

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ADOPTING ZONING MAP AMENDMENT DRC2014-01131 TO CHANGE THE ZONING DESIGNATION FOR 8.8 ACRES OF LAND FROM COMMUNITY COMMERCIAL (CC) TO MIXED USE (MU) RELATED TO THE DEVELOPMENT OF A 190-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH 3,246 SQUARE FEET OF COMMERCIAL SPACE OR LIVE/WORK UNITS ON A PROJECT SITE WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT AT THE NORTHWEST CORNER OF FOOTHILL BOULEVARD AND EAST AVENUE; APNS: 1100-201-03, 04 AND 07

A. Recitals.

1. Foothill & East, LLC, filed an application for the approval of Zoning Map Amendment DRC2014-01131, as described in the title of this Ordinance. Hereinafter in this Ordinance, the subject Zoning Map 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 Zoning Map Amendment DRC2014-01131 and, following the conclusion thereof, adopted its Resolution No. 16-25, recommending that the City Council of the City of Rancho Cucamonga adopt said Zoning Map Amendment.

3. On June 15, 2016, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the Zoning Map Amendment DRC2014-001131.

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 change the zoning designation for 8.8 acres of land from Community Commercial (CC) to Mixed Use (MU); 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. That the subject property is suitable for the uses permitted in the Mixed Use (MU) district in terms of access, size, and compatibility with existing land use in the surrounding area. The 8.8 acre project site is located at the corner of two major streets and provides adequate vehicle and pedestrian access on both street frontages to serve the increased vehicle and pedestrian traffic anticipated by a mixed use development. The project is compatible with the existing development in the area, including the multi-family development to the south of the project site; and

b. That the proposed amendment would not have significant impacts on the environment nor the surrounding properties. The Initial Study Part II prepared for the project outlines potential environmental impacts related to the project and identifies project specific mitigation measures that reduce these impacts to less-than-significant; and

c. That the proposed amendment is in conformance with the General Plan. The subject Zoning Map Amendment changes the zoning designation of the project site from Community Commercial (CC) to Mixed Use (MU), in conformance with the General Plan Mixed Use (MU) land use designation.

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.

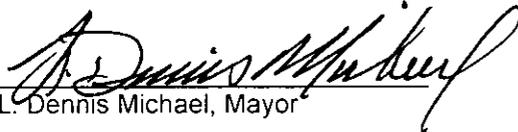
SECTION 5: The Zoning Map is hereby amended to change the zoning designation for 8.8 acres of land from Community Commercial (CC) to Mixed Use (MU), as shown in Attachment A.

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

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

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

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

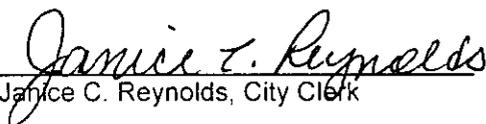

L. Dennis Michael, Mayor

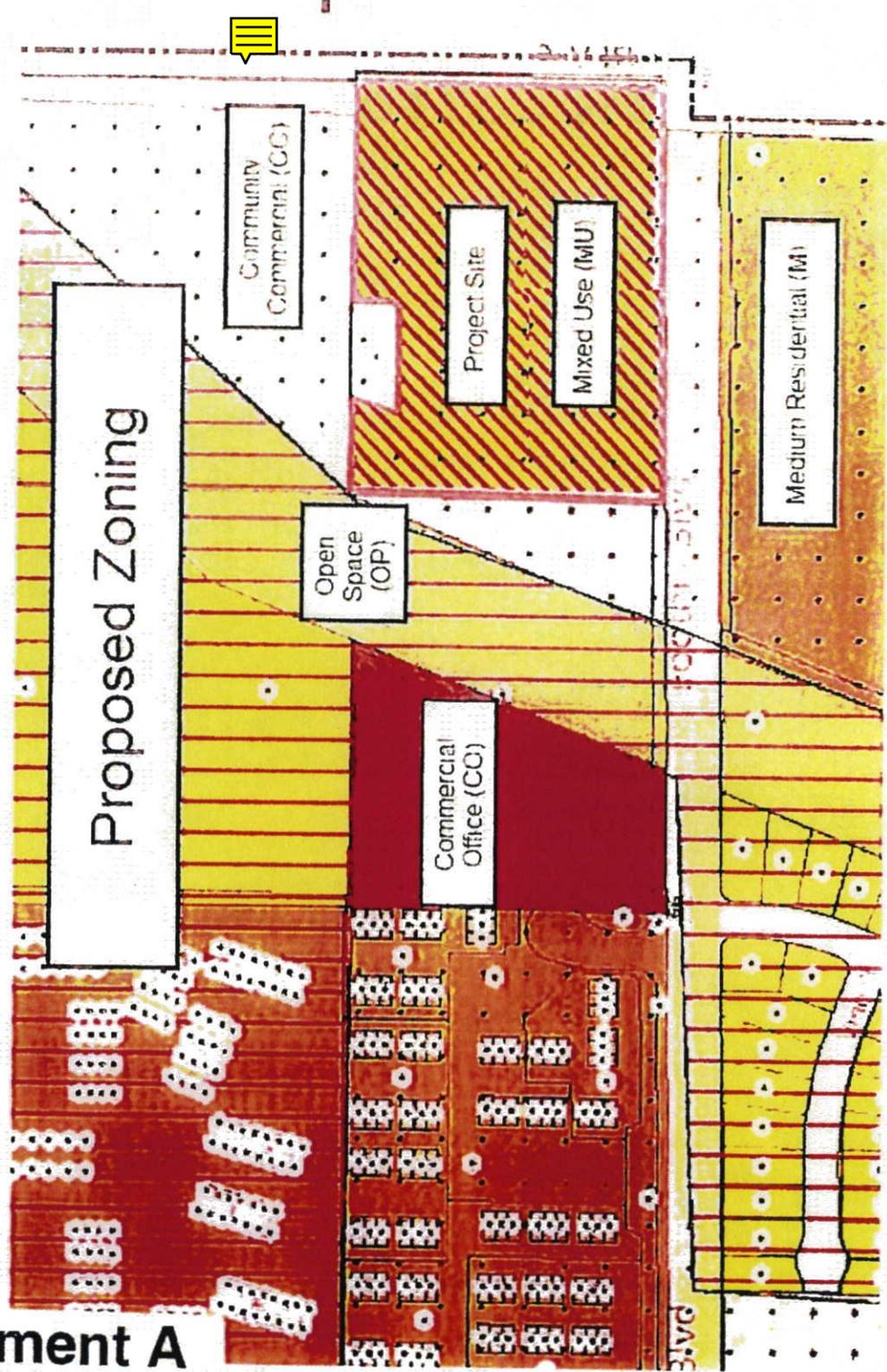
ATTEST:


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