

## ORDINANCE NO. 1500

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING THE RANCHO SAN GORGONIO SPECIFIC PLAN AND ADOPTING CONDITIONS OF APPROVAL AND MAKING FINDINGS IN SUPPORT THEREOF

**WHEREAS**, the City of Banning received an application on May 16, 2013 to adopt and provide zoning regulations for the Rancho San Gorgonio Specific Plan, including a General Plan Amendment No. 13-2503, Zone Change No. 13-3501, Tentative Tract Map 36586, Development Agreement, Annexation, and approval of an EIR to allow the master plan development of the Rancho San Gorgonio Specific Plan which provides a mix of up to 3,385 residential units on up to approximately 540 acres; 9.3 acres for Neighborhood Commercial uses, 14 acres for an elementary school site, 210 acres for parks and recreational areas, with varying passive open space trails and sports fields, and 77 acres for circulation uses, including roadways, pathways and bridges for vehicles, bikes, pedestrian and equestrian use. The total 831 acre master plan includes 161 acres to be annexed from the County of Riverside that is located in the City's sphere of influence.

Project Applicant: Peter J. Pitassi

Property Owners: Diversified Pacific

Project Location: South of Interstate 10 and bounded by Sunset Avenue and Turtle Dove Lane on the west, Coyote Trail and Old Idyllwild Road on the south, San Gorgonio Avenue (State Route 243) on the east, and portions of Westward Avenue to the north.

APN: The project parcels include APN #'s: 537-150-005 – 007; 537-170-002 – 004; 537-190-001 – 005, 018 – 022; 537-220-031 – 038; 543-020-001, 002, 021, 023; 543-030-001; 543-040-001, 002; 543-050-001 – 003

Specific Plan Size: 831 Acres

**WHEREAS**, Diversified Pacific requests approval of the Rancho San Gorgonio Specific Plan to master plan the development of an 831 acre vacant site so that future development within the project site conforms to the Rancho San Gorgonio Specific Plan.

**WHEREAS**, the Rancho San Gorgonio Specific Plan (Exhibit "A") including its companion entitlement applications for General Plan 13-2503, Zone Change 13-3501, Water Supply Assessment, Tentative Tract Map 36586, Development Agreement, and Annexation are considered a Project pursuant to CEQA Guidelines Sections 21065.

**WHEREAS**, Government Code Sections 65450 through 65454 establish the authority for the adoption of a Specific Plan, identify the required contents of the Specific Plan and mandate consistency with the General Plan.

**WHEREAS**, Chapters 17.44 and 17.96 of the Banning Zoning Code specifies the purpose, the content of the Specific Plan, procedures for the preparation and adoption of the Specific Plan and findings.

**WHEREAS**, the City of Banning development team has reviewed the Rancho San Gorgonio Specific Plan and associated entitlement and determined that the Specific Plan meets the requirements of Government Code Sections 65450 and 65454 and Chapters 17.44 and 17.96 of the Banning Zoning Code.

**WHEREAS**, the approval of the Rancho San Gorgonio Specific Plan as referenced herein, including its companion applications for General Plan Amendment No. 13-2503, Zone Change No. 13-3501, Water Supply Assessment, Tentative Tract Map 36586, Development Agreement, and Annexation is considered a project pursuant to CEQA Guidelines Section 21065.

**WHEREAS**, consistent with Section 15083 of CEQA and prior to completing the draft Environmental Impact Report ("EIR"), the City held an early consultation or scoping meeting regarding the environmental issue areas to be considered in the EIR. The City published the Notice of Preparation ("NOP") including the Scoping meeting in the Record Gazette and on the City's website. The City also mailed the NOP to members of the public, organizations/groups, public agencies and persons who have requested to be on the mailing lists. As part of early consultation, the City held a public scoping meeting on April 29, 2015 at the City of Banning Council Chambers, 99 East Ramsey Street, Banning, California.

**WHEREAS**, a Final EIR (SCH No. 2015041064), including Draft EIR and Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations and Finding of Fact were prepared in accordance with the California Environmental Quality Act Sections 15000-15387 (Title 14, Chapter 3 of California Code of Regulations), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines.

**WHEREAS**, consistent with Sections 15086 and 15087 of CEQA, the City published the Notice of Availability ("NOA") of the Draft EIR and made the Draft EIR available for a 45-day public review period from June 20, 2016 through August 3, 2016. The NOA was published in the Press Enterprise and the Record Gazette and on the City's website. The City also mailed the NOA to the State Clearinghouse for distribution to State Agencies and to groups and organizations, and members of the public who requested to be on the Project's mailing list.

**WHEREAS**, during the Planning Commission hearing on September 7, 2016, the City received questions and comments on the Project, Specific Plan, draft Environmental Impact Report, Final Environmental Impact Report, Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations and Findings of Fact.

**WHEREAS**, the City received comment letters from members of the public, public agencies, groups/organizations, and persons who requested to be a part of the mailing list of the Project for the Draft EIR and the impacts of the Rancho San Geronio Specific Plan, including its associated applications as referenced herein.

**WHEREAS**, consistent with Section 15088 of CEQA, the City evaluated the responses received from members of the public, public agencies, groups/organizations, and persons who requested to be a part of the mailing list of the Project and prepared written responses, which culminated in a Final EIR for the Project and is referenced herein. The Final EIR was made available for 10-day public review on September 16, 2016. The Final EIR was made available at City Hall Community Development Counter.

**WHEREAS**, on September 7, 2016, the Banning Planning Commission held a duly-noticed public hearing, at which time the Commission considered the public testimony, staff report, full documentation of the Final EIR, and all other documentation relating to the Project, and the Commission unanimously recommended approval of the Project, certification of the Final EIR, adoption of the Statement of Overriding Considerations and Findings of Fact to the City Council.

**WHEREAS**, on September 16, 2016, the City gave public notice by advertisement in the Press Enterprise and the Record Gazette newspapers of a public hearing concerning the Project to be held before the City Council. In addition, the City mailed public hearing notices to the owners of properties that are located within a 1200' radius of the project boundaries and to interested persons who requested to be on the mailing lists for the project. On September 27, 2016, the City Council held its public hearing on the Project and Final EIR, to consider public testimony, the staff reports and presentations, full copy of the Final EIR, Statement of Overriding Considerations and Findings of Fact and all other documentation relating to the Project.

**NOW THEREFORE**, the City Council of the City of Banning does hereby ordain, determine, find, and order as follows:

#### **SECTION 1. ENVIRONMENTAL FINDINGS.**

A Final Environmental Impact Report [EIR] (SCH No. 2015041064), including Draft EIR and Mitigation Monitoring and Report Program, Statement of Overriding Considerations and Findings of Fact was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines Sections 15000 through 15387, and the City of Banning Environmental Review Guidelines. City Council Resolution No. 2016-83 as referenced herein provides environmental findings for the Project.

SECTION 2. REQUIRED FINDINGS FOR AN AMENDMENT TO THE EXISTING REGULATIONS FOR THE RANCHO SAN GORGONIO SPECIFIC PLAN.

**Finding No. 1:** The proposed Specific Plan is consistent with the General Plan.

**Findings of Fact:** The proposed Specific Plan is consistent with the General Plan. The current General Plan Land Use and Zoning designations for the project site is zoned Very Low Density Residential, Medium Density Residential, and Rural Residential and Open Space Parks. The 161 acre portion of the project proposed to be annexed is located within the project's sphere of influence (SOI) and is zoned Ranch/Agriculture. The proposed General Plan Amendment No. 13-2503 and Zone Change No. 13-3501 will change the land use designations and zoning of the project site to "Specific Plan", which will make the Rancho San Gorgonio Specific Plan consistent with the General Plan Land Use and Zoning. With approval of the General Plan Amendment No. 13-2503 and Zone Change No. 13-3501, the proposed Rancho San Gorgonio Specific Plan would be consistent with the intent of the General Plan through designation of the site as Specific Plan. Consistency of the Rancho San Gorgonio Specific Plan pertaining to the proposed project is assessed in Section 6.0 of the Rancho San Gorgonio Specific Plan dated January 26, 2015 and is attached herein.

**Finding No. 2:** The proposed Specific Plan would not be detrimental to the environment, or to the public interest, health, safety, convenience, or welfare of the City.

**Finding of Facts:** In compliance with State law (Government Code Sections 65450 et. seq.) the proposed Rancho San Gorgonio Specific Plan includes the following information:

(1) *The distribution, location, and extent of land uses, including residential, commercial, open space and trail and a site for an elementary school.* Specifically, Section 2.0, pages 2.1-1 to 2.2-10 includes maps and diagrams for the distribution, location, and extent of the uses of land, including open space. In addition, the text accompanies the maps and diagrams providing detail information as to the specific plan land uses, their location, and intensity/density of the uses. Similarly, pages 2.3-1 through pages 2.9-4 of the Specific Plan provide detailed development plans for circulation and traffic calming provisions street standards, public landscaping, drainage provisions and the water master plan.

Detail information concerning the project Design Guidelines and Development Regulations are detailed in Sections 3 and 4.

(2) *The distribution, location, extent and intensity of major components of public and private transportation, water, sewer, drainage, solid waste disposal, energy, and other essential facilities within the project area required to support the land uses described in the Specific Plan.* Specifically, Section 2.3-1 through 2.9-1 in which these sections provide detail information via text and diagrams/maps showing distribution location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan. Other public services and essential facilities for the project including schools, fire and police protection, library, cable, gas, and health services are provided in Section 2.9 on pages 2.9-1 through 2.9-4.

(3) *Standards and criteria for which the development will proceed;* specifically, the following sections of the Rancho San Gorgonio Specific Plan provides standards and criteria for which the development will proceed:

- a. Sections 2.1 through 2.2 provide specific details development regulations for each of the land use districts and how they are to be developed
- b. Sections 3.2 through Sections 3.4 provide detail development design guidelines for the community, neighborhood, and individual buildings and how they are to be developed.
- c. .Section 5-4 through page 5-9 provide phasing for each development.

(4) *A program for implementation including regulations, programs, public works projects and financing measures necessary to carry out the project;* Specifically, Section 5.5 of the Rancho San Gorgonio Specific Plan provides details information on the administration and implementation of the Specific Plan that includes regulations, programs, public works projects, and financing measures necessary to carry out items (1), (2), and (3). The financing measures include Water and Sewer Systems, Storm Drain Improvements, Street Improvements and Lighting, Open Space and Parks which is described in detail in Section 5.5, Table 5-2 on page 5-13.

(5) *A Statement of Relations of the Specific Plan to the adopted General Plan.* Specifically, Section 6.0 of the Rancho San Geronio Specific Plan findings of consistency with the General Plan as referenced herein, the proposed General Plan Amendment 13-2503 and Zone Change 13-3501 would maintain the appropriate balance of land uses within the City and specifically, it will implement the Citywide goal of “a balanced, well-planned community including business which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.”

Additionally, the Specific Plan has been reviewed to ensure that there are adequate two-points of access within each of the neighborhoods/ planning areas to provide access for public safety emergency vehicles during an emergency.

As required by the California Environmental Quality Act (CEQA) Section 20165, an environmental impact report (EIR) [State Clearinghouse No. 2015041064] was prepared for the project. The EIR identified potentially significant effects on the environment, public interest, health, safety, convenience, and welfare of the City and identified mitigation measures that shall be incorporated into the Project to reduce impacts. In certain instances incorporation of mitigation measures were unable to reduce impacts to less than significant. Section 15091 allows the City to approve a project that has significant impacts on the environment where the impacts cannot be mitigated when there are economic, social, or other considerations that make it infeasible to mitigate the significant effects. Findings for approval must be provided consistent with Section 15093 of the CEQA Guidelines in that the City Council will need to adopt a Statement of Overriding Considerations for the significant and unavoidable Project-related impacts.

The City has prepared a Statement of Overriding Considerations for the significant and unavoidable Project-related impacts associated with air quality, greenhouse gasses, noise, population and housing, and traffic and circulation. (Refer to City Council Resolution No. 2016-83).

Based upon the Statement of Overriding Considerations, six (6) areas of Public Benefit related to the proposed Rancho San Geronio Specific Plan Project outweigh the areas of significant unavoidable adverse impacts. The significant unavoidable adverse impacts are considered acceptable.

**Finding No. 3:** The subject property is physically suitable for the requested land use designation(s) and the anticipated development(s).

**Findings of Fact:** The 831 acre project site is currently vacant and undeveloped and the majority of the site is located on flat land. The draft Environmental Impact Report analyzed for constraints and opportunities for development including compatibility of the various densities and intensity of land uses surrounding the development, flood zone, earthquake fault, proximity to natural open space, availability of water and utilities to serve the project. The Rancho San Geronio Specific Plan Master Planned Development would continue a pattern of residential development that reflects existing residential patterns that border the project. The project will provide linkages between existing developments, extending and improving the City's circulation system, and providing additional parks, a school, and other public facilities that would serve both proposed and existing land uses in the area. The major roadway servicing each of the project's "Village" sites and Planning Areas is the Rancho San Geronio Parkway through tie-ins with interconnected streets. The planned Parkway will loop through the project site from the intersection of south 22nd Street and Westward Avenue, south towards Pershing Creek the north to the intersection of South 8th Street and Westward Avenue. The roadway right-of-way and adjoining landscape corridor's consist of approximately 77 acres of land dedicated to the major backbone roadway network to serve the Project. Multi-use trails (paseos), bikeways and pathways are incorporated into the project to provide additional mobility options throughout the site. A series of "roundabouts" are proposed as alternatives to signaled intersections to maintain the flow of traffic. In conjunction with the vehicle circulation route the 831 acre Project site provides 210 acres of parks and pedestrian open space areas. The parks and recreational facilities proposed within the Project site would be developed in accordance to the Specific Plan requirements for each Planning areas. Parks and open space include four (4) parks, a linear park along Smith Creek, village paseos, natural open space areas, which make up 210 acres of the entire Project site. The combination of paseos, parks, and other open space venues the project proposes substantially contributes to the City's park systems and quality of life.

**Finding No. 4:** The proposed Specific Plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood.

**Finding of Fact:** While the project's development is consistent and sensitive to existing residential housing stock in the area, the Specific Plan is

envisioned as a community with a variety of home styles where architectural massing, roof forms, detailing, walls and landscape are integrated to reflect historic, regional, and climate-appropriate styles. The design features include four broad architectural families of styles intended to provide a distinct and unique architectural residential theme. The design themes include Spanish Style represented by Monterey, Spanish Colonial, Santa Barbara and Andalusian architecture; California Eclectic Style represented by Ranch, Farmhouse, Prairie, Napa and Craftsman architecture; Mediterranean Style represented by Tuscan architecture; and Monterey represented by combination of Spanish Eclectic and Colonial Revival styles. The objective of these designs provided in the Specific Plan is to create an attractive environment that is compatible in scale and aesthetics with the community. Similarly, the commercial design emphases shall be to develop visual and functional structures that contribute to the creation of a coherent, well-defined and active public realm; use of clearly defined landscape and site design elements, pedestrian connections and lighting; and articulated and clearly marked entries.

Each of the residential design themes would be integrated into the project's phasing program to ensure the orderly build-out of the community based on market demand and infrastructure availability. Each of the neighborhoods within the project area have been reviewed and provided two points of access for public safety in case of emergency and also connection to the surrounding community. Necessary utilities that include water, sewer, gas, electricity, cable, telephone, and transit that will serve the development will be provided through the implementation of the Specific Plan.

In compliance with SB 610 (Water Code Section 10910 et seq.), a Water Supply Assessment was prepared for the project, which is consistent with the City's Urban Water Management Plan, and which is incorporated herein by reference. The Water Supply Assessment concluded that the City's total projected water supplies are adequate to meet the projected water demand associated with the project, in addition to the City's existing and planned future uses.

Based on the facts indicated in this subsection and subsections above and the administrative record, the project site is suitable for requested land use designation(s) and the anticipated land use development(s).



SECTION 3. CITY COUNCIL ACTION.

The City Council hereby takes the following action:

1. Adopt Ordinance No. 1500 and introduce the first reading of the Ordinance adopting the Rancho San Gorgonio Specific Plan as shown in Exhibit "A" under separate cover and included by this reference, and adopting the Conditions of approval attached hereto as Exhibit B and making findings in support thereof.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of October, 2016.

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Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk  
City of Banning, California

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

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John C. Cotti, Interim City Attorney  
Jenkins & Hogan, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1500 was duly introduced at a joint meeting of the City Council of the City of Banning, California and the Banning Utility Authority held on the 27<sup>th</sup> day of September, 2016, and was duly adopted at a regular meeting of said City Council held on the 11<sup>th</sup> day of October, 2016 by the following vote, to wit:

AYES: Councilmembers Franklin, Moyer, Mayor Welch

NOES: Councilmember Peterson

ABSENT: None

ABSTAIN: Councilmember Miller

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Marie A. Calderon, City Clerk  
City of Banning, California