

ATTEST: July 17 2013
Angel Robles
(Signature)

RESOLUTION NO. 2013-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, City Clerk
CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, FOR THE SUBMISSION OF A MEASURE TO THE VOTERS TO AMEND THE GENERAL PLAN AND REQUESTING THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY TO CONSOLIDATE SAID SPECIAL MUNICIPAL ELECTION WITH THE COUNTY CONSOLIDATED ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, the People of the City of Chino adopted an amendment to the General Plan known as "Measure M" on November 8, 1988, codified as Section 20.15.020 of the Chino Municipal Code, which prohibits the City Council of the City of Chino from rezoning non-residential land for residential uses without voter approval; and

WHEREAS, the City Council has been requested to call a special municipal election to amend Chapter 20.15 of the Chino Municipal Code for the limited purpose of amending the General Plan in order to change the land use designation of approximately 11.79 acres of vacant land from General Commercial and Office Commercial to RD8 Residential, and authorize the City Council to rezone 6.48 acres of said vacant land (see attached Diagram) from its current zoning district of CG (General Commercial) to RD8 with a maximum residential density of 8 units per acre for use as single-family housing, and to rezone 5.31 acres of said vacant land (see attached Diagram) from OC (Office Commercial) to RD8 with a maximum residential density of 8 units per acre for use as single-family housing; and

WHEREAS, the applicant for the General Plan Amendment and Zone Change shall be required to enter into a written agreement with the City of Chino whereby said applicant shall pay the full cost incurred by the City of Chino arising out of the special municipal election and any other costs associated with implementation of the applicant's specific proposal at which the voters of the City of Chino will be asked to vote to adopt Ordinance No. 2013-005, and to ameliorate the impacts of the increase in residential density as a condition of rezoning said parcels by the City Council; and

WHEREAS, notice of the availability of the Addendum to the Chino General Plan and the supporting environmental documents, as well as the notice that the Chino City Council would consider this Resolution, was sent to all property owners within 300 feet of the site, and was published in the Chino Champion newspaper on July 6, 2013; and

WHEREAS, Section 9222 of the California Elections Code authorizes the City Council of the City of Chino to submit to the voters of the City of Chino, without a petition therefor, a proposition to amend any ordinance to be voted upon at any succeeding regular or special election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be amended accordingly; and

WHEREAS, the County of San Bernardino will hold a consolidated election on Tuesday, November 5, 2013.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO DOES HEREBY RESOLVE, DECLARE, ORDER, AND REQUEST:

Section 1. Pursuant to the laws of the State of California relating to elections, a special municipal election is called and ordered to be held in the City of Chino, California, on Tuesday, November 5, 2013, for the purpose of submitting to the City's qualified voters the attached ordinance

for enactment to amend Chapter 20.15 of the Chino Municipal Code and thereby authorize the City Council to change the General Plan for the land as described in the ordinance.

Section 2. The City Council has considered all public comments received in writing or made at the hearing regarding this matter in response to the notices that were mailed to property owners and published in the Chino Champion. The provisions of the California Environmental Quality Act ("CEQA") have been complied with, and the City Council hereby adopts the Addendum to the Chino General Plan Update Environmental Impact Report ("EIR") that is incorporated into this Resolution. That Addendum concluded that the proposed General Plan Amendment and East Chino Specific Plan Amendment would not create any new significant impacts, or impacts that are significantly different from those identified in the General Plan Update EIR, nor increase the severity of any previously identified significant impacts.

Section 3. Pursuant to its right and authority under the laws of the State of California, the City Council does hereby submit to the voters at the special municipal election to be held on Tuesday, November 5, 2013, the following question:

General Plan Amendment:

Shall the General Plan of the City of Chino be amended to change the land use designation of 6.48 acres of vacant land from General Commercial to Residential-RD8 and of 5.31 acres of vacant land from Office Commercial to Residential-RD8, generally located at the southeast corner of Riverside Drive and Fern Avenue, for a maximum of 94 single-family dwelling units? YES _____
NO _____

Section 4. The Ordinance submitted to the voters for enactment is attached hereto and incorporated herewith. The City Clerk shall print the ordinance to be submitted to the voters of the City of Chino and shall make a copy thereof available to any voter upon request.

Section 5. The election for the ordinance to be submitted to the voters of the City of Chino is ordered consolidated with the consolidated election of the County of San Bernardino to be held on Tuesday, November 5, 2013.

Section 6. The City Council of the City of Chino requests the Board of Supervisors of the County of San Bernardino to consolidate the election for this ordinance to be submitted to the voters of the City of Chino with the consolidated election of the County of San Bernardino to be held on Tuesday, November 5, 2013, and the City of Chino hereby agrees to reimburse the County of San Bernardino for the additional costs incurred because of this requested consolidation.

Section 7. The City Clerk is hereby directed to file a certified copy of this resolution, together with the attached Ordinance, with the Board of Supervisors and with the Registrar of Voters of the County of San Bernardino.

Section 8. Arguments for or against the measure and rebuttal arguments shall be submitted and selected as follows:

- a. The last day for submission of primary arguments for or against the measure shall be 14 days from the calling of this election, which is July 30, 2013, pursuant to Election Code Section 9286.

- b. The last day for submission of rebuttal arguments for or against the measure shall be 10 days after the final date for submission of primary arguments for or against the measure, which is August 9, 2013, pursuant to Election Code Section 9285.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code Section 9282, the City Council or any member thereof authorized by the City Council may prepare and file a written argument in favor of the proposed measure, not to exceed three hundred (300) words, on behalf of the City Council. In the event that an argument is filed against the measure, the Mayor is authorized to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure.
- f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument that it seeks to rebut.


Section 9. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of this Resolution to the City Attorney. The City Attorney is hereby directed to prepare an impartial analysis of the proposition, not to exceed 500 words in length, showing the effect of the proposition on existing law and the operation of the proposition, and to transmit such impartial analysis to the City Clerk by July 30, 2013, at 5:30 p.m. for the submission of the impartial analysis in the voter's pamphlet materials.

Section 10. The City Clerk is directed to transmit said proposition to the City Attorney. The City Attorney is hereby directed to prepare a synopsis of the ordinance that shall be published in lieu of the proposed ordinance with the Notice of Election as provided by section 36933 of the Government Code and section 12111 of the Elections Code.

Section 11. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 12. The Ordinance is attached as Part A and the Diagram is attached as Part B and both are made a part hereof.

APPROVED AND ADOPTED ON THIS 16th DAY OF JULY 2013.

By: 
DENNIS R. YATES, MAYOR

ATTEST:

By: 
ANGELA ROBLES, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §
CITY OF CHINO)

I, Angela Robles, City Clerk of the City of Chino do hereby certify that the foregoing Resolution of the City Council of the City of Chino was duly adopted by said City Council at a regular meeting held on the 16th day of July 2013 by the following vote:

AYES: COUNCIL MEMBERS: YATES, DUNCAN, ELROD, HAUGHEY, ULLOA

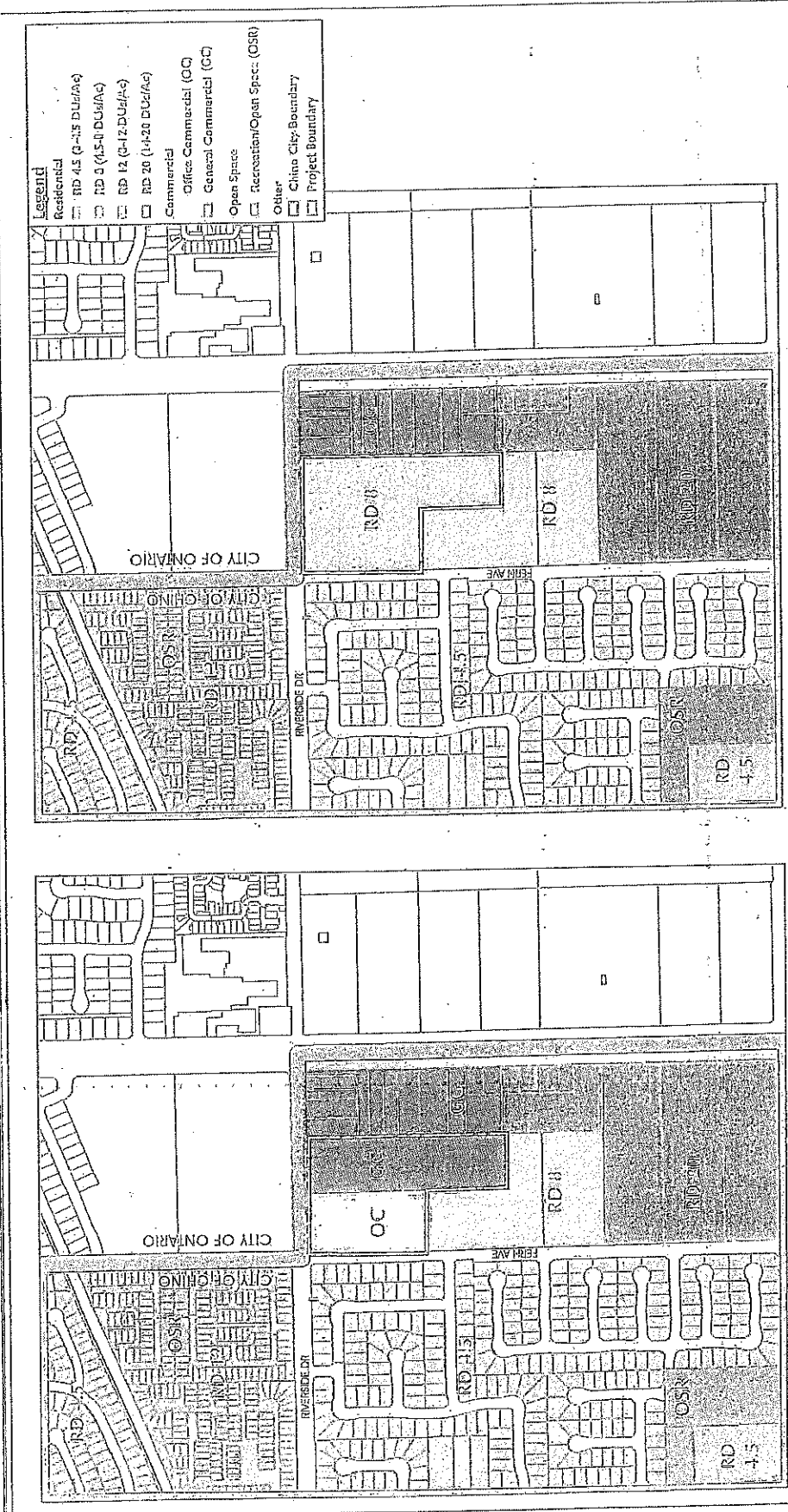
NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

By: 
ANGELA ROBLES, CITY CLERK

2.0 PROJECT DESCRIPTION

City of Chino - East Chino Specific Plan Amendment
 Addendum to the Chino General Plan EIR



Existing General Plan Land Use Designations

Proposed General Plan Land Use Designations

FIGURE 2-5
 Existing and Proposed General Plan Land Use Designations
 PAGE 2-10

Source: City of Chino

T&B Planning, Inc.