

ORDINANCE NO. 871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING ZONING MAP AMENDMENT DRC2014-00126, A REQUEST TO MODIFY THE ZONING MAP TO CHANGE LAND USE DESIGNATION FROM INDUSTRIAL PARK (IP) TO GENERAL INDUSTRIAL (GI) IN ORDER TO CONSTRUCT A 139,983 SQUARE FOOT OFFICE/WAREHOUSE ON A 6.6-ACRE PROJECT SITE LOCATED SOUTH OF MISSION PARK DRIVE BETWEEN RICHMOND PLACE AND BUFFALO AVENUE WITHIN THE INDUSTRIAL PARK (IP) DEVELOPMENT DISTRICT; AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0229-401-06, 07, 08 AND 09.

A. Recitals.

1. Commerce Construction Co., LP filed an application for the approval of Zoning Map Amendment DRC2014-00126 as described in the title of this Ordinance. Hereinafter in this Resolution, the subject Zoning Map Amendment request is referred to as "the application."
2. On the 24th day of September, 2014 the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application and concluded said hearing on that date.
3. On the 17th day of December 2014 the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application and concluded said hearing on that date.
4. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

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

1. This Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Council during the above-referenced public hearing on December 17, 2014, including written and oral staff reports, together with public testimony, this Council hereby specifically finds as follows:
 - a. The application applies to approximately 6.6 acres of land comprised of assessor parcel numbers 0229-401-06, 07, 08, and 09 which is basically square in shape and located south of Mission Park Drive between Richmond Place and Buffalo Avenue and is presently vacant. Said property is currently designated as Industrial Park (IP) as shown and described in Attachment A; and
 - b. The property to the west is developed with industrial buildings within the Industrial Park (IP) Development District; to the east is a large warehouse distribution building

that is partially in the Industrial Park (IP) Development District and partially within the General Industrial (GI) Development District; to the north are industrial buildings within the General Industrial (GI) Development District; and, to the south, are commercial buildings within the Industrial Park (IP) Development District; and

- c. The current General Plan land use designation of the project site is Industrial Park (IP) as shown in Attachment B to this Ordinance; and
 - d. The proposed Zoning Map Amendment will change the Zoning Map designation to General Industrial (GI), which will bring the site into conformance with the General Plan Land Use Element which was amended by the related General Plan Amendment DRC2014-00012 as shown on Attachment C.
 - e. The 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. With approval of this Zoning Map Amendment and the related General Plan Amendment (DRC2014-00012) the Zoning Map and the General Plan will have the same land use designation.
 - f. This amendment does promote the goals and objectives of the Land Use Element in that the General Plan envisions that the industrially zoned areas of the City will be used for a variety of industrial, manufacturing, heavy industry and similar uses. The General Industrial (GI) land use designation permits a wide range of industrial activities including manufacturing and warehouse distribution that conform to the intent of the overall development district by the General Plan.
 - g. This amendment would not be materially injurious or detrimental to the adjacent properties and would not have a significant impact on the environment nor the surrounding properties. The properties to the north, east and west are developed with similar land uses and will not be negatively impacted by the approval of this Zoning Map Amendment.
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. The Zoning Map amendment as shown in Attachments C 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. With approval of the related General Plan Amendment (DRC2014-00012) the Zoning Map and General Plan will have the same land use designation.
 - b. This amendment does promote the goals and objectives of the Land Use Element in that the General Industrial (GI) land use designation permits a wide range of industrial activities that include manufacturing and wholesale supply;
 - c. This amendment would not be materially injurious or detrimental to the adjacent properties and would not have a significant impact on the environment nor the surrounding properties. The properties to the north, east and west are developed with similar land uses and will not be negatively impacted with the Zoning Map Amendment.

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 recommends adopts a Mitigated Negative Declaration and 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. On September 24, 2014 the Planning Commission reviewed the Mitigated Negative Declaration for the Zoning Map Amendment and recommended adoption by the City Council. The City Council has reviewed the Mitigated Negative Declaration and all comments received 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. The City Council further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council 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 Council also reviewed staff's Response to Comments from the U.S. Fish and Wildlife Service and Staff's determination that CEQA Section 15073.5 (C(4)) does not require the lead agency to recirculate the Mitigated Negative Declaration when the new information added during the public comment period merely clarifies the original findings. In this case, the new study prepared in response to comments from the U.S. Fish and Wildlife Service confirmed that the site was not suitable habitat for the Delhi Sand Flower Loving Fly. The City Council therefore adopts the Mitigation Monitoring Program for the project.
 - 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 Planning Commission'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.
5. Based upon the findings and conclusion set forth in Paragraphs 1, 2, 3, and 4 above, the City Council adopts Zoning Map Amendment DRC2014-00126 as identified in this Ordinance and as shown on Attachment C and hereby incorporated in this Ordinance.

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.
7. The City Clerk shall certify the adoption of this Resolution.

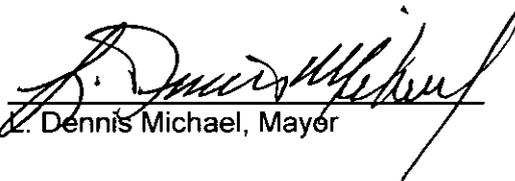
PASSED, APPROVED, AND ADOPTED this 21st day of January 2015.

AYES: Alexander, Kennedy, Michael, Spagnolo, Williams

NOES: None

ABSENT: None

ABSTAINED: None



D. Dennis Michael, Mayor

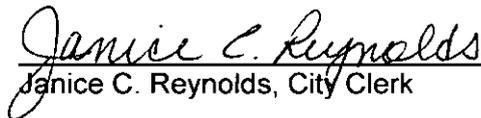
ATTEST:



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 17th day of December 2014, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 21st day of January 2015.

Executed this 22nd day of January 2015, at Rancho Cucamonga, California.



Janice C. Reynolds, City Clerk