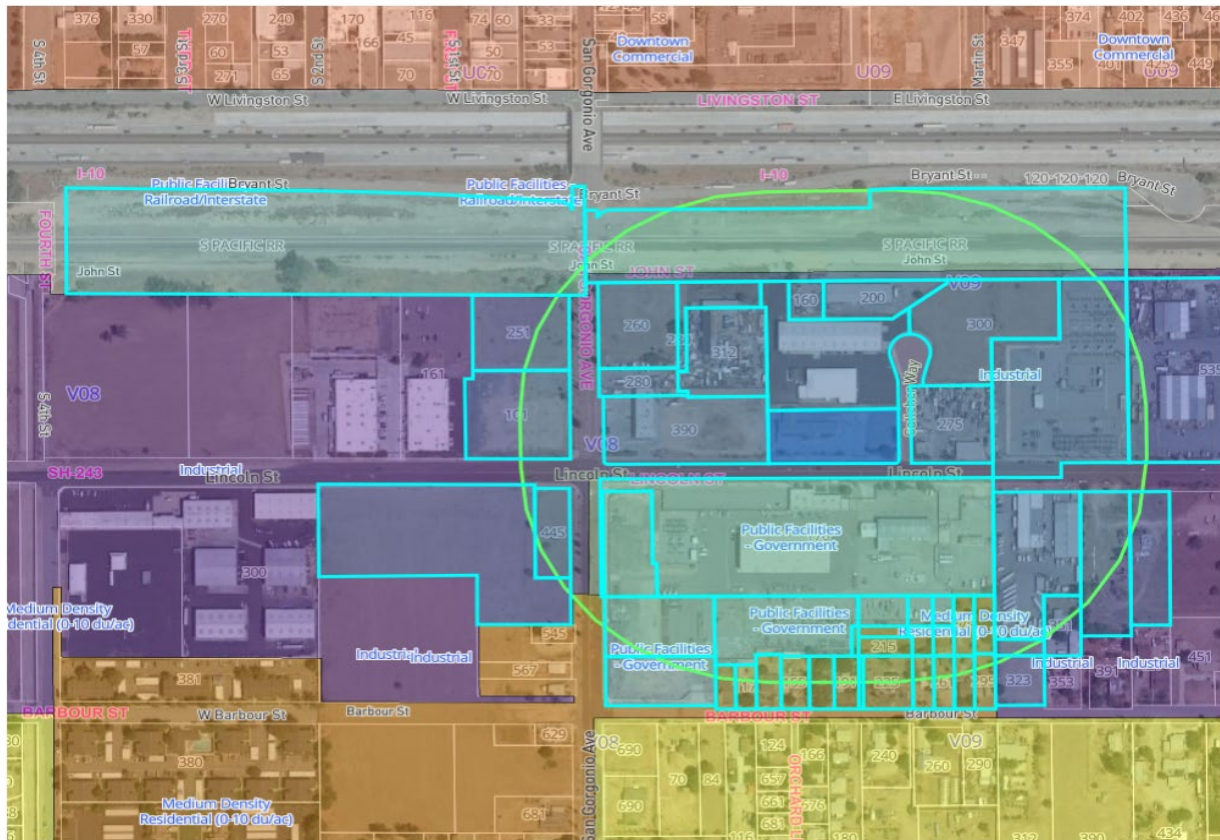
### **Zoning**

Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) of Section 17.12.020 of Chapter 17.12 of Title 17 of the BMC provides that Cannabis Manufacturing Level 1 is permitted in the Industrial (I) zoning district, subject to approval

of a Cannabis CUP by the City Council, after recommendation by the Planning Commission, and subject to the requirements of BMC Chapter 17.53.

Additional requirements identified in BMC Chapter 17.53 state the cannabis manufacturer must be at least 600-feet from any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, or park. (See BMC § 17.53.080.B.) The proposed location of the commercial cannabis manufacturing facility is compliant with the above-mentioned requirements. For a radius map demonstrating the 600-foot buffer, see Figure 4 below.

**FIGURE 4, CUP 600-Foot Radius Map:**



### Conditional Use Permit

In accordance with BMC Section 17.52.010, the purpose of a Conditional Use Permit is:

- A. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.

- B. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients or patients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

BMC Sections 17.52.050 (Findings) and 17.53.060.A.1. collectively provide:

After a public hearing, the Planning Commission shall make a recommendation on a Cannabis CUP to the City Council identifying the findings upon which such recommendation is based. The Planning Commission may recommend approval or modification of a Cannabis CUP application in whole or in part, with or without conditions, only if all the following findings are made:

- A. The proposed use is consistent with the General Plan;
- B. The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of Title 17 of the Banning Municipal Code;
- C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
- D. The subject site is physically suitable for the type and intensity of land use being proposed;
- E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- F. There is no significant effect upon environmental quality; natural resources; or neighborhood characteristics; and
- G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings have been made and can be found in Planning Commission Resolution 2022-12 (Attachment 1).

BMC Section 17.53.060 (Procedures, and Findings for Approval of Cannabis Conditional Use Permit) states:

- A. A cannabis conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.52, Conditional Use Permits, with the following exceptions:
  - 1. Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the cannabis conditional use permit and that the approval of such permit shall be made by the City Council.
  - 2. Sections 17.52.020 (Application Procedures) and 17.52.080 (Modifications) shall not apply.
  - 3. Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.
- B. An applicant for a cannabis conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis conditional use permit shall be granted until the requisite CEQA review has been conducted.

Staff believes that approval of the CUP will serve the community by providing a location for the manufacture of cannabis and providing for jobs and tax revenue.

#### **ENVIRONMENTAL DETERMINATION:**

##### California Environmental Quality Act (CEQA)

Planning Division staff has determined that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption) because the Project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure, involving negligible or no expansion of an existing use, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

##### Multiple Species Habitat Conservation Plan (MSHCP).

The Project is not subject to MSHCP as the Project is an existing facility with no expansion of the current structural footprint.

#### **PUBLIC COMMUNICATION:**

Proposed Conditional Use Permit 22-8003 was advertised in the Record Gazette newspaper on August 26, 2022 (Attachment 3). As of the date of this report, staff has not received any written comments on the Project.

Prepared by:

Reviewed by:

Mark de Manincor

Mark de Manincor  
Contract Planner

Adam B. Rush, AICP

Adam B. Rush, M.A., AICP  
Community Development Director

**ATTACHMENTS:**

1. <https://www.banningca.gov/DocumentCenter/View/11291/PC-Resolution-2022-12-with-COAs>
2. <https://www.banningca.gov/DocumentCenter/View/11274/CUP-22-8003-Project-Plans>
3. <https://www.banningca.gov/DocumentCenter/View/11275/CUP-22-8003-Public-Hearing-Notice>
4. <https://www.banningca.gov/DocumentCenter/View/11276/CUP-22-8003-NOE>