

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2015-00115, A REQUEST TO AMEND THE DEVELOPMENT CODE OF THE CITY OF RANCHO CUCAMONGA BY REVISING TEXT, GRAPHICS, AND EXHIBITS WITHIN THE DEVELOPMENT CODE THAT APPLIES TO PROPERTIES, INCLUDING THE EMPIRE LAKES GOLF COURSE, AN EXISTING, PRIVATE GOLF COURSE OF 160 ACRES, WITHIN THE RANCHO CUCAMONGA INDUSTRIAL AREA SPECIFIC PLAN (IASP) SUBAREA 18 SPECIFIC PLAN, A SPECIFIC PLAN THAT APPLIES TO PROPERTIES LOCATED NORTH OF 4TH STREET, SOUTH OF THE BNSF/METROLINK RAIL LINE, WEST OF MILLIKEN AVENUE, AND EAST OF UTICNCLEVELAND AVENUES, AND INSERT TEXT AND GRAPHICS IN CONJUNCTION WITH A PROPOSED MIXED USE, HIGH DENSITY RESIDENTIAUCOMMERCIAL DEVELOPMENT THAT IS PROPOSED TO REPLACE THE GOLF COURSE, AND MAKING FINDINGS IN SUPPORT THEREOF. APNS: 0209-272-11, -15, -17, -20, -22 THROUGH -28, 0210-082-41, -49 THROUGH -52, 0210-082-61, -64, -65, -67 THROUGH -69, -71 THROUGH -74, -78, -79, -84, -88 THROUGH -90, 0210-581-01 THROUGH -06, 0210-591-02 THROUGH -14, AND 0210-623-66.

A Recitals.

1. SC Rancho Development Corp., an entity of Lewis Operating Corp., filed an application for Development Code Amendment DRC2015-00115 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Development Code Amendment is referred to as "the application."

2. On April 13, 2016 and continued to April 27, 2016, the Planning Commission conducted a duly noticed public hearing on the application and concluded said hearing on that date by recommending approval of the application to the City Council by adoption of their Resolution No. 16-20.

3. On May 18, 2016, the City Council conducted a duly noticed public hearing on the application and concluded the hearing on that date.

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

B. Ordinance.

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

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

SECTION 2: Based upon the substantial evidence presented to this Council during the above-referenced public hearing on May 18, 2016, including written and oral staff reports, together with public testimony, this Council hereby specifically finds as follows:

a. The application applies to a property that is currently improved with the Empire Lakes Golf Course, a privately owned and operated 18-hole golf course with an area of 160 acres.

b. Development of the subject property is governed by the Rancho Cucamonga Industrial Area Specific Plan (IASP) Subarea 18 Specific Plan, the City's Development Code, and the City's General Plan.

c. The Specific Plan, as it was originally approved in 1994, consists of eleven (11) "Planning Areas" which are identified with Roman numerals, i.e. Planning Area IA/18 through X. The golf course is within "Planning Area IA", "Planning Area 18", and (partly) "Planning Area III" of the Specific Plan.

d. The overall area of the Specific Plan is 347 acres. The Specific Plan is bound by 4th Street to the south, Milliken Avenue to the east, Cleveland Avenue and Utica Avenue to the west, and 8th Street and the BNSF/Metrolink rail line to the north. The golf course is generally located at the center, and covers about 46% of the Specific Plan. Both the Specific Plan and the golf course are bisected into north and south halves by 5th Street.

e. To the east of the golf course are multi-family residences within four (4) apartment complexes ("Village at the Green", "Reserve at Empire Lakes", "Ironwood at Empire Lakes", and "AMLI at Empire Lakes"). Adjacent to the northeast corner of the golf course are office buildings and the Rancho Cucamonga Metrolink station. To the west of the part of the golf course located south of 5th Street is an office complex comprised of multiple tenants including Southern California Edison (SCE) and Inland Empire Health Plan (IEHP). To the west of the part of the golf course located north of 5th Street are logistics/manufacturing buildings. To the north of the golf course, beyond the BNSF/Metrolink rail line, are additional logistics/manufacturing buildings. To the south, on the opposite side of 4th Street, is vacant land within the City of Ontario.

f. The zoning designations surrounding the Empire Lakes Specific Plan are as follows: north - Minimum Impact/Heavy Industrial (MI/HI) District; south - Ontario Center Specific Plan (2254-SP) (in the City of Ontario); east - General Industrial (GI) District and Industrial Park (IP) District, and Industrial Park (IP) District, (Industrial Commercial Overlay District (ICOD)); and west - General Industrial (GI) District and Industrial Park (IP) District.

g. Concurrent with this application, the applicant has also applied for General Plan Amendment DRC2015-00114 and Specific Plan Amendment DRC2015-00040. The purpose of these applications is to enable the applicant to 'redevelop' the golf course with a new mixed use, transit-oriented, high density development project.

h. Development Code Amendment DRC2015-00115 amends the Development Code to revise text and graphics that apply to the existing Specific Plan so that they reflect the amended Specific Plan. In addition, a new land use table that will apply only to Planning Area 1 will be incorporated as shown in Appendix E of Exhibit G in the Planning Commission Staff report dated April 13, 2016.

i. A Notice of Preparation (NOP) for the Environmental Impact Report was prepared and circulated with the Initial Study on April 27, 2015 to the State Clearinghouse (SCH No. 2015041083), and to public agencies that have discretionary approval power over the project, i.e. "Responsible Agencies" and Native American Governments. Also, the NOP was made available for review at the Archibald and Paul A. Biane Libraries, at City Hall, and on the City's website. Per State law, the comment period ended 30 days after the date of circulation (in this case, May 26, 2015). However, as the Public Scoping meeting was scheduled for June 10, 2015, comments, if any, in response to the NOP were accepted until that date. The Initial Study was made available to the public during and after the comment period. The City received several comment letters in response to the NOP.

j. The City conducted a noticed Public Scoping meeting during a Planning Commission meeting on June 10, 2015. The notice for this scoping meeting appeared in the Inland Valley Daily Bulletin newspaper and notices were mailed to the owners of all properties located within 1,000 feet of the Empire Lakes Specific Plan planning area.

k. A Draft EIR was prepared and was distributed to all Responsible and Trustee agencies, and individuals who had expressed interest in the project and/or had previously requested copies. The Draft EIR was distributed for a 45-day public review period on November 10, 2015, with the comment period expiring on December 24, 2015. During the 45-day public review period, the Draft EIR and technical appendices were made available for review at the Archibald Library, the Paul A. Biane Library, the Planning Information and Services Counter at City Hall, and on the City's website. Comment letters were received from the City of Ontario, San Bernardino County Department of Public Works, Metrolink, and several members of the public during the public comment period that specifically discussed the Draft EIR. Written responses to all significant environmental issues raised were prepared and made available in the Final EIR.

l. A "Findings of Fact in Support of Determinations related to Significant Environmental Impacts" has been prepared and are attached (as Attachment "A") of City Council Resolution No. 16-057 which certifies the Environmental Impact Report, and adopts the Facts and Findings Supporting the Statement of Overriding Considerations and the Mitigation Monitoring Program.

m. Environmental impacts identified in the Final EIR that will be "less than significant" without mitigation measure or project design features are described in Section A, page 7 of Attachment "A".

n. Environmental impacts identified in the Final EIR that will be "less than significant" after mitigation measures have been implemented are described in Section B, page 15 of Attachment "A" found in City Council Resolution No. 16-057 which certifies the

Environmental Impact Report and adopts the Facts of Findings Supporting the Overriding Considerations and the Mitigation Monitoring Program. In accordance with CEQA requirements, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to assure compliance with the adopted mitigation measures.

o. Environmental impacts identified in the Final EIR that will be "significant and unavoidable" despite the implementation of all feasible mitigation measures are described in Section C, page 25 of Attachment "A".

p. A proposed Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a "less than significant level" is located in Section V, page 40 of Attachment "A". The proposed Statement provides substantial evidence that the environmental risks of the application have been balanced against its benefits.

q. Based on the totality of the administrative record, the City Council finds that the Final EIR complies with the requirements of CEQA and hereby certifies the Final EIR as being prepared in compliance with CEQA and that the City Council also adopts the Mitigation Monitoring and Reporting Program (MMRP) Attachment B of City Council Resolution No. 16-057 which certifies the Environmental Impact Report, and adopts the Facts and Findings Supporting the Statement of Overriding Considerations and the Mitigation Monitoring Program.

r. Approval of the application would not be materially injurious or detrimental to the adjacent properties.

s. The findings set forth in this Resolution reflect the independent judgment of the City Council.

SECTION 3: The aforementioned Environmental Impact Report (SCH No. 20150410083), The Facts and Findings Supporting the Statement of Overriding Considerations, and the Mitigation Monitoring Program is scheduled to be certified by adoption of City Council Resolution 16-057.

SECTION 4: Based upon the foregoing and the totality of the administrative record before it, the City Council hereby approves Development Code Amendment DRC2015-00115.

SECTION 5: If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Rancho Cucamonga hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or words thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or words might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published within 15 days after its passage at least once in the Inland Valley Daily Bulletin, a newspaper of general circulation published in the City of Ontario, California, and circulated in the City of Rancho Cucamonga, California.

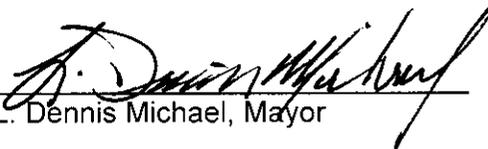
PASSED, APPROVED, AND ADOPTED this 1st day of June 2016.

AYES: Kennedy, Michael, Spagnolo, Williams

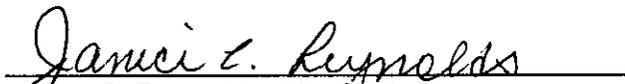
NOES: Alexander

ABSENT: None

ABSTAINED: None

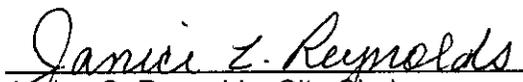

L. Dennis Michael, Mayor

ATTEST:


Janice C. Reynolds, City Clerk

I, **JANICE C. REYNOLDS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Council of the City of Rancho Cucamonga held on the 18th day of May 2016, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 1st day of June 2016.

Executed this 2nd day of June 2016, at Rancho Cucamonga, California.


Janice C. Reynolds, City Clerk