

ORDINANCE NO. 827

AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT DISTRICT AMENDMENT DRC2009-00717, A REQUEST TO AMEND THE DEVELOPMENT DISTRICT MAP FROM NEIGHBORHOOD COMMERCIAL TO LOW RESIDENTIAL FOR APPROXIMATELY 0.58-ACRE OF LAND, LOCATED AT 7403 ARCHIBALD AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1077-011-43.

A. Recitals.

1. On February 24, 2010, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing with respect to the above-referenced Development District Amendment DRC2009-00717, and following the conclusion thereof, adopted its Resolution No. 10-07, recommending that the City Council of the City of Rancho Cucamonga approve the Development District Amendment.

2. On February 24, 2010, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the associated General Plan Amendment DRC2009-00716 application and issued Resolution No. 10-06, recommending that the City Council of the City of Rancho Cucamonga approve the General Plan Amendment.

3. On March 17, 2010, the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the associated General Plan Amendment, approving the associated General Plan Amendment.

4. On March 17, 2010, the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the Development District Amendment No. DRC2009-00717.

5. 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 17, 2010, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The application applies to approximately 0.58-acre of land, basically a rectangular configuration, located at 7403 Archibald Avenue, and is presently developed with a single-family residence. Said property is currently designated as Neighborhood Commercial; and

b. The property to the north of the subject site is designated Neighborhood Commercial; the property to the west is designated Office Professional; the property to the east is designated Low Residential; and the property to the south is designated Low Residential; and

c. This amendment does not conflict with the Land Use Policies of the General Plan because it is compatible with the established use on-site and will provide for development within the district in a manner consistent with the General Plan and with related development. Additionally, it will provide a public benefit by preserving an existing historic landmark; and

d. This amendment does promote the goals and objectives of the Land Use Element by promoting consistent residential development/land use patterns; and

e. 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. Additionally, the site is developed with an existing historic single-family home consistent with surrounding land uses in the vicinity.

SECTION 3: The Planning Department staff has determined that the project is exempt from requirements of California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines. The project will permit less density and the effect will allow no more intense use of the property than is already being used, and since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the proposal is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) - Review for Exemption. The City Council has reviewed the Planning Department's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption.

SECTION 4: The Development District Map is hereby amended to change from Neighborhood Commercial to Low Residential for approximately 0.58-acre of land, located at 7403 Archibald Avenue, in words and figures, as shown in the attached Exhibit 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.

*Please see the following page
for formal adoption, certification and signatures*

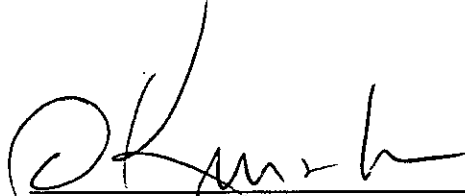
PASSED, APPROVED, AND ADOPTED this 7th day of April 2010.

AYES: Gutierrez, Kurth, Michael, Spagnolo, Williams

NOES: None

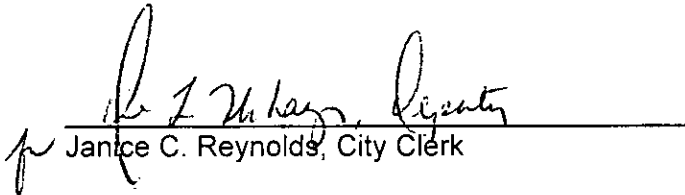
ABSENT: None

ABSTAINED: None



Donald J. Kurth, M.D., Mayor

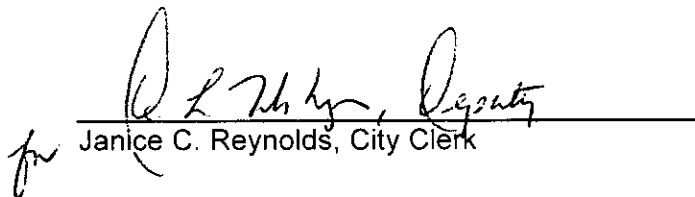
ATTEST:



Janice C. Reynolds, City Clerk

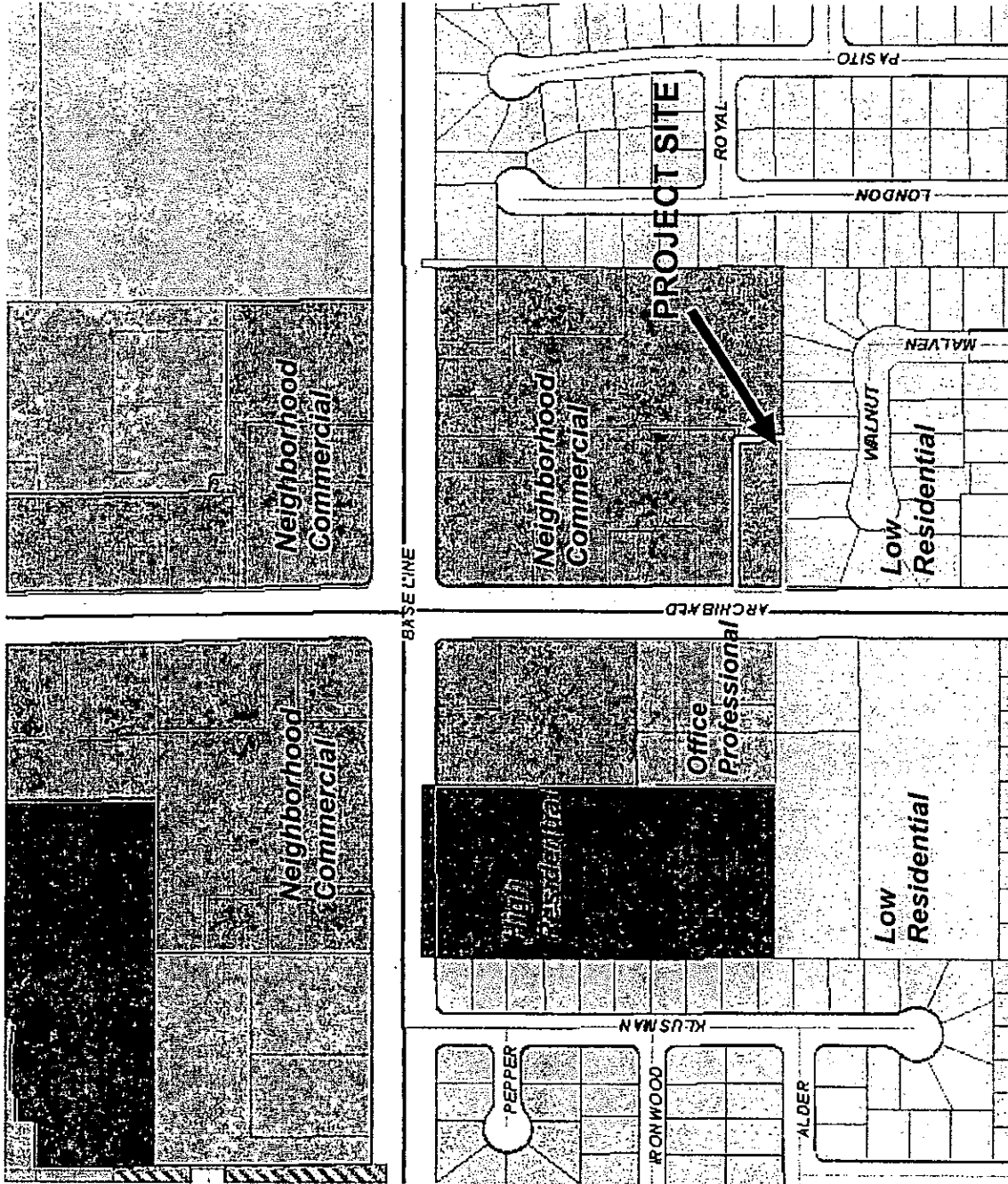
I, **JANICE C. REYNOLDS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Council of the City of Rancho Cucamonga held on the 17th day of March 2010, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 7th day of April 2010.

Executed this 8th day of April 2010, at Rancho Cucamonga, California.



Janice C. Reynolds, City Clerk

**GENERAL PLAN AMENDMENT DRC2009-00716 &
DEVELOPMENT DISTRICT AMENDMENT DRC2009-00717 SITE PLAN**



PROJECT SITE: 7403 ARCHIBALD AVENUE, 0.58 ACRES

**EXISTING LAND USE DESIGNATION & ZONE – NEIGHBORHOOD COMMERCIAL
PROPOSED LAND USE DESIGNATION & ZONE – LOW RESIDENTIAL (2-4 DU/AC)**