

RESOLUTION NO. 2022-006

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 JUNE 7, 2022, FOR THE SUBMISSION OF A MEASURE TO THE QUALIFIED ELECTORS OF THE CITY OF CHINO TO CONSIDER APPROVAL OF THE OVERLAY STRATEGIES AS PART OF THE 2021-2029 HOUSING ELEMENT UPDATE TO MEET THE CITY OF CHINO'S REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE THE CITY'S SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2022, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE; AND OTHER ELECTION MATTERS AS REQUIRED BY LAW

WHEREAS, on November 8, 1988, City of Chino (City) residents adopted an amendment to the General Plan known as "Measure M", codified as Section 20.15.020 of the Chino Municipal Code, to establish maximum densities for residential lands in the City;

WHEREAS, with the exception of senior housing projects, Measure M provides that residential housing developments may not exceed the maximum land use designations set forth by the zoning map, zoning ordinance, or any development agreement in effect on November 8, 1988, nor may land that has not been designated for residential development, such as commercial and/or industrial, as set forth in the General Plan, specific plans, or development agreements approved by the City prior to November 8, 1988, be rezoned to accommodate the development of housing without the approval of a vote by the City's residents;

WHEREAS, California State Housing Element Law (California Government Code Article 10.6 and Section 65588) establishes the requirements for the Housing Element and requires each local government in the State to adopt a Housing Element and review and revise it no less than once every eight years;

WHEREAS, the next 6th Cycle Housing Element will plan for the 2021-2029 planning period and must accommodate the City's allocated share of the Regional Housing Needs Assessment (RHNA), the methodology for determining future housing need, by income category, within the State and is based on growth in population, households, and employment;

WHEREAS, the Housing Element works in tandem with development policies contained in the Land Use Element of the City's General Plan, most recently amended in 2013 for the 5th Cycle Housing Element, which Land Use Element establishes the location, type, intensity, and distribution of land uses throughout the City, and defines the land use build-out potential;

WHEREAS, concurrently with this Resolution, on January 4, 2022, the City Council is considering approval of an update to the City's Housing Element (2021-2029 Housing Element Update), subject to compliance with Measure M;

WHEREAS, in conjunction with the Housing Element, the Land Use Element of the City's General Plan places an upper limit on the densities and types of housing units constructed in the City and also identifies lands designated for a range of other uses, including employment creating uses, open space, and public uses;

WHEREAS, the City has interpreted Measure M as not applying to adoption of the Housing Element Update as that does not require a rezoning action; however, Measure M does apply to Programs 3B and 3C of the Housing Element Update, which are the application of an affordable and mixed-use overlay (AFF-OV and MU-OV) to meet the City's allocated RHNA (Overlays);

WHEREAS, while the Overlays do not change the underlying zoning, they do add the ability for residential uses on parcels, which do not currently have that ability or do not currently permit residential at up to 30 dwelling units per acre, and as such, compliance with Measure M is a required implementing action of the housing element to be completed within the required timeframes;

WHEREAS, the City wishes to pursue the Measure M election to seek approval of the Overlays and the City Council of the City is authorized and directed by statute to submit to the voters the ballot measure to secure approval of the Overlays in compliance with Measure M, and the City Council therefore wishes to have the voters consider the same at a Special Municipal Election to be held on June 7, 2022;

WHEREAS, the City has adopted a Negative Declaration (SCH# 2021100569) analyzing the proposed 2021-2029 Housing Element Update, including the Overlays;

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;

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and time and within the City precincts, polling places and election officers of the two elections be the same, and that the San Bernardino County Registrar of Voters canvass the returns of the Special Municipal Election and the election be held in all respects as if there were only one election; 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 June 7, 2022.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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, June 7, 2022, 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 for approval of the 2021-2029 Housing Element Update and all public comments received in writing or made at the hearings regarding this matter, published in the Chino Champion, and posted notice in compliance with applicable law. The provisions of the California Environmental Quality Act ("CEQA") have been complied with pursuant to its Resolution No. 2022-003, and the City Council has adopted a Negative Declaration (SCH# 2021100569) analyzing the proposed 2021-2029

Housing Element Update, including the Overlays and found that such approvals would have no significant environmental impact, which is incorporated herein by this reference.

Section 3. That the City Council of the City of Chino, pursuant to its right and authority, hereby orders submitted to the voters at a Special Municipal Election to be held on Tuesday, June 7, 2022, the following question:

Shall the measure, an Ordinance No. 2022-001, entitled "An Ordinance of the People of the City of Chino, California, to Approve the Housing Element Update to Include the Application of the Two Identified Overlay Strategies Encompassing Affordable Housing and Mixed-Uses the City Will Use to Meet its State-mandated Regional Housing Needs Assessment (RHNA) allocation" 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. The City Clerk is hereby authorized and directed to make any changes to the text of the attached Ordinance and this Resolution (including, but not limited to, the question to be submitted to the City's voters as provided in Section 3) as required to conform to any requirements of law.

Section 5. The Special Municipal Election for the ordinance to be submitted to the voters of the City of Chino is ordered to be held on Tuesday, June 7, 2022.

Section 6. The vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

Section 7. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the Special Municipal Election.

Section 8. The ballots to be used at the Special Municipal Election shall be in form and content as required by law.

Section 9. The City Council authorizes its City Clerk to administer the Special Municipal Election, consistent with the consolidation of the election.

Section 10. Pursuant to California Election Code Section 10242, the polls for the Special Municipal Election shall open at seven o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as otherwise provided in California Election Code Section 14401.

Section 11. That notice of the time and place of holding the Special Municipal Election is hereby given and the City's City Clerk is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner required by law.

Section 12. Pursuant to Sections 10402 and 10403 of the California Elections Code, the San Bernardino County Board of Supervisors is hereby requested to consent and agree to the

consolidation of the submission of the aforementioned measure at the Special Municipal Election with the Statewide Primary Election conducted by San Bernardino County to be held on Tuesday, June 7, 2022. The City Council of the City of Chino further requests the Board of Supervisors of the County of San Bernardino to permit and to issue instructions to the County Elections Official to take the necessary steps to conduct the election and canvass the returns for the aforementioned measure to be submitted to the voters of the City of Chino at the Special Municipal Election to be held on Tuesday, June 7, 2022, and the City of Chino hereby agrees to reimburse the County of San Bernardino for the costs incurred because of this special municipal election.

Section 13. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted in accordance with the provisions of law regulating municipal and statewide elections, including, but not limited to, Elections Code Section 10418.

Section 14. The San Bernardino County Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The Special Municipal Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 15. 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 16. 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 February 18, 2022 at 5:30 p.m. pursuant to Election Code Section 9286 and shall be accompanied by Statement Form 9600 pursuant to Elections Code Section 9600. All primary arguments may be changed or withdrawn until and including the last day for submission of primary arguments, after which time no arguments for or against the aforementioned measure may be submitted to the City Clerk.

c. Primary arguments (1) shall not exceed three hundred (300) words; (2) shall be filed with the City Clerk; and (3) shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of the principal officers who is the author of the argument.

d. In the event that more than one argument for or against the measure is timely submitted, the City Clerk shall give preference and priority in the order set forth at California Elections Code Section 9287.

e. 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.

f. The last day for submission of rebuttal arguments for or against the measure shall be February 28, 2022 at 5:30 p.m. pursuant to Election Code Section 9285 and shall be accompanied by Statement Form 9600 pursuant to Elections Code Section 9600.

g. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons. The author or a majority of the authors of a primary argument relating to the aforementioned measure may prepare and submit a rebuttal argument. A rebuttal argument may not be signed by more than five (5) authors.

Section 17. The City Council hereby directs the City Clerk to transmit a copy of the aforementioned measure to the City Attorney. In accordance with California Elections Code Section 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you." The impartial analysis shall be filed with the City Clerk by February 18, 2022 at 5:30 p.m. for the submission of the impartial analysis in the voter's pamphlet materials.

Section 18. The City Clerk shall cause the City Attorney's Impartial Analysis, and duly selected arguments, to be printed and distributed to voters in accordance with State law regarding same.

Section 19. 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 20. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 21. The Ordinance is attached as Exhibit A and is made a part hereof.

Section 22. That this Resolution is effective on the day of its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Chino, California, at a regular meeting held on the 4th day of January, 2022.

EUNICE M. ULLOA, MAYOR

ATTEST:

ANGELA ROBLES, CITY CLERK

APPROVED AS TO FORM:

City Attorney

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

I, Angela Robles, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 4th day of January, 2022, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ANGELA ROBLES, CITY CLERK

Exhibit "A"

ORDINANCE NO. 2022-001

AN ORDINANCE OF THE PEOPLE OF THE CITY OF CHINO, CALIFORNIA, TO APPROVE THE HOUSING ELEMENT UPDATE TO INCLUDE THE APPLICATION OF THE TWO IDENTIFIED OVERLAY STRATEGIES ENCOMPASSING AFFORDABLE HOUSING AND MIXED-USES THE CITY WILL USE TO MEET ITS STATE-MANDATED REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION

WHEREAS, on November 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, although Measure M does not apply to adoption of the Housing Element Update itself as that does not require a rezoning action, Measure M does apply to Programs 3B and 3C of the Housing Element Update, which are the application of an affordable and mixed-use overlay (AFF-OV and MU-OV) to meet the City's allocated RHNA (Overlays);

WHEREAS, while the Overlays do not change the underlying zoning, they do add the ability for residential uses on parcels, which do not currently have that ability or do not currently permit residential at up to 30 dwelling units per acre, and as such, compliance with Measure M is a required implementing action of the housing element to be completed within the required timeframes; and

WHEREAS, the City has adopted a Negative Declaration (SCH# 2021100569) analyzing the proposed 2021-2029 Housing Element Update, including the Overlays, and found that such action will not have significant environmental impacts.

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

Section 1. The provisions of the California Environmental Quality Act ("CEQA") have been complied with, and, pursuant to its Resolution No. 2022-003, the City Council has adopted a Negative Declaration (SCH# 2021100569) analyzing the proposed 2021-2029 Housing Element Update, including the Overlays and found that such approvals would have no significant environmental impact, which is incorporated herein by this reference.

Section 2. Section 20.15.170 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 exceeding density for land established by the zoning map and the zoning ordinance of the city or any development agreement in effect on November 8, 1988 or prohibition against converting land for residential uses contained in Section 20.15.020(B), adopted by Measure M, Programs 3B and 3C of the 2021-2029 Housing Element Update and corresponding Land Use Element authorizing the application of the two identified overlay strategies encompassing affordable housing and mixed-uses to meet its Regional Housing Needs Assessment (RHNA) allocation are hereby authorized.

(B) Subject to the conditions and requirements below, the General Plan land use designations for the parcels of land described in Subsection (C) shall are hereby subject to the Affordable Housing Overlay and Mixed-Use Overlay as described 2021-2029 Housing Element Update.

(C) The land which is the subject matter of this ordinance subject to the overlay strategies consists of both improved and vacant, situated in the City of Chino, County of San Bernardino, State of California and more specifically described in the Sites Inventory Map on file with the City of Chino Development Services Department.

Section 3. If a majority of the voters of the City of Chino voting at the Special Municipal Election on Tuesday, June 7, 2022, vote in favor of this Ordinance, then this Ordinance shall become a valid and binding ordinance of the City of Chino, and shall be considered as adopted upon the date that the vote is declared by the City Council of the City of Chino, and this Ordinance shall go into effect ten (10) days after that date, pursuant to Elections Code Section 9217.

Section 4. 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.

Section 5. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the approval thereof and cause same to be published or posted pursuant to law.

APPROVED BY THE VOTERS OF THE CITY OF CHINO AT THE ELECTION HELD ON JUNE 7, 2022.

By: _____
EUNICE ULLOA, MAYOR

ATTEST:

By: _____
ANGELA ROBLES, CITY CLERK