



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: David Newell, Community Development Director

MEETING DATE: July 8, 2025

SUBJECT: Consideration of Resolution 2025-105, Rescinding City Council Resolution 2025-59, Resolution 2025-60, and Ordinance 1609 for Approvals Related to an Industrial Development Consisting of 1,320,284-Square Foot Warehouse Building on Approximately 131.28-Acres of Vacant Land Generally Located East of Hathaway Street and North of Interstate 10

RECOMMENDATION:

Adopt Resolution 2025-105.

BACKGROUND:

On May 27, 2025, the City Council took the following actions related to the Banning Commerce Center Project, a proposed industrial development consisting of a 1.3-million-square foot building on 131 acres of land generally located east of Hathaway Street and north of the Interstate 10 freeway:

- Resolution 2025-59: Approving the Project Design Review application Case PLN 21-7017 and Tentative Parcel Map application TPM 38576.
- Resolution 2025-60: Certifying the Final Environmental Impact Report (EIR) and adopting findings and a Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA.
- Ordinance 1609: Approving a Development Agreement by and between the City and Sansone Group/JDNJ Enterprises, LLC, to establish terms and obligations for both parties related to PLN 21-7017, TPM 38576 and infrastructure on- and off-site.

Following the Council's decision on the above, the City received a letter from the Center for Biological Diversity on June 11, 2025, asserting that the City failed to provide notice of the Notice of Decision (NOD) for the Project EIR as required by CEQA. The letter claims that the group was not notified in accordance with CEQA's requirements for agencies, organizations, and individuals who have requested notice or are otherwise entitled to receive it under State law. Staff reviewed the City's noticing and distribution procedures and determined that due to an administrative oversight, the group did not receive a copy of the NOD notice. To cure this procedural defect and mitigate any legal risk associated with the approval of the project, staff recommends rescinding the three actions and conducting the noticing and hearing process in full compliance with CEQA. This action will preserve the City's transparency and commitment to robust public participation and environmental review.

JUSTIFICATION:

The Project applicant requested the Council rescind the prior approvals and consider the project applications as a separate matter, allowing the commentor the opportunity to provide comments on the project.

FISCAL IMPACT:

None.

ALTERNATIVES:

Do not adopt the proposed resolution and provide alternative direction.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Council Draft Resolution 2025-105 Rescission of Approvals](#)
2. [Center for Biological Diversity Letter 2025.6.11](#)