

**ORDINANCE NO. 896**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DRC2014-00610 BETWEEN THE CITY OF RANCHO CUCAMONGA AND 7418 ARCHIBALD, LLC, TO ALLOW FOR A REDUCTION IN THE PERCENTAGE OF TAX CREDIT FINANCING AND TO MODIFY UNIT AFFORDABILITY FOR THE PURPOSE OF PROVIDING A SENIOR HOUSING PROJECT IN ACCORDANCE WITH THE SENIOR HOUSING OVERLAY ZONING DISTRICT (SHOZD), WHICH INCLUDES THE DEVELOPMENT OF A 24,641 SQUARE FOOT, 60-UNIT SENIOR APARTMENT COMPLEX ON 2.25 ACRES OF LAND LOCATED ON THE WEST SIDE OF ARCHIBALD AVENUE, SOUTH OF BASE LINE ROAD, AS PROVIDED FOR IN SECTION 65864 OF THE CALIFORNIA GOVERNMENT CODE, FOR REAL PROPERTY DESCRIBED HEREIN, AND MAKING FINDINGS IN SUPPORT THEREOF, APN: 0208-031-58 AND 0208-031-59**

**A. Recitals.**

1. The applicant, 7418 Archibald, LLC, filed an application for Development Agreement Amendment DRC2016-00667, as described in the title of this Ordinance. Hereinafter in this Ordinance, the subject Development Agreement is referred to as "the application."

2. On the 13th day of May 2015, the Planning Commission adopted Resolution No. 15-35 recommending the City Council approve Development Agreement DRC2014-00610 for the purpose of providing a senior housing project in accordance with the Senior Housing Overlay Zoning District (SHOZD), including deviating from certain development standards, for the development of a 24,641 square foot, 60-unit, senior apartment complex on 2.25 acres of land located on the west side of Archibald Avenue, south of Base Line Road.

3. On the 3rd day of June 2015, the City Council approved Development Agreement DRC2014-00610.

4. On the 17th day of June 2015, the City Council adopted Ordinance No. 876 for Development Agreement DRC2014-00610.

5. Following the June 17, 2015, City Council action the applicant submitted to the California Tax Credit Allocation Committee (TCAC) to obtain low income tax credit financing for the project. On February 17, 2016 the City of Rancho Cucamonga Successor Housing Agency approved an amendment to the Acquisition, Disposition, Development, and Loan Agreement (ADDLA) between the City and the Developer for this affordable senior housing project to allow for the use of 4% low income housing tax credit financing, along with other financing resources, should the Developer be unsuccessful in securing a 9% low income housing tax credit from the TCAC. The use of 4% low income tax credits for the project required a modification to the unit affordability due to a reduction in the amount of revenues to construct and manage the project. This income affordability modification was included in the amendment to the ADDLA. The Developer was unsuccessful in receiving a 9% low income tax credit approval in March 2016 and notified the City of its intent to pursue the 4% low income housing tax credit financing.

6. The purpose of this Amendment is to modify the affordability requirements included in the Development Agreement for the project as a result of the change in tax credit financing.

7. On the 24th day of August 2016, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing with respect to the above referenced Development Agreement Amendment DRC2016-00667 and, following the conclusion there of, issued Resolution No. 16-47, recommending that the City Council of the City of Rancho Cucamonga adopt said Development Agreement Amendment.

8. On the 21st day of September 2016, the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the Development Agreement Amendment and concluded said meeting on that date.

9. The subject property of the Development Agreement Amendment is legally described herein.

10. A true and correct copy of the proposed Development Agreement Amendment is attached as Attachment "A" to this Ordinance.

11. 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 21, 2016, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The proposed Development Agreement Amendment is consistent with the objectives, policies, and general land uses specified in the General Plan and any applicable Specific Plans; and

b. The proposed Development Agreement Amendment is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice; and

c. The proposed Development Agreement Amendment will not be detrimental to the health, safety, and general welfare of the City; and

d. The proposed Development Agreement Amendment will not adversely affect the orderly development of property or the preservation of property values.

SECTION 3: Pursuant to the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines, the City adopted a Mitigated Negative Declaration on June 3, 2015, in connection with the City's approval of Development Agreement DRC2014-00610. 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 June 3, 2015, the City adopted a Mitigated Negative Declaration regarding the proposed development of a 24,641 square foot, 60-unit, senior apartment complex on 2.25 acres of land located on the west side of Archibald Avenue, south of Base Line Road. 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 Mitigated Negative Declaration. Staff further finds that the project will not have one or more significant effects not discussed in the previous Mitigated 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.

SECTION 4: The Development Agreement is hereby amended, in words and figures, as shown in the attached Attachment "A."

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 3<sup>rd</sup> day of October 2016.

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

**NOES:** None

**ABSENT:** None

**ABSTAINED:** None

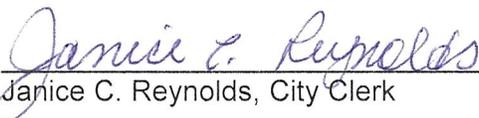
  
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L. Dennis Michael, Mayor

**ATTEST:**

  
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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 City Council of the City of Rancho Cucamonga held on the 21<sup>st</sup> day of September 2016, and was passed at a Special Meeting of the City Council of the City of Rancho Cucamonga held on the 3<sup>rd</sup> day of October 2016.

Executed this 4<sup>th</sup> day of October 2016, at Rancho Cucamonga, California.

  
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Janice C. Reynolds, City Clerk