

ORDINANCE NO. 1026

AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING MUNICIPAL CODE AMENDMENT DRC2024-00047, AMENDING SECTIONS 17.18.040, 17.32.020, 17.46.030, 17.46.070, AND 17.100.080 OF TITLE 17 OF THE MUNICIPAL CODE TO MAKE CLEAN-UP REVISIONS TO CERTAIN DEVELOPMENT STANDARDS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

The City Council of the City of Rancho Cucamonga does ordain as follows:

SECTION 1. Recitals.

A. The City of Rancho Cucamonga (the “City”) is proposing clean-up revisions to certain existing development standards in order to better calibrate the Development Code to the vision of the General Plan.

B. The City has prepared Municipal Code Amendment DRC2024-00047, as described in the title of this Ordinance. Hereinafter in this Ordinance and the subject Municipal Code Amendment are referred to as the “Amendments”.

C. The City is a municipal corporation, duly organized under the constitution and laws of the State of California.

D. As shown in the Exhibits A through E of this Ordinance, the amendment proposes to amend Sections 17.18.040, 17.32.020, 17.46.030, 17.46.070, and 17.100.080 of Title 17 of the Municipal Code to make clean-up revisions to certain development standards.

E. On February 28, 2024, the Planning Commission of the City of Rancho Cucamonga conducted a noticed continued public hearing with respect to the Amendments and, following the conclusion thereof, adopted Resolution No. 24-09 recommending that the City Council of the City of Rancho Cucamonga adopt the Amendments.

F. On May 1, 2024, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the amendment and concluded said hearing on that date.

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

SECTION 2. Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

A. Recitals. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Section 1, of this Ordinance are true and correct.

B. Findings.

1) Based upon the substantial evidence presented to this Council during the above-referenced public hearing, this Council hereby finds and concludes that the changes proposed to Title 17 (Development Code) in the Amendments are consistent with the Development Code and the General Plan's goals, policies and implementation programs. Pursuant to Section 17.22.040(C) of the Municipal Code, amendments to the Municipal Code "may be approved only when the City Council finds that the amendment[s] are consistent with the General Plan goals, policies, and implementation programs." The proposed amendment is consistent with the following Land Use Element and Housing Element policies:

a) Land Use LC-1.2: Quality of Place. "Ensure that new infill development is compatible with existing historic and envisioned future character of the neighborhood"

b) Housing H-1.3: Accessory Dwelling Units. "Facilitate the development of accessory dwelling units to provide additional housing opportunities pursuant to State law and established zoning regulations"

c) Housing H-5.1: Development Review Processes. "Consider new policies, codes and procedures that have the potential to reduce procedural delays, provide information early in the development process regarding development costs and charge only those fees necessary to adequately carry out needed public services and improvements"

2) The Amendments identified herein have been processed, including, but not limited to, public notice, in the time and manner prescribed by State and local law, including the California Environmental Quality Act ("CEQA").

C. CEQA. The proposed Amendments are exempt from the requirements of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Amendments, making clean-up revisions to certain existing development standards, will have a significant effect on the environment. The proposed Amendments constitute an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Amendments and the proposed CEQA determination, and based on its own independent judgment, finds that the Amendments set forth in this Ordinance is not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

D. The City Council hereby amends Subsection (D)(3) of Section 17.18.040 ("Certificate of Appropriateness") of Chapter 17.18 ("Historic Preservation Commission

Decisions”) of Article II (“Land Use and Development Procedures”) of Title 17 (“Development Code”) of the Rancho Cucamonga Municipal Code to read as shown in Exhibit A of this Ordinance, attached hereto and incorporated herein by this reference.

E. The City Council hereby amends Subsections (H)(10) and (H)(17) of Section 17.32.020 (“Allowed Use Descriptions”) of Chapter 17.32 (“Allowed Use Descriptions”) of Article III (“Zones, Allowed Uses, and Development Standards”) of Title 17 (“Development Code”) of the Rancho Cucamonga Municipal Code to read as shown in Exhibit B of this Ordinance, attached hereto and incorporated herein by this reference.

F. The City Council hereby amends Subsection (I)(1) of Section 17.46.030 (“General Requirements”) of Chapter 17.46 (“Density Bonuses, Incentives, and Concessions”) of Article IV (“Site Development Standards”) of Title 17 (“Development Code”) of the Rancho Cucamonga Municipal Code to read as shown in Exhibit C of this Ordinance, attached hereto and incorporated herein by this reference.

G. The City Council hereby amends Subsection (A) (“Process for Approval”) of Section 17.46.070 (“Process for Approval of Denial”) of Chapter 17.46 (“Density Bonuses, Incentives, and Concessions”) of Article IV (“Site Development Standards”) of Title 17 (“Development Code”) of the Rancho Cucamonga Municipal Code to read as shown in Exhibit D of this Ordinance, attached hereto and incorporated herein by this reference.

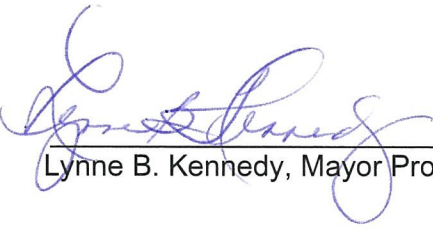
H. The City Council hereby amends Section 17.100.080 (“Ownership, Rental, and Occupancy Requirements”) of Chapter 17.100 (“Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)”) of Article V (“Specific Use Requirements”) of Title 17 (“Development Code”) of the Rancho Cucamonga Municipal Code to read as shown in Exhibit E of this Ordinance, attached hereto and incorporated herein by this reference.

I. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

J. Enforcement. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

K. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 15th day of May, 2024.



Lynne B. Kennedy, Mayor Pro Tem

ATTEST:



Janice C. Reynolds, Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RANCHO CUCAMONGA)

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 1st day of May 2024, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 15th day of May 2024.

AYES: Hutchison, Kennedy, Scott, Stickler
NOES: None
ABSENT: Michael
ABSTAINED: None

Executed this 16th day of May 2024, at Rancho Cucamonga, California.



Janice C. Reynolds, Clerk

EXHIBIT A

Amendments to Subsection (D)(3) of Section 17.18.040 of Chapter 17.18 of Article II of Title 17 of the Rancho Cucamonga Municipal Code

Amended Subsection:

Subsection (D)(3) of Section 17.18.040 Certificate of Appropriateness

Subsection (D)(3). Planning Director Review:

3. Planning director review. Notwithstanding the previous paragraph, the planning director shall review, and deny, approve, or conditionally approve any application for a certificate of appropriateness for any of the following types of alterations:
 - a. Repair or replacement of deteriorated materials with applications or materials of the same kind, type, and texture already in use for roofs, windows, siding material, chimneys and fire-places, accessory structures, or fencing.
 - b. Addition or deletion of awnings, shutters, canopies, and similar incidental appurtenances.

EXHIBIT B

Amendments to Subsections (H)(10) and (H)(17) of Section 17.32.020 of Chapter 17.32 of Article III of Title 17 of the Rancho Cucamonga Municipal Code

Amended Subsections:

Subsection (H)(10) of Section 17.32.020 Allowed Use Descriptions

Subsection (H)(10). Microbrewery:

10. Microbrewery. A small-scale brewery operation dedicated to the production of specialty beers and producing less than 15,000 barrels (465,000 U.S. gallons) per year. Ancillary on-site tasting and/or retail sales of beers produced on-site for off-site consumption may be permitted when approved by a minor use permit.

Subsection (H)(17) of Section 17.32.020 Allowed Use Descriptions

Subsection (H)(17). Wholesale, and Distribution, Light:

17. Wholesale, and distribution, light. Activities typically include, but are not limited to, wholesaling and distribution of finished goods and/or food products from the premises. Activities under this classification shall be conducted in enclosed buildings and occupy 50,000 square feet or less of building space. Includes incidental storage and warehousing. Retail sales from the premises may occur when approved by a minor use permit.

EXHIBIT C

Amendments to Subsection (I)(1) of Section 17.46.030 of Chapter 17.46 of Article IV of Title 17 of the Rancho Cucamonga Municipal Code

Amended Subsection:

Subsection (I)(1) of Section 17.46.030 General Requirements

Subsection (I)(1). Agreement Required:

1. Prior to the issuance of building permits, the applicant shall enter into an agreement with the city to ensure the continued affordability of all target units.

EXHIBIT D

**Amendments to Subsection (A) of Section 17.46.070 of Chapter 17.46 of Article IV
of Title 17 of the Rancho Cucamonga Municipal Code**

Amended Subsection:

Subsection (A) of Section 17.46.070 Process for Approval or Denial

Subsection (A). Process for Approval:

- A. Process for approval. The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for density bonuses, incentives, and concessions shall be the planning commission. In approving the density bonus and any related incentives or concessions, the city and the applicant shall enter into a density bonus agreement.

EXHIBIT E

**Amendments to Section 17.100.080 of Chapter 17.100 of Article V of Title 17 of the
Rancho Cucamonga Municipal Code**

Amended Section:

Section 17.100.080 Ownership, Rental, and Occupancy Requirements

Section 17.100.080. Ownership, Rental, and Occupancy Requirements:

- A. Owner occupancy required for junior accessory dwelling units. If the property contains a JADU, one of the residential dwellings on the lot shall be occupied as the primary residence of the owner of the lot and shall not be rented or leased as long as the JADU exists, unless state law is amended to prohibit owner occupancy requirements for JADUs.
- B. Rental occupancy. Any residential unit on a lot with an accessory dwelling unit or JADU must be rented for a period exceeding 30 consecutive days.
- C. Sale of accessory dwelling units. Sale or ownership of an accessory dwelling unit or JADU separate from the main dwelling unit is prohibited, except as required by law.

