

ORDINANCE NO. 876

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA APPROVING DEVELOPMENT AGREEMENT DRC2014-00610 FOR THE PURPOSE OF PROVIDING A SENIOR HOUSING PROJECT IN ACCORDANCE WITH THE SENIOR HOUSING OVERLAY ZONING DISTRICT (SHOZD) INCLUDING A DEVIATION FROM CERTAIN DEVELOPMENT STANDARDS FOR THE DEVELOPMENT OF A 24,641 SQUARE FOOT, 60-UNIT SENIOR APARTMENT COMPLEX ON 2.25 ACRES OF LAND LOCATED ON THE WEST SIDE OF ARCHIBALD AVENUE, SOUTH OF BASE LINE ROAD; APN: 0208-031-58 AND 0208-031-59.

A. Recitals.

1. California Government Code Section 65864 provides, in pertinent part, as follows:

“The Legislature finds and declares that:

- a. The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in, and commitment to, comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

- b. Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

2. California Government Code Section 65865 provides, in pertinent part, as follows:

- a. Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property as provided in this article.

3. California Government Code Section 65865.2 provides, in pertinent part, as follows:

- a. A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.”

4. Attached to this Ordinance, marked as Exhibit A and incorporated herein by this reference is proposed Development Agreement DRC2014-00610, concerning that property located on the west side of Archibald Avenue, south of Base Line Road, and as described in the title of this Ordinance. Hereinafter in this Ordinance, the Development Agreement attached hereto as Exhibit A is referred to as the “Development Agreement” as “the application.”

5. On the 13th of May 2015, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing with respect to the above referenced Development Agreement and, following the conclusion thereof, adopted its Resolution No. 15-35, recommending that the City Council of the City of Rancho Cucamonga adopt said Development Agreement.

6. On the 3rd of June 2015, the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the Development Agreement and concluded said meeting on that date.

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 June 3, 2015, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The proposed Development Agreement and each and every term and provision contained therein conforms to the General Plan of the City of Rancho Cucamonga as amended by DRC2014-00546, a request to amend the General Plan land use designation for the subject property from Low to High Residential, and conforms to the Zoning Map of the City of Rancho Cucamonga as amended by DRC2014-00547, a request to amend the Zoning Map land use district from the Low (L) Residential District to the High (H) Residential District and Senior Housing Overlay Zoning District (SHOD); and

b. The proposed Development Agreement is consistent with the objectives, policies, and general land uses specified in the General Plan and any applicable Specific Plans; and

c. The proposed Development Agreement is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice; and

d. The proposed Development Agreement will not be detrimental to the health, safety, and general welfare of the City; and

e. The proposed Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and

f. The location, design, and purposes set forth in this proposed Development Agreement are compatible with the character of existing development in the vicinity; and

SECTION 3: Based upon the facts and information contained in the proposed Mitigated 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 Mitigated Negative Declaration and Monitoring Program attached hereto, and incorporated herein by this reference, 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, with the imposition of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration; and

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

c. The City Council has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during project implementation. The City Council therefore adopts the Mitigation Monitoring Program for the project; and

d. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring Program and all other materials which constitute the record of proceedings upon which the City Council's decision 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: It is expressly found that the public necessity, general welfare, and good zoning practice require the approval of the Development Agreement.

SECTION 5: This Council hereby approves Development Agreement DRC2014-00610, attached hereto as Exhibit A.

SECTION 6: 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 7: 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.

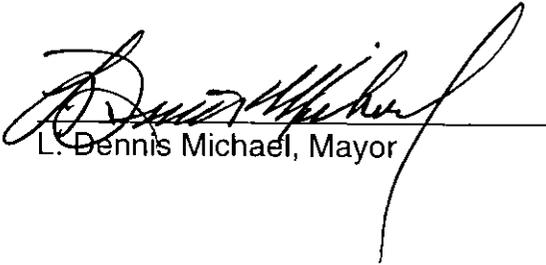
PASSED, APPROVED, AND ADOPTED this 17th day of June 2015.

AYES: Alexander, Kennedy, Michael, Spagnolo, Williams

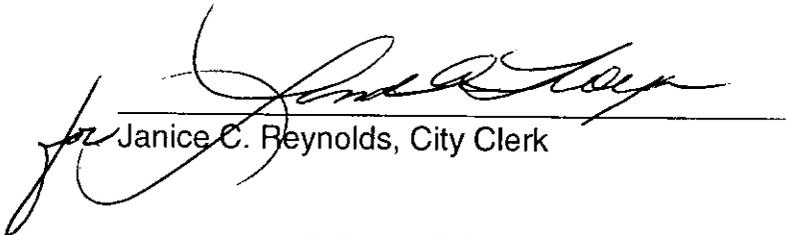
NOES: None

ABSENT: None

ABSTAINED: None

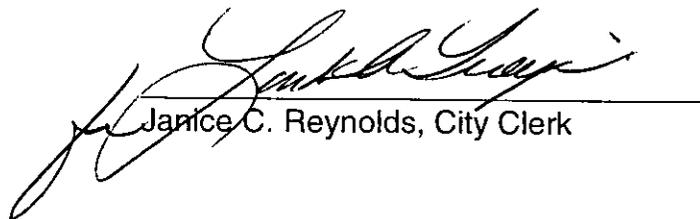

L. Dennis Michael, Mayor

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 3th day of June 2015, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 17th day of June 2015.

Executed this 18th day of June 2015, at Rancho Cucamonga, California.


Janice C. Reynolds, City Clerk