

ORDINANCE NO. 882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390, A REQUEST TO CHANGE THE VICTORIA COMMUNITY PLAN ZONING DESIGNATION FOR 10.94 ACRES OF LAND FROM MEDIUM (M) RESIDENTIAL (4-8 DWELLING UNITS PER ACRE) TO VILLAGE COMMERCIAL (VC) RELATED TO THE CONSTRUCTION OF A 100,135 SQUARE FOOT 9-BUILDING MULTI-TENANT RETAIL CENTER AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD. THE AMENDMENT ALSO INCLUDES CHANGING THE ZONING DESIGNATION FOR 4 CONTIGUOUS ACRES OF LAND FROM MEDIUM (M) RESIDENTIAL (8-14 DWELLING UNITS PER ACRE) TO LOW MEDIUM (LM) RESIDENTIAL (4-8 DWELLING UNITS PER ACRE) AND A TEXT AMENDMENT CLARIFYING DEVELOPMENT STANDARDS; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

A. Recitals.

1. Lewis Retail Centers filed an application for the approval of Victoria Community Plan Amendment DRC2015-00390 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Victoria Community Plan Amendment request is referred to as "the application."

2. On the 10th day of November, 2015, the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing with respect to the above referenced Victoria Community Plan Amendment DRC2015-00390 and, following the conclusion thereof, adopted its Resolution No. 15-69, recommending that the City Council of the City of Rancho Cucamonga adopt said Victoria Community Plan Amendment.

3. On the 2nd day of December, 2015, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the application and concluded said hearing on that date.

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

B. Ordinance.

**NOW, THEREFORE**, it is hereby found, determined, and resolved by the City Council of the City of Rancho Cucamonga 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 the substantial evidence presented to the City Council during the above-referenced public hearing on December 2nd, 2015, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The application applies to a property located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan; and

b. To the north is RCFPD Station 173 within the Community Facilities (CF) Zoning District and vacant land within the Medium (M) Zoning District of the Victoria Community Plan; to the south is vacant land within the Regionally Related Office/Commercial (RROC) Zoning District of the Victoria Community Plan; to the east are single-family residences within the Low Medium (LM) Zoning District of the Victoria Community Plan; and, to the west is a San Bernardino County Flood Control Maintenance Yard within the Medium (M) Zoning District of the Victoria Community Plan; and

c. The General Plan Land Use Designation of the project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan area with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan Land Use Designation for the 10.94 acre project site to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation for the 10.94 acre project site to Village Commercial (VC) and to change the zoning designation for 4 acres north of the project site to Low Medium (LM) Residential; and

d. The Victoria Community Plan Amendment also includes a text amendment stating that "building setbacks to be determined through the development approval process;" and

e. The application is in conjunction with the subdivision of 14.08 acres of vacant land into 6 parcels (related file: SUBTPM19637) including 10.08 acres of land for the purpose of developing a 100,135 square foot multi-tenant retail center (related file: DRC2015-00386) and 4 acre remainder parcel for the future development of a multi-family senior housing project.

**SECTION 3:** Based upon the substantial evidence presented to this Council during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Council hereby finds and concludes as follows:

a. The proposed Victoria Community Plan Amendment does not conflict with the Land Use Policies of the General Plan and will provide for the development, within the district, in a manner consistent with the General Plan and with related development. The project includes a request to amend the General Plan Land Use Designation from Low Medium (LM) Residential to Neighborhood Commercial (NC). The proposed Victoria Community Plan Amendment will bring the zoning designation of the project site into conformance with the proposed General Plan Land Use Designation. General Plan Policy LU-1.3 encourages the development of commercial centers that serve a broad range of retail and service needs of the community. The proposed commercial development is consistent with the intent of the proposed General Plan and Victoria Community Plan Amendments.

b. The proposed Victoria Community Plan Amendment does promote the goals and objectives of the Victoria Community Plan which in turn are consistent with and implement the goals and objectives of the General Plan. These goals include promoting the economical and efficient use of land, promoting design and construction techniques that are responsive to the environment, and promoting development compatible with the surrounding neighborhood. The proposed text and zoning amendment will result in a commercial development that is consistent with the goals and objectives of the Victoria Community Plan and will be indistinguishable in overall quality and design from existing development in the surrounding area.

c. The proposed Victoria Community Plan Amendment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The proposed Victoria Community Plan Amendment will provide for a commercial development that is separated from the surrounding residential land uses by two public streets which will mitigate any negative impacts created by the commercial center. The amendment will not increase traffic in a manner that is beyond that which the roads were designed to accommodate or overwhelm the existing public facilities; and

d. The proposed amendment is in conformance with the General Plan. The General Plan states that the intent of the Neighborhood Commercial (NC) Land Use District is for small-scale shopping centers (5 to 15 acres in size) located near or within residential neighborhoods. The 10.94 acre project site is located at the corner of two major streets and is easily accessible from the surrounding residences; and

e. In conjunction with the approval of General Plan Amendment DRC2015-00388, the proposed Victoria Community Plan Amendment will be consistent with the objectives of the Victoria Community Plan. The 10.94 acre project site is located at the intersection of two major streets, Day Creek Boulevard and Base Line Road, and is well suited for the proposed commercial development. The project site is separated from surrounding residential land uses by public streets, limiting any potential noise and glare issues. The project will become an integral part of the surrounding area.

**SECTION 4:** 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 Mitigation 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.

b. The City Council has reviewed the Mitigated Negative Declaration and the comments received from the California Department of Fish and Wildlife (CDFW) 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. During the Public Comment Period, staff received comments from the California Department of Fish and Wildlife (CDFW). To address CDFW comments, staff modified one of the existing mitigation measures in Initial Study Parts II and III, shortening the period of time prior to earth moving activity for performing a nesting bird survey. The modified mitigation measure was reviewed by the Planning Commission. The City Council 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.

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 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.

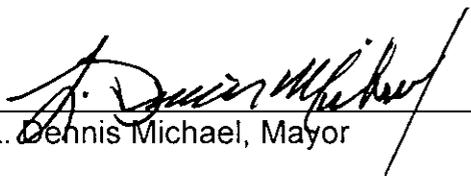
SECTION 5: The Victoria Community Plan is hereby amended to change the Victoria Community Plan Zoning Designation for 10.94 acres of land from Medium (M) Residential (4-8 dwelling units per acre) to Village Commercial (VC). The Amendment also includes changing the zoning designation for 4 contiguous acres of land from Medium (M) Residential (8-14 dwelling units per acre) to Low Medium (LM) Residential (4-8 dwelling units per acre) and a text amendment clarifying commercial development standards, as shown in Attachments A and B.

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.

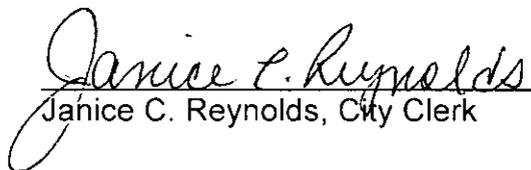
SECTION 7: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published within 15 days after its passage at least once in the Inland Valley Daily Bulletin, a newspaper of general circulation published in the City of Rancho Cucamonga, California, and circulated in the City of Rancho Cucamonga, California.

PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of December 2015.

**AYES:** Alexander, Kennedy, Michael, Spagnolo, Williams  
**NOES:** None  
**ABSENT:** None  
**ABSTAINED:** None

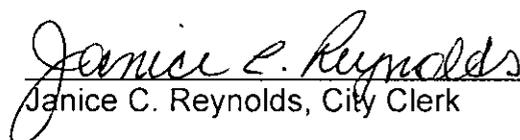
  
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L. Dennis Michael, Mayor

**ATTEST:**

  
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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 2<sup>nd</sup> day of December 2015, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 16<sup>th</sup> day of December 2015.

Executed this 17<sup>th</sup> day of December 2015, at Rancho Cucamonga, California.

  
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Janice C. Reynolds, City Clerk