



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Emery Papp, Senior Planner

MEETING DATE: June 25, 2024

SUBJECT: Consideration of Resolution 2024-112, Approving General Plan Amendment (GPA 23-2502), to Change the Existing Land Use Designation of Parcel Number 540-180-022 From General Commercial (GC) to Industrial (I); Zone Change (ZC 23-3502), to Change the Zoning District Classification of Parcel Number 540-180-022 From General Commercial (GC) to Industrial (I); Tentative Parcel Map (TPM 38659) to Consolidate Three Parcels Into One; And Design Review (DR 23-7008) for the New Construction and Operation of a Steel Distribution Facility With a 42,510 Square-foot Warehouse Building, of Which 3,434 Square Feet Is Designated for Office Space, on 14.92 Gross Acres of Land Located on the North Side of West Lincoln Street Between South 8th Street and South 16th Street (APN Nos. 540-180-020, 540-180-022 and 540-180-026); and Adopting a Mitigated Negative Declaration (EA 23-1506) for the Project

RECOMMENDATION:

Adopt Resolution 2024-112.

BACKGROUND:

Project Sponsor: Sagecrest Planning+Environmental
27128 Paseo Espada, Suite 1524
San Juan Capistrano, CA 92675

Project Owner: Brown Strauss, Inc.
2495 Uravan Street, Aurora, CO 80011

Brown Strauss, Inc. (dba Brown Strauss Steel) is a leading structural steel service provider, with ten locations in the Western United States, and employing a total workforce of 260 employees. The proposed Project is designed to accommodate relocation of the existing Brown Strauss Steel distribution facility in the City of Fontana, CA. This facility is located at 14970 Jurupa Avenue on a 23-acre site and includes a small storage shed. The Project site is smaller than the existing Fontana facility and Brown Strauss anticipates a more efficient layout of the Banning facility, including a warehouse which will allow for staffing levels to remain the same, or be reduced, after the relocation is complete. The products stocked and sold by Brown Strauss are "wide flange" beam and structural tubing, together these two products account for over 90% of sales.

The Applicant proposes to develop a steel distribution facility consisting of a 42,510 SF warehouse, a 3,434 SF administrative office, two 500 square foot enclosed saw sheds, and an outdoor storage yard.

Brown Strauss is primarily a distributor, buying structural steel products in bulk quantities from the steel mills, and selling steel products in various sizes and in smaller quantities, to steel fabricators. The facility will receive structural steel products via flatbed truck delivery and a proposed rail spur. The Applicant is currently in discussions with the Union Pacific Railroad to add a rail spur to the property off of the adjacent rail line to allow for inbound deliveries. The proposed operation does not include a steel mill or foundry. The only manufacturing activity to be performed on-site is to cut products to length within two enclosed saw sheds on the north side of the building. Less than 10% of customer orders are cut to length on site. The warehouse would be utilized to store structural tube, structural channel and structural angle. The outdoor storage yard would be utilized to store "wide flange" beam and structural tubing. Products inside the warehouse are moved via an overhead gantry and products in the outdoor storage yard are moved using forklifts. Outbound shipments to customers are typically via flatbed trucks, either company owned or common carriers. No truck bays are utilized by Brown Strauss and the trucks would be loaded/unloaded either to the north of the warehouse or inside of the warehouse. No direct sales are made to the public, therefore no retail customers will be on site.

The facility will have approximately 34 employees split between two shifts daily. Anticipated operating hours are from 5:00 am to 11:30 pm. Based on the two-shift schedule, there are never more than 21 employees on-site at any given time during the course of the workday, inclusive of office staff and site crew. Site crew work within the warehouse and outdoor storage yard. Office staff includes three management staff who manage on-site operations and the processing of paperwork for product deliveries. The same shift schedule is utilized at all Brown Strauss Steel facilities, and these particular staffing levels will be maintained after the relocation to City of Banning. Based on the specific operational characteristics of Brown Strauss experienced at the existing Fontana, CA location, the Applicant has requested a parking adjustment to 34 parking spaces as shown on the Site Plan for the proposed parking lot.

The Project involves new construction on a currently vacant site of approximately 14.3 net acres. It was quickly determined that the project did not qualify for an exemption under the California Environmental Quality Act (CEQA) and an Initial Study has been prepared for the Proposed Project, in conformance with Section 15070(b) of the State CEQA Guidelines. The purpose of the Initial Study is to identify potentially significant impacts associated with the construction and operation of the Proposed Project and incorporate mitigation measures into the Proposed Project as necessary to eliminate the potentially significant effects of the Proposed Project or to reduce the effects to a less than significant level.

A Lead Agency may prepare a Mitigated Negative Declaration for a project that is subject to CEQA when an Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (Public Resources Code Section 21064.5).

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Project was made available on the City of Banning website for public review and comment for a 30-day public review and comment period prior to the Planning Commission public hearing, beginning Friday, April 26, 2024, and concluded on Tuesday, May 28, 2024.

The following entitlement approvals are sought by the Applicant/Owner for implementation of the Proposed Project:

Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program;
General Plan Amendment No. 23-2502 and Zone Change No. 3502 (GPA 23-2502 and ZC 3502) to rezone 1431 W. Lincoln Street from General Commercial to Industrial for consistency with the other lots within the Project Site; and

Design Review No. 23-7008 (DR 23-7008) to construct a 46,904 square feet steel distribution facility with an outdoor storage yard and associated parking and landscaping on 14.92 acres of land consisting of three parcels; and

Tentative Parcel Map No. 23-4002 (TPM 23-4002) to merge together three lots and provide right-of-way dedication along W. Lincoln Street; and

Parking Adjustment – Proposal for an alternative parking rate for a distribution facility.

JUSTIFICATION:

Brown Strauss, Inc. (Applicant) proposes to develop a steel distribution facility consisting of a 42,510 square feet warehouse, a 3,434 square feet administrative office, two 500 square feet enclosed saw sheds, an outdoor storage yard, and associated parking and landscaping (Project). The proposed Project would be constructed on three vacant parcels which will be consolidated into one parcel. The Project site is situated on north side of W Lincoln Street, south of Redlands Freeway (I-10) and Union Pacific railroad, west of South 8th street, East of South 22nd Street, at 1219 and 1431 W. Lincoln Street (APNs 540-180-020, 540-180-022, and 540- 180-026).

Site Plan: The Project involves the construction of a steel distribution facility consisting of a 42,510 square feet warehouse, a 3,434 square feet administrative office, two 500 square feet enclosed saw sheds, outdoor storage yard, and associated parking and landscaping with an approximately 1.5 acre street dedication. The Project would be built on three vacant parcels totaling approximately 14.92 acres which will be consolidated into one parcel via Tentative Parcel Map 23-4002. The building will be located on the southwest side of the site and the rest of the site would be utilized as outdoor storage. The warehouse and employee parking lot would be utilized to store structural tubing, structural channel and structural angle. The outdoor storage yard would be utilized to store "wide flange" beam and structural tubing. Products inside the warehouse are moved via overhead gantry, and products in the outdoor storage yard are moved using forklifts. A rail spur connection to the adjacent Union Pacific Railroad is proposed on the north of the site for the deliveries and a loading/unloading area is proposed to be located on the north side of the warehouse. Vehicular access to the Project Site would be provided via four driveway access points off of W. Lincoln Street consisting of two one-way gated driveways at opposite ends of the Project Site for truck and fire safety access, with circulation from west to east only, a one-way driveway directly into and through the warehouse from north to south only; and a two-way dedicated driveway into the employee parking lot for passenger vehicles only.

Proposed lot coverage is approximately 7.6 percent where a maximum of 60 percent is allowed. The Site Plan is designed with building setbacks as required by City code. The building would be a maximum height of 36'-4". The proposed Project provides 64,504 square feet of landscaping where none is required.

Off-Site Improvements: Off-site improvements would occur on the northern and southern Project Site boundaries. Street improvements include curb, gutter and pavement along W. Lincoln Street. Improvements along W. Lincoln Street would include an approximately 1.5 acre street dedication and the construction of a 7-foot-wide parkway, a 5-foot-wide sidewalk, and relocation of existing utility transmission lines to accommodate widening of the street consistent with the City's General Plan Circulation Element and Street Improvement Plan. Four driveways would be provided along W. Lincoln Street for vehicular access including two one-way driveways at opposite ends of the Project Site for truck and fire safety access, a one-way driveway, and a two-way driveway for access to employee parking lot. Off-site improvements on the northern Project Boundary includes the construction of a rail spur to the property off of the adjacent UP rail line to allow for inbound deliveries via rail.

Parking: The Project Site contains a total of 34 parking spaces, which include two handicapped accessible spaces and two clean air vehicle spaces. Though distribution is a permitted use in the Industrial zone (Banning Municipal Code, Table 17.12.020) there is no corresponding parking rate in the municipal code. Based on the most similar uses in the Banning Municipal Code parking table 17.28.040B, 53 parking spaces are required. However, the applicant proposes an alternative parking rate

for the distribution facility based on the specific operational characteristics of the proposed facility. The new parking ratio is proposed based on the maximum number of staff on site at any given time, two shift scheduling, and no retail sales on-site. Based on the analysis provided in the parking adjustment justification the applicant proposes the parking requirements be reduced from 53 to 34 parking spaces to match the anticipated staffing needs of the proposed steel distribution facility. Staff supports the proposed request as there are ample areas on site that can accommodate additional parking in the future should the need arise.

Landscaping and Hardscape: Landscaping is designed around the north, south and west side of the property as well as along the driveways. The facility will provide approximately 64,504 square feet of landscaped area (approximately 10.4 percent of the net lot area), where none is required. West Lincoln Street frontage will be lined with a mix of African Sumac and Swan Hill Olive trees. Drought tolerant low shrubs are planned along West Lincoln Street and driveways. Along the west and north property boundary, Acacia Redolens ground cover is provided. The westerly driveway is lined with Acacia stenophyllia. No landscaping is planned for the east property boundary adjacent to the UP right of way.

Architecture: The warehouse and office building will be constructed utilizing a pre-insulated metal panel system, which provides for an enhanced "granitstone" finish on street facing elevations that appears similar to traditional tilt-up concrete construction. The color scheme of the building is a variety of neutral earth tones with shades of blue which are consistent with the surrounding area and are reflective of the Brown Strauss company branded color scheme. Natural lighting will be provided using traditional windows in the office space and clear polycarbonate insulated panels on the warehouse. The Proposed Project design complies with the requirements of the Commercial and Industrial Development Design Guidelines in the Banning Municipal Code.

Site Lighting: Site lighting will consist of 20- to 35-foot tall light standards that will be pointed downward at the storage yard and along the edges of the building. Additional building mounted light fixtures will be used near building entrances.

Stormwater Management: The Water Quality Management Plan identifies stormwater management for post construction building operations. The existing on-site project area is generally flat, sloping to the southeast. The site is generally covered with native grass and weeds. The site sheet flows to the southeast discharging along West Lincoln Street, where flow continues to the east. To the north of the Project Site is the Union Pacific railroad, consisting of a limited drainage tributary with elevated tracks on earthen berms, running east/west. Flows originating along the south of the Union Pacific Railroad berms are carried to the east via existing earthen swales within the railroad right-of-way. Therefore, there are no significant offsite flows impacting the site.

The proposed project will provide a retention/detention system sized to retain 2.2472 acre-feet (af) of storm water while detaining an additional 0.7168 af of storm water. This will provide retention of the calculated developed conditions 100-year, 3-hour volume per City of Banning requirements and will provide adequate volume to mitigate developed flow rates to less than the existing condition flow rate, up to and including the 100-year, 24-hour event, with the exception of the 5-year, 24-hour storm. It should be noted that mitigation of the 5-year, 24-hour storm is not feasible due to the extremely low flow rate of the exiting condition. Construction of the Proposed Project will also require the developer to prepare a Stormwater Pollution Prevention Plan (SWPPP) as the Project Site is more than 1 acre in size.

Utilities and Services: Water and sewer services would be served by the City of Banning Public Works - Utilities Department and Wastewater Division, electrical service is readily available in the vicinity through Banning Electric Utility (BEU), and natural gas is available through Southern California Gas Company.

Required Findings for General Plan Amendment

Section 17.64.070 of the Banning Municipal Code (BMC) requires that General Plan Amendment applications meet certain findings prior to approval. The City Council hereby finds and determines as follows with respect to General Plan Amendment 23-2502:

Finding A: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: California Government Code Section 65302 requires that a General Plan consist of seven (7) State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The Land Use Element is one of the seven State-mandated elements of the General Plan and includes the Land Use Map for the City of Banning. The Land Use map and the Zoning map are 100% consistent with one another and, therefore, the same map doubles to serve both purposes. The proposed Project will not create an incompatible land use as two of the three parcels in question are already designated for Industrial uses, the third parcel in question is contiguous with the other two parcels and will be used for the same purpose, and the immediate surrounding area is designated for nonresidential uses.

Finding B: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed General Plan Land Use Map Amendment and Zone Change will allow for the orderly development of the proposed Project to construct a steel distribution facility in an industrial area, further strengthening economic development and job opportunities, while not damaging the public interest, health, safety, convenience, or welfare of the City by ensuring such uses are placed away from existing residential uses and other sensitive uses.

Finding C: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: Table III-3, of the Community Development Chapter of the City's General Plan details that 252.1 acres of vacant land is designated as General Commercial, and 274.1 acres of vacant land is designated as Industrial. The Project will decrease the amount of vacant General Commercial land by 4.3 acres, which is less than 1% (0.00943%) and represents a statistically insignificant change in the balance of vacant non-residential land uses within the City. As such, the balance of land use designations will not be negatively impacted by the Project.

Finding D: The amendment is physically suitable for the surrounding environment; including, but not limited to site access, the provision of utilities, and compatibility with adjoining land uses, including the absence of any physical constraints, for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The land use amendment will not adjust or change the physical characteristics of the parcels, other than from their current vacant state to a fully developed site in the near future. The existing backbone infrastructure is in place to service the Project location, and the Project will dedicate additional right-of-way along the frontage of Lincoln Street to accommodate widening to the General Plan Circulation Element ultimate configuration for this segment of Lincoln Street.

Findings of Fact: The Project will implement Policy 8 of the Community Development Chapter of the General Plan, which requires that the City assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44).

Findings of Fact: The Project will implement Program 4.B, which "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

Required Findings for Amendment to Title 17 (Zoning)

Section 17.116.030 of the Banning Municipal Code provides that the following findings must be made to approve the proposed Zone Change. The City Council hereby finds and determines as follows with

respect to Zone Change 23-3502:

Finding A: The General Plan requires that the need for public facilities be planned and identified to serve the needs of City residents, businesses, and visitors.

Findings of Fact: The proposed Project has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site improvements, streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards which is consistent with the City's General Plan.

Finding B: The proposed Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact: The proposed Project is an approximately 47,000 square-foot light industrial warehouse facility and is consistent with the Zoning Ordinance and development standards. Warehousing and distribution are permitted uses in the Industrial zone and the Project has adequate parking and landscaping. Additionally, all setbacks, height requirements and other applicable standards and design guidelines have been satisfied.

Finding C: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: That the Planning Commission has recommended to the City Council that an independent review has been conducted and the City Council has considered an Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program that has been prepared for the Project.

Required Findings for a Tentative Parcel Map

A Tentative Parcel Map requires that it meets specific findings in accordance with Title 16 of the Banning Subdivision Municipal Code and Government Code Section 66473.5 and Section 66474. The City Council hereby finds and determines as follows with respect to Tentative Parcel Map 23-4002 (TPM 38659):

Finding A: The proposed map is consistent with the General Plan.

Findings of Fact: The General Plan land use designation for the site is classified as General Commercial (proposed Industrial) and Industrial which allows for manufacturing, warehousing, and distribution. The proposed Tentative Parcel Map 38659 will combine three parcels into one totaling 14.92 acres. One of the primary policies of the Land Use Element of the General Plan is that Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. The proposed Tentative Parcel Map serves to achieve this objective in that the subdivision design is consistent with existing neighborhood industrial character. Considering all of these aspects, the proposed Tentative Parcel Map furthers the objectives and policies of the General Plan and is compatible with the land use districts within the general vicinity of the Project.

Finding B: The design or improvement of the proposed subdivision is consistent with the City's General Plan.

Findings of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards which is consistent with the City's General Plan.

Finding C: The site is physically suitable for this type of development.

Findings of Fact: The existing on-site project area is generally flat, sloping to the southeast and is covered with native grass and weeds. The site sheet flows to the southeast, discharging along W. Lincoln Street, where flow continues to the east. To the north of the Project site is the Union Pacific railroad, consisting of a limited drainage tributary with elevated tracks on earthen berms, running

east/west. Flows originating to the south of the Union Pacific (UP) railroad berms are carried to the east via existing earthen swales within the UP right-of-way. Therefore, there are no significant offsite flows impacting the site. Additionally, the Project is adjacent to existing commercial and industrial development and has all services available, including streets, water, sewer and electricity. The site is physically suitable for this type of development.

Finding D: The site is physically suitable for the density of development.

Findings of Fact: The site is located within the Industrial Zoning District, which allows for the development of warehouses with a maximum building coverage of 60 percent. The Project proposes a maximum building coverage of 7.48 percent, which is considerably less than the maximum allowed. Proposed hardscape for the site will cover approximately 67.34 percent of the site. The Tentative Parcel Map, to consolidate three lots into one lot as proposed, is suitable with the adjacent development.

Finding E: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: The site is currently vacant and does not contain any significant vegetation or suitable habitat for wildlife. Per the Multiple Habitat Conservation Plan (MSHCP), there is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The Project incorporates conditions intended to comply with the recommendations of the MSHCP. In addition, this Project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

Finding F: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Findings of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of a steel distribution and warehouse facility on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the Tentative Parcel Map has been conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of public health, safety and welfare.

Finding G: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Findings of Fact: Other than easements in favor of the City of Banning, Southern California Gas, and the UP, no easements of record or easements established by judgement of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any other such easements.

Required Findings for a Design Review

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to approval. The City Council hereby finds and determines as follows with respect to Design Review 23-7008:

Finding A: The Project is consistent with the applicable general plan designation and all applicable

general plan policies as well with applicable zoning designation and regulations.

Finding of Fact: Proposed Design Review 23-7008 is consistent with the General Plan Land Use Element Policy, which states: “The land–use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The subject property is designated General Commercial and Industrial on the General Plan land use map. The proposed use is consistent with the I land-use designation. This land use designation includes industrial parks and freestanding industrial users. Examples of permitted uses include light and medium intensity manufacturing operations, warehousing and distribution, ministorage, and associated offices. Further, Design Review 23-7008 is consistent with General Plan Economic Development Policy, which states: “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.” Approval of proposed Design Review 23-7008 would allow the applicant to promote business diversity, while providing an economic benefit to the City.

Finding B: The proposed Project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: The proposed Project is an approximately 47,000 square-foot light industrial warehouse facility and is consistent with the Zoning Ordinance and development standards. Warehousing and distribution are permitted uses in the Industrial zone and the Project has adequate parking and landscaping. Additionally, all setbacks, height requirements and other applicable standards and design guidelines have been satisfied.

Finding C: The design and layout of the proposed Project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

Finding of Fact: The design and layout of the proposed Project is consistent with the development standards and design standards of the Banning Municipal Code. The proposed design and layout will not create any new interference with pedestrian or vehicular traffic paths of the neighboring properties or future development. Additionally, access to the street will be provided by driveways from Lincoln Street and will not result in hazards for vehicles or pedestrians. The Project is conditioned to provide additional right-of-way fronting onto W. Lincoln Street to improve the roadway to its ultimate configuration.

Finding D: The design of the proposed Project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The Project is a new construction development with a proposed 47,000 square-foot light industrial/warehouse facility, which will be compatible with adjacent Industrial and other non-residentially zoned properties to the north, south, east, and west. The Project is considered an Industrial use. Landscaping is required to maintain the character of the surrounding neighborhood.

Environmental Determination

Pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), City Staff prepared an Initial Study of the potential environmental effects of the Project as described in the Initial Study. Based upon the findings contained in that the Initial Study, the Planning Commission determined that, with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a potentially significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.

Thereafter, City Staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period began on April 26, 2024, and concluded on May 28, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website. The City did not receive comments during

the public review period.

The Planning Commission reviewed MND and the MMRP, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the MND. In light of the whole record, the Planning Commission determine found that: (1) the MND was prepared in compliance with CEQA; (2) with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the MND reflects the independent judgement and analysis of the Planning Commission.

Based on the findings set forth in this Resolution, the Planning Commission recommended adoption of the MND and MMRP to the City Council for the Project.

The City Manager or their designee is authorized to file a Notice of Determination for Mitigated Negative Declaration EA 23-1506 in accordance with CEQA.

Public Communication

In accordance with Government Code Sections 65353, 65854, 65090, and 65091, on April 26, 2024 the City provided a 30-day public notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission concerning the Project, and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary. One comment letter was received prior to the Planning Commission meeting from the California Highway Patrol, neither for or opposed to the project, but to express concern about truck stacking exiting from Interstate 10 with deliveries to the project site. The traffic consultant for the project responded that this issue is studied in the traffic analysis for the MND, and no significant impact is anticipated.

The project was also advertised in the Record Gazette newspaper on June 14, 2024 of a public hearing before the City Council concerning the Project, and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary. As of the time this report was written, staff had not received any additional comments regarding the proposed project.

FISCAL IMPACT:

Brown Strauss, Inc. (dba Brown Strauss Steel) is a leading structural steel service provider, with ten locations in the Western United States, and employing a total workforce of 260 employees. The proposed Project is designed to accommodate relocation of the existing Brown Strauss Steel distribution facility in the City of Fontana, CA. As a result, the proposed project will create temporary construction jobs for City residents and upon conducting operations in Banning, sales tax revenues will be generated for all retail point of sales conducted at this location. The facility will employ approximately 34 workers.

ALTERNATIVES:

1. Adopt Resolution 2024-112, as presented.
2. Adopt Resolution 2024-112, with modifications.
3. Provide alternative direction to staff.

ATTACHMENTS:

1. [Resolution_2024-112__Brown_Strauss \(003\).docx](#)
2. [Exhibit A - DR_23-7008_TPM_38659_COA.docx](#)
3. [DR 23-7008_NPH_IS-MND and appendices](#)
4. [DR 23-7008_Brown Strauss _ Response to Comments 5.29.2024](#)
5. [DR 23-7008_Project Plans](#)
6. [DR_23-7008 GIS exhibits](#)
7. [Proposed General Plan Designation_Zoning](#)

8. Existing General Plan Designation_Zoning
9. DR 23-7008_Site Photo Survey
10. Preliminary_Grading Plan
11. DR 23-7008_Conceptual Landscape Plan
12. County of Riverside_E-202400446
13. Tentative Parcel Map (TPM 38659)
14. Brown Strauss NOD
15. DR 23-7008 Public Hearing Notice