

Ordinance presented and defeated on January 21, 2020. Motion by Haughey, seconded by Rodriguez to Introduce on First Reading. Motion failed: 2-3 (Hargrove, Lucio and Ulloa dissenting).

ORDINANCE NO. 2020-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, PREZONING CERTAIN PRIVATELY OWNED PARCELS, LOCATED AT THE NORTHWEST CORNER OF FRANCIS AND YORBA AVENUES, WITH ASSESSOR PARCEL NOS. 1013-211-21 and 22, TO RD 4.5 (RESIDENTIAL), WITHIN THE CITY OF CHINO SPHERE OF INFLUENCE AND IN CONNECTION WITH (PREZONE/ANNEXATION PL19-0029) AND AMENDING ORDINANCE NO. 2010-06.

WHEREAS, on April 18, 2019, Chino Francis Estates, LLC (the "Applicant") submitted its applications for PL19-0029 (Prezone/Annexation), PL19-0025 (General Plan Amendment), PL19-0026 (Tentative Tract Map No. 20056), PL19-0028 (Site Approval) and PL19-0027 (Special Conditional Use Permit) requesting that the City take the steps necessary to annex approximately 13.35 acres of land (11.99 adjusted gross acres) from the County of San Bernardino into the City of Chino, prezone the land to RD 4.5 (Residential), change the General Plan land use designation from RD 2 (Residential, 2 units/acre) to RD 4.5 (Residential, 4.5 units/acre), and subdivide the land for the construction of 39 single family homes, located at the northwest corner of Francis and Yorba Avenues (APNs: 1013-211-21 and 22) as fully described in Exhibits "A", "B" and "C" (the "Project"); and

WHEREAS, the proposed land use changes included in PL19-0025 (General Plan Amendment) will result in a reduction of approximately 13.35 acres (11.99 adjusted gross acres) of RD 2 (Residential, 2 units/acre) going to RD 4.5 (Residential, 4.5 units/acre), as shown in Exhibit "C"; and

WHEREAS, the proposed prezoning is consistent with the goals and policies of the Chino General Plan as the land use element of the General Plan includes Objective LU-1.1 identifying the need to provide a variety of housing types that meet the housing needs of residents of all income levels in City. The residential development will consist of 39 single-family, single-story homes at a density of 3.25 units per acre, providing a transitional housing stock from the existing RD 4.5 (Residential, 4.5 units/acre) to the southeast, the existing RD 2 (Residential, 2 units/acre) to the south, and properties within the unincorporated County with a General Plan land use designation of RD 2 (minimum lot size 20,000 square feet) to the north, east, south, and west. Additionally, Objective LU-1.2 promotes creating and maintaining walking neighborhoods. Sidewalks will be installed along project frontages along Francis and Yorba Avenues that will connect to the existing sidewalks along Yorba Avenue, south of the project site and the existing sidewalk on the south side of Francis Avenue, east of the project site; and

WHEREAS, proposed prezoning is reasonable and beneficial, and in the interest of good zoning practice as the General Plan would designate the project site as RD 4.5 (Residential, 4.5 units/acre). Upon annexation to the City of Chino, the zoning designation of RD 4.5 will be consistent with the City's General Plan land use designation for the site, as required by state planning, zoning, and development law; and

WHEREAS, proposed rezoning will not have a significant adverse impact on the environment as an MND was prepared for this project, and all potential impacts associated with the project will be mitigated to a level that will not have a significant adverse impact to the environment; and

WHEREAS, in the case of a rezoning for this property, the change will not adversely affect the harmonious relationship with adjacent parcels and land uses as the surrounding properties are developed with a range of single-family residential uses that are consistent with the proposed RD 4.5. The proposed 39 single-family development has homes along the north and west project boundary lines which have been designed with larger lots to create a logical transition in density from the existing larger lots located in the County to the north and west of the project site. In addition, all the homes have been designed as single-story to be compatible with the surrounding single-story homes in the adjacent neighborhoods. Therefore, the rezoning of property to RD 4.5 for single-family homes will be in harmony with the surrounding parcels and land uses; and

WHEREAS, in the case of the rezoning for this property, the subject site is physically suitable, including but not limited to parcel size, shape, access, availability of utilities, and compatibility with adjoining land uses, for the requested RD 4.5 rezoning designation and proposed development, as the subject site has been designed to meet all RD 4.5 City Zoning Code standards and the Small Lot Subdivision standards in terms of parcel size, shape, access, availability of utilities, and compatibility with existing land uses. There are existing RD 4.5 developed neighborhoods to the southeast, existing RD 2 developed lots to the south, and existing RS-1 (Unincorporated County) developed neighborhoods to the north, east, south and west. The addition of homes at a density of 3.25 units per acre is compatible with surrounding developments. In addition, the streets along the project frontage will be widened to include sidewalks and landscaped parkways; creating a roadway system that meets the needs of Chino's residents and visitors, provides safe, convenient, and efficient travel in, around, and through the City as identified in General Plan Goal TRA-1 (Transportation). Finally, the site will be designed to meet General Plan Goal TRA-11 (Transportation) to enhance the convenience, intuitiveness, and safety of Chino's pedestrian network by the addition of sidewalks along Francis Avenue and Yorba Avenue to provide more completed pedestrian infrastructure in the area allowing for safe routes to schools, work and parks. These improvements also help to meet objective LU-1.2 of the General Plan to create and maintain neighborhoods that facilitate walking, bicycling, and transit use in lieu of car travel and Goal CC-4 (Community Character) to design new and existing neighborhoods to be pedestrian friendly; and

WHEREAS, the City Council finds that the rezoning set forth above will promote the health, safety, and general welfare of the City of Chino; and

WHEREAS, the Planning Commission of the City of Chino held a duly noticed public hearing in compliance with law on November 18, 2019, entertained the written and oral reports of staff, took public testimony on the proposed Project, including the draft MND,

and recommended, on a vote of 4 ayes to 3 nays, that the City Council approve the Prezone/Annexation (PL19-0029); and

WHEREAS, at the December 2, 2019 Planning Commission meeting, the Planning Commission approved Planning Commission Resolution No. PC2019-0046, on a vote of 4 ayes, 0 nays and 1 abstention, recommending that the City Council approve Prezone/Annexation (PL19-0029); and

WHEREAS, a notice was published in the *Chino Champion* newspaper on January 4, 2020 advising the public of a public hearing scheduled before the City Council on January 21, 2020, to consider the Project and the Planning Commission's recommendation to approve the Prezone/Annexation (PL19-0029); and

WHEREAS, on January 21, 2020, the City Council held a duly noticed public hearing for the Project in compliance with law, entertained the written and oral reports of staff, and took public testimony on the Project, including the proposed Prezone/Annexation and General Plan Amendment; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), *Chino Francis Initial Study/Mitigated Negative Declaration*, dated October 2019, has been prepared by EPD Solutions, Inc. that concludes the proposed project will not have a significant adverse effect on the environment. Potentially significant effects were identified and mitigation measures have been incorporated to ensure the effects remain at less than significant levels. The Mitigated Negative Declaration (MND) satisfies the requirements of CEQA and the CEQA Guidelines (California Public Resources Code, Section 21000 *et seq.*; 14 CCR 15000 *et seq.*); and

WHEREAS, the proposed pre-zoning will not have a significant adverse impact on the environment as a MND has been adopted for the Project as Resolution No. 2020-001, and all potential impacts associated with the project will be mitigated to a level that will not have significant adverse impacts to the environment; and

WHEREAS, all provisions of the California Government Code and Chino Municipal Code related to the rezoning of the property have been complied with, including noticed public hearings.

NOW, THEREFORE, the City Council of the City of Chino does ordain as follows:

Section 1: The foregoing recitals are true and correct and incorporated herein.

Section 2: Ordinance No. 2010-06 is hereby amended so as to prezone approximately 13.35 acres (11.99 adjusted gross acres) of land to RD4.5 (Residential) as is more fully described on the legal and plat in Exhibit "A".

Section 3: The following properties which are the subject of the City's annexation application PL19-0029 (Prezone/Annexation) are hereby rezoned to RD 4.5

(Residential) as is more fully described on the legal and plat in Exhibit "A" and as shown in Exhibit "B".

Section 4: 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 City Council of the City of Chino declares 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 City Clerk of the City of Chino shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation, printed and published within said City in accordance with the provisions of the Government Code

ADOPTED THIS 4TH DAY OF FEBRUARY 2020.

EUNICE M. ULLOA, MAYOR

ATTEST:

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 the foregoing Ordinance was duly adopted by the City Council at a regular meeting held on the 4th day of February 2020, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ANGELA ROBLES, CITY CLERK

Attachments:

- Exhibit "A" – LAFCO Annexation Map/Legal Description
- Exhibit "B" – Prezone Map
- Exhibit "C" – General Plan Amendment Map

EXHIBIT "A"
ANNEXATION TO THE CITY OF CHINO (TTM 20056)
LAFCO

BEING PARCELS 2 AND 3 OF PARCEL MAP NO. 2464, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA FILED IN BOOK 21, PAGE 64 OF PARCEL MAPS, PER MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN BERNARDINO, ALL WITHIN SECTION 34, T.1S., R.8W., S.B.M;

THE ENTIRE PORTION OF THE ABOVE LAND ALSO BEING DESCRIBED AS FOLLOWS;

- ① **BEGINNING** AT THE NORTHWEST CORNER OF SAID PARCEL 2, THENCE ALONG THE NORTHERLY LINE THEREOF SOUTH 89°57'40" EAST 881.11 FEET TO THE CENTERLINE OF YORBA AVENUE AS SHOWN ON SAID MAP;
- ② **THENCE** ALONG SAID CENTERLINE SOUTH 00°02'00" WEST 660.00 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF FRANCIS AVENUE AS SHOWN ON SAID MAP;
- ③ **THENCE** ALONG LAST MENTIONED CENTERLINE NORTH 89°57'40" WEST 880.73 FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF SAID PARCEL 2 PRODUCED SOUTHERLY;
- ④ **THENCE** ALONG SAID PRODUCED AND WESTERLY LINE OF SAID PARCEL 2 NORTH 660.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED LAND CONTAINS 581,408 SQUARE FEET OR 13.35 ACRES, MORE OR LESS.

PREPARED UNDER THE SUPERVISION OF:


DARYL J. CHRISTIAN, PLS 8554 10-31-19 DATE

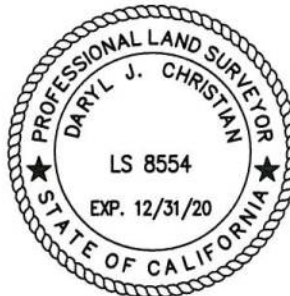
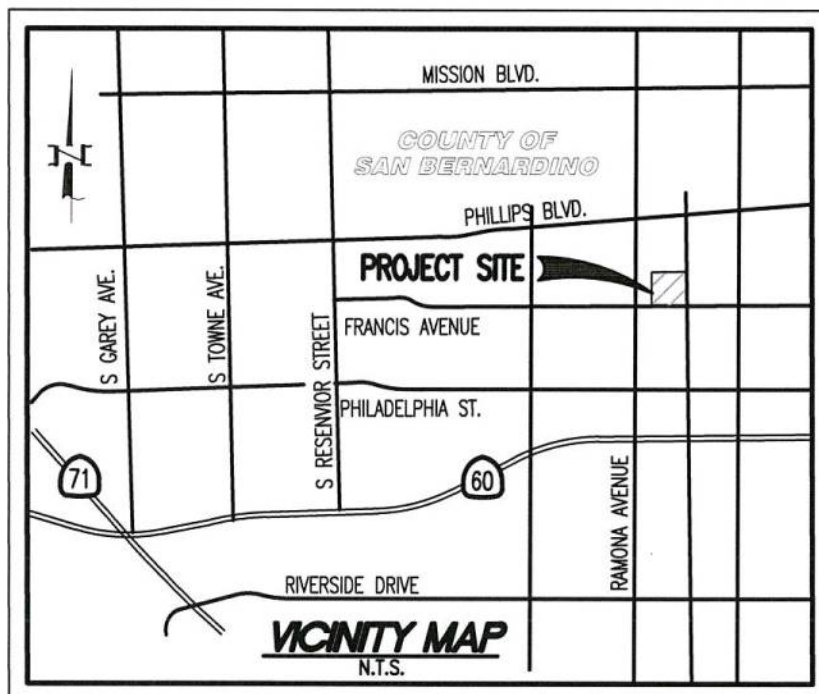


EXHIBIT "B"

ANNEXATION TO THE CITY OF CHINO (TTM 20056)

LAFCO _____



SEC. 34, T.1S, R.8W, S.B.M.

SURVEYOR'S CERTIFICATE

PREPARED UNDER THE SUPERVISION OF:

[Signature] 10-31-19

DARYL J. CHRISTIAN
LICENSED LAND SURVEYOR NO. 8554



MDS
CONSULTING

MORSE
SCHULTZ

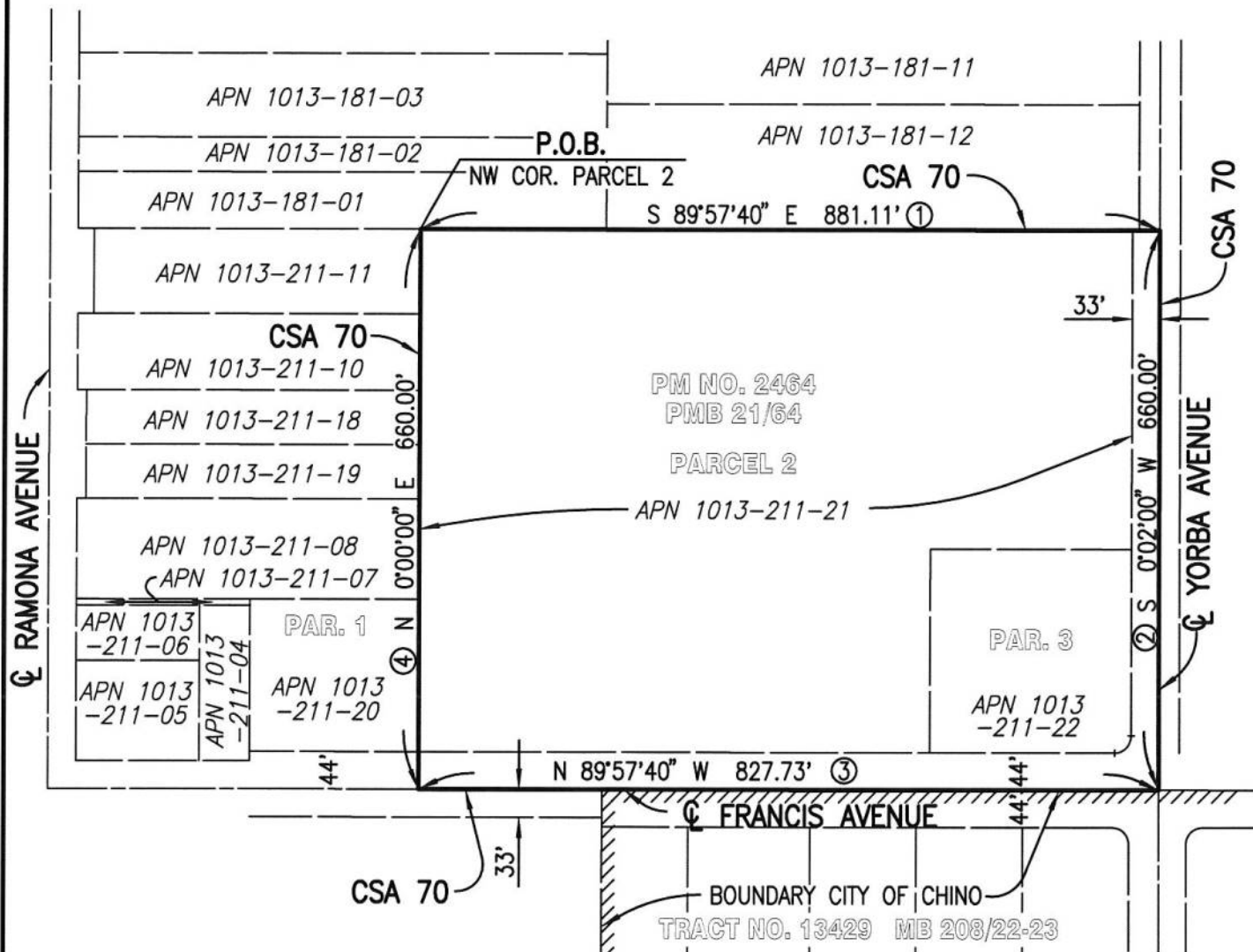
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821

PLANNERS ENGINEERS SURVEYORS

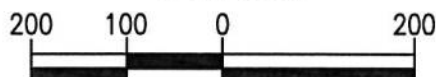
EXHIBIT "B"

ANNEXATION TO THE CITY OF CHINO (TTM 20056)

LAFCO _____



SCALE: 1" = 200'
29.52 Acres



LEGEND

- ANNEXATION BOUNDARY
- EXISTING CITY BOUNDARY
- CENTERLINE
- 1 INDICATES COURSE NUMBER

MDS
CONSULTING

MORSE

SCHULTZ

17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821

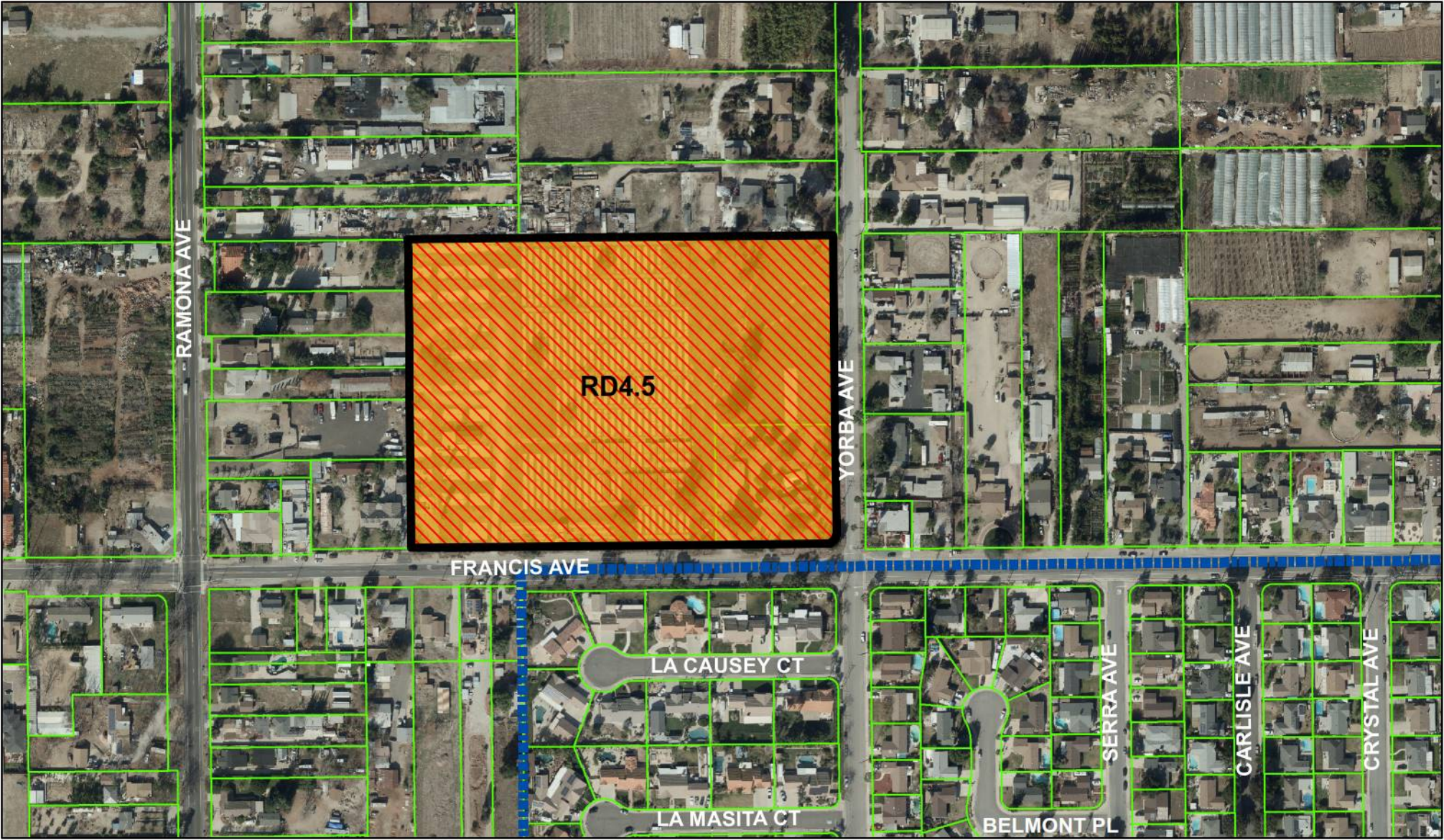
PLANNERS

ENGINEERS

SURVEYORS

Proposed Prezone - Northwest Corner of Francis and Yorba Avenues

EXHIBIT "B"



LEGEND

 Proposed Annexation boundary (Existing SB County zoning designation is RS-1 (Single Residential))

 Proposed Prezone to RD4.5

 Current City Boundary

Zoning Designation

 RD4.5 - Residential (4.5 DU/AC) - approx. 13.35 acres






EXHIBIT "B"

Date: 11/12/2019

Proposed General Plan Amendment - Northwest Corner of Francis and Yorba Avenues



LEGEND

-  Proposed Annexation boundary
-  Proposed residential development requiring a General Plan Amendment (GPA) - RD2 to RD4.5 - approx. 13.35 acres
-  Current City Boundary

General Plan Land Use Designations


-  RD4.5 - Residential (4.5 DU/AC)



EXHIBIT "C"

Date: 11/12/2019