

FILED

APR 10 2017

RESOLUTION NO. 2017-015

BY TC DEPUTY
REGISTRAR OF VOTERS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JULY 11, 2017 FOR THE SUBMISSION OF A MEASURE TO THE VOTERS TO AMEND THE GENERAL PLAN (PL 14-0388), ADOPT A ZONE CHANGE (PL 14-0389), AND REQUESTING THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE SPECIAL ELECTION TO BE HELD ON TUESDAY, JULY 11, 2017.

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 or increasing the density of residential property; and

WHEREAS, the City Council has received a request 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 29.7 acres of land from RD 1 Residential to RD 4.5, RD8, and RD12 Residential, and to change the zone of said land (see attached Diagram) from its current zoning district of RD 1 (Residential/Agriculture) to RD 4.5 (Residential 4.5 units/acre), RD 8 (Residential 8 units/acre), RD12 (Residential 12 units/acre) for use 180 single-family homes; and

WHEREAS, the proposed amendment to Chapter 20.15 of the Chino Municipal Code for the limited purpose will establish a maximum of 180 housing units for the 29.7-acre area; and

WHEREAS, the applicant for the General Plan Amendment and related Zone Change (PL14-0389) 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. 2017-004, and any other costs associated with implementation of the applicant's project, and to ameliorate the impacts of the increase in residential density resulting from approval of proposed General Plan Amendment by the City Council; and

WHEREAS, public notice of the request for the Chino City Council to consider this Resolution, was sent to all property owners and tenants within an area greater than 300 feet of the site, was published in the Chino Champion newspaper on March 25, 2017, and posted on the project site; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), *Brewer Site Project Environmental Impact Report (State Clearinghouse No. 2014121022)*, dated March 2017, has been prepared by T&B Planning for the proposed General Plan Amendment PL14-0388 (GPA) and Zone Change PL14-0389 (ZC); and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 6, 2017, regarding the proposed amendment to the General Plan and Zoning Map; and

WHEREAS, the City Council held a duly noticed public hearing on April 4, 2017, regarding the proposed amendments to the General Plan and Zoning Map; and

THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST: April 7 2017
Angel Robb
(Signature)
City Clerk
(Title) City of Chino, California

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 enact 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 enacted accordingly; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request that the Board of Supervisors of the County of San Bernardino permit the County Elections Official to provide services related to the Special Municipal Election to be held on July 11, 2017.

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 hereby called and ordered to be held in the City of Chino, California, on Tuesday, July 11, 2017, 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 the Planning Commission recommendation and all public comments received in writing or made at the hearings regarding this matter in response to the notices that were mailed to property owners and tenants, published in the Chino Champion, and posted on the project site. The provisions of the California Environmental Quality Act ("CEQA") have been complied with, and the City Council has certified the *Brewer Site Project Environmental Impact Report (State Clearinghouse No. 2014121022)*, dated March 2017 that is incorporated into this Resolution.

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, July 11, 2017, the following question:

Measure ____: General Plan Amendment & Zone Change:

"Shall Ordinance No. 2017-004, entitled 'An Ordinance of the People of the City of Chino, California, to Enact Section No. 20.15.160 of the Chino Municipal Code Converting 29.7 Acres From the General Plan Designation of RD 1 to RD 4.5, RD 8, and RD 12 Generally Located Between Vernon Avenue and Benson Avenue, South of Adams Street, and North of the Chino Promenade Shopping Center and rezoning the same from an RD 1 designation to RD 4.5, RD 8, RD 12 designations' be adopted?"

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 special election for the ordinance to be submitted to the voters of the City of Chino is ordered to be held on Tuesday, July 11, 2017.

Section 6. Pursuant to Section 10002 of the California Elections Code the City Council of the City of Chino requests the Board of Supervisors of the County of San Bernardino to permit the County Elections Official to take the necessary steps to conduct the election and canvass the returns

for this ordinance to be submitted to the voters of the City of Chino at a special municipal election to be held on Tuesday, July 11, 2017, and the City of Chino hereby agrees to reimburse the County of San Bernardino for the costs incurred because of this election.

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 Elections Official of the County of San Bernardino.

Section 8. Pursuant to Sections 9280 through 9287 of the California Elections Code, arguments for or against the measure and rebuttal arguments shall be submitted and selected as follows:

- a. 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.
- b. 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 April 18, 2017, by 5:30 p.m. pursuant to Election Code Section 9286 and shall be accompanied by Statement Form 9600 pursuant to Elections Code Section 9600.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. 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.
- e. 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 April 28, 2017, by 5:30 p.m. pursuant to Election Code Section 9285 and shall be accompanied by Statement Form 9600 pursuant to Elections Code Section 9600.
- f. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons.

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 April 18, 2017, 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 this Resolution 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 Exhibit A and the Diagram is attached as Exhibit B and both are made a part hereof.

APPROVED AND ADOPTED ON THIS 4TH DAY OF APRIL 2017.

By: 
EUNICE ULLOA, 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 4th day of April 2017 by the following vote:

AYES: COUNCIL MEMBERS: ELROD, DUNCAN, GEORGE, HAUGHEY

NOES: COUNCIL MEMBERS: ULLOA

ABSENT: COUNCIL MEMBERS: NONE

By: 
ANGELA ROBLES, CITY CLERK

Exhibit A: Ordinance No. 2017-004

Exhibit B: General Plan Land Use Map Diagram Illustrating Existing and Proposed Land Use Designations