

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2009-00691, AMENDING TABLE 17.30.030 USE REGULATIONS FOR INDUSTRIAL DISTRICTS BY REMOVING FUNERAL AND CREMATORY SERVICES AS A CONDITIONALLY PERMITTED USE IN SUBAREA 4 (GENERAL INDUSTRIAL DISTRICT) AND SUBAREA 6 (INDUSTRIAL PARK DISTRICT), ADDING CREMATORY SERVICES AS A CONDITIONALLY PERMITTED USE IN SUBAREA 14 (GENERAL INDUSTRIAL DISTRICT) AND MODIFYING THE DEFINITION OF FUNERAL AND CREMATORY SERVICES UNDER SECTION 17.30.030, AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

1. The City of Rancho Cucamonga filed an application for Development Code Amendment DRC2009-00691, as described in the title of this Resolution. Hereinafter in this Resolution, the subject Development Code Amendment is referred to as "the application."

2. In order to protect the public health, safety, and welfare, on August 5, 2009, the City Council adopted a 45-day Interim Ordinance to prohibit the establishment and/or operation of human and animal crematoriums in any land use zone within the City of Rancho Cucamonga. The purpose of the Interim Ordinance was to permit staff adequate time to analyze the land use impacts of crematoriums and to find potentially suitable locations within the City of Rancho Cucamonga.

3. In order to protect the public health, safety, and welfare and as permitted under Government Code Section 65858 and following an advertised public hearing, on September 2, 2009, the City Council extended the Interim Ordinance an additional 10 months and 15 days. The extension of the Interim Ordinance maintains the current prohibition until August 2, 2010. The purpose of the Interim Ordinance extension was to permit staff adequate time to continue to analyze the land use impacts of crematoriums and to find potentially suitable locations within the City of Rancho Cucamonga.

4. On Feb 17, 2010, the City Council by minute action approved the initiation of Development Code Amendment DRC2009-00691.

5. On March 24, 2010, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing with respect to the above referenced Development Code Amendment DRC2009-00691 and, following the conclusion thereof, adopted its Resolution No. 10-14, recommending that the City Council of the City of Rancho Cucamonga adopt Development Code Amendment DRC2009-00691.

6. On May 5, 2010 the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application.

7. All legal prerequisites prior to the adoption of this Ordinance have occurred.

B. Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

SECTION 1: This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2: Based upon substantial evidence presented to the City Council during the above-referenced public hearing on May 5, 2010, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

- a. The application applies to the property located within the City; and
- b. An Initial Study was prepared for the code amendment and the Initial Study finds that that all environmental impacts from the code amendment are either of no impact or less than significant impact; therefore the proposed amendment will not have a significant impact on the environment; and
- c. This amendment does not conflict with the Land Use Policies of the General Plan and will provide for development within Subarea 14 of the Industrial Districts in a manner consistent with the General Plan and with related development. Subarea 14 is zoned General Industrial and is geographically suitable to conditionally permit crematoriums since it is adjacent to only one other Subarea, (Subarea 15 - Heavy Industrial). There are no existing sensitive uses within Subarea 15 that would be adversely impacted by a future crematory use within Subarea 14; and
- d. This amendment does promote the goals and objectives of the Development Code. Specifically, the Industrial Districts have a stated objective to organize land uses in a logical manner that avoids nuisance impacts between land uses. There are no existing or planned sensitive uses, including, but not limited to, hospitality or restaurants uses that would be adversely affected by being in the proximity of a future crematory; and
- e. The proposed amendment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The proposed text amendment will conditionally permit future crematories within Subarea 14. Subarea 14 is zoned General Industrial, and future crematories will require a public hearing and air quality analysis to ensure that all impacts are mitigated to a less than significant level; and
- f. The subject application is consistent with the objectives the Development Code, as the Development Code seeks a variety of industrial uses that will serve the City of Rancho Cucamonga and San Bernardino County. The text amendment will provide for crematories within Subarea 14 with an approved Conditional Use Permit in a geographic location that is suitable because of its industrial land use composition; and
- g. The proposed amendment is in conformance with the General Plan. The General Plan strives for land uses that serve local and regional needs. The City of Rancho Cucamonga presently does not have a crematory or a cemetery, and modern crematories provide one of several options for the final disposition of human or animal remains.

SECTION 3: Based upon the facts and information contained in the proposed Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Negative Declaration based upon the findings as follows:

a. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that there was no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration.

b. The City Council has reviewed the Negative Declaration and all comments received regarding the Negative Declaration and, based on the whole record before it, finds: (i) that the Negative Declaration was prepared in compliance with CEQA; and (ii) that there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council adopts the Negative Declaration.

c. The custodian of records for the Initial Study, Negative Declaration and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the Planning Director of the City of Rancho Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

SECTION 4: Based upon the findings and conclusions set forth in Sections 1, 2 and 3 above, this Council hereby approves Development Code Amendment DRC2009-00691 as follows:

SECTION 5: Table 17.30.030 Use Regulations for Industrial Districts, is hereby amended to read, in words and figures, as shown in the attached Exhibit "A."

SECTION 6: The following Land Use Type Definition found in Section 17.30.030-D-4-z is hereby amended to read as follows:

Crematory Services: Activities typically include, but are not limited to, services involving the care, preparation, and disposition of human and/or animal remains by means of cremation. Uses typically include, but are not limited to: crematories and crematories with embalming services.

SECTION 7: If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Rancho Cucamonga hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or words thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or words might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

SECTION 8: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published within 15 days after its passage at least once in the Inland Valley Daily Bulletin, a newspaper of general circulation published in the City of Ontario, California, and circulated in the City of Rancho Cucamonga, California.

*Please see the following page
for formal adoption, certification and signatures*

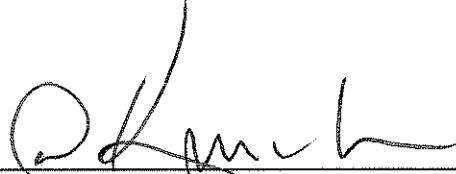
PASSED, APPROVED, AND ADOPTED this 19th day of May 2010.

AYES: Gutierrez, Kurth, Michael, Spagnolo, Williams

NOES: None


ABSENT: None

ABSTAINED: None



Donald J. Kurth, M.D., Mayor

ATTEST:


Janice C. Reynolds, City Clerk

I, **JANICE C. REYNOLDS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Council of the City of Rancho Cucamonga held on the 5th day of May 2010, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 19th day of May 2010.

Executed this 20th day of May 2010, at Rancho Cucamonga, California.

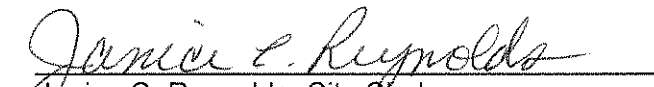

Janice C. Reynolds, City Clerk

Table 17.30.030 Continued - Use Regulations for Industrial Districts

USE TYPES	LAND USE	IP	GI	GI	GI	GI	GI	IP	IP	GI	MI/HI	GI	GI	IP	GI	HI	IP	IP	MU/OS	
	SUBAREAS	HO	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COMMERCIAL																				
Adult Entertainment								A	A	A	A	A	A	A	A	A				
Agricultural/Nursery Supplies & Services			P	P	P		P			P			P	P				P		
Animal Care			C	C	C					C			C	C		C	C			
Automotive Fleet Storage			C		C		C			C	P		C	C				P		
Automotive Fueling Services		C																		
Automotive Rental			P		P	P		P	P					P	P				P	P
Automotive/Light Truck Repair – Minor			P	P	P	P				P				P		P	P			
Automotive/Truck Repair – Major			P	C	P		P			P				P		C	C	C		
Automotive Sales and Leasing			C					C	C							C				
Automotive Service Court			P	P	P	P			C	P				P		P	P			
Automotive Service Station			C	C	C	C		C	C	C				C	C	C	C		C	
Building Contractor's Office & Yards			P	P	P	P	P			P			P	P		P	P	P		
Building Contractor's Storage Yard											P								P	
Building Maintenance Services			P		P	P		P	P	P				P	P	P	P		P	P
Building & Light Equipment Supplies & Sales			P	C	P	C	C			P	P	C	P		C	C	P			
Business Supply Retail & Services			P*	P		P	P		P	P				P	P	P	P		P	P
Business Support Services			P*	P	C	P	P	C	P	P	P			C	P	P	P		P	P
Communication Services			P	P	P	P	P	P	P	P				P	P	P	P		P	P
Convenience Sales & Services			C*	C	C	P	P		C	C				C	C				C	C
Entertainment			C			C		C	C	C					C	C			C	C
Extensive Impact Commercial											C					C	C		C	
Fast Food Sales			C*			C		C	C	C				C	C				C	
Financial, Insurance & Real Estate Services			P	P		P	P		P	P				C	P	C	C		P	P
Food & Beverage Sales			C*	C		C	C		C	C				C	C				C	
Funeral & Crematory Services																				
Heavy Equipment Sales & Rentals			C	C	C		C		C	P	C	C		C	C					
Hotel/Motel			P						P	P					P				C	
Indoor Wholesale/Retail Commercial											C	C	C	C		C	C			
Laundry Services			P		P		P		P					P	P		P			
Medical/Health Care Services			P	P		P	P		P	P				P	P	P			P	
Personal Services			C*	C		P	P		P	P				C	P				P	P
Petroleum Products Storage							C			C	C	C							C	
Recreation Facilities			C	C		C	C	C	C	C	P			C	C	P			P	P
Repair Services			P	P	C	P	P			P	P	P		P	P		P	P	C	
Restaurants			P	P				P	P	P				P	P				P	
Restaurants with Bar or Entertainment			C	C			C	C	C					C	C					
Specialty Building Supplies & Home Improvement						P	P			C										
Warehouse-Style Retail Merchandising **																				

REFER TO SUBAREA 18 SPECIFIC PLAN

ADD CREMATOR SERVICES

NOTES:

- IP - Industrial Park
- HO - Haven Avenue Overlay District
- GI - General Industrial
- MI/HI - Minimum Impact Heavy Industrial
- HI - Heavy Industrial
- * - Ancillary uses limited to 20 percent of the floor area per Section 17.30.080.5.b.
- ** - Refer to Subarea 12 Special Considerations for additional restrictions
- P - Permitted Use
- C - Conditionally Permitted Use
- - Non-Marked uses not permitted
- A - Adult Entertainment Zoning Permit Required
- MU/OS - Mixed Use/Open Space
- P* - Permitted with Master Plan approval for 35 acres minimum