

ORDINANCE NO. 873

AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2014-00567, A REQUEST TO AMEND THE DEVELOPMENT CODE TO PERMIT THE CONSTRUCTION OF BUILDINGS IN EXCESS OF 50,000 SQUARE FEET WITHIN THE INDUSTRIAL PARK (IP) DISTRICT AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

1. On January 28, 2015, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing with respect to the above referenced Development Code Amendment and, following the conclusion thereof, adopted its Resolution No. 15-11, recommending that the City Council of the City of Rancho Cucamonga adopt said Development Code Amendment.
2. On March 4, 2015, the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the Development Code Amendment and concluded the hearing on that date.
3. 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 March 4, 2015, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

- a. The Development Code currently does not permit "Wholesale, Storage, and Distribution – Medium", and the corresponding buildings for such uses, in the Industrial Park (IP) District; and
- b. The Industrial Park (IP) District is generally located between Foothill Boulevard, Rochester Avenue/Interstate 15, Hermosa Avenue, and 4th Street; and
- c. In the Industrial Park (IP) District, the Development Code does permit "Wholesale, Storage, and Distribution – Light". However, the corresponding buildings for such uses are limited to less than 50,000 square feet in floor area; and

- d. Aside from the floor area 'limit', there is no significant difference between the "Light" and "Medium" classes of Wholesale, Storage, and Distribution as shown in Section 17.32.020 – Allowed Use Descriptions – of the Development Code; and
- e. In order to maximize development opportunities within the Industrial Park (IP) District, a Development Code Amendment is proposed to allow "Wholesale, Storage, and Distribution – Medium" which, if approved, would permit the construction and operation of logistics buildings with floor areas in excess of 50,000 square feet; and
- f. The amendment will not change any of the technical standards (floor area ratio, building setbacks, parking requirements, landscape coverage, etc.), design standards (architecture, site design, etc.), allowable land uses (except for allowing "Wholesale, Storage, and Distribution – Medium"), and/or performance standards (noise, odors, hazardous materials, etc.) that currently apply within the Industrial Park (IP) District; and
- g. The proposed amendment will apply to all parcels within the Industrial Park (IP) District, except parcels within the Haven Avenue Overlay District that are governed by Section 17.38.040, and except parcels within or partly within 500 feet of Foothill Boulevard; and
- h. This request is in response to a proposed industrial development that was proposed by Turner Real Estate Investments that contemplates construction of a logistics building of about 116,480 square feet on a parcel of about 249,000 square feet (5.72 acres) located at 10220 4th Street about 1,600 feet west of Haven Avenue - APN: 0210-371-02; and
- i. In the absence of the proposed amendment to allow "Wholesale, Storage, and Distribution – Medium", and the corresponding buildings for such uses, in the Industrial Park (IP) District, Turner Real Estate Investments would not be able to develop the property as proposed; and
- j. Development Code Amendment DRC2014-00567 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.

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. The proposed Development Code Amendment does not conflict with the Land Use Policies of the General Plan and will provide for the logical development of the surrounding area; and
- b. The proposed Development Code Amendment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and

- c. The proposed Development Code Amendment is in conformance with the General Plan.

SECTION 4: Table 17.30.030-1 entitled "Allowed Land Uses and Permit Requirements by Base Zoning District" is hereby deleted and replaced by Table 17.30.030-1 amended in words and figures as shown in Attachment A of this Ordinance.

SECTION 5: 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 Monitoring Program as shown in the staff report, 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 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 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.
- 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 6: Based upon the findings and conclusions set forth in Sections 1, 2, 3, 4, and 5 above, the City Council adopts Development Code Amendment DRC2014-00567 as identified in this Ordinance and as shown as Attachment A.

SECTION 7: 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 8: 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.

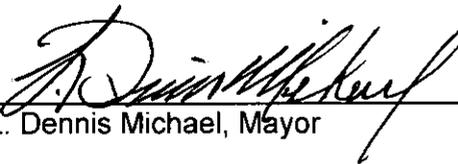
PASSED, APPROVED, AND ADOPTED this 18th day of March 2015.

AYES: Alexander, Kennedy, Michael, Spagnolo, Williams

NOES: None

ABSENT: None

ABSTAINED: None

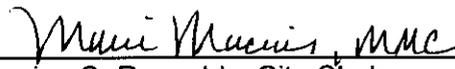

L. Dennis Michael, Mayor

ATTEST:


For 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 4th day of March 2015, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 18th day of March 2015.

Executed this 19th day of March 2015, at Rancho Cucamonga, California.


For Janice C. Reynolds, City Clerk