



THE CITY OF RANCHO CUCAMONGA

THE REGULAR MEETINGS OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

MARCH 9, 2016 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance

Roll Call

Chairman Wimberly ___ Vice Chairman Oaxaca ___

Munoz ___ Macias ___ Fletcher ___

II. PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Historic Preservation Commission or the Planning Commission on any item listed or not listed on the agenda. State law prohibits the Historic Preservation Commission or the Planning Commission from addressing any issue not previously included on the Agenda. The Historic Preservation Commission or the Planning Commission may receive testimony and set the matter for a subsequent meeting.

Comments are to be limited to five minutes per individual or less, as deemed necessary by the Chair, depending upon the number of individuals desiring to speak. All communications are to be addressed directly to the Historic Preservation Commission or Planning Commission, not to the members of the audience. This is a professional business meeting and courtesy and decorum are expected. Please refrain from any debate between audience and speaker, making loud noises, or engaging in any activity which might be disruptive to the decorum of the meeting.

III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

A. Consideration of minutes dated February 24, 2016



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION AGENDA

MARCH 9, 2016

Page 2

- B. VACATION OF A PORTION OF 10115 24TH STREET, LOCATED EAST OF HERMOSA AVENUE (V-229) – HCH INVESTMENTS, LLC – APN: 0209-111-20. Related File: Minor Design Review DRC2014-00388.

IV. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

- C. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP SUBTT19917 - SHAREEF AWAD - A request to subdivide 7.17 acres into 10 lots in the Very Low (VL) Residential District of the Etiwanda Specific Plan, located north of the 210 Freeway and east of East Avenue at the easterly extension of Wilshire Drive and Copley Drive; APN: 0226-102-30. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.
- D. DESIGN REVIEW DRC2015-00402 – FULLMER CONSTRUCTION FOR FREWING DEVELOPMENT - A request for site plan and architectural review of a 45,797 square foot warehouse building on a 2.32 acre lot located on the west side of Pittsburgh Avenue and approximately 570 feet south of 6th street in the Industrial Park (IP) District - APN: 0229-341-15. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers in-fill development on no more than 5 acres substantially surrounded by urban uses.
- E. CONDITIONAL USE PERMIT DRC2015-00848 – ROYAL SPA – A request to operate a massage establishment within a 1,395 square foot tenant space located within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan at the northwest corner of Milliken Avenue and 7th Street at 9090 Milliken Avenue, Suite 130 – APN: 0209-272-28. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

V. COMMISSION BUSINESS/HISTORIC PRESERVATION AND PLANNING COMMISSION

- F. COMMISSION ANNOUNCEMENTS



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION AGENDA

MARCH 9, 2016

Page 3

VI. ADJOURNMENT

The Planning Commission will immediately adjourn to the Rains Room to discuss Pre-Application Review DRC2015-00444 – Civic Design Group for Roger Wong.

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on March 3, 2016, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.



If you need special assistance or accommodations to participate in this meeting, please contact the Planning Department at (909) 477-2750. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

INFORMATION FOR THE PUBLIC

TO ADDRESS THE PLANNING COMMISSION

The Planning Commission encourages free expression of all points of view. To allow all persons to speak, given the length of the agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement from the audience.

The public may address the Planning Commission on any agenda item. To address the Planning Commission, please come forward to the podium located at the center of the staff table. State your name for the record and speak into the microphone. After speaking, please sign in on the clipboard located next to the speaker's podium. It is important to list your name, address and the agenda item letter your comments refer to. Comments are generally limited to 5 minutes per individual.

If you wish to speak concerning an item *not* on the agenda, you may do so under "Public Comments." There is opportunity to speak under this section prior to the end of the agenda.

Any handouts for the Planning Commission should be given to the Planning Commission Secretary for distribution to the Commissioners. A copy of any such materials should also be provided to the Secretary to be used for the official public record.

All requests for items to be placed on a Planning Commission agenda must be in writing. Requests for scheduling agenda items will be at the discretion of the Commission and the Planning Director.



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION AGENDA

MARCH 9, 2016

Page 4

AVAILABILITY OF STAFF REPORTS

Copies of the staff reports or other documentation to each agenda item are on file in the offices of the Planning Department, City Hall, located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730. These documents are available for public inspections during regular business hours, Monday through Thursday, 7:00 a.m. to 6:00 p.m., except for legal City holidays.

APPEALS

Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of \$2,584 for all decisions of the Commission. (Fees are established and governed by the City Council).

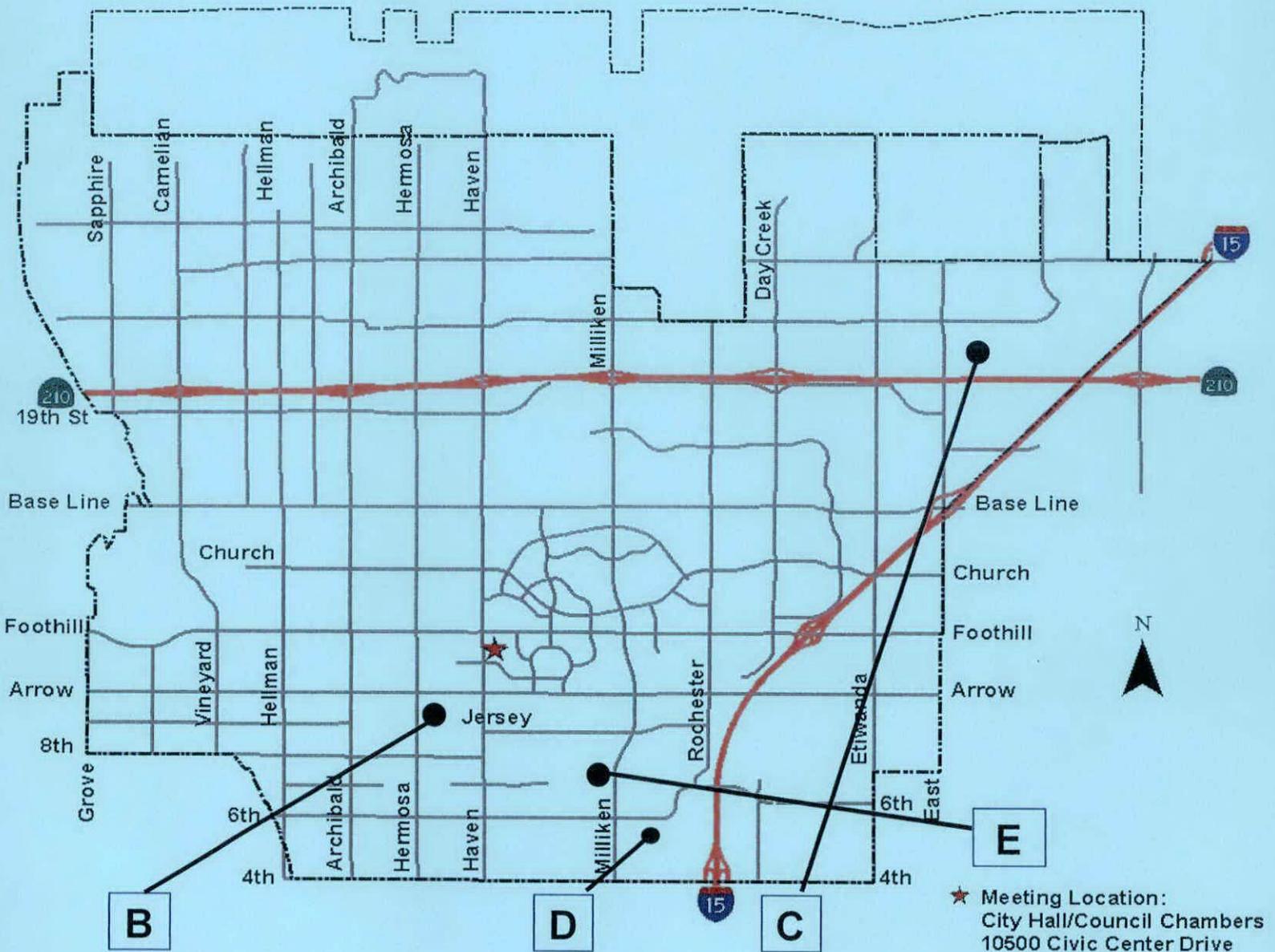
Please turn off all cellular phones and pagers while the meeting is in session.

Copies of the Planning Commission agendas, staff reports and minutes can be found at www.CityofRC.us.

Vicinity Map

Historic Preservation and Planning Commission Meeting

March 9, 2016



- Item B: Vacation of 10115 24th Street.
- Item C: Tentative Tract Map SUBTT19917
- Item D: Design Review DRC2015-00402
- Item E: Conditional Use Permit DRC2015-00848



THE CITY OF RANCHO CUCAMONGA

THE *MINUTES* OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

FEBRUARY 24, 2016 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance *7:02 P.M.*

Roll Call

Chairman Wimberly X Vice Chairman Oaxaca X

Munoz X Macias A Fletcher X

Additional Staff Present: Candyce Burnett, Planning Director; Steven Flower, Assistant City Attorney; Lois Schrader, Planning Commission Secretary; Jennifer Palacios, Office Specialist II; Mike Smith, Senior Planner; Nikki Cavazos, Assistant Planner; Jason Welday, Traffic Engineer

II. PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Historic Preservation Commission or the Planning Commission on any item listed or not listed on the agenda. State law prohibits the Historic Preservation Commission or the Planning Commission from addressing any issue not previously included on the Agenda. The Historic Preservation Commission or the Planning Commission may receive testimony and set the matter for a subsequent meeting.

Comments are to be limited to five minutes per individual or less, as deemed necessary by the Chair, depending upon the number of individuals desiring to speak. All communications are to be addressed directly to the Historic Preservation Commission or Planning Commission, not to the members of the audience. This is a professional business meeting and courtesy and decorum are expected. Please refrain from any debate between audience and speaker, making loud noises, or engaging in any activity which might be disruptive to the decorum of the meeting.

None



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

FEBRUARY 24, 2016

Page 2

III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

- A. Consideration of minutes dated February 10, 2016

Moved by Fletcher, seconded by Muñoz, carried 3-0-1-1 (Macias absent, Oaxaca abstain)

IV. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

- B. TENTATIVE PARCEL MAP SUBTPM19666 - I&D CONSULTING FOR COSTANZO INVESTMENTS, LLC: A request to subdivide a parcel of 2.25 acres, into two (2) parcels, in the Industrial Park (IP) District located at the southwest corner of Foothill Boulevard and Spruce Avenue; APN: 0208-353-14. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 15 (CEQA Guidelines Section 15315) exemption, which covers minor land divisions into four or fewer parcels. Related files: Design Review DRC2015-00756, Conditional Use Permit DRC2015-00760, Uniform Sign Program DRC2015-00757 and Tree Removal Permit DRC2015-00759.
- C. DESIGN REVIEW DRC2015-00756 – I&D CONSULTING FOR COSTANZO INVESTMENTS, LLC: A request for site plan and architectural review of two (2) multi-tenant buildings, with a combined floor area of approximately 15,979 square feet, on a parcel of 2.25 acres in the Industrial Park (IP) District located at the southwest corner of Foothill Boulevard and Spruce Avenue; APN: 0208-353-14. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers in-fill development on no more than 5 acres substantially surrounded by urban uses. Related files: Tentative Parcel Map SUBTPM19666, Conditional Use Permit DRC2015-00760, Uniform Sign Program DRC2015-00757, and Tree Removal Permit DRC2015-00759.
- D. CONDITIONAL USE PERMIT DRC2015-00760 – I&D CONSULTING FOR COSTANZO INVESTMENTS, LLC: A request for a Conditional Use Permit to allow retail sales within one of two (2) proposed multi-tenant buildings, with a combined floor area of approximately 15,979 square feet, on a parcel of 2.25 acres in the Industrial Park (IP) District located at the southwest corner of Foothill Boulevard and Spruce Avenue; APN: 0208-353-14. Planning Department staff has determined that the project is categorically exempt from the



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

FEBRUARY 24, 2016

Page 3

requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers in-fill development on no more than 5 acres substantially surrounded by urban uses. Related files: Tentative Parcel Map SUBTPM19666, Design Review DRC2015-00756, Uniform Sign Program DRC2015-00757, and Tree Removal Permit DRC2015-00759.

- E. UNIFORM SIGN PROGRAM DRC2015-00757 – I&D CONSULTING FOR COSTANZO INVESTMENTS, LLC: A review of a uniform sign program for two (2) proposed multi-tenant buildings, with a combined floor area of approximately 15,979 square feet, on a parcel of 2.25 acres in the Industrial Park (IP) District located at the southwest corner of Foothill Boulevard and Spruce Avenue; APN: 0208-353-14. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers in-fill development on no more than 5 acres substantially surrounded by urban uses. Related files: Tentative Parcel Map SUBTPM19666, Design Review DRC2015-00756, Conditional Use Permit DRC2015-00760, and Tree Removal Permit DRC2015-00759.
- F. TREE REMOVAL PERMIT DRC2015-00759 – I&D CONSULTING FOR COSTANZO INVESTMENTS, LLC: A request for a Tree Removal Permit to remove fifty (50) trees to allow the construction of two (2) multi-tenant buildings (and associated parking lot improvements) on a parcel of 2.25 acres in the Industrial Park (IP) District located at the southwest corner of Foothill Boulevard and Spruce Avenue; APN: 0208-353-14 Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers in-fill development on no more than 5 acres substantially surrounded by urban uses. Related files: Tentative Parcel Map SUBTPM19666, Design Review DRC2015-00756, Uniform Sign Program DRC2015-00757, and Conditional Use Permit DRC2015-00760.

Nikki Cavazos, Assistant Planner, presented the staff report and gave a PowerPoint presentation (copy on file). She noted a change with respect to the Conditions of Approval that textured pavement shall be provided across the circulation aisle, pedestrian walkway and plaza, and be of brick/tile pavers, exposed aggregate and/or integral color concrete. She said this condition was left off some of the resolutions in error.

Chairman Wimberly asked if the Commission will be able to view the final renderings, color boards and material boards.

Ms. Cavazos produced the material boards that were presented at DRC and noted there were some revisions asked for but the Committee forwarded the project to the Planning Commission as it was presented to the Design Review Committee with the understanding revisions are needed.



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

FEBRUARY 24, 2016

Page 4

Chairman Wimberly asked for the design of the actual murals.

Ms. Cavazos said the murals are up to the applicant. It was noted that the art work in the murals cannot be an advertisement.

Chris Costanzo, the applicant, thanked staff and asked if there were any questions from the Commissioners.

Chairman Wimberly said the murals are going to be the applicant's design and should fit into the architecture of that area. He asked if any designs have been brought to staff.

Mr. Costanzo said only a discussion of what can be done and some ideas have occurred. He said they looked at examples from Orange County and Los Angeles areas of trendy shopping centers that have put up artwork and murals on sides of the buildings. Ideas vary from black and white to colorful typical/graphic artwork. He said the architects are working on sketches to be consistent with the building theme.

Commissioner Fletcher asked if it will be presented to Staff for review.

Ms. Cavazos said renderings will come back at plan check.

Candyce Burnett, Planning Director said there can be a Condition placed requiring staff's review.

Commissioner Fletcher asked about the anticipated restaurants.

Mr. Costanzo said The Habit wants more space and are excited to be part of the area. Café Rio will be placed in the building as well as Jersey Mike Subs and Tokyo Joe's Asian Fusion.

Chairman Wimberly opened the public hearing. Hearing and seeing none, he closed the public hearing.

Commissioner Muñoz stated he is happy to see new product on that corner.

Commissioner Fletcher stated it is a good addition to the City, it is attractive and a good mix of tenants.

Vice Chairman Oaxaca stated it is an optimal use for the property, the color and materials used are an improvement and he is pleased.



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

FEBRUARY 24, 2016

Page 5

Chairman Wimberly stated this is a great mix for the location. He said it will enhance the area and draw attention to the location. He said he is pleased and wants to see the building murals for a final look.

Steven Flower, Assistant City Attorney provided language for a condition requiring the applicant to submit a mural design for review prior to the installation.

Mr. Costanzo agreed to both the Conditions of Approval re: decorative paving and to submitting a design for review prior to installation.

Moved by Muñoz, seconded by Fletcher, carried 4-0-1 (Macias absent) to adopt the resolutions approving Items B, C, D, E and F (Tentative Parcel Map SUBTPM19666, Design Review DRC2015-00756, Conditional Use Permit DRC2015-00760, Uniform Sign Program DRC2015-00757 and Tree Removal Permit DRC2015-00759) with the added condition to submit the mural designs for review prior to installation.

- G. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT DRC2015-00887 – CITY OF RANCHO CUCAMONGA - An amendment to change the land use designations of multiple parcels at various locations within the City from their existing designations (which varies but includes, for example, General Commercial and Office Professional) to Mixed Use, and to correct, as necessary, existing tables/text in the General Plan that specify the uses and range of development required on various parcels in the City that are currently designated for Mixed Use development. Staff has prepared a Negative Declaration of environmental impacts for consideration. This item will be forwarded to the City Council for final action.

Moved by Fletcher, seconded by Oaxaca, carried 4-0-1 (Macias absent) to continue Item G to a future date.

V. COMMISSION BUSINESS/HISTORIC PRESERVATION AND PLANNING COMMISSION

- H. INTER-AGENCY UPDATES

Commissioner Munoz gave the highlights of the League of California Cities Transportation, Communication & Public Works Policy Committee activities (documentation on file).

- I. COMMISSION ANNOUNCEMENTS

Commissioner Fletcher reported he attended the State of the City event along with



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

FEBRUARY 24, 2016

Page 6

Chairman Wimberly and Planning Director Candyce Burnett. Commissioner Fletcher stated the event was nice and complimented City staff, the City Manager, Chamber of Commerce and the sponsors who helped support the event.

VI. ADJOURNMENT

7:42 P.M.

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on February 18, 2016, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.



If you need special assistance or accommodations to participate in this meeting, please contact the Planning Department at (909) 477-2750. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

INFORMATION FOR THE PUBLIC

TO ADDRESS THE PLANNING COMMISSION

The Planning Commission encourages free expression of all points of view. To allow all persons to speak, given the length of the agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement from the audience.

The public may address the Planning Commission on any agenda item. To address the Planning Commission, please come forward to the podium located at the center of the staff table. State your name for the record and speak into the microphone. After speaking, please sign in on the clipboard located next to the speaker's podium. It is important to list your name, address and the agenda item letter your comments refer to. Comments are generally limited to 5 minutes per individual.

If you wish to speak concerning an item *not* on the agenda, you may do so under "Public Comments." There is opportunity to speak under this section prior to the end of the agenda.

Any handouts for the Planning Commission should be given to the Planning Commission Secretary for distribution to the Commissioners. A copy of any such materials should also be provided to the Secretary to be used for the official public record.

All requests for items to be placed on a Planning Commission agenda must be in writing. Requests for scheduling agenda items will be at the discretion of the Commission and the Planning Director.

AVAILABILITY OF STAFF REPORTS

Copies of the staff reports or other documentation to each agenda item are on file in the offices of the Planning



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION AGENDA

FEBRUARY 24, 2016

Page 7

Department, City Hall, located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730. These documents are available for public inspections during regular business hours, Monday through Thursday, 7:00 a.m. to 6:00 p.m., except for legal City holidays.

APPEALS

Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of \$2,584 for all decisions of the Commission. (Fees are established and governed by the City Council).

Please turn off all cellular phones and pagers while the meeting is in session.

Copies of the Planning Commission agendas, staff reports and minutes can be found at www.CityofRC.us.

STAFF REPORT

ENGINEERING SERVICES DEPARTMENT



Date: March 9, 2016
To: Chairman and Members of the Planning Commission
From: Dan James, Senior Civil Engineer
By: Willie Valbuena, Assistant Engineer
Subject: VACATION OF A PORTION OF 10115 24th STREET, LOCATED EAST OF HERMOSA AVENUE (V-229) – HCH INVESTMENTS, LLC – A request to vacate a portion of 10115 24th Street, located east of Hermosa Avenue - APN 209-111-20
Related File: DRC2014-00388

RECOMMENDATION

Staff recommends that the Planning Commission make the finding through minute action that the proposed vacation is in conformance with the General Plan.

BACKGROUND/ANALYSIS

In conjunction with the review of Development Review DRC2014-00388 prior to approval by the Planning Commission, it was determined that there is an excess right-of-way on 24th Street, east of Hermosa Avenue that needs to be vacated. Said excess right-of-way was previously dedicated under North Cucamonga Map, recorded in Book 4, Page 8. Once vacated, said excess right-of-way will be part of DRC2014-00388 development.

Utility companies, other agencies and various City divisions have been notified of the proposed vacation and were asked for comments. There were no objections to the vacation from any of the groups notified.

The vacation is consistent with the General Plan and the Development Code because said excess right-of-way is not required for street, highways and related purposes anymore and therefore will be part of DRC2014-00388 development.

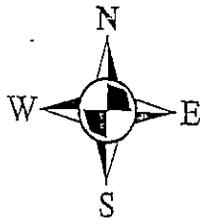
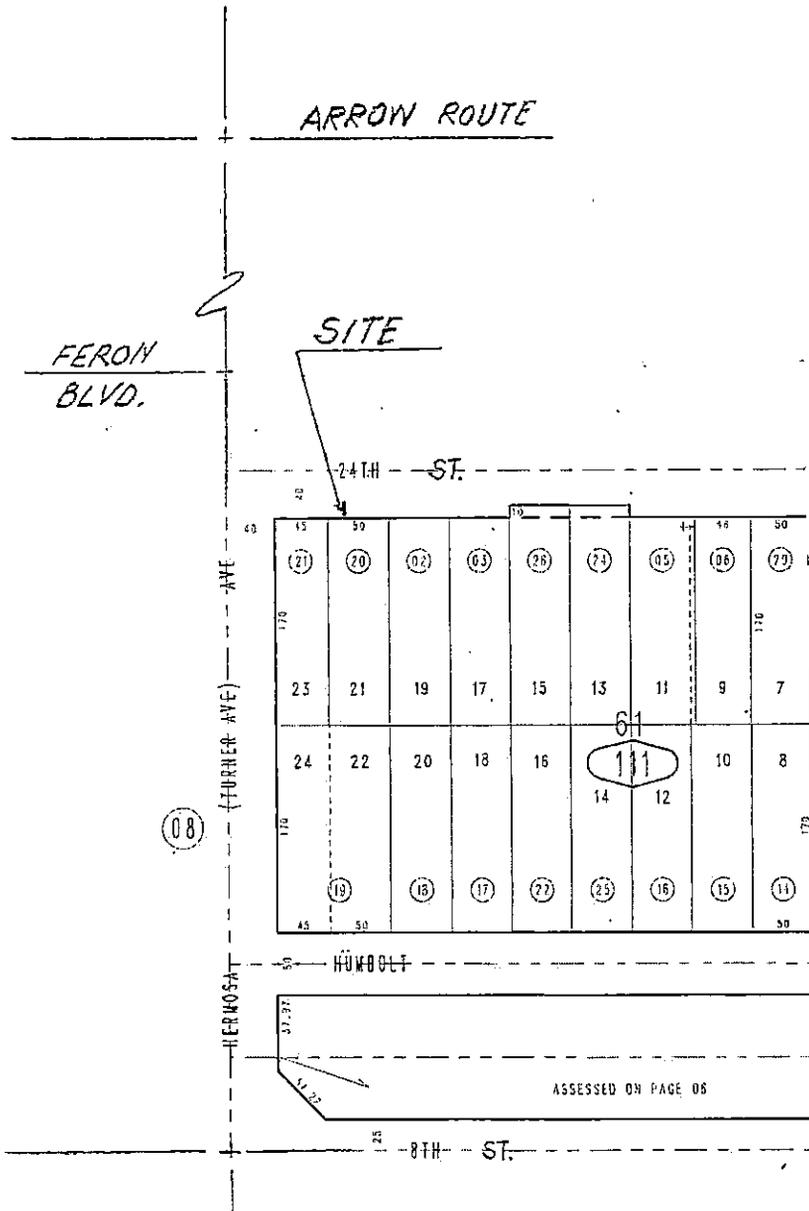
Respectfully submitted,



Dan James
Senior Civil Engineer

Attachments: Vicinity Map
Legal Description (Exhibit "A")
Plat (Exhibit "B")

City of Rancho Cucamonga Engineering Division Vicinity Map



Item: V-229

Title: VICINITY MAP

EXHIBIT "A"
LEGAL DESCRIPTION
(ROAD VACATION)

A PORTION OF BLOCK 61 IN THE NORTH CUCAMONGA TRACT IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 4 PAGE 8 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

THE SOUTHERLY 10.00 FEET OF 24TH STREET AS SHOWN ON SAID MAP BOOK 4, PAGE 8, LOCATED NORTH OF LOT 21 AT RIGHT ANGLES TO THE NORTHWEST AND NORTHEAST CORNERS OF SAID LOT 21, BLOCK 61, MAP BOOK 4, PAGE 8.

(ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART THERE OF.)

PREPARED UNDER THE SUPERVISION OF:

8/18/2015
DATE



GEORGE DARVASAN-STANCIU
P.L.S. 7884 (EXPIRES 3/31/2017)

File No:
15-275
August 2015

V-229

EXHIBIT "B"

10' ROAD VACATION



-DENOTES VACATION AREA

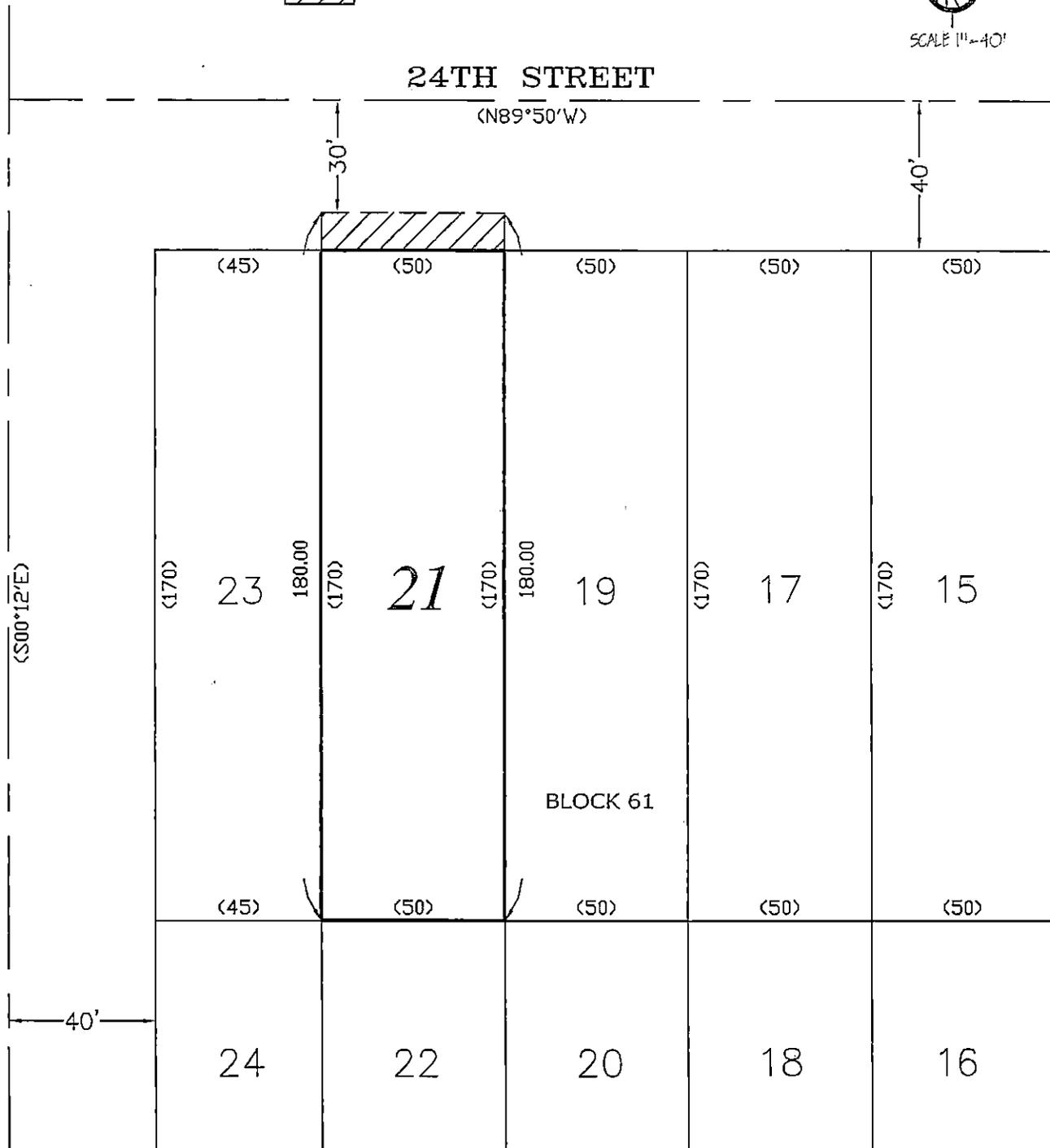


24TH STREET

(N89°50'W)

HERMOSA AVENUE

(S00°12'E)



PREPARED BY:

GEORGE DARVASAN-STANCIU LS 7884
IN AUGUST OF 2015.

SIGNED: _____

P.L.S. NO. 7884

EXP. 3/31/2017



**ENVIRONMENTAL
HIGHTECH
ENGINEERING**

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

(909) 886-1811 FAX (909) 883-1297
3272 N. "E" St. #A, San Bernardino, CA 92405
EHE# 15-275 AUGUST OF 2015

STAFF REPORT



PLANNING DEPARTMENT

DATE: March 9, 2016
TO: Chairman and Members of the Planning Commission
FROM: Candyce Burnett, Planning Director
BY: Tom Grahn, Associate Planner
SUBJECT: ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP SUBTT19917 - SHAREEF AWAD - A request to subdivide 7.17 acres into 10 lots in the Very Low (VL) Residential District of the Etiwanda Specific Plan, located north of the 210 Freeway and east of East Avenue at the easterly extension of Wilshire Drive and Copley Drive; APN: 0226-102-30. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

RECOMMENDATION: Staff respectfully recommends a continuance of the hearing for this item to an unspecified date.

BACKGROUND: On February 3, 2016, staff distributed the environmental documents with the proposed Mitigated Negative Declaration of environmental impacts for review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code. The circulation of these documents allows for public review and comment.

On March 3, 2016, a letter was received from the Environmental Management Division of the Department of Public Works for the County of San Bernardino. Several issues were raised that need to be addressed by staff and following that, the documents will then be re-circulated. The item will also be re-advertised. Therefore, staff respectfully requests the item Shown as Item C of the agenda be continued to an unspecified date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Candyce Burnett", is written over a faint, larger version of the same signature.

Candyce Burnett
Planning Director

CB/TG/lis

STAFF REPORT

PLANNING DEPARTMENT



DATE: March 9, 2016

TO: Chairman and Members of the Planning Commission

FROM: Candyce Burnett, Planning Director

BY: Nikki Cavazos, Assistant Planner

SUBJECT: DESIGN REVIEW DRC2015-00402 – FULLMER CONSTRUCTION FOR FREWING DEVELOPMENT - A request for site plan and architectural review of a 45,797 square foot warehouse building on a 2.32 acre lot located on the west side of Pittsburgh Avenue and approximately 570 feet south of 6th Street in the Industrial Park (IP) District - APN: 0229-341-15. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers in-fill development on no more than 5 acres substantially surrounded by urban uses.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- Determine that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15332 (In-Fill Development Project).
- Adopt the Resolution approving Design Review DRC2015-00402

PROJECT AND SITE DESCRIPTION:

A. Surrounding Land Use and Zoning:

North - Proposed Industrial Building and Parking Lot; Industrial Park (IP) District
South - Church; Industrial Park (IP) District
East - Parking Lot and Vacant Lot; Industrial Park (IP) District
West - Storage Building and Parking Lot; Industrial Park (IP) District

B. General Plan Designations:

Project Site – Industrial Park
North - Industrial Park
South - Industrial Park
East - Industrial Park
West - Industrial Park

- C. Background: The project site is currently a mostly vacant lot. On July 24, 1991, a lot line adjustment was recorded (related file: Lot Line Adjustment #393, Exhibit J). The result is

the irregular alignment of the south property line near the southeast corner where there is a 'notch'. Within this notch is a paved area that is used by a church (Cucamonga Christian Fellowship), located on the adjacent parcel to the south, for general access and parking for 14 vehicles. The lot line adjustment was approved based on these parking spaces being used only for overflow. Representatives of the church are aware, and accept, that these parking stalls will be removed for this project. Staff has determined that despite the removal of these parking stalls, the church will continue to have a sufficient amount of parking and be in compliance with the parking requirements described in the Development Code.

- D. Site Characteristics: The project site is located on the west side of Pittsburgh Avenue, about 570 feet south of 6th Street, and about 315 feet east of Milliken Avenue. It is approximately 320 feet (east to west) and approximately 305 feet (north to south) with an area of about 101,034 square feet (2.32 acres). The frontage of Pittsburgh Avenue has full street improvements and mature street trees. The site is otherwise vacant. The subject property is generally level with an elevation at the north and south sides of about 1,066 and 1,056 feet, respectively.

The property is bound on the west by a parcel that is partially developed with a small structure of about 2,000 square feet and walled enclosures that are used by a telephone company to house their equipment. To the east is a parking lot (used for both trailer and passenger vehicle parking) and a vacant lot. To the north is a parking lot; a project (related file: Design Review DRC2015-00650) approved by the Planning Commission on February 10, 2016 for the removal of this parking lot and the development of an industrial building that is similar to the subject proposed industrial building. To the south is the aforementioned church. The zoning of the property and the properties surrounding the subject property is Industrial Park (IP) District.

ANALYSIS:

- A. General: The applicant proposes to construct a warehouse building of 45,797 square feet that will include 2,110 feet of office space on the main floor and an additional 2,264 square feet of office space on a second level. There is not a proposed tenant for the building at this time. The front, or primary, elevation of the building will be oriented towards Pittsburgh Avenue. The office area and entrance will be at the southeast corner of the building. The loading area, dock doors and trailer parking stalls will be located on the southwest area of the project site. The dock doors will be on the south side of the building near the rear (west side) of the property (Exhibit F). This area will be screened from public view on Pittsburgh Avenue by a portion of the building and screen walls.

Two access driveways are proposed for the property along Pittsburgh Avenue. A proposed 26-foot wide driveway at the northeast corner of the project site will provide access to visitor and employee parking spaces. A 35-foot wide driveway is proposed at the southeast corner of the project site. In addition to providing access to visitor and employee parking spaces, this driveway will provide access to the trailer parking, dock doors, and truck loading area located within an enclosed area that is approximately 100 feet from Pittsburgh Avenue.

There are two parking areas on the subject property. The first parking lot area includes 17 parking spaces along the south side of the subject property. Most of these parking spaces can be accessed by visitors or employees. However, 4 will be in the aforementioned enclosed area and can only be accessed via a gate. The second parking area includes 32 parking spaces and can be accessed by employees or visitors along the north side of the subject property. The existing paved area at the southeast corner of the site will be reconstructed with parking stalls (and associated improvements) that will be used exclusively by the tenant of the proposed building.

Landscaping will be generally concentrated along the street frontage of the project site (Exhibit I) as is typical for this type of project due to its operating characteristics and layout. One tree for every 3 parking stalls will be provided as specified in the Development Code. The average depth of landscape along the street will comply with the minimum 25 feet as specified in the Development Code. Landscape coverage is 16.5%. The minimum requirement of landscaping for this Development District is 15%.

The proposed buildings will be of concrete tilt-up construction. Each facade will be painted with a palette of six colors. An additional primary material will be El Dorado European Ledge Stone at various locations on the east, west, south and north elevation (Exhibit H). A secondary material will be glazing. Glazing has been proposed mostly at the office area and each facade has some glazing material. A metal canopy is proposed above each of the two lower windows on the east and south elevation. Painted steel cornices are also proposed on the office corner elevation area. Reveal lines have been proposed on all elevations. The east elevation has a varying setback which creates dimension and visual interest. An employee outdoor eating area will be located at the northwest corner of the building. As permitted by the Development Code, in lieu of a shade structure there will be a large shade tree at the outdoor eating area.

The design and layout of the proposed project is consistent with the General Plan and the design guidelines of the Industrial Park (IP) District. The building massing and height are consistent with that of a warehouse building. Its design will be consistent with the character of its surroundings which is principally industrial in nature. It is not expected that the project as proposed will detrimentally affect the use and operations of neighboring, existing, or future developments nor create traffic or pedestrian hazards.

- B. Floor Area Analysis: Per Chapter 2, Figure LU-2 Land Use Plan of the General Plan, the maximum Floor Area Ratio (FAR) in the Industrial Park land use category is 60 percent. As the proposed building will have a floor area of 45,797 square feet and the project site has an area of approximately 101,034 square feet, the calculated FAR for the project will be approximately 45.3 percent.
- C. Parking Calculations: Per Table 17.64.050-1 of the Development Code, the parking calculations for the proposed project, based on the proposed mix of office and warehouse floor areas in the building, are as follows:

Type of Use	Floor Area (Square Feet)	Parking Ratio	Number of Spaces Required
Proposed Building (overall)	45,797		
Warehousing	41,423	varies ¹	31
Office	4,374	1/250	18
Total Required/Total Provided			49/49 ²

¹For warehouse uses, the parking calculations are 1 space per 1,000 square feet for the first 20,000 square feet; 1 space per 2,000 square feet for the second 20,000 square feet; and 1 space per 4,000 square feet for additional floor area in excess of the first 40,000 square feet.

²The trailer parking requirement is calculated separately from the standard parking requirement and is based on a ratio of one stall per dock door. The number of trailer parking spaces that is required is 4 spaces and the number that is provided is 4 spaces.

- D. Technical Review Committee: The proposed project was reviewed by the Technical Review Committee on February 2, 2016. The Committee accepted the proposal and recommended approval. The Committees' conditions have been incorporated into the Resolution of Approval.

- E. Design Review Committee: The proposed project was reviewed by the Design Review Committee (Fletcher, Oaxaca, and Granger) on February 2, 2016, (Exhibit K). No revisions were recommended by staff. The Committee accepted the proposal as it was presented and recommended approval. The Committees' standard conditions have been incorporated into the Resolution of Approval.

- F. Environmental Assessment: The project qualifies for the Class 32 exemption under State CEQA Guidelines Section 15332 (In-Fill Development Project) because the project involves the construction of development within City limits on no more than 5 acres substantially surrounded by urban uses. Staff reviewed noise, air quality (including greenhouse gasses), and biological studies that assessed the potential impacts of the project and concluded that there would not be any significant effect on the environment. The site can be adequately served by all required utilities and public services. The project is consistent with the applicable General Plan land use designation and policies, and the applicable zoning designation and regulations. Therefore, pursuant to the California Environmental Quality Act (CEQA) Section 15332 (In-Fill Development Projects), and the City's local CEQA Guidelines, staff determined the project to be a Class 32 exemption and characterized the project to be an in-fill development.

PLANNING COMMISSION STAFF REPORT
DESIGN REVIEW DRC2015-00402 – FULLMER CONSTRUCTION FOR FREWING
DEVELOPMENT
March 9, 2016
Page 5

CORRESPONDENCE: This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site. No correspondence has been received in response to these notices.

Respectfully submitted,



Candyce Burnett
Planning Director

CB:NC/jp

Attachments: Exhibit A - Location Map
Exhibit B - Aerial Photo
Exhibit C - Site Utilization Map
Exhibit D - Site Plan
Exhibit E - Conceptual Grading Plan
Exhibit F - Floor Plan/Roof Plan
Exhibit G - Building Sections
Exhibit H - Building Elevations
Exhibit I - Landscape Plan
Exhibit J - Lot Line Adjustment
Exhibit K - Design Review Committee Action Comments (February 2, 2016)
Draft Resolution of Approval for Design Review DRC2015-00402

Design Review DRC2015-00402

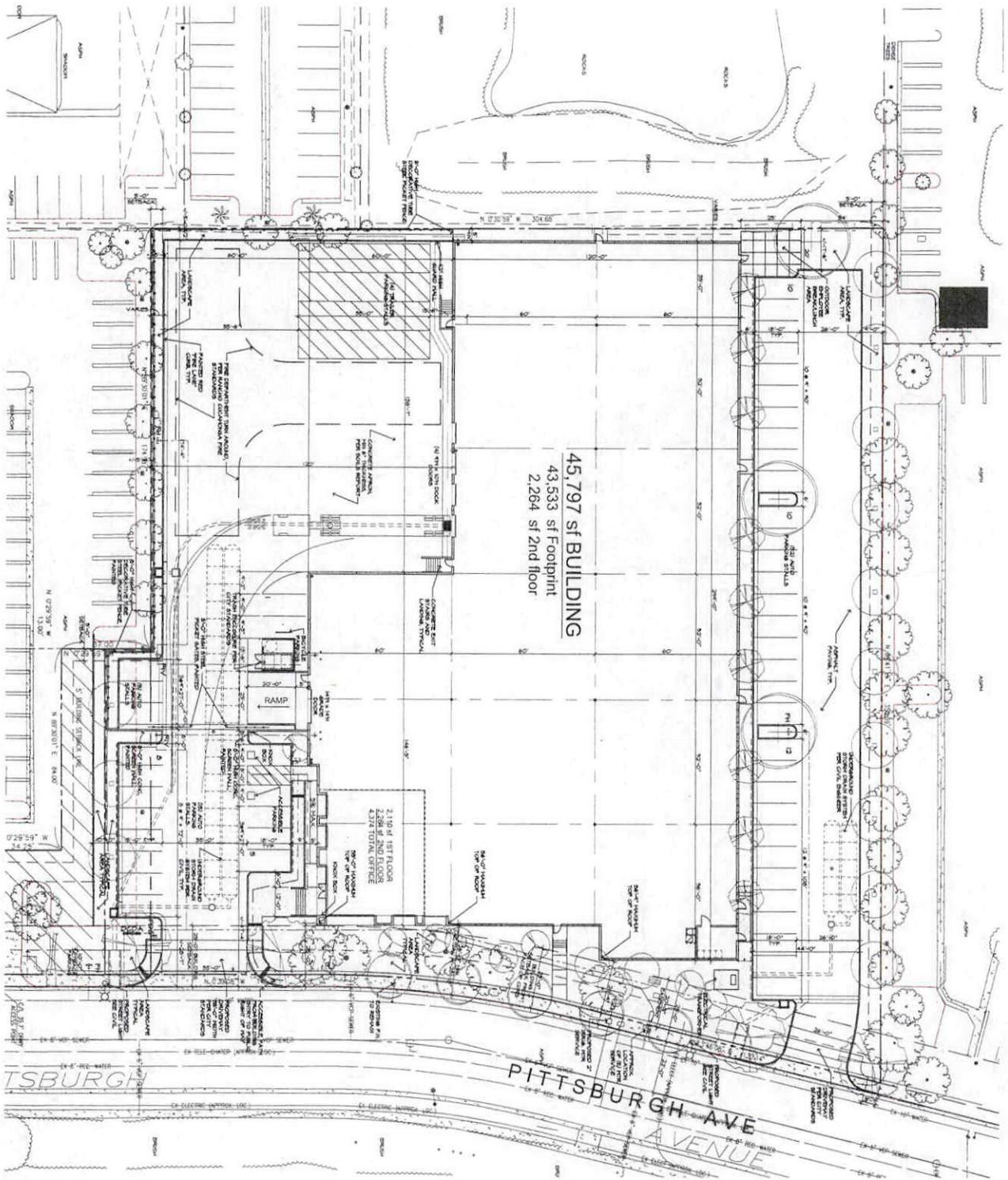
EXHIBIT A



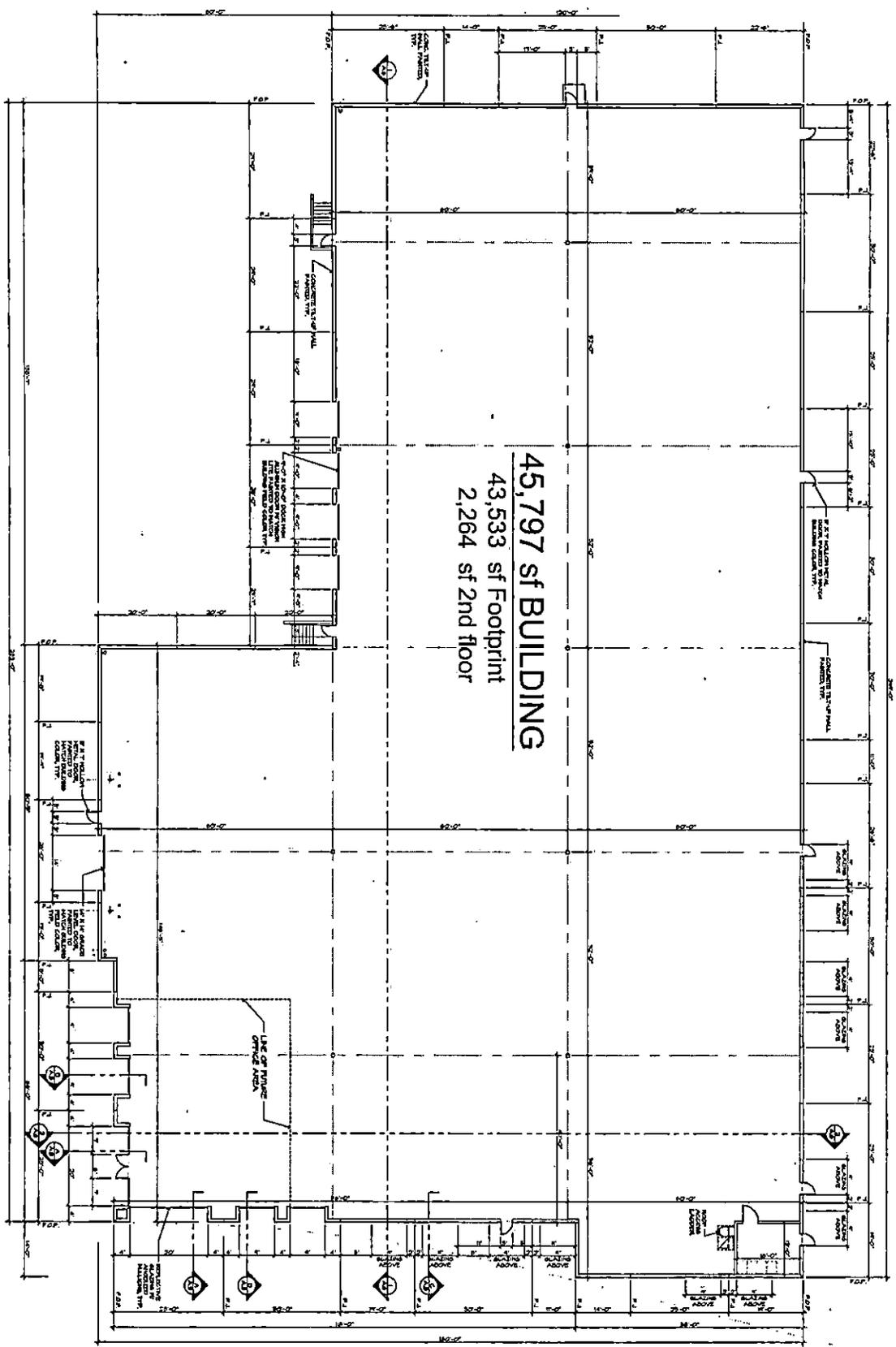
Item D-6

Design Review DRC2015-00402





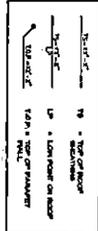
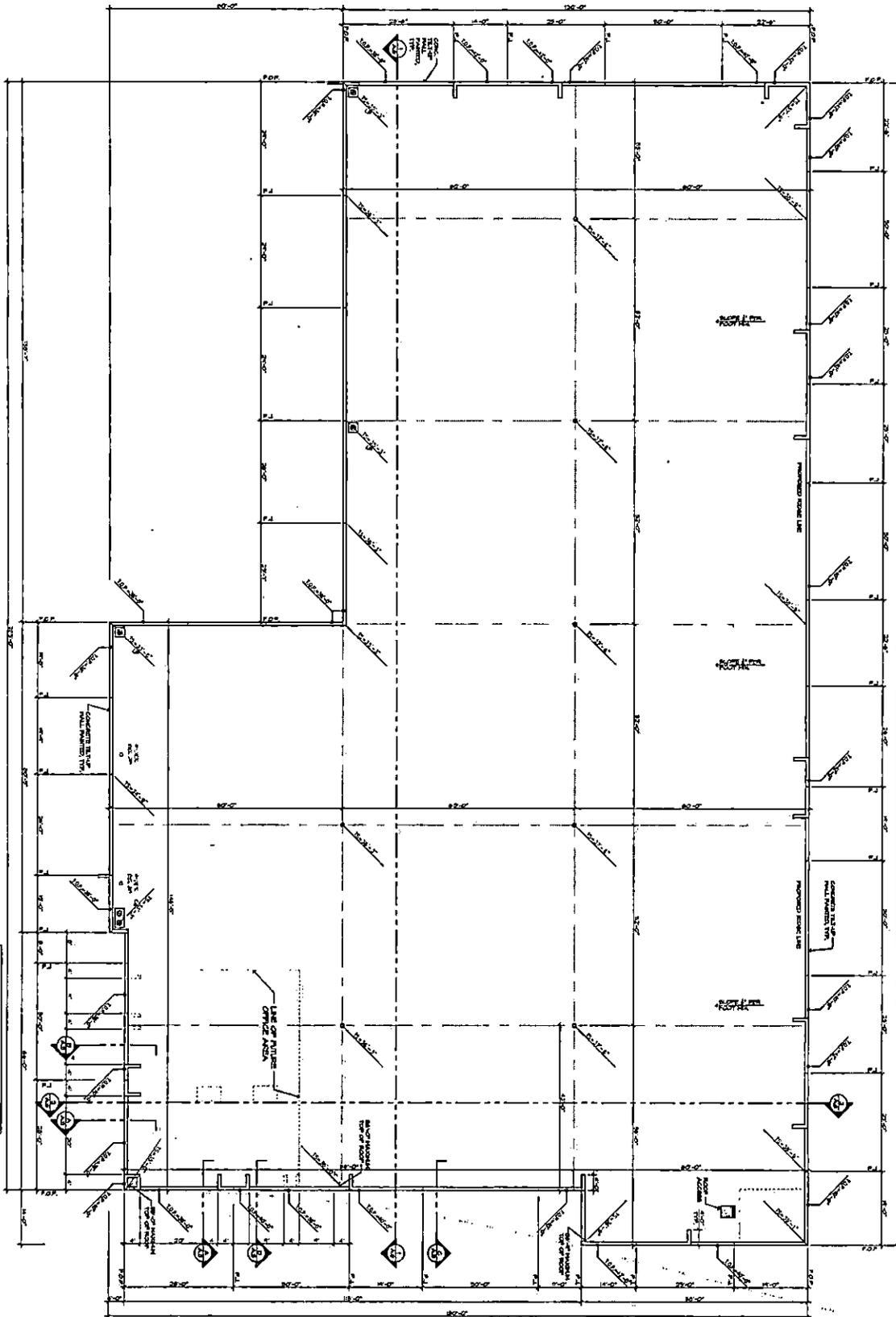
<p>A.1</p>	<p>PRELIMINARY SITE PLAN</p>	<p>Frewing Rancho Cucamonga A Project for Frewing Development</p> <p>Pittsburgh Avenue Rancho Cucamonga, California</p>	REVISIONS		<p>DESIGN REVIEW DRC2015-00402</p>	<p>4501 Wrenbury Place, Suite 108 Torrance, CA 90503 (310) 513-0525</p>	<p>License Renewal Date: 31 March 2017</p>
	<p>DATE: 03 DECEMBER 2015</p> <p>SCALE: 1/16" = 1'-0"</p> <p>DRAWN BY: B. P.</p> <p>PROJECT NO: 14081</p>						



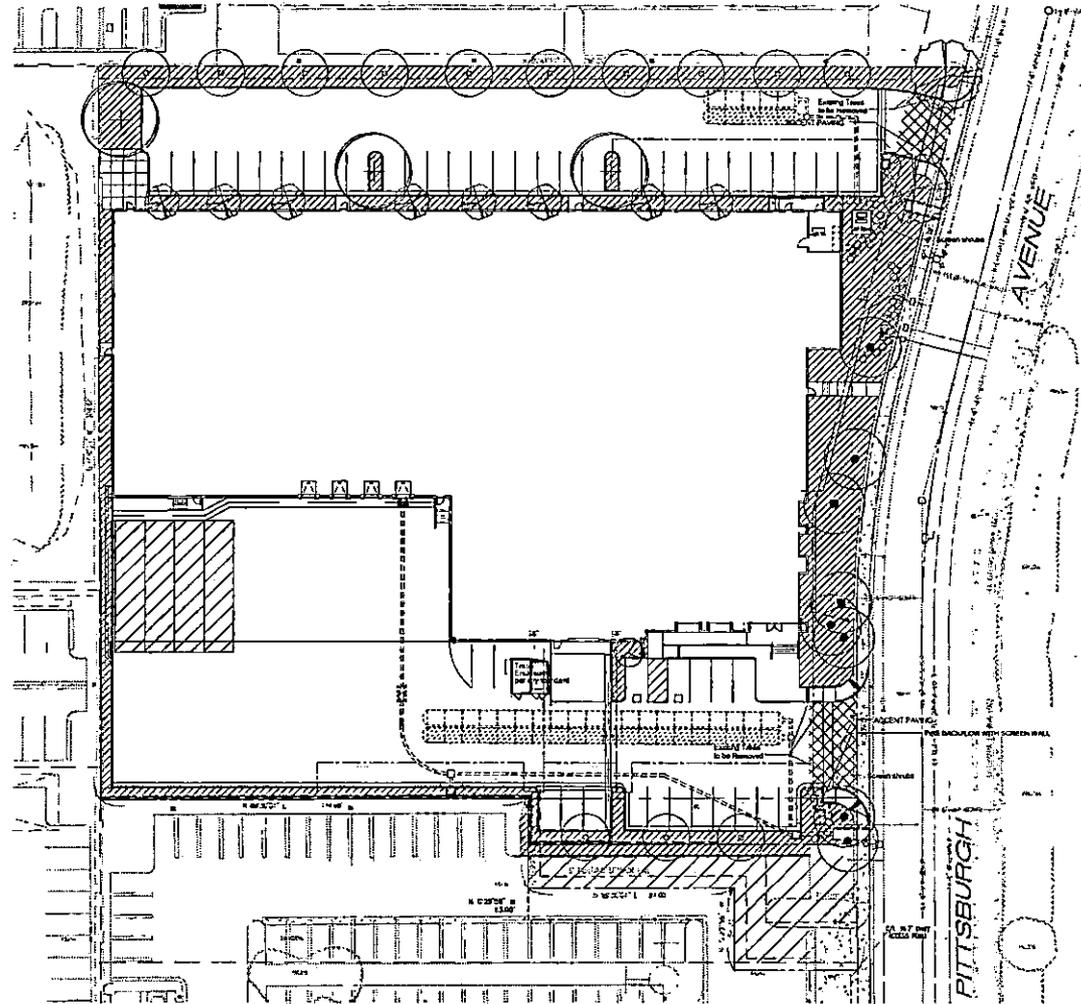
45,797 sf BUILDING
 43,533 sf Footprint
 2,264 sf 2nd floor



A.4	FLOOR PLAN	Frewing Rancho Cucamonga A Project for Frewing Development Pittsburgh Avenue Rancho Cucamonga, California	REVISIONS		DESIGN REVIEW DRC2015-00402	 401 Franklin Street, Suite 100 Walnut Creek, CA 94596 (925) 938-1400
	DATE: 03 DECEMBER 2015 SCALE: 1" = 10'-0" DRAWN BY: B.P. PROJECT NO: M281					



A.5	ROOF PLAN	Frewing Rancho Cucamonga A Project for Frewing Development Pittsburgh Avenue Rancho Cucamonga, California	REVISIONS	DESIGN REVIEW DRC2015-00402	 douglas group 4551 Broadway Plaza, Suite 102 Newport Beach, CA 92660 (949) 453-2222
	DATE: 03 DECEMBER 2015 SCALE: 1" = 10'-0" DRAWN BY: B.P. PROJECT NO: 14281				



PLANTING LEGEND

TREES	SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	PRECED.	REMARKS
	(Symbol: Circle with vertical lines)	20' Large Albizia Rosea	20' Dia	12	M	
	(Symbol: Circle with horizontal lines)	20' Large Crested Flame Tree	20' Dia	2	M	
	(Symbol: Circle with diagonal lines)	20' Large Mangrove Grove Maple	20' Dia	1	M	
	(Symbol: Circle with cross-hatch)	15 Gal Orange	15 Gal	3	M	
	(Symbol: Circle with diagonal lines)	15 Gal Bridal Veil	15 Gal	3	M	

SHRUBS	SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	PRECED.	REMARKS
	(Symbol: Diagonal hatching)	8 Gal Mandarin Tree	8 Gal	181	L	
	(Symbol: Diagonal hatching)	8 Gal Sage Fairy Duster	8 Gal	50	L	
	(Symbol: Diagonal hatching)	1 Gal Lavender	1 Gal	115	L	
	(Symbol: Diagonal hatching)	5 Gal Texas Ranger	5 Gal	256	L	
	(Symbol: Diagonal hatching)	5 Gal Roses	5 Gal	143	L	
	(Symbol: Diagonal hatching)	5 Gal Roses	5 Gal	143	L	
	(Symbol: Diagonal hatching)	5 Gal Roses	5 Gal	123	L	
	(Symbol: Diagonal hatching)	5 Gal Roses	5 Gal	201	L	
	(Symbol: Diagonal hatching)	5 Gal Roses	5 Gal	57	L	
	(Symbol: Diagonal hatching)	8 Gal Roses	8 Gal	64	L	

ACCENTS	SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	PRECED.	REMARKS
	(Symbol: Diagonal hatching)	15 Gal Agave	15 Gal	13	L	
	(Symbol: Diagonal hatching)	5 Gal Pineapple	5 Gal	55	L	
	(Symbol: Diagonal hatching)	10 Gal Dandelion	10 Gal	24	L	
	(Symbol: Diagonal hatching)	15 Gal Red Yucca	15 Gal	106	L	
	(Symbol: Diagonal hatching)	5 Gal Purple Fountain Grass	5 Gal	173	M	
	(Symbol: Diagonal hatching)	5 Gal Purple Fountain Grass	5 Gal	240	L	

GROUNDCOVER	SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	PRECED.	REMARKS
	(Symbol: Diagonal hatching)	1 Gal Acacia	1 Gal	8' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	
	(Symbol: Diagonal hatching)	1 Gal Crown Bush	1 Gal	24' O.C.	L	

- NOTES:
1. ALL TREES WITH 8" OF HARDSCAPE SHALL BE IN A SHALLOW OR EQUAL ROOTBARREL.
 2. CONCRETE TO BE INSTALLED WITH COARSE MESH CLAS BETWEEN PLANTERS AND TURF AREAS. SEE PLANTING DETAIL SHEET.
 3. ALL PLANTER AREAS TO RECEIVE A 2" LAYER OF MEDIUM PALK ON BANK 15% SLOPE.

THE ROOTBALL OF ANY PLANT SHALL NOT BE PLANTED AN CLOSER THAN 2" FROM ANY HARDSCAPE, BUILDING OR WALL.

Frewing Development

15-018
15-019
15-020

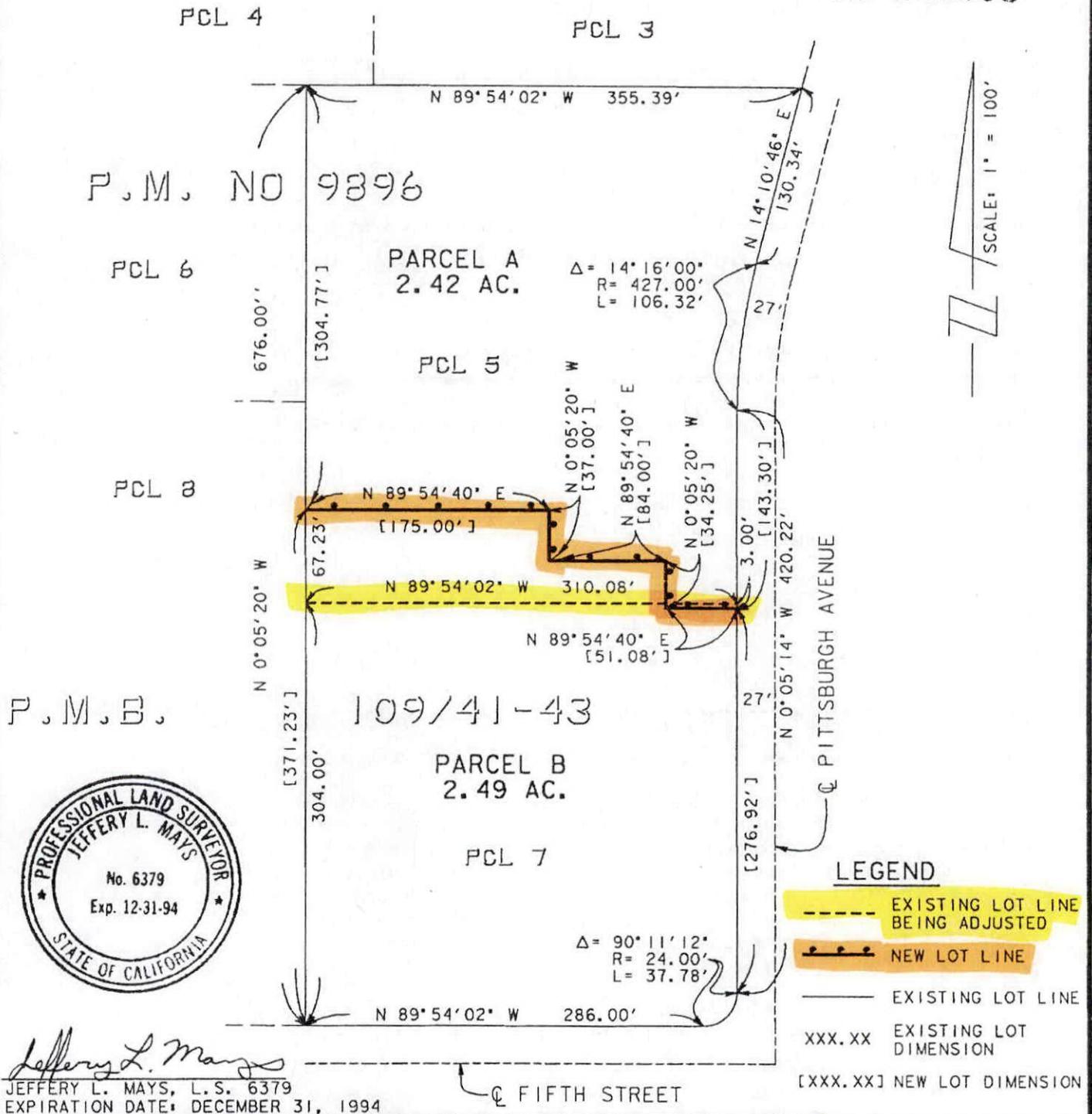
Frewing

Rancho Cucamonga, California

HUNTER LANDSCAPE
711 FERRANA STREET PLACENTIA, CA 92670
714.966.7400 FAX 714.556.2403

LOT LINE ADJUSTMENT NO. 343
 IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF
 SAN BERNARDINO, STATE OF CALIFORNIA

91-280685



Jeffery L. Mays
 JEFFERY L. MAYS, L.S. 6379
 EXPIRATION DATE: DECEMBER 31, 1994

PREPARED BY:
FUSCOE WILLIAMS
 125 Pacifica, Suite 100
 Irvine, California 92718
 Phone (714) 727-4100
 FAX (714) 727-1230

EXHIBIT "B"
 SHEET 1 OF 1

EXHIBIT J

Item D - 17



THE CITY OF RANCHO CUCAMONGA

DESIGN REVIEW COMMITTEE ACTION AGENDA

February 2, 2016 - 7:00 P.M.

Rancho Cucamonga Civic Center
Rains Room
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Roll Call

7:00 p.m.

Regular Members: Richard Fletcher X Francisco Oaxaca X
Candyce Burnett Donald Granger X

Alternates: Ray Wimberly Lou Munoz
Rich Macias

Additional Staff Present: Tabe van der Zwaag, Associate Planner and Mike Smith, Senior Planner

II. PROJECT REVIEW ITEMS

The following items will be presented by the applicant and/or their representatives. Each presentation and resulting period of Committee comment is limited to 20 minutes. Following each presentation, the Committee will address major issues and make recommendations with respect to the project proposal. The Design Review Committee acts as an advisory Committee to the Planning Commission. Their recommendations will be forwarded to the Planning Commission as applicable. The following items do not legally require any public testimony, although the Committee may open the meeting for public input.

- A. ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00402 – FULLMER CONSTRUCTION FOR FREWING DEVELOPMENT - A request for site plan and architectural review of a 45,797 square foot warehouse building on a 2.32 acre lot located on the west side of Pittsburgh Avenue and approximately 570 feet south of 6th street in the Industrial Park (IP) District - APN: 0229-341-15.

A. DRC2015-00402
Committee
recommended
approval and
forwarded project
to PC.



DESIGN REVIEW COMMITTEE ACTION AGENDA

February 2, 2016

B. ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00782 - CONSOLIDATED CONSULTING - A request for site plan and architectural review of 6 industrial buildings totaling 168,204 square feet on 9.6 acres of land located on the south side of Foothill Boulevard at Mayten Avenue in the Industrial Park (IP) Zoning District; APNs: 0229-012-53, 54, 70 and 71. Related Files: Tentative Tract Map SUBTPM19669 and Master Plan (Amendment) DRC2015-01018.

B. DRC2015-00782 Committee recommended approval and forwarded project to PC with recommended changes to consolidate, expand and pop out the faux tower elements on the south elevation of Bldg. 1, north elevation of Bldg. 2 and west elevation of Bldg. 3. Also, rectify the outdoor eating area deficiency.

III. PUBLIC COMMENTS

This is the time and place for the general public to address the Committee. State law prohibits the Committee from addressing any issue not previously included on the Agenda. The Committee may receive testimony and set the matter for a subsequent meeting. Comments are limited to five minutes per individual.

IV. ADJOURNMENT

The Design Review Committee has adopted Administrative Regulations that set an 11:00 p.m. adjournment time. If items go beyond that time, they shall be heard only with the consent of the Committee.

I, Jennifer Palacios, Office Specialist II with the Planning Department for the City of Rancho Cucamonga, hereby certify that a true, accurate copy of the foregoing agenda was posted on January 21, 2016, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 10500 Civic Center Drive, Rancho Cucamonga.

8:31 p.m.

RESOLUTION NO. 16-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DESIGN REVIEW DRC2015-00402, A REQUEST FOR SITE PLAN AND ARCHITECTURAL REVIEW OF A 45,797 SQUARE FOOT WAREHOUSE BUILDING ON A 2.32 ACRE LOT LOCATED ON THE WEST SIDE OF PITTSBURGH AVENUE AND APPROXIMATELY 570 FEET SOUTH OF 6TH STREET IN THE INDUSTRIAL PARK (IP) DISTRICT; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0229-341-15.

A. Recitals.

1. Fullmer Construction on behalf of Frewing Development, filed an application for the approval of Design Review DRC2015-00402 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Design Review request is referred to as "the application."

2. On the 9th day of March 2016, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application and concluded said hearing on that date.

3. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on March 9, 2016, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to a property generally located on the west side of Pittsburgh Avenue, south of 6th Street; and

b. The property has an area of about 101,034 square feet (2.32 acres) and is about 320 feet (east to west) by about 305 feet (north to south); and

c. The parcel is mostly a vacant lot with a small area near the southeast corner that is used by a church (Cucamonga Christian Fellowship), located on the adjacent parcel to the south, for general access and overflow parking; and

d. The property is bound on the west by a parcel that is partially developed with a small structure of about 2,000 square feet and walled enclosures that are used by a telephone company to house their equipment. To the east is a parking lot (used for both trailer and passenger vehicle parking) and a vacant lot. To the north is a parking lot; a project (related file: Design Review DRC2015-00650) was approved by the Planning Commission on February 10, 2016 for the removal of this parking lot and the development of an industrial building that is similar to the subject proposed industrial building. To the south is a church; and

e. The zoning of the property and all the properties surrounding the subject property is Industrial Park (IP) District; and

f. The applicant proposes to construct an industrial building of 45,797 square feet; and

g. The proposed building will be of concrete tilt-up construction. The basic layout of the building will be typical for warehouse buildings. The primary (or long) axis for the building will be aligned west to east. The office area will be located at the southeast corner of the building. There will be a dock loading/storage area with 4 dock doors located on the southwest of the building; and

h. The parking requirement for the project, based on the proposed mix of office and warehouse floor areas in the proposed building, is 49 parking stalls; the project will have 49 parking stalls. The trailer parking requirement, based on a ratio of one stall per dock door, is 4 trailer parking stalls; the project will have 4 trailer parking stalls; and

i. The proposed building will have a floor area of 45,797 square feet and the project site has an area of approximately 101,034 square feet. The calculated FAR for the project will be approximately 45.3 percent. Per Chapter 2, Figure LU-2 Land Use Plan of the General Plan, the maximum Floor Area Ratio (FAR) in the Industrial Park (IP) land use category is 60 percent; and

j. A review and request for approval of land uses are not included in this application.

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

a. The proposed project is in accord with the General Plan, the objectives of the Development Code, and the purposes of the district in which the site is located. The proposal is to construct an industrial building of 45,797 square feet. The underlying General Plan designation is Industrial Park (IP) District.

b. The proposed development is compatible with the existing and proposed land uses in the surrounding area. The potential land uses that would be associated with this project are consistent with the land uses within the vicinity where it is located and the expectations of the community. The zoning of the property and all properties surrounding the subject property is Industrial Park (IP) District.

c. The proposed development complies with each of the applicable provisions of the Development Code. The proposed development complies with all standards outlined in the Development Code, including building and parking setbacks, average landscape depth, floor area ratio, parking, dock and storage area screening, landscape coverage, site planning, and architecture.

d. The proposed project, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The potential land uses that would be associated with this project are consistent with the land uses within the vicinity where it is located and the expectations of the community. The zoning of the property and all properties surrounding the subject property is Industrial Park (IP) District.

4. The Planning Department Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies for the Class 32 exemption under State CEQA Guidelines Section 15332 (In-Fill Development Project) because the project involves the construction of development within City limits on no more than 5 acres substantially surrounded by urban uses. Staff reviewed noise, air quality (including greenhouse gasses), and biological studies that assessed the potential impacts of the project and concluded that there would not be any significant effect on the environment. The site can be adequately served by all required utilities and public services. The project is consistent with the applicable General Plan land use designation and policies, and the applicable zoning designation and regulations. The Planning Commission has reviewed the Planning Department determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

5. Based upon the findings and conclusions set forth in Paragraphs 1, 2, 3, and 4 above, this Commission hereby approves the application subject to each and every condition set forth below and in the attached standard conditions incorporated herein by this reference.

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 9TH DAY OF MARCH 2016.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: _____
Ravenel Wimberly, Chairman

ATTEST: _____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission for the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 9th day of March 2016, by the following vote-to-wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:



Conditions of Approval

Community Development Department

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

1. For commercial and industrial projects, paint roll-up doors and service doors to match main building colors.
2. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Planning Department. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Planning Director. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building. Details shall be included in building plans.
3. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
4. Copies of the signed Planning Commission Resolution of Approval or Approval Letter, Conditions of Approval, and all environmental mitigations shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
5. The applicant shall be required to pay California Department of Fish and Wildlife Notice of Exemption fee in the amount of \$50.00. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission Secretary prior to public hearing or within 5 days of the date of project approval.
6. Any approval shall expire if Building Permits are not issued or approved use has not commenced within 5 years from the date of approval or a time extension has been granted.
7. Existing trees required to be preserved in place shall be protected with a construction barrier in accordance with the Development Code Section 17.80.050, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist's recommendations regarding preservation, transplanting, and trimming methods.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

8. A minimum of 20 percent of trees planted within industrial projects, and a minimum of 30 percent within commercial and office projects, shall be specimen size trees - 24-inch box or larger.
9. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls.
10. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Planning Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Services Department.
11. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.
12. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Services Department.
13. Landscaping and irrigation shall be designed to conserve water through the principles of water efficient landscaping per Development Code Chapter 17.82.
14. The applicant shall comply with all Santa Ana Regional Water Quality Board and Federal EPA water requirements.
15. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. Multi-family residential developments shall provide a solid overhead structure for mailboxes with adequate lighting. The final location of the mailboxes and the design of the overhead structure shall be subject to Planning Director review and approval prior to the issuance of Building Permits.
16. All parking lot landscape islands shall have a minimum outside dimension of 6 feet.
17. All parking spaces shall be 9 feet wide by 17 feet long with a required 1-foot overhang (e.g., over a curb stop).
18. Plans for any security gates shall be submitted for the Planning Director, City Engineer, and Rancho Cucamonga Fire Protection District review and approval prior to issuance of Building Permits. For residential development, private gated entrances shall provide adequate turn-around space in front of the gate and a separate visitor lane with call box to avoid cars stacking into the public right-of-way.
19. All parking spaces shall be double striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
20. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community, Specific Plans and/or Master Plans in effect at the time of Building Permit issuance.
21. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination and in conformance with Building and Safety Services Department standards, the Municipal Code and the Rancho Cucamonga Fire Department (RCFD) Standards.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

22. The site shall be developed and maintained in accordance with the approved plans which include Site Plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Department, the conditions contained herein and the Development Code regulations.
23. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Planning Director. For single-family residential developments, transformers shall be placed in underground vaults.
24. All parkways, open areas, and landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Planning Director and Engineering Services Department review and approved prior to the issuance of Building Permits.
25. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Planning Director and Police Department (909-477-2800) prior to the issuance of Building Permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.
26. Occupancy of the facilities shall not commence until such time as all California Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the Rancho Cucamonga Fire Protection District and the Building and Safety Services Department to show compliance. The buildings shall be inspected for compliance and final acceptance granted prior to occupancy.
27. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.
28. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Director.
29. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing walls/fences along the project perimeter.
30. Revised Site Plans and building elevations incorporating all Conditions of Approval shall be submitted for Planning Director review and approval prior to the issuance of Building Permits.
31. Trash receptacle(s) are required and shall meet City standards. The final design, locations, and the number of trash receptacles shall be subject to Planning Director review and approval prior to the issuance of Building Permits.
32. Bicycle storage spaces shall be provided at a rate equivalent to 5 percent of all required motorized vehicle parking, with a minimum of one rack with a capacity for two bicycles.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Please be advised of the following Special Conditions

1. Pittsburgh Avenue frontage improvements to be in accordance with City "Industrial Collector" standards as required and including:
 - a. Protect or replace existing curb and gutter and sidewalk.
 - b. The southerly drive approach shall have a minimum width of 35 feet and a maximum width of 50 feet, per City Std. 101, Type C. The northerly drive approach with a width of 26 feet is acceptable to the City.
 - c. Provide two (2) 5800 Lumen HPSV-equivalent LED street lights.
 - d. Provide curbside drain outlets per City Standards.
 - e. Protect or replace existing signing and striping.
2. The sidewalk shall wrap at the back of the proposed drive approaches and shall cross the drive approaches at the zero curb face.
3. Street improvement plans, prepared by a registered Civil Engineer, shall be submitted to and approved by the City Engineer. Alternatively, a revision can be made to existing street improvement plans Drawing Number 1337 Sheet Nos. 13 and 14, to the satisfaction of the City Engineer.
4. Site is located within Assessment District 82-1 and therefore exempt from payment of drainage fees.
5. The following impact fees shall be paid upon issuance of building permit (fees subject to change annually):
 - a. Transportation Fee (Warehouse) \$ 4,501.00 per 1,000 SF
 - b. Transportation Fee (Office) \$ 10,802.00 per 1,000 SF
 - c. Police Impact Fee (Industrial) \$ 46.10 per 1000 SF
 - d. Police Impact Fee (Office) \$ 122.38 per 1000 SF

Standard Conditions of Approval

6. A signed consent and waiver form to join and/or form the appropriate Landscape and Lighting Districts shall be filed with the Engineering Services Department prior to final map approval or issuance of Building Permits whichever occurs first. Formation costs shall be borne by the developer.
7. A non-refundable deposit shall be paid to the City, covering the estimated operating costs for all new streetlights for the first six months of operation, prior to Building Permit issuance.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Standard Conditions of Approval

8. Prior to the issuance of building permits, a Diversion Deposit and related administrative fees shall be paid for the Construction and Demolition Diversion Program. The deposit is fully refundable if at least 50% of all wastes generated during construction and demolition are diverted from landfills, and appropriate documentation is provided to the City. Permits issued on or after June 2, 2014, must complete the reimbursement process through the City's Accelerate online portal within 60 days following the completion of the construction and/or demolition project or the deposit will be forfeited. Permits issued before June 2, 2014, require the following when applying for a deposit reimbursement: a completed CD-2 form, a copy of the cashier's receipt showing the deposit amount, and all weight tickets. Instructions and forms are available at the City's web site, www.CityofRC.us, under City Hall; Engineering; Environmental Programs.
9. Pursuant to Municipal Code Section 16.37.010, no person shall make connections from a source of energy, fuel or power to any building or structure which is regulated by technical codes and for which a permit is required unless, in addition to any and all other codes, regulations and ordinances, all improvements required by these conditions of development approval have been completed and accepted by the City Council, except: that in developments containing more than one building, structure or unit, the development may have energy connections made in equal proportion to the percentage of completion of all improvements required by these conditions of development approval, as determined by the City Engineer, provided that reasonable, safe and maintainable access to the property exists. In no case shall more than 95 percent of the buildings, structures or units be connected to energy sources prior to completion and acceptance of all improvements required by these conditions of development approval.
10. Construct the following perimeter street improvements including, but not limited to:
 - Pittsburgh Avenue
 - Sidewalk
 - Drive Approach
 - Street Lights

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Standard Conditions of Approval

11. Improvement Plans and Construction:

- a. Street improvement plans, including street trees, street lights, and intersection safety lights on future signal poles, and traffic signal plans shall be prepared by a registered Civil Engineer and shall be submitted to and approved by the City Engineer. Security shall be posted and an agreement executed to the satisfaction of the City Engineer and the City Attorney guaranteeing completion of the public and/or private street improvements, prior to final map approval or the issuance of Building Permits, whichever occurs first.
- b. Prior to any work being performed in public right-of-way, fees shall be paid and a construction permit shall be obtained from the Engineering Services Department in addition to any other permits required.
- c. Pavement striping, marking, traffic signing, street name signing, traffic signal conduit, and interconnect conduit shall be installed to the satisfaction of the City Engineer.
- d. Signal conduit with pull boxes shall be installed with any new construction or reconstruction project along major or secondary streets and at intersections for future traffic signals and interconnect wiring. Pull boxes shall be placed on both sides of the street at 3 feet outside of BCR, ECR, or any other locations approved by the City Engineer.

Notes:

- 1) Pull boxes shall be No. 6 at intersections and No. 5 along streets, a maximum of 200 feet apart, unless otherwise specified by the City Engineer.
 - 2) Conduit shall be 3-inch galvanized steel with pull rope or as specified.
 - e. Access ramps for the disabled shall be installed on all corners of intersections per City Standards or as directed by the City Engineer.
 - f. Existing City roads requiring construction shall remain open to traffic at all times with adequate detours during construction. Street or lane closure permits are required. A cash deposit shall be provided to cover the cost of grading and paving, which shall be refunded upon completion of the construction to the satisfaction of the City Engineer.
 - g. Concentrated drainage flows shall not cross sidewalks. Under sidewalk drains shall be installed to City Standards, except for single-family residential lots.
 - h. Street names shall be approved by the Planning Manager prior to submittal for first plan check.
12. Adequate provisions shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.
13. Provide separate utility services to each parcel including sanitary sewerage system, water, gas, electric power, telephone, and cable TV (all underground) in accordance with the Utility Standards. Easements shall be provided as required.
14. The developer shall be responsible for the relocation of existing utilities as necessary.
15. Water and sewer plans shall be designed and constructed to meet the requirements of the Cucamonga Valley Water District (CVWD), Rancho Cucamonga Fire Protection District, and the Environmental Health Department of the County of San Bernardino. A letter of compliance from the CVWD is required prior to final map approval or issuance of permits, whichever occurs first. Such letter must have been issued by the water district within 90 days prior to final map approval in the case of subdivision or prior to the issuance of permits in the case of all other residential projects.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Standard Conditions of Approval

16. Approvals have not been secured from all utilities and other interested agencies involved. Approval of the final parcel map will be subject to any requirements that may be received from them.

Fire Prevention / New Construction Unit

Standard Conditions of Approval

1. Access Doorways: Approved doorways, accessible without the use of a ladder, shall be provided as follows:
 - a. In buildings without high-piled storage, access shall be provided in accordance with the current edition of California Building/Fire Codes and/or any other applicable standards.
 - b. In buildings with high-piled storage access doors shall be provided in each 100 lineal feet or major fraction thereof, of the exterior wall that faces the required access roadways. When railways are installed provisions shall be made to maintain Fire District access to all required openings.
 - c. Obtain a reciprocal agreement from the property located on the south property line for FD access.
2. Access Walkways: Hardscaped access walkways shall be provided from the fire apparatus access road to all required building exterior openings.
3. Approved Fire Department Access: Any approved mitigation measures must be clearly noted on the Site Plan. A copy of the approved Alternative Method application, if applicable, must be reproduced on the architectural plans submitted to the Building and Safety Services Department for plan review.
4. Building Access: Knox boxes for site and building access are required in accordance with RCFPD Standard 5-9.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: --- 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Fire Prevention / New Construction Unit

Standard Conditions of Approval

5. Commercial/Industrial Gates: Any gate installed across a Fire Department access road shall be in accordance with Fire District Standards. The following design requirements apply:
 - a. Prior to the fabrication and installation of the gates, plans are required to be submitted to Fire Construction Services (FCS) for approval. Upon the completion of the installation and before placing the gates in service, inspection and final acceptance must be requested from FCS.
 - b. Gates must slide open horizontally or swing inward.
 - c. Gates may be motorized or manual.
 - d. When fully open, the minimum clearance dimension of drive access shall be 20 feet.
 - e. Manual gates must be equipped with a RCFPD lock. The lock must be purchased at the Fire Administration Office.
 - f. Motorized gates must open at the rate of one-foot per second.
 - g. The motorized gate actuation mechanism must be equipped with a manual override device and a fail-safe or battery backup feature to open the gate or release the locking Mechanism in case of power failure or mechanical malfunction.
 - h. Motorized gates shall be equipped with a Knox override key switch. The switch must be installed outside the gate in a visible and unobstructed location.
 - i. For motorized gates, a traffic loop device must be installed to allow exiting from the complex.
 - j. If traffic pre-emption devices (TPD) are to be installed, the device, location and operation must be approved by the Fire Chief prior to installation. Bi-directional or multiple sensors may be required due to complexity of the various entry configurations.
6. Fire Lane Identification: Red curbing and/or signage shall identify the fire lanes. A Site Plan illustrating the proposed delineation that meets the minimum Fire District standards shall be included in the architectural plans submitted to the Building and Safety Services Department for approval.
7. FSC-6 Fire District Site Access: Fire District access roadways include public roads, streets and highways, as well as private roads, drive aisles and/or designated fire lanes. Please reference the RCFPD Fire Department Access Roadways Standard 5-1.
8. Location of Access: All portions of the structures 1st story exterior wall shall be located within 150-feet of Fire District vehicle access, measured on an approved route around the exterior of the building. Landscaped areas, unpaved changes in elevation, gates and fences are deemed obstructions.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Fire Prevention / New Construction Unit

Standard Conditions of Approval

9. Roof Access: must be in accordance with the RCFPD Roof Access Standard. There shall be a means of fire department access from the exterior walls of the buildings on to the roofs of all commercial, industrial and multi-family residential structures more than 10,000 square feet or with roof more than 15 feet in height and less than 75 feet above the level of the fire access road.
 - a. This access must be reachable by the Fire Department aerial ladder.
 - b. A minimum of one ladder point with a fixed ladder shall be provided in buildings with construction features, or high parapets that inhibit roof access.
 - c. The number of ladder points may be required to be increased, depending on the building size and configuration.
 - d. Regardless of the parapet height or construction features the approved ladder point shall be identified in accordance to the roof access standard.
 - e. Where the entire roof access is restricted by high parapet walls or other obstructions, a permanently mounted access ladder is required.
 - f. Multiple access ladders may be required for larger buildings.
 - g. Ladder construction must be in accordance with the RCFPD Roof Access Standard Appendix.
 - h. A Site Plan showing the locations of the roof ladder shall be submitted during plan check.
 - i. Ladder points shall face a fire access roadway(s).
10. Specifications for private Fire District access roadways per the RCFPD Standards are:
 - a. The minimum unobstructed width is 26 feet.
 - b. The maximum inside turn radius shall be 24 feet.
 - c. The minimum outside turn radius shall be 50 feet.
 - d. The minimum radius for cul-de-sacs is 45 feet.
 - e. The minimum vertical clearance is 14 feet, 6 inches.
 - f. At any private entry median, the minimum width of traffic lanes shall be 20 feet on each side.
 - g. The angle of departure and approach shall not exceed 9 degrees or 20 percent.
 - h. The maximum grade of the driving surface shall not exceed 12 percent.
 - i. Support a minimum load of 80,000 pounds gross vehicle weight (GVW).
 - j. Trees and shrubs planted adjacent to the fire lane shall be kept trimmed to a minimum of 14 feet, 6 inches from the ground up. Vegetation shall not be allowed to obstruct Fire Department apparatus.
11. The current edition California Building/Fire Codes, the RCFPD Ordinance and Fire Alarm Standard require most fire sprinkler systems to be monitored by a Central Station sprinkler monitoring system. Plan check approval and a Building Permit are required prior to the installation of a fire alarm or a sprinkler monitoring system. Plans and specifications shall be submitted to Fire Construction Services in accordance with RCFPD Fire Alarm Standard. Refer to the specified documents for the system requirements.

Building and Safety Services Department

Standard Conditions of Approval

1. Submit two sets of structural calculations, two sets of energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Building and Safety Services Department

Standard Conditions of Approval

2. Submit five complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Foundation Plan;
 - c. Floor Plan;
 - d. Ceiling and Roof Framing Plan;
 - e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and
 - g. Planning Department Project Number (i.e., SUBTT, SUBTPM, MDR, CUP, DRC, etc.) clearly identified on the outside of all plans
3. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
4. Separate permits are required for fencing and/or walls.
5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Services Department.
6. Upon plan check submittal, additional requirements may be needed.
7. Exterior walls shall be constructed of the required fire rating in accordance with CBC .
8. Roofing materials shall be Class "A."
9. Provide smoke and heat venting in accordance with CBC.
10. Street addresses shall be provided by the Building and Safety Official after tract/parcel map recordation and prior to issuance of Building Permits.
11. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.
12. Prior to issuance of Building Permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: City Beautification Fee, Park Fee, Drainage Fee, Transportation Development Fee, Permit and Plan Check Fees, Construction and Demolition Diversion Program deposit and fees and School Fees. The applicant shall provide a copy of the school fees receipt to the Building and Safety Services Department prior to permits issuance.
13. Prior to issuance of permit issuance for a new residential project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: City Beautification Fee, Park Fee, Drainage Fee, and Transportation Development Fee.

Grading Section

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

1. Grading of the subject property shall be in accordance with current adopted California Building Code, City Grading Standards, and accepted grading practices. The Grading and Drainage Plan(s) shall be in substantial conformance with the approved conceptual Grading and Drainage Plan.
2. A soils report shall be prepared by a qualified Engineer licensed by the State of California to perform such work. Two copies will be provided at grading and drainage plan submittal for review. Plans shall implement design recommendations per said report.
3. A geologic report shall be prepared by a qualified Engineer or Engineering Geologist and submitted at the time of application for Grading and Drainage Plan review.
4. The final Grading and Drainage Plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Official prior to the issuance of building permits.
5. A separate Grading and Drainage Plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading and Drainage Plan shall be prepared, stamped, and wet signed by a California licensed Civil Engineer.
6. The applicant shall comply with the City of Rancho Cucamonga Dust Control Measures and place a dust control sign on the project site prior to the issuance of a grading permit.
7. If a Rough Grading and Drainage Plan/Permit are submitted to the Building and Safety Official for review, that plan shall be a separate plan/permit from Precise Grading and Drainage Plan/Permit.
8. A drainage study showing a 100-year, AMC 3 design storm event for on-site drainage shall be prepared and submitted to the Building and Safety Official for review and approval for on-site storm water drainage prior to issuance of a grading permit. All reports shall be wet signed and sealed by the Engineer of Record.
9. It shall be the responsibility of the applicant to acquire any required off-site drainage easements prior to the issuance of a grading permit.
10. It shall be the responsibility of the applicant to obtain written permission from the adjacent property owner(s) to construct wall on property line or provide a detail(s) showing the perimeter wall(s) to be constructed offset from the property line.
11. The Final Grading and Drainage Plan shall show the accessibility path from the public right of way and the accessibility parking stalls to the building doors in conformance with the current adopted California Building Code. All accessibility ramps shall show sufficient detail including gradients, elevations, and dimensions and comply with the current adopted California Building Code.
12. The Grading and Drainage Plan shall implement City Standards for on-site construction where possible, and provide details for all work not covered by City Standard Drawings.
13. All slopes shall be a minimum 2-foot offset from the public right of way or adjacent private property.
14. Private sewer, water, and storm drain improvements will be designed per the, latest adopted California Plumbing Code.
15. The maximum parking stall gradient is 5 percent. Accessibility parking stall grades shall be constructed per the, current adopted California Building Code.

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

16. Roof storm water is not permitted to flow over the public parkway and shall be directed to an under parkway culvert per City of Rancho Cucamonga requirements prior to issuance of a grading permit.
17. The final grading and drainage plan shall show existing topography a minimum of 100-feet beyond project boundary.
18. The applicant shall provide a grading agreement and grading bond for all cut and fill combined exceeding 5,000 cubic yards prior to issuance of a grading permit. The grading agreement and bond shall be approved by the Building and Safety Official.
19. This project shall comply with the accessibility requirements of the current adopted California Building Code.
20. The precise grading and drainage plan shall follow the format provided in the City of Rancho Cucamonga handout "Information for Grading Plans and Permit".
21. Grading Inspections: a) Prior to the start of grading operations the owner and grading contractor shall request a pre-grading meeting. The meeting shall be attended by the project owner/representative, the grading contractor and the Building Inspector to discuss about grading requirements and preventive measures, etc. If a pre-grading meeting is not held within 24 hours from the start of grading operations, the grading permit may be subject to suspension by the Building Inspector; b) The grading contractor shall call into the City of Rancho Cucamonga Building and Safety Department at least 1 working day in advance to request the following grading inspections prior to continuing grading operations: i) The bottom of the over-excavation; ii) Completion of Rough Grading, prior to issuance of the building permit; iii) At the completion of Rough Grading, the grading contractor or owner shall submit to the Permit Technicians (Building and Safety Front Counter) an original and a copy of the Pad Certifications to be prepared by and properly wet signed and sealed by the Civil Engineer and Soils Engineer of Record; iv) The rough grading certificates and the compaction reports will be reviewed by the Associate Engineer or a designated person and approved prior to the issuance of a building permit.
22. Prior to the issuance of the Certificate of Occupancy the engineer of record shall certify the functionality of the storm water quality management plan (WQMP) best management practices (BMP) devices.
23. The Water Quality Management Plan (WQMP) shall include a copy of the project Conditions of Approval.
24. Prior to the issuance of a Grading Permit the City of Rancho Cucamonga's "Memorandum of Agreement of Storm Water Quality Management Plan" shall be submitted for review and approval by the Building Official and recorded with the County Recorder's Office.
25. Prior to issuance of a Grading Permit the applicant shall obtain a Waste Discharge Identification Number (WDID).

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

26. The applicant shall provide a copy of a completed EPA Form 7520-16 (Inventory of Injection Wells), with the Facility ID Number assigned, to the Building and Safety Services Department Official prior to issuance of the Grading Permit and/or approval of the project-specific Water Quality Management Plan. A copy of EPA Form 7520-16 shall be scanned and pasted onto the permitted grading plan set, and a copy of said form shall be included in the project-specific Water Quality Management Plan.
27. The land owner shall provide an inspection report by a qualified person/company on a biennial basis for the underground infiltration chambers to the City of Rancho Cucamonga Environmental Program Manager. The land owner shall maintain on a regular basis all best management practices (BMP"s) as described in the Storm Water Quality Management Plan prepared for the subject project. All costs associated with the underground infiltration chamber are the responsibility of the land owner.
28. Prior to issuance of a wall permit, on engineered combination garden/retaining walls along the property boundary the structural calculations for the wall shall assume a level toe/heel at the adjacent off-site property (i.e. a manufactured slope is not present).
29. Prior to issuance of a wall permit, a copy of the Grading Special Conditions of Approval shall be included within the engineered wall plans and calculations.
30. Flow lines steeper than 6 percent could be erosive. The applicant shall provide hard lined gutters and swales where concentrated flows exceed 3fps, and anywhere that flow lines exceed 10 percent
31. Prior to removing fences or walls along common lot lines and prior to constructing walls along common lot lines the applicant shall provide a letter from the adjacent property owner(s) allowing work on the adjacent property.
32. The land owner shall provide an inspection report on a biennial basis for the underground infiltration chambers to the City of Rancho Cucamonga Environmental Program Manager. The land owner shall maintain on a regular basis as described in the Storm Water Quality Management Plan prepared for the subject project. All costs associated with the underground infiltration chamber are the responsibility of the land owner.
33. The building roof line shall slope to the north. All of the building roof water shall be directed to the structural storm water treatment device(s).
34. Prior to the issuance of a grading permit, the grading and drainage plan shall show the locations of all of the building roof drains, with their discharge locations.
35. The final project-specific water quality management plan shall include a reference copy of the Architect's roof plan and elevations showing the direction of the slope of the roof.
36. Prior to approval of the final project-specific water quality management plan the applicant shall have a soils engineer prepare a project-specific infiltration study for the project for the purposes of storm water quality treatment. The infiltration study and recommendations shall follow the guidelines in the current adopted "San Bernardino County Technical Guidance Document for Water Quality Management Plans".

Project #: DRC2015-00402 CEQA2015-00017

Project Name: Frewing Rancho Cucamonga

Location: -- - 022934115-0000

Project Type: Design Review CEQA Review

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

37. Prior to issuance of a grading permit the Final Project-Specific Water Quality Management Plan shall include a completed copy of "Worksheet H: Factor of Safety and Design Infiltration Worksheet" located in Appendix D "Section VII – Infiltration Rate Evaluation Protocol and Factor of Safety Recommendations, ..." of the San Bernardino County Technical Guidance Document for Water Quality Management Plans.
38. Prior to issuance of a grading permit and approval of the project specific water quality management plan all private storm water catch basin inlets shall include insert filters to capture those pollutants of concern as addressed in the in the final project-specific water quality management plan (WQMP). At a minimum catch basin insert filters to capture trash and other floating debris. All catch basin insert filters shall be maintained on a regular basis as described in the "Inspection and Maintenance Responsibility for Post Construction BMP" section of the final project-specific water quality management plan.
39. The final project-specific water quality management plan (WQMP) shall include maintenance agreements along with the maintenance guidelines for all proprietary structural storm water treatment devices (BMP's).
40. Prior to the start of landscaping operations, the landscape architect and the landscape contractor shall provide a sample of the weed fabric barrier to the Project Planner, City of Rancho Cucamonga Planning Department. The weed barrier shall be permeable.
41. The land owner shall follow the inspection and maintenance requirements of the approved project specific Water Quality Management Plan and shall provide a copy of the inspection reports on a biennial basis to the City of Rancho Cucamonga Environmental Program Manager.
42. Prior to issuance of a grading permit, the applicant shall obtain a signed and notarized letter from the adjacent property owner(s) for all work proposed on the adjacent property. The letter shall be scanned and pasted onto the permitted grading plan set. The letter shall show on either the title sheet or a detail sheet of the grading and drainage plan set.
43. The Preliminary Water Quality Management Plan (WQMP) has been deemed "Acceptable". Prior to the issuance of a grading permit a final project-specific Water Quality Management Plan shall be submitted for review and approval by the Building Official.

STAFF REPORT



PLANNING DEPARTMENT

DATE: March 9, 2016

TO: Chairman and Members of the Planning Commission

FROM: Candyce Burnett, Planning Director

BY: Dominick Perez, Associate Planner

SUBJECT: CONDITIONAL USE PERMIT DRC2015-00848 – ROYAL SPA – A request to operate a massage establishment within a 1,395 square foot tenant space located within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan at the northwest corner of Milliken Avenue and 7th Street at 9090 Milliken Avenue, Suite 130 – APN: 0209-272-28. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

RECOMMENDATION:

Staff recommends denial of the Conditional Use Permit DRC2015-00848.

PUBLIC HEARING HISTORY:

This application was originally scheduled and noticed for public hearing before the Planning Commission on November 10, 2015, at which time it was continued to December 9, 2015 upon the recommendation of staff. On December 9, 2015, the Planning Commission again continued the hearing at the recommendation of staff. The City then re-noticed the public hearing for March 9, 2016.

PROJECT AND SITE DESCRIPTION:

A. Surrounding Land Use and Zoning:

- North - Rancho Cucamonga Metrolink Station Parking Lot; Rancho Cucamonga Industrial Area Specific Plan (Planning Area 10)
- South - AMLI at Empire Lakes Apartment Complex; Rancho Cucamonga Industrial Area Specific Plan (Planning Area 9)
- East - Industrial Buildings; General Industrial (GI) District
- West - Multi-tenant Office Buildings; Rancho Cucamonga Industrial Area Specific Plan (Planning Area 10)

B. General Plan Designations:

- Project Site - Mixed Use
- North - Mixed Use
- South - Mixed Use

PLANNING COMMISSION STAFF REPORT

DRC2015-00848 –ROYAL SPA

March 9, 2016

Page 2

East - General Industrial

West - Mixed Use

- C. Site Characteristics: The project site, a 1.71 acre commercial site, is located on the northwest corner of Milliken Avenue and 7th Street (Exhibit B). The site currently contains various businesses including restaurant, service and office uses. The site contains sufficient onsite parking for the various uses within the center. The site is surrounded to the north by the Rancho Cucamonga Metrolink parking lot, south (across 7th Avenue) by the AMLI at Empire Lakes apartment complex, east (across Milliken Avenue) by industrial buildings and west by offices. The zoning of the subject property and the properties to the north and west is Rancho Cucamonga Industrial Area Specific Plan (Planning Area 10), to the south is Rancho Cucamonga Industrial Area Specific Plan (Planning Area 9) and to the east is General Industrial (GI) District.

ANALYSIS:

- A. Background: In 2008 the Governor signed into law SB 731, which established uniform regulations for massage therapy and massage establishments and created the California Massage Therapy Council ("CMTC"). This law preempted required cities to treat massage establishments like other professional services for purposes of local land use, zoning and operational regulations provided that massage establishments and practitioners were certified by CMTC.

Prior to the implementation of SB 731, massage establishments were conditionally permitted in the General Commercial zoning district Citywide and within the Village Commercial zoning district of the Victoria Arbors Master Plan. In 2012, as part of our comprehensive Development Code Update, massage establishments were permitted "by-right" in all commercial zones, as well as the Industrial Park and General Industrial zoning districts. This was done to bring the City's land use regulations on massage establishments into compliance with State law.

Massage establishments have proliferated in the City since the implementation of SB 731. Prior to the required land use changes, there were seven massage establishments within the City. By the end of 2014 there were 42 establishments. This represents a 600% increase in less than 3 years.

There is evidence in other jurisdictions that massage establishments are fronts for prostitution or human sex trafficking. Staff from the Rancho Cucamonga Police Department, Rancho Cucamonga Fire District, Planning, Building and Safety, Community Improvement and Business License have created a task force to perform inspections of all massage establishments in Rancho Cucamonga. As a result of this task force, 17 locations have been closed permanently and several have been closed pending proper permits.

On September 18, 2014, Governor Brown signed into law AB 1147 which amended the State's current massage therapy laws to expand local authority to adopt zoning regulations, business licensing, and reasonable health and safety requirements for massage establishments and practitioners. AB 1147 took effect on January 1, 2015. The City Council enacted an interim ordinance that now requires a City-issued Conditional Use Permit for new establishments intending to operate in the City after January 1, 2015.

PLANNING COMMISSION STAFF REPORT

DRC2015-00848 –ROYAL SPA

March 9, 2016

Page 3

- B. Approving Authority: Chapter 17.16 of the Development Code authorizes the Planning Director to administratively review and decide all Conditional Use Permit applications. The Planning Director may, however, refer such applications to the Planning Commission because of policy implications, unique or unusual circumstances, or the magnitude of the project. At this time the Planning Director is referring Conditional Use Permit applications for massage establishments to the Planning Commission for review and action.
- C. Business History: The following is a summary of Royal Spa's business history:
- On May 28, 2012, the original owner of Royal Spa – Xiu Qin Xu – obtained a City business license and began operating at 9090 Milliken Avenue, Suite 130. This occurred while SB 731 was still in effect and therefore did not require approval of a Conditional Use Permit.
 - On June 11, 2012, Royal Spa applied to modify its business license to reflect a change in ownership from Xiu Qin Xu to Xingkun Du. This also occurred while SB 731 was in effect and therefore did not require approval of a Conditional Use Permit. The City approved the business license modification.
 - On June 4, 2015, the City discovered unpermitted construction on the business's premises during a routine inspection. The extent of the unpermitted construction was sufficient to pose a threat to the safety of the building occupants. Electrical service to the unit was therefore shut off upon the City's order.
 - On June 29, 2015, the business submitted tenant improvement plans for interior construction to the Building and Safety Department. On August 3, 2015, the Building and Safety Department inspected and approved the interior construction. On August 10, 2015, the Fire District inspected and approved the tenant improvements.
 - On August 12, 2015, Xingkun Du applied for another business license modification for Royal Spa to reflect another change in ownership. The new proposed owners were Yuee He, Jackie Kung, Guizhen Lu, and Xingkun Du. This request was submitted following the approval of AB 1147 and adoption of the City's interim ordinance, which requires approval of a Conditional Use Permit. The business license request is on hold pending review of this application.
 - On August 31, 2015, a Conditional Use Permit application was submitted to the Planning Department. On October 20, 2015, the Conditional Use Permit application was deemed complete.
- D. General: This application, submitted by Yuee He, Jackie Kung, Guizhen Lu and Xingkun Du, involves a proposal to operate a massage establishment within a 1,395 square foot suite. Per the Business License Department's records, Xingkun Du is documented as a previous owner of the business. Also, per the Business License Department's records, Yuee He is documented as a State licensed massage technician employed by Royal Spa under the ownership of Xingkun Du. According to the California Massage Therapy Council (CMTTC), Yuee He and Xingkun Du are the only applicants that are State licensed. Guizhen Lu was denied a State license on April 10, 2014 due to the fact that she attended a massage school that was not approved by CMTTC. Jackie Kung is not a licensed massage therapist by CMTTC.

The business proposes to exclusively offer massage services, including full body massage, reflexology, deep tissue and acupressure massage. The floor plan includes 6 massage rooms, a break room, a restroom, a utility room and a customer waiting room (Exhibit C). There will be a minimum of 2 massage technicians and a receptionist onsite at all times.

The applicants initially proposed to be open 7 days a week, from 8:00 a.m. to 11:00 p.m. (Exhibit D). However, an updated application was submitted to the Planning Department on October 20, 2015, that included the property owner signature. Under the project description section of the updated application, the proposed hours of operation were revised to be open 7 days a week, from 8:00 a.m. to 10:00 p.m.

- E. Building and Safety Department / Fire District Review: As previously stated, the Fire District conducted a routine annual inspection of Royal Spa on June 4, 2015. During this inspection, major building construction issues and minor fire code violations were observed. The business owner was notified of the issues and was required to obtain the necessary permits and approvals from the City. Between July 29th and August 10th of 2015, the business owner submitted the plans and obtained the required approvals from the Building and Safety Department and Fire District through the final inspection process.

A follow-up inspection occurred on September 21, 2015 and was conducted by the Building and Safety Department, Fire District, Planning Department and Rancho Cucamonga Police Department. The inspection was necessary to confirm whether or not any unpermitted improvements were made following the August 3, 2015, Building and Safety Department and August 10, 2015 Fire District inspections. Staff was able to confirm that all improvements within the unit were permitted.

- F. Police Review: In addition to the site inspection on September 21, 2015, the Rancho Cucamonga Police Department reviewed all information submitted with this application. According to Police records, Yuee He was convicted in 2008 for violation of penal code section 647 (b), prostitution, and sentenced to 2 years of probation. Also, according to CMTC, Guizhen Lu was denied a State license because she attended a massage school that was not approved by CMTC.
- G. Land Use Compatibility: The site was developed to accommodate various commercial retail and services businesses. Massage establishments have been permitted in the past, and are generally considered to be compatible with typical commercial retail and services uses, such as the businesses that exist within this small multitenant center. However, staff believes that due to reasons discussed below, this business will not be operated in a manner compatible with surrounding uses.
- H. Public Comments: This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of the November 10, 2015 hearing date.

On November 2, 2015, staff received one letter from a previous resident of the AMLI at Empire Lakes apartment complex detailing his experience at Royal Spa in 2014 while under ownership of Xingkun Du (Exhibit F). The letter states that the resident visited Royal Spa for a massage during 2014, during which, "[the massage technician] started massaging my thighs and began reaching up towards my genitals. She then tapped my privates and asked if she wanted me to continue. I told her no, but she continued to ask again. The massage immediately ended after

telling her no for the second time.” The resident stated he fears allowing businesses like this to operate in Rancho Cucamonga will devalue this City and will hurt this area and the surrounding businesses and residents.

- I. Facts of Finding: Section 17.16.120 of the Development Code requires that a Conditional Use Permit can only be approved by the approving authority after finding the following. If all of these findings cannot be made, the permit shall be denied. In staff’s professional opinion, the third required finding cannot be made for the reasons stated below.

1. The proposed use is allowed within the applicable zoning district and complies with all other provisions of the Zoning Code, Municipal Code, General Plan, and any applicable Specific Plans or City regulations/standards.

The proposed massage establishment is a permitted use within the zoning district subject to approval of a Conditional Use Permit. The proposed business is in compliance with Development Code Section 17.102.080 (Special Regulated Uses – Massage Establishments), which requires massage establishments to operate between the hours of 7:00 a.m. and 10:00 p.m. The subject massage establishment proposes operating hours from 8:00 a.m. to 10:00 p.m.

2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

The site, a multitenant commercial center, is currently fully developed. The site contains multiple commercial buildings as well as sufficient onsite parking for the various existing commercial retail and service uses. The subject property is located at the northwest corner of Milliken Avenue and 7th Street, which are both fully improved and provide sufficient access to the site. Lastly, the Building and Safety Department and Fire District issued a permit and conducted final inspections. There are no remaining building or fire safety related issues within this unit.

3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

In the opinion of the planning staff and Police Department, granting this permit will be detrimental to the public interest, health, safety, convenience, or welfare based on the following reasons, any of which would be individually disqualifying.

- *The current owner, Xingkun Du, maintained a business for 3 years with improper and unsafe interior construction, compromising the safety of the business’s customers and employees, and those of neighboring businesses. This demonstrates an inability to comply with building code requirements and is representative of poor management.*
- *Proposed owner Guizhen Lu was denied an application for a massage therapist certification by CMTC because she attended an unapproved school, demonstrating an inability to comply with State requirements for massage businesses.*

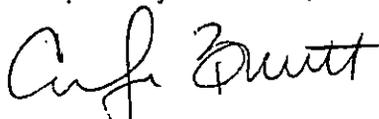
- *Proposed owner Yuee He was an employee of Royal Spa before obtaining an ownership interest and is listed by the other three owners as the individual responsible for managing the day-to-day business operations at Royal Spa. Yuee He was convicted for prostitution in 2008 and sentenced to 2 years' probation.*
- *Under the ownership of Xingkun Du, on at least one occasion, a customer has been offered a massage of the genital region, classified as unprofessional conduct by CMTTC and subject to revocation of the therapists CMTTC certification. This demonstrates that the business has not been properly managed in the past and creates a likelihood of similar mismanagement in the future.*

J. Conditions of Approval: Conditions of approval are not provided at this time. If the Planning Commission determines that this application should be approved, then it can direct staff to return at a future meeting with a set of proposed findings in support of approval and conditions of approval for the application. A resolution of denial has been provided for consideration based on staff's recommendation.

K. Environmental Assessment: The Planning Department Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which covers the operation, repair, and maintenance of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's original determination. Because the project only involves indoor use of a 1,395 square foot suite, staff concludes that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Director has reviewed the Planning Department's determination of exemption, and based on her own independent judgment, concurs in the staff's determination of exemption.

CORRESPONDENCE: This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on October 29, 2015, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of the November 10, 2015 hearing. This item was advertised again as a public hearing in the Inland Valley Daily Bulletin newspaper on November 25, 2015, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of the December 9, 2015 hearing. This item was most recently advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on February 25, 2016, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of this hearing. No additional correspondence has been received apart from the letter referenced above.

Respectfully submitted,



Candyce Burnett
Planning Director

CB:DP/lis

PLANNING COMMISSION STAFF REPORT

DRC2015-00848 –ROYAL SPA

March 9, 2016

Page 7

Attachments: Exhibit A - Aerial Photo
Exhibit B - Site Plan
Exhibit C - Floor Plan
Exhibit D - Business Description
Exhibit E - Tenant List
Exhibit F - Letter of Concern received on November 2, 2015
Exhibit G - November 10, 2015 Staff Report
Exhibit H - December 9, 2015 Staff Report
Draft Resolution of Denial for Conditional Use Permit DRC2015-00848

CONDITIONAL USE PERMIT DRC2015-00848

AERIAL PHOTO

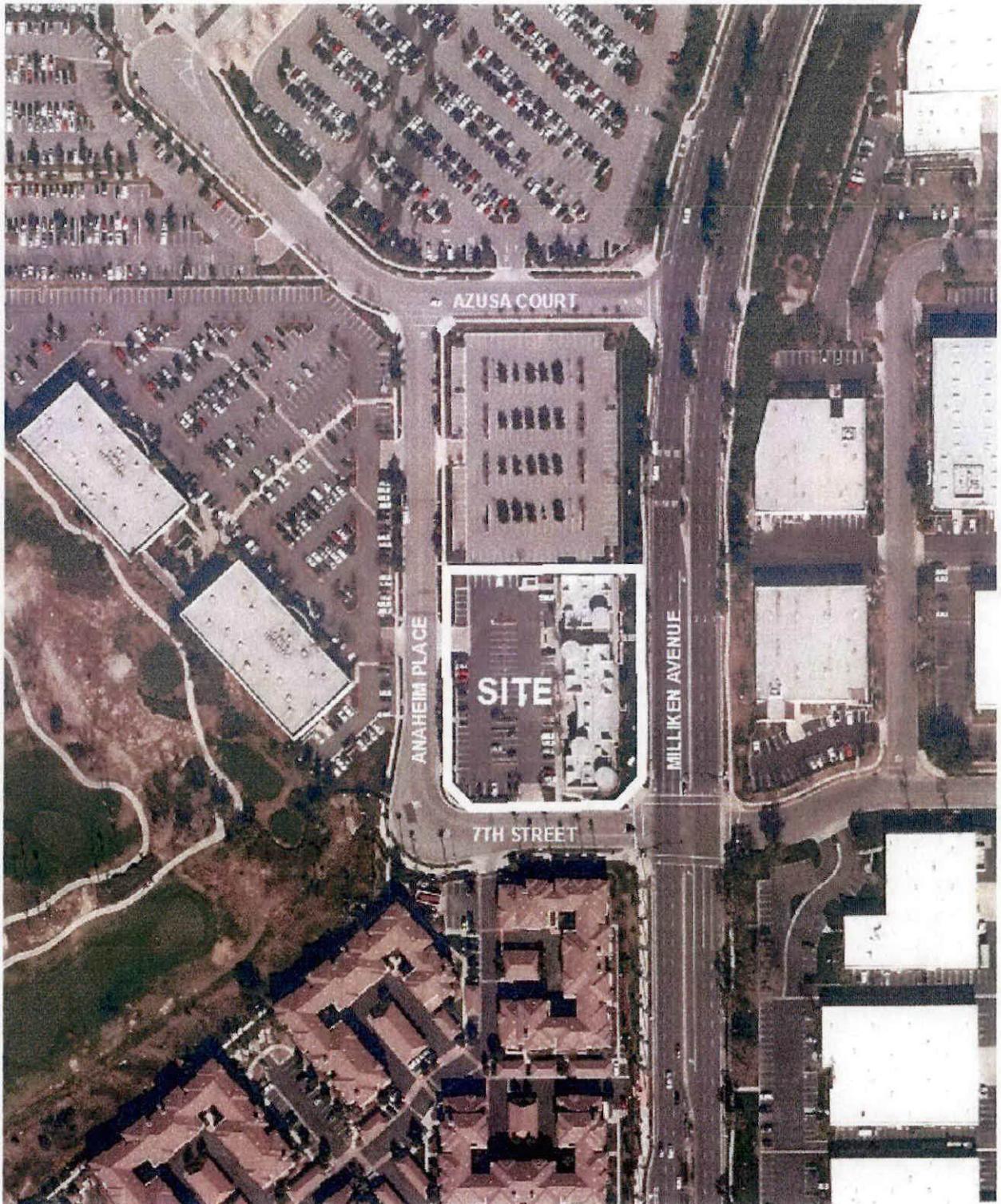
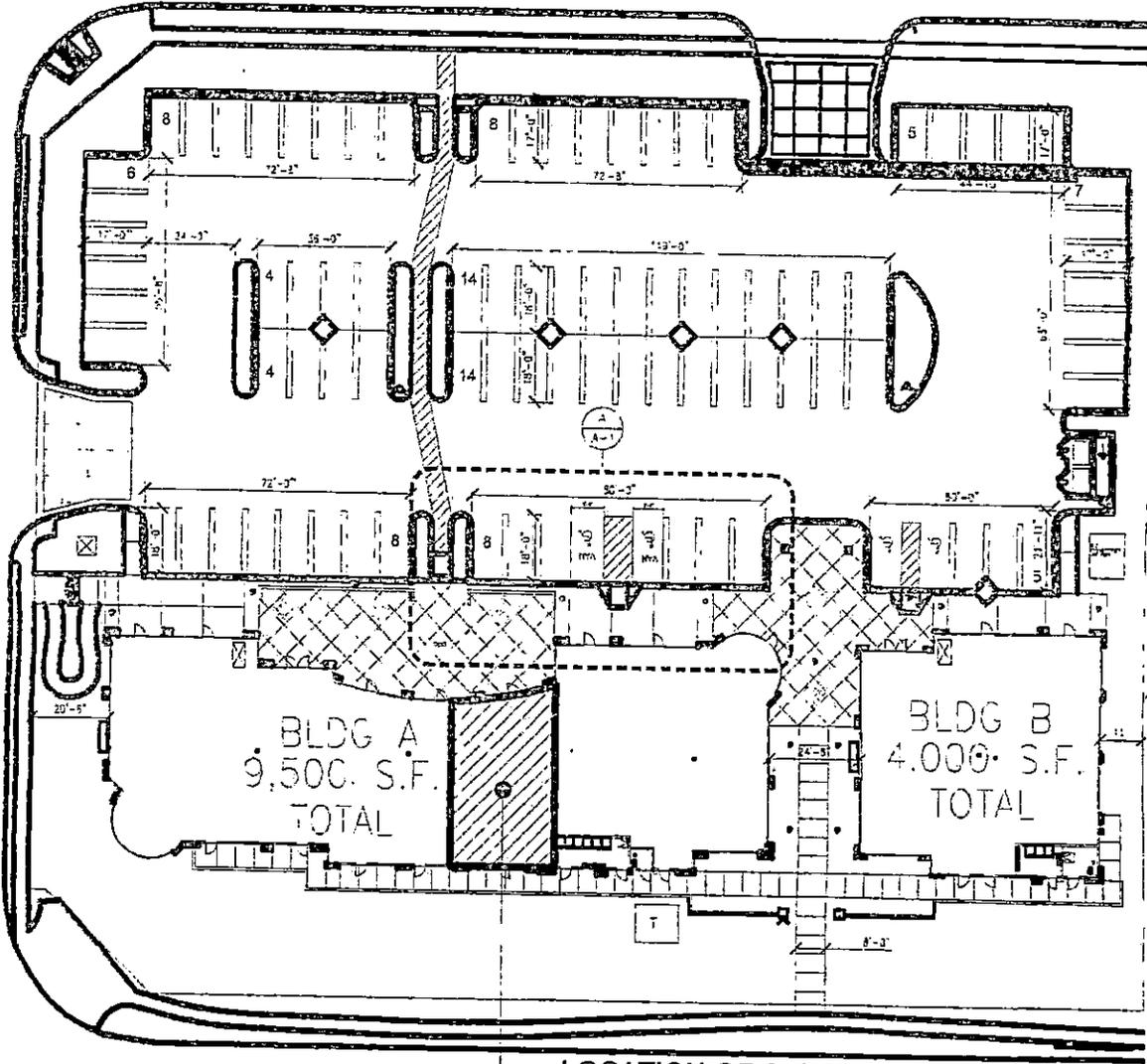


EXHIBIT A

ANAHEIM PLACE

SEVENTH STREET



LOCATION OF SUITE #130
CONSTRUCTION

MILLIKEN AVENUE

SITE PLAN

APROX. SCALE: 1 = 30'-0"



FOR REFERENCE ONLY

EXHIBIT B

-  EXIT SIGN
W/90 MINUTES BACKUP
BATTERY MIN.
-  EXISTING WALL
-  NEW PARTITION WALL
-  EMERGENCY LIGHT
W/90 MINUTES BACKUP
BATTERY MIN.
-  EXHAUST FAN

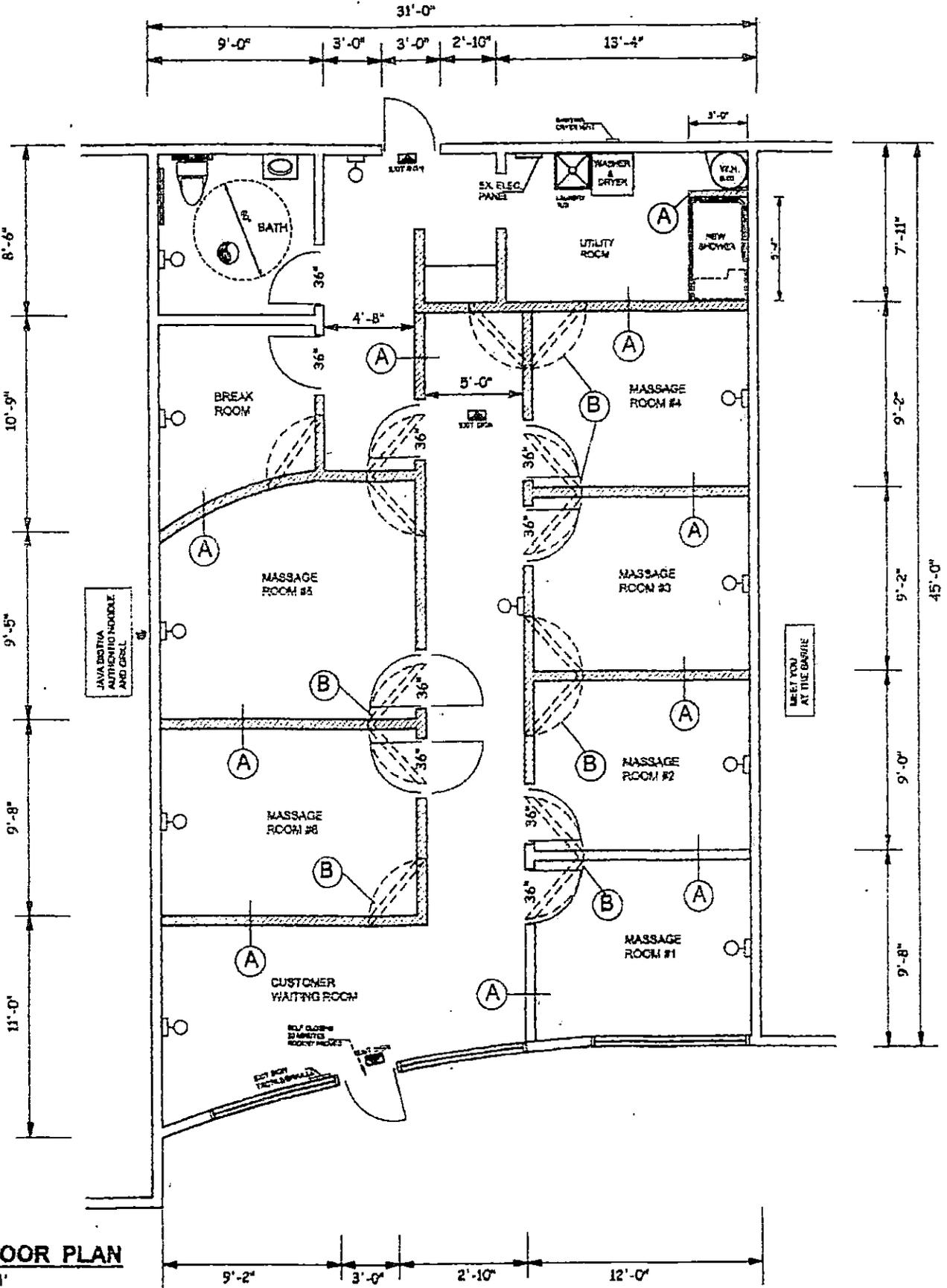


EXHIBIT C

Royal Spa is located at 9090 Milliken Ave #130, Rancho Cucamonga. We provide professional massage services including Swedish Massage, Deep Tissue, Sports Massage, Foot Reflexology and Acupressure Massage. We open 7 days a week from 8 am to 11pm. We have six massage working rooms and one bathroom. We just completed a significant remodeling in July this year and All construction and drawing plan are approved by City of Rancho Cucamonga.

All our massage therapists are certified license massage therapist in California with excellent massage working experience for reducing muscle pain and stress relief. We have two massage therapist keeping in file since the store is currently closed. One therapist is named Yue E He, the other is Guizhen Lu. Please see the attached for their California Massage Therapist Licenses.

The reason that we apply Conditional Use Permit is because we prefer to change ownership of the Royal Spa. The previous owner, Xingkun Du, has medicine condition and will not be able to continue to practice the business. He'd like to let his best friend, Yue E He, to keep operating this business. Yue E He, the applicant, is a California certified massage therapist as well.

List of All Tenants

	Store Name	Address	Type of Use	Square Foot	Open Hours
1	Gandolfo's New York Delicatessm	9090 Milliken Aye #160	Café	3500 sf	6:00 am - 9:00 pm
2	XTEND Barre	9090 Milliken Ave #140	Yoga or Dance Studio	1200 sf	8:00 am -11:00 am 4:00 pm - 8:00 pm
3	Roya Spa	9090 Milliken Ave #130	Massage	1395 sf	8:00 am - 11:00 pm
4	Java Bistro	9090 Milliken Ave #120	Restaurant	3800 sf	11:30 am - 8:00 pm
5	The Barber Shop	9090 Milliken Ave #110	Barber Shop	1500 sf	9:00 am - 7:00 pm
	All State Insurance	9090 Millken Ave #100	Insurance Agency	800 sf	8:00 am - 5:30 pm

City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, Ca 91730

CITY OF RANCHO CUCAMONGA

NOV 02 2015

11/2/2015

RECEIVED - PLANNING

Re: Royal Spa cup

To the Planning Department,

My name is Jeff Reyes I have been a resident of Rancho Cucamonga for over 35 years. Recently my family and I were residents in the Amli apartment complex on 7th and Milliken, which is located just across from Royal Spa. I want to express my concern with allowing this business operate. Nearly one year ago I visited Royal Spa for a full body massage. Towards the end of the massage, the masseuse asked me to turn over on my back. She started massaging my thighs and began reaching up towards my genitals. She then tapped my privates and asked if she wanted me to continue. I told her no, but she continued to ask again. The massage immediately ended after telling her no for the second time. Ever since, I have told others not to visit this business because of what happened to me. I fear that allowing businesses like this to operate in Rancho Cucamonga will devalue this City and will hurt this area and the surrounding businesses and residents. Please do not allow businesses like this to operate in the City that I raise my family in.

Thank you,

Jeff Reyes



EXHIBIT F

STAFF REPORT



PLANNING DEPARTMENT

DATE: November 10, 2015

TO: Chairman and Members of the Planning Commission

FROM: Candyce Burnett, Planning Director

BY: Dominick Perez, Associate Planner

SUBJECT: CONDITIONAL USE PERMIT DRC2015-00848 – ROYAL SPA – A request to operate a massage establishment within a 1,395 square foot tenant space located within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan at the northwest corner of Milliken Avenue and 7th Street at 9090 Milliken Avenue, Suite 130 – APN: 0209-272-28. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

RECOMMENDATION: Staff respectfully recommends a continuance of the hearing date for this item to the meeting of December 9, 2015.

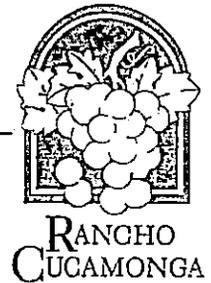
Respectfully submitted,



Candyce Burnett
Planning Director

CB:DP/lis

STAFF REPORT



PLANNING DEPARTMENT

DATE: December 9, 2015

TO: Chairman and Members of the Planning Commission

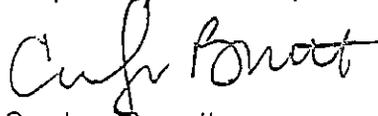
FROM: Candyce Burnett, Planning Director

BY: Dominick Perez, Associate Planner

SUBJECT: CONDITIONAL USE PERMIT DRC2015-00848 – ROYAL SPA – A request to operate a massage establishment within a 1,395 square foot tenant space located within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan at the northwest corner of Milliken Avenue and 7th Street at 9090 Milliken Avenue, Suite 130 – APN: 0209-272-28. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

RECOMMENDATION: Staff respectfully recommends a continuance of the hearing for this item to an unspecified date.

Respectfully submitted,



Candyce Burnett
Planning Director

CB:DP/lb

RESOLUTION NO.16-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, DENYING CONDITIONAL USE PERMIT DRC2015-00848, A REQUEST TO OPERATE A MASSAGE ESTABLISHMENT WITHIN A 1,395 SQUARE FOOT TENANT SPACE LOCATED WITHIN PLANNING AREA 10 OF THE RANCHO CUCAMONGA INDUSTRIAL AREA SPECIFIC PLAN AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND 7TH STREET AT 9090 MILLIKEN AVENUE, SUITE 130; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0209-272-28.

A. Recitals.

1. The owners of Royal Spa, Yuee He, Jackie Kung, Guizhen Lu and Xingkun Du, filed an application for the issuance of Conditional Use Permit DRC2015-00848, as described in the title of this Resolution. Hereinafter in this Resolution, the subject Conditional Use Permit request is referred to as "the application."

2. On the November 10, 2015, the Planning Commission conducted a duly noticed public hearing on the application and continued the hearing to the December 9, 2015 meeting.

3. On December 10, 2015, the Planning Commission held the continued hearing on the application and continued the application to an unspecified future date.

4. The continued hearing on the application was re-noticed for March 9, 2016, on which date the Planning Commission conducted a duly noticed public hearing on the application and concluded said hearing on that date.

5. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on March 9, 2016, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to property within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan located at the northwest corner of Milliken Avenue and 7th Street within a 1.71 acre multitenant commercial center at 9090 Milliken Avenue, Suite 130. The subject property is currently developed with two commercial buildings and contains adequate parking.

b. The properties to the north and west of the subject site are developed with offices and parking lot areas and are within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan. The property to the south contains the AMLI at Empire Lakes apartment complex and is located within the Planning Area 9 of the Rancho Cucamonga Industrial Area

Specific Plan. The properties to the east, across Milliken Avenue, are developed with industrial buildings and are located within the General Industrial District.

c. Chapter 17.16 of the Development Code authorizes the Planning Director to administratively review and decide all Conditional Use Permits, after a public notification period. The Planning Director, pursuant to Section 17.14.060.C of the Development Code, may at any point in the application review process, transfer decision making authority to the Planning Commission at her discretion because of policy implications, unique or unusual circumstances or the magnitude of the project. At this time the Planning Director is referring Conditional Use Permit applications for massage establishments to the Planning Commission for review and action.

d. The business history for Royal Spa at this location includes the following events:

I. On May 28, 2012, the original owner of Royal Spa – Xiu Qin Xu – obtained a City business license and began operating at 9090 Milliken Avenue, Suite 130. This occurred while SB 731 was still in effect and therefore did not require approval of a Conditional Use Permit.

II. On June 11, 2012, Royal Spa applied to modify its business license to reflect a change in ownership from Xiu Qin Xu to Xingkun Du. This also occurred while SB 731 was in effect and therefore did not require approval of a Conditional Use Permit. The City approved the business license modification.

III. On June 4, 2015, the City discovered unpermitted construction on the business's premises during a routine inspection. The extent of the unpermitted construction was sufficient to pose a threat to the safety of the building occupants. Electrical service to the unit was therefore shut off upon the City's order.

IV. On June 29, 2015, the business submitted tenant improvement plans for interior construction to the Building and Safety Department. On August 3, 2015, the Building and Safety Department inspected and approved the interior construction. On August 10, 2015, the Fire District inspected and approved the tenant improvements.

V. On August 12, 2015, Xingkun Du applied for another business license modification for Royal Spa to reflect another change in ownership. The new proposed owners were Yuee He, Jackie Kung, Guizhen Lu, and Xingkun Du. This request was submitted following the approval of AB 1147 and adoption of the City's interim ordinance, which requires approval of a Conditional Use Permit. The business license request is on hold pending review of this application.

VI. On August 31, 2015, a Conditional Use Permit application was submitted to the Planning Department. On October 20, 2015, the Conditional Use Permit application was deemed complete.

e. This application, submitted by Yuee He, Jackie Kung, Guizhen Lu and Xingkun Du, is a proposal to operate a massage establishment within a 1,395 square foot suite. Xingkun Du is the previous owner of the business. Yuee He has been a State licensed massage technician employed by Royal Spa under the ownership of Xingkun Du. According to the California Massage Therapy Council (CMTTC), Yuee He and Xingkun Du are the only applicants that are State licensed. Guizhen Lu was denied a State license on April 10, 2014 due to the fact

that she attended a massage school that was not approved by CMTC. Jackie Kung is not a licensed massage therapist by CMTC.

f. The business proposes to exclusively offer massage services, including full body massage, reflexology, deep tissue and acupressure massage. The floor plan includes 6 massage rooms, a break room, a restroom, a utility room and a customer waiting room. There will be a minimum of 2 massage technicians and a receptionist onsite at all times.

g. The applicants initially proposed to be open 7 days a week, from 8:00 a.m. to 11:00 p.m. However, an updated application was submitted to the Planning Department on October 20, 2015, that included the property owner signature. Under the project description section of the updated application, the proposed hours of operation were revised to be open 7 days a week, from 8:00 a.m. to 10:00 p.m.

h. The Fire District conducted a routine annual inspection of Royal Spa on June 4, 2015. During this inspection, major building construction issues and minor fire code violations were observed. The business owner was notified of the issues and was required to obtain the necessary permits and approvals from the City. Between July 29th and August 10th of 2015, the business owner submitted the plans and obtained the required approvals from the Building and Safety Department and Fire District through the final inspection process. A follow-up inspection occurred on September 21, 2015 and was conducted by the Building and Safety Department, Fire District, Planning Department and Rancho Cucamonga Police Department. The inspection was necessary to confirm whether or not any unpermitted improvements were made following the August 3, 2015, Building and Safety Department and August 10, 2015 Fire District inspections. Staff was able to confirm that all improvements within the unit were permitted.

i. The Rancho Cucamonga Police Department reviewed all information submitted with this application and determined that Yuee He was convicted in 2008 for violation of penal code section 647 (b), prostitution, and sentenced to two years of probation. Also, according to CMTC, Guizhen Lu was denied a State license because she attended a massage school that was unapproved by CMTC.

j. This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of the November 10, 2015 hearing date.

k. On November 2, 2015, staff received one letter from a previous resident of the AMLI at Empire Lakes apartment complex detailing his experience at Royal Spa in 2014 while under ownership of Xingkun Du. The letter states that the resident visited Royal Spa for a massage during 2014, during which, “[the massage technician] started massaging my thighs and began reaching up towards my genitals. She then tapped my privates and asked if she wanted me to continue. I told her no, but she continued to ask again. The massage immediately ended after telling her no for the second time.” The resident stated he fears allowing businesses like this to operate in Rancho Cucamonga will devalue this City and will hurt this area and the surrounding businesses and residents.

l. This item was advertised again as a public hearing in the Inland Valley Daily Bulletin newspaper on November 25, 2015, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of the December 9, 2015 hearing. This item

was most recently advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on February 25, 2016, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site in advance of this hearing. No additional correspondence has been received.

3. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing, including but not limited to the specific findings of facts set forth in paragraphs 1 and 2 above, this Commission hereby finds and concludes as follows:

a. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code, Municipal Code, General Plan, and any applicable Specific Plans or City regulations/standards. The proposed massage establishment is a permitted use within the zoning district subject to approval of a Conditional Use Permit. The proposed business is in compliance with Development Code Section 17.102.080 (Special Regulated Uses – Massage Establishments), which requires massage establishments to operate between the hours of 7:00 a.m. and 10:00 p.m. The subject massage establishment proposes operating hours from 8:00 a.m. to 10:00 p.m.

b. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards. The site, a multitenant commercial center, is currently fully developed. The site contains multiple commercial buildings as well as sufficient onsite parking for the various existing commercial retail and service uses. The subject property is located at the northwest corner of Milliken Avenue and 7th Street, which are both fully improved and provide sufficient access to the site. Lastly, the Building and Safety Department and Fire District issued a permit and conducted final inspections. There are no remaining building or fire safety related issues within this unit.

c. Granting the application would be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located. based on the following reasons, any of which individually or in any combination would be grounds for this finding:

I. The current, Xingkun Du, maintained a business for three years with improper and unsafe interior construction, compromising the safety of the business's customers and employees, and those of neighboring businesses. This demonstrates an inability to comply with building code requirements and is representative of poor management.

II. Proposed owner Guizhen Lu was denied an application for a massage therapist certification by CMTTC because she attended an unapproved school, demonstrating an inability to comply with State requirements for massage businesses.

III. Proposed owner Yuee He was an employee of Royal Spa before obtaining an ownership interest and is listed by the other three owners as the individual responsible for managing the day-to-day business operations at Royal Spa. Yuee He was convicted for prostitution in 2008 and sentenced to 2 years' probation.

IV. Under the ownership of Xingkun Du, on at least one occasion, a customer has been offered a massage of the genital region, classified as unprofessional conduct by CMTTC and subject to revocation of the therapists CMTTC certification. This demonstrates that

the business has not been properly managed in the past and creates a likelihood of similar mismanagement in the future.

4. The Planning Department Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15301 (*Existing Facilities*) because the project involves the operation of a massage establishment that is located within an existing building on a site that is currently developed. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Department's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

5. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, 4 and 5 above, this Commission hereby denies the application. The Planning Commission further finds that any of the reasons stated above for finding that approval of the application would be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located, either alone or any combination, is grounds for denying the application

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 9TH DAY OF MARCH 2016.

BY: _____
Ravenel Wimberly, Chairman

ATTEST: _____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 9th Day of March 2016, by the following vote-to-wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS: