

MAY 10 2017

BY TC DEPUTY
REGISTRAR OF VOTERS

ORDINANCE NO. 2017-004

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 PL14-0388 (GENERAL PLAN AMENDMENT) AND REZONING THE SAME FROM AN RD 1 DESIGNATION TO RD 4.5, RD 8, RD 12 DESIGNATIONS

WHEREAS, on July 8, 1988, the people of the City of Chino adopted Measure M to amend the General Plan, and it is now codified as Sections 20.15.010 and 20.15.020 of the Chino Municipal Code; and

WHEREAS, the adoption of Measure M limits the proliferation of residential developments by prohibiting the City Council of the City of Chino from rezoning non-residential land for residential uses without voter approval; and

WHEREAS, the approximately 29.7 acres of vacant land described below are designated for RD 1 uses in the General Plan and the land is located in an area surrounded by residential to the east, west, and north, commercial to the south, and a city water facility to the northeast; and

WHEREAS, the best use of the 29.7 acres of land, described below, is for housing at varying densities in order to provide for a variety of housing types that meet the housing needs of residents of all income levels and create neighborhoods that facilitate walking and bicycling (the "Project"); and

WHEREAS, the City Council has previously found and determined, as required by *Friends of Sierra Madre v City of Sierra Madre* (2001) 25 Cal.4th 165, that the Project will have a significant adverse impact on the environment, as the Brewer Site Project Environmental Impact Report (EIR), dated February 15, 2017 was certified by the City Council on April 4, 2017. The City Council determined through the certification of the EIR that the benefits of the Project outweigh the unavoidable adverse environmental impacts through a Statement of Overriding Considerations. The City Council adopted a Mitigation Monitoring and Reporting Program through the certification of the Final EIR, which all mitigation measures will be made a condition of approval for subsequent development entitlements for the project site.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF CHINO DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 20.15.160 entitled "Voter Authorization to Redesignate Specified Land" is hereby added to Chapter 20.15 of the Chino Municipal Code, to read, in its entirety, as follows:

- (A) Notwithstanding the prohibition against converting non-residential land for residential uses contained in Section 20.15.020(B), adopted by Measure M, the

parcels of land described in Subsection (D) are hereby converted to residential uses and are further rezoned from an RD 1 designation to RD 4.5, RD 8, RD 12 designations as stated below.

(B) Subject to the conditions and requirements below, the General Plan land use designations for the parcels of land described in Subsection (D) are hereby changed from their current General Plan designation of RD 1 to RD 4.5 (Residential 4.5 units/acre), RD 8 (Residential 8 units/acre), and RD 12 (Residential 12 units/acre) APN: 1014-401-01, 02, 05, and 07 and 1014-591-02, 03, 04, and 05.

(C) As a condition of redesignation of said parcel, the developer and owner shall pay the full cost of the regular election and any cost related to implementation of owner's specific proposal for which the voters of the City of Chino are asked to enact this Ordinance.

(D) The land which is the subject matter of this ordinance consists of 29.7-acres of vacant land located on the west side of Central Avenue, north of Francis, situated in the City of Chino, County of San Bernardino, State of California and more specifically described as follows:

RD 4.5 (Residential 4.5 units/acre) zoning: Real property in the City of Chino, County of San Bernardino, State of California, described as follows:

PORTION OF LOT 47 OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST, ACCORDING TO MAP OF PART OF RANCHO SANTA ANA DEL CHINO, ACCORDING TO PLAT RECORDED IN BOOK 6, PAGE 15 RECORDS OF SAN BERNARDINO COUNTY, CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 47; THENCE, ALONG THE NORTHERLY LINE OF SAID LOT 47, NORTH 89° 34' 00" EAST, 25.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE, CONTINUING ALONG SAID NORTHERLY LINE, NORTH 89° 34' 00" EAST, 634.55 FEET TO THE NORTHEAST CORNER OF SAID LOT 47; THENCE, ALONG THE EASTERLY LINE OF SAID LOT 47, SOUTH 00° 24' 13" EAST, 185.22 FEET; THENCE, LEAVING SAID EASTERLY LINE, SOUTH 89° 35' 12" WEST, 634.56 FEET TO A POINT ON A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 47; THENCE, ALONG SAID PARALLEL LINE, NORTH 00° 23' 30" WEST, 185.00 FEET TO THE **TRUE POINT OF BEGINNING**.

RD 8 (Residential 8 units/acre) zoning: Real property in the City of Chino, County of San Bernardino, State of California, described as follows:

PORTIONS OF LOT 47 AND LOT 48 OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST, ACCORDING TO MAP OF PART OF RANCHO SANTA ANA DEL CHINO, ACCORDING TO PLAT RECORDED IN BOOK 6, PAGE 15

RECORDS OF SAN BERNARDINO COUNTY, CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 47; THENCE, ALONG THE WESTERLY LINE OF SAID LOT 47, SOUTH 00° 23' 30" EAST, 184.99 FEET; THENCE LEAVING SAID WESTERLY LINE, NORTH 89° 35' 12" EAST, 25.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE, CONTINUING NORTH 89° 35' 12" EAST, 634.56 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 47; THENCE, ALONG SAID EASTERLY LINE, SOUTH 00° 24' 13" EAST, 144.87 FEET; THENCE, LEAVING SAID EASTERLY LINE, NORTH 89° 34' 16" EAST, 596.69 FEET; THENCE SOUTH 00° 00' 12" EAST, 10.00 FEET; THENCE NORTH 89° 34' 16" EAST, 30.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 33.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 48; THENCE, ALONG SAID PARALLEL LINE, SOUTH 00° 24' 48" EAST, 980.43 FEET; THENCE, LEAVING SAID PARALLEL LINE, SOUTH 89° 35' 03" WEST, 626.86 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 48; THENCE, ALONG SAID WESTERLY LINE, NORTH 00° 24' 13" WEST, 214.73 FEET; THENCE, LEAVING SAID WESTERLY LINE, NORTH 89° 29' 15" EAST, 155.85 FEET; THENCE, PARALLEL TO SAID WESTERLY LINE, NORTH 00° 24' 13" WEST, 410.03 FEET; THENCE NORTH 25° 37' 50" WEST, 23.47 FEET; THENCE PARALLEL TO THE AFOREMENTIONED WESTERLY LINE OF SAID LOT 48, NORTH 00° 24' 13" WEST, 104.02 FEET; THENCE SOUTH 89° 35' 12" WEST, 270.00 FEET; THENCE, PARALLEL TO THE AFOREMENTIONED WESTERLY LINE OF LOT 48, SOUTH 00° 24' 13" EAST, 120.00 FEET; THENCE SOUTH 89° 33' 49" WEST, 510.44 FEET TO A POINT ON A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 47; THENCE, ALONG SAID PARALLEL LINE, NORTH 00° 23' 30" WEST, 359.91 FEET; THENCE, LEAVING SAID PARALLEL LINE, NORTH 89° 34' 16" EAST, 275.00 FEET; THENCE, PARALLEL TO SAID WESTERLY LINE OF SAID LOT 47, NORTH 00° 23' 30" WEST, 100.00 FEET; THENCE SOUTH 89° 34' 16" WEST, 275.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF SAID WESTERLY LINE OF SAID LOT 47; THENCE, ALONG SAID PARALLEL LINE, NORTH 00° 23' 30" WEST, 45.17 FEET TO THE **TRUE POINT OF BEGINNING**.

RD 12 (Residential 12 units/acre) zoning: Real property in the City of Chino, County of San Bernardino, State of California, described as follows:

PORTIONS OF LOT 47 AND LOT 48 OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 8 WEST, ACCORDING TO MAP OF PART OF RANCHO SANTA ANA DEL CHINO, ACCORDING TO PLAT RECORDED IN BOOK 6, PAGE 15 RECORDS OF SAN BERNARDINO COUNTY, CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 47; THENCE, ALONG THE WESTERLY LINE OF SAID LOT 47, SOUTH 00° 23' 30" EAST, 690.08 FEET; THENCE LEAVING SAID WESTERLY LINE, NORTH 89° 33' 49" EAST, 25.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE, CONTINUING NORTH 89° 33' 49" EAST, 510.44 FEET; THENCE, PARALLEL WITH THE EASTERLY LINE OF SAID LOT 47, NORTH 00° 24' 13" WEST, 120.00 FEET; THENCE NORTH 89° 35' 12" EAST, 270.00 FEET; THENCE,

PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 47, SOUTH 00° 24' 13" EAST, 104.02 FEET; THENCE SOUTH 25° 37' 50" EAST, 23.47 FEET; THENCE, PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 47, SOUTH 00° 24' 13" EAST, 410.03 FEET, THENCE SOUTH 89° 29' 15" WEST, 790.53 FEET TO A POINT ON A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 47; THENCE, ALONG SAID PARALLEL LINE, NORTH 00° 23' 30" WEST, 416.44 FEET TO THE **TRUE POINT OF BEGINNING**.

Section 2. This Ordinance shall not be in force or effect unless the same is approved by a majority of the voters casting a "yes" vote on a ballot measure, scheduled for a Special Municipal Election to be held on Tuesday, July 11, 2017.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Chino declare that they would have enacted this Ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

APPROVED BY THE VOTERS OF THE CITY OF CHINO ON JULY 11, 2017.

By: _____
EUNICE M. ULLOA, MAYOR

ATTEST:

By: _____
ANGELA ROBLES, CITY CLERK

