

ORDINANCE NO. 890

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ADOPTING DEVELOPMENT CODE AMENDMENT DRC2014-01132 TO AMEND DEVELOPMENT CODE SECTION 17.36.020 A AND B, FIGURE 17.36.020-1 AND TABLE 17.36.020-1, TO ADD THE PROPOSED SITE TO THE DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS ALONG WITH FIGURE 17.38.060-1 AND FIGURE 17.38.060-15 FOR CONSISTENCY WITH THE PROPOSED ZONING MAP AMENDMENT DRC2014-01131 AMENDING THE ZONING DESIGNATION OF THE SITE FROM COMMUNITY COMMERCIAL (CC) TO MIXED USE (MU) FOR THE DEVELOPMENT OF A PROPOSED 190-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH 3,246 SQUARE FEET OF COMMERCIAL SPACE OR LIVE WORK UNITS FOR A SITE LOCATED ON 8.8 ACRES OF LAND WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT AT THE NORTHWEST CORNER OF FOOTHILL BOULEVARD AND EAST AVENUE; APN'S: 1100-201-03, 04 AND 07

A. Recitals.

1. Foothill & East, LLC, filed an application for the approval of Development Code Amendment DRC2014-01132, as described in the title of this Ordinance. Hereinafter in this Ordinance, the subject Development Code Amendment request is referred to as "the application."

2. On the 11th day of May, 2016, the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing with respect to the above referenced Development Code Amendment DRC2014-01132 and, following the conclusion thereof, adopted its Resolution No. 16-24, recommending that the City Council of the City of Rancho Cucamonga adopt said Development Code Amendment.

3. On June 15, 2016, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the Development Code Amendment DRC2014-001132.

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

SECTION 2: Based upon the substantial evidence presented to the City Council during the above-referenced public hearing on June 15, 2016, including written and oral staff reports,

together with public testimony, the City Council hereby specifically finds as follows:

- a. The application applies to property located within the City; and
- b. On May 11, 2016, the Planning Commission recommended to the City Council adoption of the proposed Amendment to modify the facts, figures and tables in Development Code Section 17.36.020, to add the project site as Mixed Use area #14 to the current 13 Mixed Use areas and modify Figures 17.38.060-1 and 17.38.060-15, to change the project site from Community Commercial to Mixed Use (Subarea 4 Map); and
- c. The project site is made up of three (3) parcels totaling 8.8 gross acres of land located at the northwest corner of Foothill Boulevard and East Avenue; and
- d. The site is bounded by vacant land to the north in the Community Commercial (CC) zoning district; by a multi-family development to the south in the Medium (M) Development District; by a flood control facility and single-family residences in the City of Fontana to the east; and, by utility easements to the west in the Open Space (OP) District; and
- e. The application is in conjunction with the subdivision of 8.8 acres of vacant land to create a one parcel condominium map for residential and commercial purposes (Related file: SUBTT19945) for the development of a 190-unit, multi-family residential development with the 3,246 square feet of commercial space or live/work units (related file: DRC2014-01130).

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

- a. This Amendment does not conflict with the Land Use Policies of the General Plan and will provide for development, within the district, in a manner consistent with the General Plan and with related development. The Amendment is related to Zoning Map Amendment DRC2014-01131, which changes the zoning designation of the project site from Community Commercial (CC) to Mixed Use (MU), in conformance with the Mixed Use (MU) General Plan land use designation. The Amendment updates facts, figures and tables in the Development Code to reflect the new Zoning Map designation and eliminates any conflicts or inconsistencies between the General Plan and the Development Code; and
- b. This Amendment does promote the goals and objectives of the Development Code. The purpose and intent of the Development Code is to implement the goals and objectives of the General Plan and to guide and manage the future growth of the City. The General Plan land use designation of the project site is Mixed Use (MU). The related Zoning Map Amendment (DRC2014-01131) changes the zoning designation of the project site from Community Commercial (CC) to Mixed Use, in conformance with the Mixed Use (MU) General Plan land use designation. The Amendment updates the fact, figures and tables in the development code to reflect the related Zoning Map Amendment, thus implementing the goals and objectives of the General Plan; and
- c. The proposed Amendment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project related to the Amendment was reviewed by the Design Review Committee and is of the same high quality design as the surrounding development and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and

d. The subject application is consistent with the objectives of the Development Code. The Development Code is required to be consistent with the land use element of the General Plan. The Amendment modifies facts, figures and tables in the Development Code to reflect the related Zoning Map Amendment (DRC2014-01131), eliminating any conflicts or inconsistencies between the General Plan and the Development Code; and

e. The proposed amendment is in conformance with the General Plan. The General Plan land use designation of the project site is Mixed Use (MU). The related Zoning Map Amendment (DRC2014-01131) amends the zoning designation of the project site from Community Commercial (CC) to Mixed Use (MU) to be in conformance with the General Plan land use designation. The Amendment updates the facts, figures and tables within the Development Code to bring the Development Code into conformance with the new General Plan land use designation and Zoning Map designation of the project site.

SECTION 4: Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring Program attached hereto, and incorporated herein by this reference, based upon the findings as follows:

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

b. The City Council has reviewed the Mitigated Negative Declaration and the comments received from the California Department of Fish and Wildlife (CDFW) regarding the Mitigated Negative Declaration and based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. During the Public Comment Period, staff received comments from the California Department of Fish and Wildlife (CDFW). To address CDFW comments, staff modified one of the existing mitigation measures in Initial Study Parts II and III, shortening the period of time prior to earth moving activity for performing a nesting bird survey. The modified mitigation measure was reviewed by the Planning Commission. The City Council finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration.

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

d. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring Program and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the Planning Director of the City of Rancho

Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

SECTION 5: The Development Code is hereby amended to modify the facts, figures and tables in Development Code Section 17.36.020, to add the project site as Mixed Use area #14 to the current 13 Mixed Use areas (See highlighted changes on Attachments A, B and D and an updated Figure 17.36.020-1 (Attachment C) showing the new Mixed Use (MU) zoning designation of the project site). The Amendment also includes modifying Figures 17.38.060-1 (Foothill Boulevard Subareas) and 17.38.060-15 (Subarea 4 Map) changing the zoning of the project site from Community Commercial (CC) to Mixed Use (MU) (Attachments E and F).

SECTION 6: If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Rancho Cucamonga hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or words thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or words might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

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

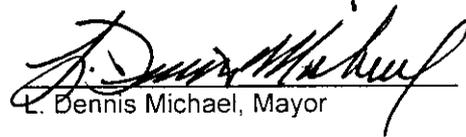
PASSED, APPROVED, AND ADOPTED this 3rd day of August 2016.

AYES: Alexander, Kennedy, Michael, Spagnolo, Williams

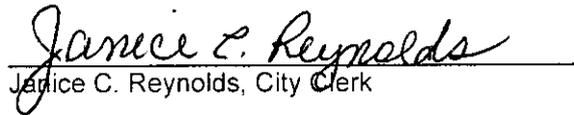
NOES: None

ABSENT: None

ABSTAINED: None

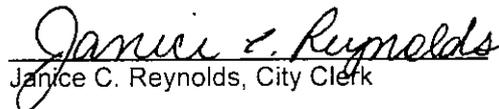

L. Dennis Michael, Mayor

ATTEST:


Janice C. Reynolds, City Clerk

I, **JANICE C. REYNOLDS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Council of the City of Rancho Cucamonga held on the 20th day of July 2016, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 3rd day of August 2016.

Executed this 4th day of August 2016, at Rancho Cucamonga, California.


Janice C. Reynolds, City Clerk

"Attachment A"

Section 17.36.020 A of the Development Code is hereby amended to read as follow with changes highlighted

- A. **Purpose and Applicability.** The purpose of this Section is to establish minimum development standards that are unique to development projects within the City's Mixed Use Zoning District. The General Plan establishes fourteen (14) mixed use sites throughout the city with the intent to create special urban places with horizontal and/or vertical integration of uses. In the General Plan, each mixed use site includes intent statements, land use ranges, and corresponding development assumptions. Development standards in this Section apply to all land designated on the Zoning Map within a Mixed Use District and are intended to be consistent with and implement the General Plan. See Figure 17.36.020-1 (Mixed Use Sites).

Attachment A

"Attachment B"

Table 17.36.020-1 of the Development Code is hereby amended to read as follows with change highlighted

TABLE 17.36.020-1 DEVELOPMENT STANDARDS FOR MIXED USE SITES

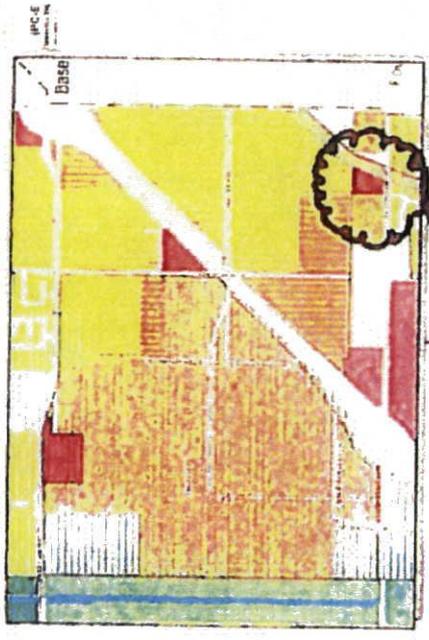


Mixed Use Sites	Land Use Mix				Average Density Range
	Residential	Commercial	Office	Public/Quasi Public	
Victoria Gardens/Victoria Aroors	21-36%	20-41%		5-12%	4-14 du/ac
Town Center (Foothill Boulevard and Haven Avenue)	25-35%	10-15%	30-50%	0-10%	14 du/ac
Terra Vista	12-15%		85-87%		30 du/ac
Foothill Boulevard between Hermosa Avenue and Center Avenue	0-62%	0-100%			20 du/ac
Foothill Boulevard between Archibald Avenue and Hellman Avenue	67-70%	30-33%			15-30 du/ac
Foothill Boulevard at Helms Avenue and Hampshire Street	30-40%	60-70%			30 du/ac
Foothill Boulevard and Mayten Avenue	26-50%	40-60%	6-10%	4%	24-30 du/ac
Industrial Area Specific Plan	11-22%	15-25%	40-60%	7.5%	28 du/ac
Foothill Boulevard and Deer Creek Channel	70-75%	25-30%			14 du/ac
Haven Avenue and Church Street Site	0-100%		0-100%		8-14 du/ac
Western Gateway (Bear Gulch Area)	30-50%	50-70%			14 du/ac
Foothill Boulevard and Cucamonga Channel Site	0-100%		0-100%		8-14 du/ac
Historic Alta Loma (Amethyst Site)	0-100%		0-100%		14-24 du/ac
NWC Foothill Boulevard and East Avenue	0-100%		0-100%		14-24 du/ac

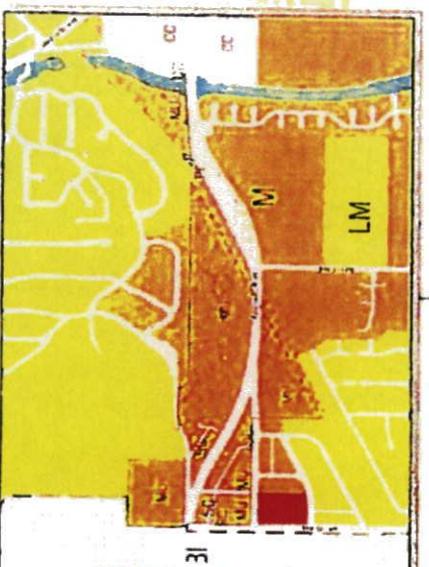
Table Notes:

(1) This table only applies to existing Mixed Use sites

Attachment B



New MMA Area



ATTACHMENT C



Legend

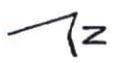
- City Limits**
- Overlay**
 - Commercial Mixed Use Overlay
 - Frederick Overlay
 - Foothill Boulevard Specific Plan
 - Haven Avenue Overlay
 - Hillside Overlay for Office
 - Senior Housing Overlay
- Community Plans**
 - Caryn Planned Community
 - Elwanza Highlands Planned Community
 - Terra Vista Planned Community
 - Vista Vista Planned Community

Specific Plans

- Elwanza North Specific Plan
- Elwanza Specific Plan
- Entire Lakes Specific Plan
- General Commercial (GCU)
- Community Commercial (CCC)
- Neighborhood Commercial (NSC)
- Regional Retail Commercial (RRC)
- Specialty Commercial (SC)
- Commercial/Office (CO)
- Office Professional (OP)
- Flour Control (FC)
- General Industrial (GI)
- High Residential (H)

Zoning

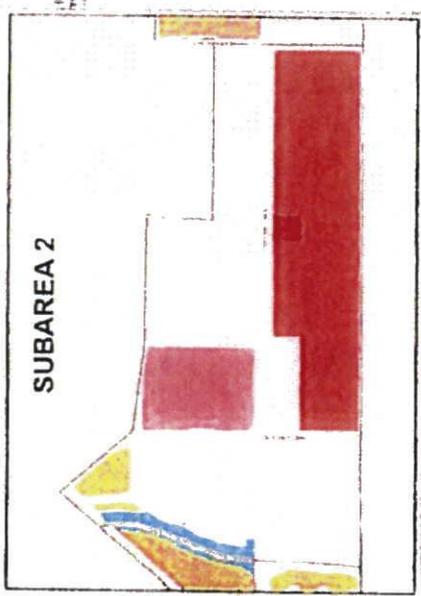
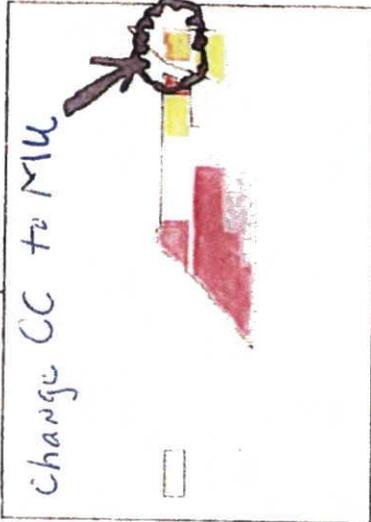
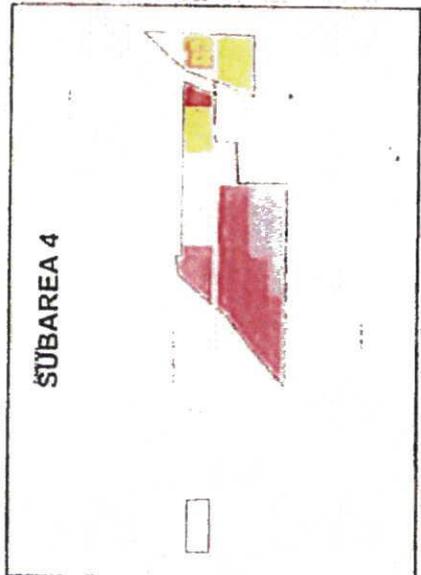
- Heavy Industrial (HI)
- Hillside Residential (HR)
- Industrial Park (IP)
- Residential (L)
- Low-Medium Residential (LM)
- Medium Residential (MR)
- Medium-High Residential (MHI)
- Minimum Impact Heavy Industrial (MIHI)
- Mixed Use (MU)
- Open Space (OS)
- Planned Community (PC)
- School (S)
- Specific Plan (SP)
- Utility Corridor (UC)
- Very Low Residential (VLR)



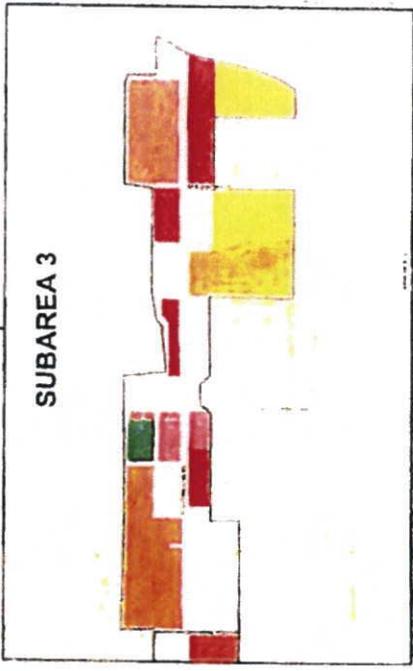
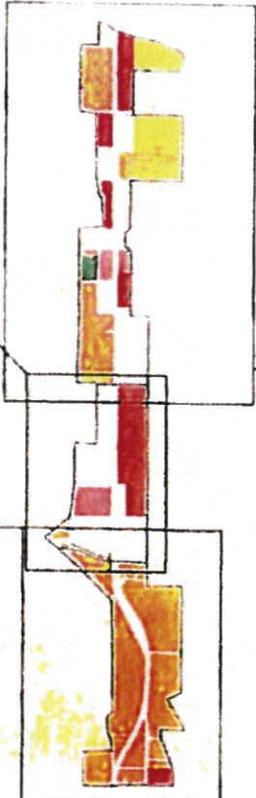
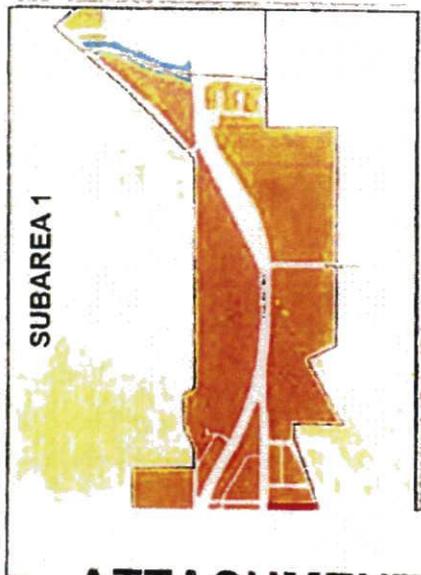
Section 17.36 020 B of the Development Code is hereby amended to read as follows with changes highlighted:

B **Mixed Use Sites.** The fourteen (14) mixed use sites with Mixed Use Zoning District designations are listed below.

1. Victoria Gardens/Victoria Arbors
2. Town Center (Foothill Boulevard and Haven Avenue)
3. Terra Vista
4. Foothill Boulevard between Hermosa Avenue and Center Avenue
5. Foothill Boulevard between Archibald Avenue and Hellman Avenue
6. Foothill Boulevard at Helms Avenue and Hampshire Street
7. Foothill Boulevard and Mayten Avenue
8. Industrial Area Specific Plan (Sub-Area 18)
9. Foothill Boulevard and Deer Creek Channel
10. Haven Avenue and Church Street Site
11. Western Gateway (Bear Gulch Area)
12. Foothill Boulevard and Cucamonga Channel Site
13. Historic Alta Loma (Amethyst Site)
14. NWC Foothill Boulevard and East Avenue



IPC 710
Terra Vista Planned Community



Legend

- City Limits
- Footprint Blvd Specific Plan Boundary
- Overlays
 - Commercial Mixed Use Overlay
 - Education Overlay
 - Footprint Blvd Specific Plan
 - Huachuca Avenue Overlay
 - Hillside Overlay Pk Ord 628
 - Senior Housing Overlay

Community Plans

- Carvin Planned Community
- Elwood Hills Planned Community
- Terra Vista Planned Community
- Victorian Planned Community

Specific Plans

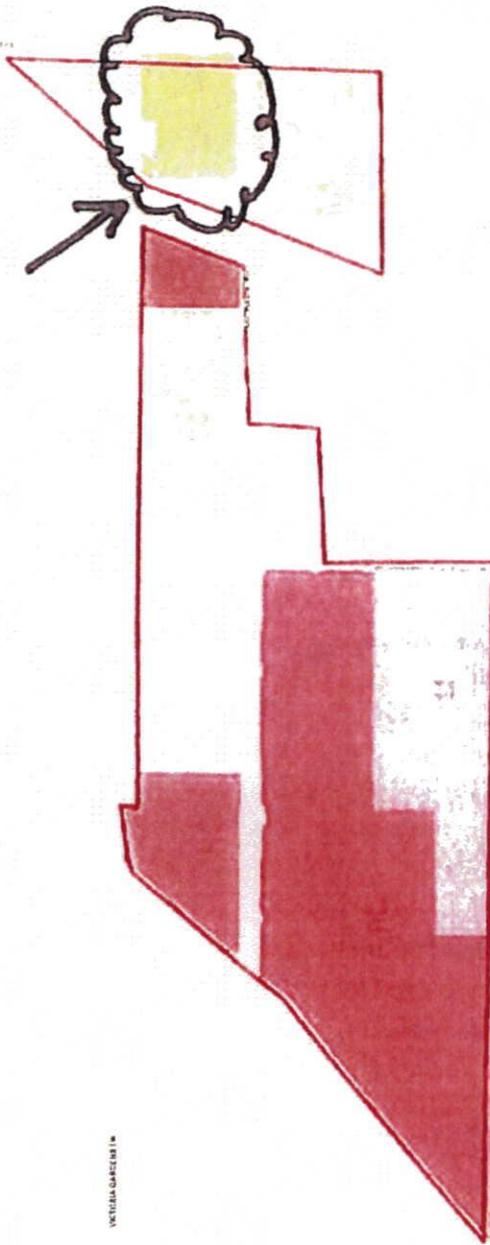
- Elwood North Specific Plan
- Elwood Specific Plan
- Elwood South Specific Plan

Zoning

- Heavy Industrial (HI)
- High Residential (HR)
- Industrial Park (IP)
- Low Residential (L)
- Low/Medium Residential (LM)
- Medium Residential (M)
- Medium-High Residential (MH)
- Minimum Impact Heavy Industrial
- Mixed Use (MU)
- Open Space (OS)
- Planned Community (PC)
- School (S)
- Specific Plan (SP)
- Utility Corridor (UC)
- Very Low Residential (VL)

Attachment F

Change CC to MU



Legend

City Limits	Footprint Blvd Specific Plan Boundary	City Limits	Heavy Industrial (HI)
Overlay	Commercial Mixed Use Overlay	Footprint Blvd Specific Plan	Hillside Residential (HR)
Equation Overlay	Equation Overlay	Enclave Specific Plan	Integrating Park (IP)
Footprint Boulevard Specific Plan	Footprint Boulevard Specific Plan	Enclave Lakes Specific Plan	Low Residential (L)
Haven Avenue Overlay	Haven Avenue Overlay	General Commercial (GC)	Low Medium Residential (LM)
Hillside Overlay Per City 628	Hillside Overlay Per City 628	Community Commercial (CC)	Medium Residential (M)
Senior Housing Overlay	Senior Housing Overlay	Neighborhood Commercial (NC)	Medium-High Residential (MH)
Community Plans	Community Plans	Regional Retail Commercial (PRC)	Maximum Impact Heavy Residential (MIHR)
Carver Planned Community	Carver Planned Community	Specialty Commercial (SC)	Mixed Use (MU)
Encanto Highlands Planned Community	Encanto Highlands Planned Community	Commercial Office (CO)	Open Space (OS)
Terra Vista Planned Community	Terra Vista Planned Community	Office Professional (OPA)	Planned Community (PC)
Victoria Planned Community	Victoria Planned Community	Flood Control (FC)	School (S)
		General Industrial (GI)	Specific Plan (SP)
		High Residential (H)	Utility Corridor (UC)
			Very Low Residential (VL)

