

**ORDINANCE NO. 894**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2016-00563, A SUPPLEMENT TO DEVELOPMENT CODE UPDATE DRC2010-00571, AMENDING TITLE 17 (DEVELOPMENT CODE) OF THE RANCHO CUCAMONGA MUNICIPAL CODE TO REVISE DEVELOPMENT STANDARDS FOR THE MIXED USE (MU) DISTRICT BY REMOVING MAXIMUM FLOOR AREA RATIO (FAR) REQUIREMENTS**

**A. Recitals.**

1. The City of Rancho Cucamonga filed an application for Development Code Amendment DRC2016-00563, as described in the title of this Ordinance. Hereinafter in this Ordinance, the subject Development Code Amendment is referred to as "the application."

2. On the 10th day of August 2016, the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing with respect to the above referenced Development Code Amendment DRC2016-00563 and, following the conclusion thereof, issued Resolution No. 16-43, recommending that the City Council of the City of Rancho Cucamonga adopt said Development Code Amendment.

3. On the 7th day of September 2016, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the Development Code Amendment and concluded said hearing on that date.

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

**B. Ordinance.**

The City Council of the City of Rancho Cucamonga does ordain 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 substantial evidence presented to the City Council during the above-referenced public hearing on September 7, 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 October 21, 2015, the City Council adopted Development Code Amendment DRC2015-00421 to establish development standards for the Mixed Use (MU) District; and
- c. On August 10, 2016, the Planning Commission recommended to the City Council adoption of the draft Mixed Use (MU) District development standard deleting the Floor Area Ratio (FAR) requirement; and
- d. Based on feedback received since the effective date of the adoption of Development Code Amendment DRC2015-00421, the City prepared Development Code Amendment DRC2016-00563 to delete Floor Area Ratio (FAR) requirements from the Mixed Use (MU) District, which is included as Attachment 1 to this Ordinance and is hereby incorporated by this reference as if set forth in full; and

e. Development Code Amendment DRC2016-00563 conforms to and does not conflict with the General Plan, including without limitation, the Land Use Element thereof, and will provide for development in a manner consistent with the General Plan; and

f. Development Code Amendment DRC2016-00563 will not have a significant impact on the environment since this amendment does not propose development. New development is required to be reviewed by the Planning Department on a case-by-case basis. This will include a review of any potential impacts each individual project may have on the environment.

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. This update complies with Policy LU-4.1 in the General Plan, in that the amendment promotes Mixed Use development; and

b. This amendment does promote the goals and objectives of the Development Code. The proposed Mixed Use standards, including, but not limited to, setbacks, building height, parking, landscaping and open space, will provide further direction for the development of Mixed Use sites. The deletion of the Floor Area Ratio (FAR) requirement removes an undue restriction on the development of Mixed Use sites; 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. This amendment does not propose development. New development is required to be reviewed by the Planning Department on a case-by-case basis and is required to not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and

d. The proposed amendment is in conformance with the General Plan, which encourages Mixed Use development within the City's designated Mixed Use areas. The amendment involves the modification of Mixed Use development standards, which will facilitate in the development of properties in the Mixed Use (MU) Districts.

SECTION 4: Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City adopted a Negative Declaration on October 21, 2015, in connection with the City's approval of Development Review DRC2015-00421. Pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project. No substantial changes are proposed to the project that indicate new or more severe impacts on the environment; no substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; no new important information shows the project will have new or more severe impacts than previously considered; and no additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts. On October 21, 2015, the City adopted a Negative Declaration regarding a Development Code update for development standards for Mixed Use Districts. The proposed Code amendment is limited to the adoption of a text amendment to the Development Code to eliminate the maximum Floor Area Ratio requirement for Mixed Use Districts and does not involve a site-specific project, and the adoption of the amendment does not preclude the review by the City of any project that results from this amendment. Accordingly, there have been no substantial changes to the project or the circumstances surrounding the project which would create new or more severe impacts than those evaluated in the previous Negative Declaration. Staff further finds that the project will not

have one or more significant effects not discussed in the previous Negative Declaration, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less-than-significant.

Additionally, when an application for a site-specific project is submitted for review by the City, the City will conduct a project-and site-specific environmental assessment. At that time, based upon the specific calculated Floor Area Ratio of the project and any associated potential impacts, the applicant will be required to submit environmental studies that analyze the impact(s) (if any) to, for example, air quality, biological resources, cultural resources, noise levels, and transportation/traffic caused by the site-specific project. On a case-by-case review of each project, the appropriate environmental document will be prepared to address project-specific impacts.

SECTION 5: The Development Code is hereby amended to delete the Floor Area Ratio (FAR) Mixed Use (MU) District development standard, in words and figures, as shown in the attached "Attachment 1."

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.

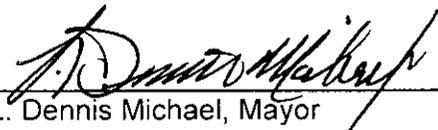
PASSED, APPROVED, AND ADOPTED this 21<sup>st</sup> day of September 2016.

**AYES:** Kennedy, Michael, Spagnolo, Williams

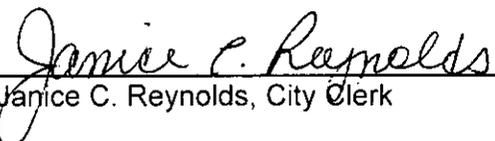
**NOES:** Alexander

**ABSENT:** None

**ABSTAINED:** None

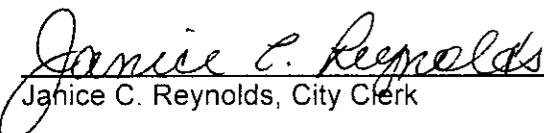
  
\_\_\_\_\_  
L. Dennis Michael, Mayor

**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 7<sup>th</sup> day of September 2016, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 21<sup>st</sup> day of September 2016.

Executed this 22<sup>nd</sup> day of September 2016, at Rancho Cucamonga, California.

  
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Janice C. Reynolds, City Clerk

**Attachment 1**

**Text Amendments to the Development Code**

**Article III – Zoning Districts, Allowed Uses, and Development Standards**

Table 17.36.020-2 of the Development Code is hereby revised to read as follows:

**TABLE 17.36.020-2 DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS**

<b>Development Standard</b>	<b>MU</b>
Site/Lot Area (minimum) <sup>(1)</sup>	n/a
Lot Width/Depth (minimum)	n/a
<b>Allowed Density (dwelling units per acre)</b>	
Minimum Density	n/a
Maximum Density	50 units/acre
Land Use Mix <sup>(2)</sup>	Project shall incorporate a minimum of two of the following types of land uses: Commercial, Office, Institutional, Residential, Live/Work
<b>Setbacks <sup>(3)(4)</sup></b>	
Street Yard (Major/Special Boulevard)	50% - 75% reduction of streetscape requirements <sup>(7)</sup>
Street Yard (Secondary/Collector)	50% - 75% reduction of streetscape requirements <sup>(7)</sup>
Street Yard (Local Streets)	75% - 100% reduction of streetscape requirements <sup>(7)</sup>
Rear Yard (adjacent to residential)	Match rear yard setback requirements of adjacent base district
Rear Yard (adjacent to commercial or industrial)	0 feet <sup>(5)</sup>
Interior Side (adjacent to residential)	Match side yard setback requirements of adjacent base district
Interior Side (adjacent to commercial or industrial)	5 feet
<b>Distance Between Buildings</b>	
Primary Buildings	Minimum per Building Code requirements
Accessory Buildings	
<b>Building Height (maximum in feet) <sup>(6)</sup></b>	
Primary Buildings	75 feet maximum
Accessory Buildings	Not to exceed primary building height
<b>Floor Area Ratio (maximum ratio of building to lot square footage)</b>	
Floor Area Ratio	1.0 max
<b>Open Space Requirement (minimum percentage of open space per parcel or project)</b>	
Landscape Area (overall net area)	10% minimum
Open Space Requirements	Minimum of 150 square feet/unit See Section 17.36.020 (D) for additional requirements
Recreation Area/Facility	Required per Section 17.36.010 (E)
<b>Parking Requirement</b>	
Parking Spaces	See Table 17.64.050-1 NOTE: A parking study is required for all Mixed Use projects per Section 17.64.060(D)

**Table Notes:**

**(1)** On existing lots of record, parcels less than three (3) acres or less than the required minimum frontage may only be developed

- at the lowest end of the permitted density range.
- (2) Lot sizes less than one-half (1/2) acre are not subject to land use mix requirement.
  - (3) Setbacks are measured between the structure and curb face in front yards and corner side yards. Setbacks are measured between the structure and property line in rear yards and interior side yards.
  - (4) Shall apply to buildings, parking and landscaping.
  - (5) Must meet minimum Building Codes.
  - (6) All buildings within one-hundred (100) feet of LM, L, or VL Districts shall not exceed twenty five feet (25'); however, there may be areas where the maximum building height may be required to be less than the cited maximum, and shall be determined on a case by case basis.
  - (7) For mixed use development of any type see the streetscape setbacks in Table 17.36.010-3 that apply to Attached Single-Family Residential and Multi-Family Residential.