



# AGENDA

CHINO HILLS CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 24, 2016

3:00 P.M. BUDGET WORKSHOP  
5:30 P.M. CLOSED SESSION  
7:00 P.M. PUBLIC MEETING/PUBLIC HEARINGS

CIVIC CENTER, CITY COUNCIL CHAMBERS  
14000 CITY CENTER DRIVE, CHINO HILLS, CALIFORNIA

This agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda unless the City Council makes a determination that an emergency exists or that a need to take immediate action on the item came to the attention of the City subsequent to the posting of the agenda. The City Clerk has on file copies of written documentation relating to each item of business on this Agenda available for public inspection in the Office of the City Clerk, in the public binder located at the entrance to the Council Chambers, and on the City's website at [www.chinohills.org](http://www.chinohills.org) while the meeting is in session. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk at 14000 City Center Drive, Chino Hills, CA during normal business hours.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the City Clerk's Office, (909) 364-2620, at least 48 hours prior to the start of the meeting to enable the City to make reasonable arrangements. Thank you.

Speaker Cards - Those persons wishing to address the City Council on any matter, whether or not it appears on the agenda, are requested to complete and submit to the City Clerk a "Request to Speak" form available at the entrance to the City Council Chambers. In accordance with the Public Records Act, any information you provide on this form is available to the public. You are not required to provide personal information in order to speak, except to the extent necessary for the City Clerk to call upon you. Comments will be limited to three minutes per speaker.

**PLEASE SILENCE ALL PAGERS, CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL IS IN SESSION.** Thank you.

## CITY COUNCIL MEMBERS

ART BENNETT, MAYOR  
RAY MARQUEZ, VICE MAYOR  
ED GRAHAM  
CYNTHIA MORAN  
PETER ROGERS

KONRADT BARTLAM  
CITY MANAGER

MARK D. HENSLEY  
CITY ATTORNEY

CHERYL BALZ  
CITY CLERK

**3:00 P.M. - CALL TO ORDER / ROLL CALL****PLEDGE OF ALLEGIANCE TO THE FLAG:**

**PUBLIC COMMENTS:** At this time members of the public may address the City Council regarding the Budget Workshop. Those persons wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Speak" form available at the entrance to the City Council Chambers. Comments will be limited to three minutes per speaker.

**WORKSHOP – FISCAL YEAR 2016-17 BUDGET**

1. Review and discuss proposed Fiscal Year 2016-17 Budget, including Programs and Objectives, Capital Improvement Projects, and Five-Year Budget Outlook

**5:30 P.M. - CALL TO ORDER**

1. **PUBLIC COMMENTS:** At this time members of the public may address the City Council regarding any items appearing on the Closed Session agenda. Those persons wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Speak" form available at the entrance to the City Council Chambers. Comments will be limited to three minutes per speaker.

**RECESS INTO CLOSED SESSION****CLOSED SESSIONS**

2. Conference with real property negotiators pursuant to Government Code Section 54956.8 for price and terms for property located at 2100 Founders Drive; APN's: 1024-431-02 and 03; Eric Nelson, Trumark Homes, LLC, and Konradt Bartlam, Negotiators
3. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) - Exposure to Litigation - One case
4. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(4) - Anticipated Litigation - Two cases:
  - a. Delinquent assessment foreclosure on Golden Triangle Property - APN No. 1028-351-47
  - b. California Environmental Quality Act proposed determination by Department of Toxic and Substance Control for Aerojet property

## **7:00 P.M. - CONVENE MEETING / ROLL CALL**

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

**INVOCATION:** Dr. Ahmed Soboh, Chino Valley Islamic Center

### **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

5. **INTRODUCTION - New Employee:** Introduction of the following new employee:

Evan Von Ranzow, Engineering Technician I

6. **PUBLIC COMMENTS:** At this time members of the public may address the City Council regarding any items within the subject matter jurisdiction of the Council, whether or not the item appears on the agenda, except testimony on Public Hearing items must be provided during those hearings. Individual audience participation is limited to three minutes per speaker. Please complete and submit a speaker card to the City Clerk.

## **A. CITY DEPARTMENT BUSINESS**

**CONSENT CALENDAR ITEMS A1 THROUGH A13** - *All matters listed on the Consent Calendar are considered routine by the City Council and may be enacted by one motion in the form listed below. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, Members of the City Council or staff request the matter to be removed from the Consent Calendar for separate action. Removed consent items will be discussed immediately after the adoption of the balance of the Consent Calendar.*

- A1. [Approve May 10, 2016 City Council Meeting Minutes](#)
- A2. [Approve Warrant Registers for period of April 21 through May 4, 2016 in amount of \\$2,464,809.56](#)
- A3. [Receive and file City Official Reports pursuant to Travel, Training and Meetings Reimbursement Policy for period of April 27 through May 10, 2016](#)
- A4. [Adopt Resolution authorizing submittal of application for Department of Resources Recycling and Recovery \(CalRecycle\) payment programs](#)
- A5. [Accept Peyton Drive and English Channel - Phase 3 Project by H & H General Contractors, Inc., as complete; authorize City Clerk to record Notice of Completion; and approve Change Order No. 11 to Agreement No. A2014-180 for net credit of \(\\$217,788.54\) for adjusted quantities constructed](#)
- A6. [Authorize increase not-to-exceed \\$84,300 to Purchase Order No. 160320 with Konica Minolta Business for city-wide print maintenance, support and supplies for remainder of the Fiscal Year 2015-16](#)

- A7. [Receive and file third quarterly budget review; approve appropriation budget amendments; and recommended changes to Capital Improvement Program](#)
- A8. [Adopt resolution setting time and place for public hearing of annual assessments for Landscape and Lighting District No. 1](#)
- A9. [Adopt resolution setting time and place for public hearing of annual assessments for Special Maintenance Areas 1 and 2](#)
- A10. [Adopt resolution setting time and place for public hearing of annual assessments for Los Serranos Lighting Maintenance District](#)
- A11. [Adopt resolution setting time and place for public hearing of annual assessments for Vellano Landscape and Lighting District](#)
- A12. [Adopt resolution authorizing annual levy of special taxes for Vila Borba, Community Facilities District No. 2015-1, for Fiscal Year 2016-17](#)
- A13. [Authorize issuance of purchase order to Game Time C/O Great Western Park and Playground in amount of \\$26,983.75, for purchase of play structure at Glenmeade Park](#)

**B. PUBLIC HEARING** - *This portion of the City Council Agenda is for all matters that legally require an opportunity for public input. Individual audience participation is encouraged and is limited to three minutes. Please complete and submit a speaker card to the City Clerk.*

- B1. [Introduce an Ordinance entitled: \*An Ordinance of the City Council of the City of Chino Hills, California, Amending the Chino Hills Municipal Code Title 16, Chapter 16.10 Residential Districts by Adding Section 16.10.030.C. Clustering Standards and Amend Chapter 16.76 Site Plan Approval to Establish Development Standards and Regulations for Clustering Single-Family Residential Development in the Agricultural/Ranch \(R-A\) and Rural Residential \(R-R\) Zoning Districts and Finding Proposed Development Code Amendment No. 15DCA05 Exempt from Review Under the California Environmental Quality Act - For first reading by title only - Waive further reading\*](#)
- B2. [Introduce an Ordinance entitled: \*An Ordinance of the City Council of the City of Chino Hills, California, Amending the Chino Hills Municipal Code Title 16 \(Development Code\) to Regulate Boarding Houses, Prohibit Transient Lodging Uses and Bed and Breakfasts in Residential Zones, and Determining that the Municipal Code Amendment is Exempt from Review Under the California Environmental Quality Act - For first reading by title only - Waive further reading\*](#)

## **PUBLIC INFORMATION OFFICER REPORT**

## **SAFETY UPDATES - Police and Fire (if any)**



**COUNCIL REPORTS**

Chino Valley Unified School District - Mayor Bennett

Tres Hermanos Conservation Authority - Mayor Bennett

Healthy Cities Steering Committee - Council Member Rogers

Water Facilities Authority - Council Member Rogers

**COUNCIL COMMENTS**

**ADJOURN IN MEMORIAM:** Adjourn in memory of former Chino Valley Unified School Board Member Lonnie Truett who passed away on May 12, 2016.

**ADJOURNMENT:**

# MINUTES

Item No.: A01

## CITY COUNCIL CITY OF CHINO HILLS

MAY 10, 2016  
REGULAR MEETING

Mayor Bennett called the Meeting of the City Council of the City of Chino Hills to order at 6:30 p.m. and requested the City Clerk to call roll.

PRESENT: COUNCIL MEMBERS: ART BENNETT  
RAY MARQUEZ  
ED GRAHAM  
CYNTHIA MORAN  
PETER ROGERS

ALSO PRESENT: KONRADT BARTLAM, CITY MANAGER  
ELIZABETH CALCIANO, ASSISTANT CITY ATTORNEY  
CHERYL BALZ, CITY CLERK

### **PUBLIC COMMENTS**

There were no public comments.

### **RECESS TO CLOSED SESSION**

Mayor Bennett declared the meeting recessed at 6:31 p.m. for closed session.

### **LITIGATION**

Conference with Legal Counsel pursuant to Government Code §54956.9(d)(1) - Existing Litigation (5 cases):

- a. John Reis, an individual v. City of Chino Hills, a Municipality; Time Warner NY Cable, LLC, a Delaware Limited Liability Company; Pauley Construction, an entity of unknown form; and Does 1 through 75, inclusive - San Bernardino County Superior Court Case No. CIVRS 1013457
- b. James J. Caswell, an individual v. Trasia Group, Inc., a California Corporation; City of Chino Hills, a public entity; and Does 1 through 20, inclusive - San Bernardino County Superior Court Case No. CIVDS 1500819
- c. Binita Patel, an individual, et. al. v. Daniel J. Eichmann, an individual; City of Chino Hills, a public entity; County of San Bernardino, a public entity; and Does 1 through 50 inclusive - San Bernardino County Superior Court Case No. CIVDS 1504718
- d. Evelyn Wallace, an individual v. City of Chino Hills, a public entity; and Does 1 to 50 inclusive - San Bernardino County Superior Court Case No. CIVDS 1511692

- e. (Heirs of) Michael Cole, an individual v. City of Chino Hills, a public entity; and Does 1 to 500 inclusive - San Bernardino County Superior Court Case No. CIVDS 1505641

### **CLOSED SESSION RECESS**

Mayor Bennett recessed the Closed Session at 6:51 p.m.

### **CONVENE REGULAR MEETING AND ROLL CALL**

Mayor Bennett called the regular meeting order at 7:03 p.m.

PRESENT: COUNCIL MEMBERS: ART BENNETT  
RAY MARQUEZ  
ED GRAHAM  
CYNTHIA MORAN  
PETER ROGERS

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: KONRADT BARTLAM, CITY MANAGER  
ELIZABETH CALCIANO, ASSISTANT CITY ATTORNEY  
CHERYL BALZ, CITY CLERK  
DENISE CATTERN, PUBLIC INFORMATION OFFICER  
POLICE CHIEF DARREN GOODMAN, CHINO HILLS POLICE  
JUDY LANCASTER, FINANCE DIRECTOR  
JOANN LOMBARDO, COMMUNITY DEVELOPMENT DIRECTOR  
NADEEM MAJAJ, PUBLIC WORKS DIRECTOR  
LYNNAE SISEMORE, ASSISTANT CITY CLERK  
STEVE NIX, CITY ENGINEER  
FIRE CHIEF TIM SHACKELFORD, CHINO VALLEY FIRE  
DEPARTMENT

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Led by Police Chief Darren Goodman, Chino Hills Police.

### **INVOCATION**

Led by Imam Zafarullah, Baitul Hameed Mosque.

### **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

There was no reportable action taken in Closed Session.

### **RECOGNITION - CHINO HILLS HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM**

Mayor Bennett, along with San Bernardino County, 4th District Supervisor Curt Hagman, Luigi Luciano, Field Representative for Assemblywoman Ling Ling Chang, Alexandra Walker, Representative for Congressman Ed Royce, and Senator Bob Huff (not present) presented certificates of Recognition to the Chino Hills High School Varsity Basketball Team and Assistant Coach Scott Mena for their 2016 CIF Open Division, CIF State Open Division and National Championships.

### **RECOGNITION - CANYON HILLS JUNIOR HIGH ROBOTICS TEAM**

Mayor Bennett, along with San Bernardino County, 4th District Supervisor Curt Hagman, Luigi Luciano, Field Representative for Assemblywoman Ling Ling Chang, Alexandria Walker, Representative for Congressman Ed Royce and Senator Bob Huff (not present) presented certificates of Recognition to the Canyon Hills Junior High Robotics Team and Science Teacher Jami Cabase for their 2016 VEX Robotics State Championship.

### **PROCLAMATION - PUBLIC WORKS WEEK**

Mayor Bennett presented a Proclamation proclaiming the week of May 15-21, 2016 as National Public Works Week to Nadeem Majaj, Public Works Director. He thanked all of the public works staff for their hard work to keep the City parks, water and sewer, and open space well maintained.

### **PROCLAMATION - EMERGENCY MEDICAL SERVICES WEEK**

Mayor Bennett presented a Proclamation proclaiming the week of May 15-21, 2016 as Emergency Medical Services Week, to Fire Chief Tim Shackelford, Chino Hills Fire District. He thanked the City Council for the acknowledgment.

### **PROCLAMATION - LUPUS AWARENESS MONTH**

Mayor Bennett presented a Proclamation proclaiming May as Lupus Awareness Month, to Kimberly Howse, President, Lupus Survivor and Advocate of The Howse Foundation. She thanked the City Council for the acknowledgment.

**INTRODUCTION - New City Employee:** Mayor Bennett introduced the following new City employee:

- Police Chief Darren Goodman, Chino Hills Police

### **PUBLIC COMMENTS**

Bob Goodwin, resident, spoke regarding the Department of Toxic Substance Control (DTSC) agency and expressed his concerns about the Environmental Impact Reports (EIRs) relating to the Aerojet site. He informed the public that the 30-day public review period has been extended to June 13, 2016 and requested that the City post all of DTSC's Aerojet site public notices on the City's website.

Joann Genis, resident, spoke regarding the Lighting and Landscape District 1 deficit and also expressed her concerns about the Aerojet site.

Jason Zara, Chino Valley Chamber of Commerce, introduced himself as the new Executive Director for the Chino Valley Chamber of Commerce.

### **CITY DEPARTMENT BUSINESS**

#### **CONSENT CALENDAR**

Assistant City Attorney Elizabeth Calciano stated that on Item A6, Mayor Bennett and Council Members Graham and Moran potentially had a conflict of interest regarding the proposed ordinance due to the impervious surface coverage in their front yards apparently exceeding 50 percent. Ms. Calciano stated that Mayor Bennett drew the short straw at the April 26th City Council meeting to vote on the matter, while Council Member Moran

recused herself from the discussion. Assistant City Attorney Calciano said since Council Member Graham had a potential conflict and was absent from that meeting, he along with Council Member Moran had to abstain from voting on the item.

Item numbers A8, regarding Chino Basin Desalter Authority Revenue Refunding Bonds, and A9, relating to an agreement amendment with West Coast Arborists, were pulled for discussion and separate votes.

Motion was made by Vice Mayor Marquez and seconded by Council Member Rogers to approve Consent Calendar Items A1 through A7, with Council Member Graham and Council Member Moran abstaining from Item A6:

### **MINUTES**

The City Council approved the April 26, 2016 City Council Meeting Minutes, as presented.

### **WARRANT REGISTERS**

The City Council approved the Warrant Registers for the period of April 7 through April 20, 2016 in the amount of \$1,816,852.66, as presented.

### **CITY OFFICIAL REPORTS**

The City Council received and filed the City Official Reports pursuant to the Travel, Training and Meetings Reimbursement Policy for the period of April 13 through April 26, 2016, as presented.

### **FINANCIAL REPORTS**

The City Council received and filed the Monthly Financial Reports for March 2016.

### **TREASURER REPORT**

The City Council approved the Treasurer's Report for March 2016.

### **GENERAL PLAN - ANNUAL REPORT**

The City Council (1) received and filed the Annual Report on the Implementation of General Plan for Year 2015; and (2) directed staff to file copy a of the report with Governor's Office of Planning and Research and Department of Housing and Community Development.

Motion carried as follows:

AYES:	COUNCIL MEMBERS:	BENNETT, MARQUEZ, GRAHAM, MORAN, ROGERS
-------	------------------	---

NOES:	COUNCIL MEMBERS:	NONE
-------	------------------	------

ABSENT:	COUNCIL MEMBERS:	NONE
---------	------------------	------

**IMPERVIOUS SURFACE COVERAGE AND PAVING WITHIN FRONT-YARD SET BACK - ORDINANCE ADOPTED**

The City Council adopted **Ordinance No. 297** of the City Council of the City of Chino Hills, California, Amending the Chino Hills , Amending the Chino Hills Municipal Code, Title 16, Chapter 16.10 Residential Districts Relative to Impervious Surface Coverage and Paving within the Front Yard Setback of Single-Family Residential Properties and Finding Proposed Development Code Amendment No. 16DCA01 Exempt from Review Under the California Environmental Quality Act; for second reading of the ordinance by title only.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: GRAHAM, MORAN

**DISCUSSION CALENDAR**

**REFUNDING BONDS - RESOLUTION ADOPTED**

Council Member Rogers removed this item from the Consent Calendar for further discussion and separate vote. He thanked staff and the Finance Directors of each entity for recommending the sale of the Chino Basin Desalter Authority refunding bonds, which will save each City over \$1,000,000 in funding by going through a competitive pricing method.

Finance Director Lancaster briefed the City Council on the staff report, which is on file in the City Clerk's office.

Following discussion, a motion was made by Council Member Rogers and seconded by Vice Mayor Marquez to adopt **Resolution No. 2016R-015**, of the City Council of the City of Chino Hills, California, approving certain information for inclusion in an official statement relating to the Chino Hills Basin Desalter Authority Revenue Refunding Bonds, Series 2016A, approving certain other matters in connection therewith, and approving a disclosure policy.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

### **AGREEMENT AMENDMENT - TREE MAINTENANCE SERVICES**

Council Member Rogers removed this item from the Consent Calendar for further discussion and separate vote. He explained in recent year's tree trimming services were cutback due to the economic downturn. He said that he was pleased that the City is currently able to increase the maintenance of citywide trees.

A motion was made by Council Member Rogers and seconded by Council Member Moran to execute Amendment No. 2 to Agreement No. A2014-49 with West Coast Arborists to increase the annual not-to-exceed amount from \$500,000 to \$591,600 for Fiscal Year ending June 30, 2016 for the continuation of tree maintenance services.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

### **CONCEPT DESIGN - PIPELINE RAISED MEDIAN PROJECT**

City Engineer Nix provided a PowerPoint presentation and briefed the City Council on the staff report, which is on file in the City Clerk's office.

Nick Montana, resident and business owner, spoke in opposition to the project and asked how the City proposes to mediate the turning conflicts along Pipeline Avenue.

Following discussion, a motion was made by Council Member Moran and seconded by Vice Mayor Marquez to approve the concept design with a modification to eliminate the southbound "Left turn in" at the 24 Hour Fitness driveway (North) thereby allowing a "Left turn out" from the northernmost Courts driveway.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, MORAN

NOES: COUNCIL MEMBERS: GRAHAM, ROGERS

ABSENT: COUNCIL MEMBERS: NONE

### **PUBLIC INFORMATION OFFICER REPORT**

Public Information Officer (PIO) Cattern announced that a Blood Drive will be held on Wednesday, May 18th from 1:00 p.m. to 6:00 p.m. in the Government Center Parking Lot. She noted that donors must be at least 17 years old and weigh at least 110 pounds. PIO Cattern announced that the City facilities and the Public Library will be closed on Monday, May 30th in observance of the Memorial Day holiday. PIO Cattern announced that the State of the City will be held on Thursday, June 9th at the Chino Hills Community Center.

She noted that tickets are \$15 each and can be purchased through the Chino Valley Chamber of Commerce. For more information visit the City's website at: [www.chinohills.org/StateoftheCity](http://www.chinohills.org/StateoftheCity).

### **SAFETY UPDATES**

**Fire:** Fire Chief Shackelford announced the Fire District Board of Directors Meeting will be held on Wednesday, May 11, 2016 at 6:00 p.m.

### **COUNCIL REPORTS**

#### **SAN BERNARDINO ASSOCIATED GOVERNMENTS**

Vice Mayor Marquez attended the San Bernardino Associated Governments Board meeting and stated that a new president was appointed, Michelle Martinez, and commended outgoing president Cheryl Vega for her years of service. He said the Board discussed highway infrastructure and reservoir water containment that will potentially lead to legislative actions within the next three to five years. He said the bullet train discussion has subsided.

#### **LEAGUE OF CALIFORNIA CITIES - LEGISLATIVE ACTION DAY**

Council Member Moran attended the League of California Cities Legislative Action Day meeting and discussed and reviewed statewide transportation measures. She said the committee spoke about fixroads.com regarding a pilot program for vehicle transponders to track and charge miles driven to possibly mitigate taxes on gasoline. She said they also addressed upcoming legislation actions regarding chronic homelessness and housing and land use.

#### **CHINO HILLS COMMUNITY FOUNDATION**

Council Member Rogers attended the Chino Hills Community Foundation's annual meeting to discuss protocols for 2016. He said Board Member John Young's term ends June 2016, and commended him on his years of service with the Foundation. Council Member Rogers said the Board conducted an election of officers and appointed Grace Capps as Vice Chair and Lisa McPherson as the Secretary. He said the Foundation approved their annual budget and discussed recent donations received by Smart & Final in the amount of \$2,500, and the Kraemer Foundation yearly donation of \$5,000. Lastly, he said the Foundation will agendaize discussion of significant funds for the Los Serranos playground equipment at their meeting in July.

#### **LOCAL AGENCY FORMATION COMMISSION**

Council Member Rogers stated that he was not able to attend the Local Agency Formation Commission meeting due to the lengthy meeting with the Omnitrans budget discussion.

#### **OMNITRANS**

Council Member Rogers attended the Omnitrans Board meeting and said the Board approved the Fiscal Year Budget and discussed service plans.



### **COUNCIL COMMENTS**

**Moran:** Council Member Moran asked staff if the State Water Resource Board will rescind the water conservation mandates or modify them in the near future. Public Works Director Majaj replied that the water conservation mandate has been extended to January 2017, and that the state requests all cities to implement a water conservation contingency plan.

Council Member Moran asked staff how residents could be informed about the proposed Crossroads Marketplace project. Community Development Director Lombardo replied that residents who are interested in the proposed Crossroads Marketplace project will be placed on an email list to be notified of all public notices regarding the project. She also explained the process of the proposed project.

Council Member Moran gave an update of the Brush with Kindness, Community Development Block Grant recipients. She said that the Habitat for Humanity repaired and painted two homes, and that the Sessna family received replacement windows and an awning due to golf ball damages to their property.

Council Member Moran asked staff how to retrieve ordinances from the City's website. City Clerk Balz explained that the most current ordinances are available on the front page of the Municipal Code on the City's website.

**Rogers:** Council Member Rogers welcomed Captain Goodman to the Chino Hills Police department and asked that he continue enforcement along Carbon Canyon Road. He announced the budget workshop being held in the Council Chambers on May 24th at 3:00 p.m. before the next regularly scheduled City Council meeting. He also announced the Chino Hills Community Foundation's upcoming events: Jazz concert on July 9th, Comedy on "All Things Books" on July 22nd, and Wine Walk on October 8th.

**Marquez:** Vice Mayor Marquez commended the Fire Department for their immediate attention to a child being bit by a rattlesnake. He thanked the Loving Savior of the Hills Lutheran School students for writing prayer letters to each Council Member on National Day of Prayer. He asked staff to update the public on a letter of support for Hills for Everyone about the California State Park purchasing some land. City Manager Bartlam replied that the California State Park have been in acquisitions for a several years, and have inquired about purchasing some parcels statewide. He said they are interested in acquiring the former Lam property in southern Chino Hills that abuts the State Park. He said that the Mayor signed a letter on behalf of the City encouraging the State Parks to move forward with the acquisition. City Manager Bartlam stated that Chino Hills is working collectively with the City of Brea, Hills for Everyone, and the State Park system on the matter.

Vice Mayor Marquez wished Council Member Moran a happy birthday. He congratulated *Chino Hills Champion* reporter Marianne Napoles for receiving two Newspaper Publishing awards. He asked staff to update Council on the open space master plan. Community Development Director Lombardo replied that the City adopted an open space master plan two years ago as an informational tool to give staff direction on how to manage open

space. She said there are a couple of recommendations that the City will implement, one being an all food take shelter and vehicle electric plug in stations. Community Development Director Lombardo said the issue with open space is the ongoing maintenance and how to fund and manage it.

**Bennett:** Mayor Bennett thanked the Loving Savior of the Hills Lutheran School students for writing prayer letters to each Council member. He attended the National Day of Prayer on May 5th at the Inland Hills Church. He participated in the Fight for Freedom Golf tournament at the Vellano Country Club hosted by FACESS, a non-profit organization that frees American girls from Human Trafficking. Mayor Bennett attended a ribbon cutting for the UPS store. He invited the public to attend the budget workshop scheduled on May 24th at 3:00 p.m. He stated that he will be attending a Townsend Junior High award ceremony to present certificates of recognition to students with excellent attendance records and 4.0 grade averages. Lastly, Mayor Bennett said that he signed a letter on behalf of the City to Washington D.C. regarding FHA loan limits in San Bernardino County to help lower the standard cost of living limits.

**Rogers:** Council Member Rogers attended the Let It Be Walk/Run event and thanked safety personnel and staff for a great community event.

**Moran:** Council Member Moran attended the Making Strides Against Breast Cancer walk and thanked the participants, staff, and safety personnel for a wonderful event.

**ADJOURN IN MEMORIAM AND IN HOPE:**

Mayor Bennett adjourned in tribute and honor of those who serve and have served in the Armed Forces at home and abroad. Their sacrifice and strength protect the goals and ideals that have made this Country great.

**ADJOURNMENT**

Mayor Bennett adjourned at 9:31 p.m.

Respectfully submitted,

CHERYL BALZ, CITY CLERK

APPROVED:

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A02

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: CITY OF CHINO HILLS WARRANT REGISTERS FOR WARRANTS  
ISSUED FOR THE PERIOD APRIL 21, 2016 – MAY 4, 2016, IN AN  
AMOUNT OF \$2,464,809.56

### RECOMMENDATION:

Approve the attached Warrant Registers for the time period mentioned above.

### BACKGROUND/ANALYSIS:

The Warrant Registers are listings of all payments made by the City of Chino Hills during a given period of time, exclusive of personnel costs. Warrant Registers and Wire Transfers listing reflecting payments over \$25,000 or those referred by the Finance Committee are regularly submitted for City Council's review and approval as an agenda item at each City Council meeting. During the period of April 20, 2016, to May 4, 2016, payments in excess of \$25,000 have been issued totaling \$2,464,809.56.

The Warrant Register is reviewed by the Finance Committee prior to the City Council meeting.

### FISCAL IMPACT:


The cash held by the City's various funds, including the General Fund, is reduced as a result of paying the City's authorized expenditure requests.

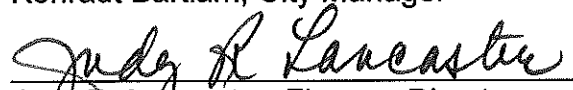
Respectfully submitted,

FINANCE COMMITTEE

  
\_\_\_\_\_  
Mayor Art Bennett

  
\_\_\_\_\_  
Council Member Peter Rogers

  
\_\_\_\_\_  
Konradt Bartlam, City Manager

  
\_\_\_\_\_  
Judy R. Lancaster, Finance Director

## ITEMS EXCEEDING \$25,000.00

PREPARED 04/25/2016,14:24:46  
 PROGRAM: GM339L  
 CITY OF CHINO HILLS

EXPENDITURE APPROVAL LIST  
 AS OF: 04/27/2016 PAYMENT DATE: 04/27/2016

PAGE 1

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0007154	00	HENSLEY LAW GROUP						
10287	005525		00	04/27/2016	001-1000-888.30-10	LEGAL SERVICES:MAR'16	2,241.00	
10287	005526		00	04/27/2016	001-1000-888.30-10	LEGAL SERVICES:MAR'16	95.00	
10287	005528		00	04/27/2016	001-1000-888.30-10	LEGAL SERVICES:MAR'16	22,927.00	
10287A	005531		00	04/27/2016	005-4000-888.30-10	LEGAL SERVICES:MAR'16	5,306.00	
10287B	005532		00	04/27/2016	005-4000-888.30-10	LEGAL SERVICES:MAR'16	286.00	
10287C	005533		00	04/27/2016	005-4000-888.30-10	LEGAL SERVICES:MAR'16	286.00	
10287D	005534		00	04/27/2016	005-4000-888.30-10	LEGAL SERVICES:MAR'16	234.00	
10287E	005535		00	04/27/2016	005-4000-888.30-10	LEGAL SERVICES:MAR'16	1,720.00	
10287	005536		00	04/27/2016	399-7100-888.83-10	LEGAL SERVICES:MAR'16	741.00	
10287	005537		00	04/27/2016	399-7100-888.81-10	LEGAL SERVICES:MAR'16	209.00	
10287	005538		00	04/27/2016	399-7100-888.81-10	LEGAL SERVICES:MAR'16	57.00	
10287	005539		00	04/27/2016	399-7100-888.81-10	LEGAL SERVICES:MAR'16	19.00	
10287	005527		00	04/27/2016	500-8110-888.30-10	LEGAL SERVICES:MAR'16	38.00	
10287	005529		00	04/27/2016	500-8110-888.30-10	LEGAL SERVICES:MAR'16	1,513.09	
10287	005530		00	04/27/2016	552-2520-888.30-10	LEGAL SERVICES:MAR'16	836.00	
10287	005540		00	04/27/2016	657-5100-888.30-10	LEGAL SERVICES:MAR'16	57.00	
10287	005541		00	04/27/2016	699-5200-888.30-10	LEGAL SERVICES:MAR'16	57.00	
						VENDOR TOTAL *	36,622.09	
0005226	00	REYNOLDS BUICK/PONTIAC/GMC TRUCKS						
G16-0579	PI5992 160584		00	04/27/2016	001-2510-888.80-60	VEHICLES	28,526.15	
G16-0548	PI5991 160584		00	04/27/2016	004-4100-888.80-60	VEHICLES	27,159.95	
						VENDOR TOTAL *	55,686.10	
0002292	00	S.B.COUNTY FIRE DEPARTMENT						
CHH416CC/4THQTR005499			00	04/27/2016	001-8500-888.31-90	HOUSEHOLD HZRD WASTE FEES	25,665.50	
						VENDOR TOTAL *	25,665.50	
0000608	00	SBCERA						
PP 09/16	PR0427		00	04/27/2016	575-0000-216.20-06	SURVIVOR BENEFIT:EMPLOYEE	258.00	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-05	CITY CONTR GEN MBR:TIER 1	146,013.24	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.36-05	CITY CONTR GEN MBR:TIER 2	13,312.79	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-10	NON-RFNDEL GEN MBR CONTRB	22,442.50	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-13	EMPL PAID PRETAX CONTRBTN	8,840.32	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.36-13	EMPLOYEE RET. COST:TIER 2	4,128.50	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-14	EXEMPT ADDT'L RETIREMENT	3,307.40	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-15	REFUNDABLE GEN MBR CONTRB	10,084.59	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-20	SURVIVORS BENFIT:EMPLOYER	258.00	
PP 09/16	PR0427		00	04/27/2016	575-0000-217.35-16	RETIREMENT SERVICE CREDIT	218.38	
						VENDOR TOTAL *	208,863.72	
						TOTAL EXPENDITURES ****	326,837.41	
						GRAND TOTAL *****	326,837.41	

PREPARED 05/02/2016, 9:12:02  
 PROGRAM: GM339L  
 CITY OF CHINO HILLS

EXPENDITURE APPROVAL LIST  
 AS OF: 05/04/2016 PAYMENT DATE: 05/04/2016

PAGE 1

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0002903	00	CALIFORNIA PUBLIC EMPLOYEES'						
2006/MAY'16	005551		00	05/04/2016	001-0300-888.15-40	CALPERS INSURANCE PREMIUM	299.38	
2006/MAY'16	005558		00	05/04/2016	001-0300-888.15-40	CALPERS INSURANCE PREMIUM	271.92	
2006/MAY'16	005561		00	05/04/2016	001-0400-888.15-40	CALPERS INSURANCE PREMIUM	1,108.56	
2006/MAY'16	005563		00	05/04/2016	001-0400-888.15-40	CALPERS INSURANCE PREMIUM	1,087.66	
2006/MAY'16	005566		00	05/04/2016	001-0400-888.15-40	CALPERS INSURANCE PREMIUM	297.23	
2006/MAY'16	005550		00	05/04/2016	001-1200-888.30-90	CALPERS INSURANCE PREMIUM	295.79	
2006/MAY'16	005562		00	05/04/2016	001-1200-888.15-40	CALPERS INSURANCE PREMIUM	1,087.66	
2006/MAY'16	005552		00	05/04/2016	001-2100-888.15-40	CALPERS INSURANCE PREMIUM	149.69	
2006/MAY'16	005559		00	05/04/2016	001-2100-888.15-40	CALPERS INSURANCE PREMIUM	135.96	
2006/MAY'16	005553		00	05/04/2016	001-2200-888.15-40	CALPERS INSURANCE PREMIUM	149.68	
2006/MAY'16	005560		00	05/04/2016	001-2200-888.15-40	CALPERS INSURANCE PREMIUM	135.95	
2006/MAY'16	005564		00	05/04/2016	001-2510-888.15-40	CALPERS INSURANCE PREMIUM	652.60	
2006/MAY'16	005556		00	05/04/2016	003-0900-888.15-40	CALPERS INSURANCE PREMIUM	1,087.66	
2006/MAY'16	005555		00	05/04/2016	500-8113-888.15-40	CALPERS INSURANCE PREMIUM	297.23	
2006/MAY'16	005557		00	05/04/2016	500-8113-888.15-40	CALPERS INSURANCE PREMIUM	594.46	
2006/MAY'16	005554		00	05/04/2016	551-8200-888.15-40	CALPERS INSURANCE PREMIUM	566.53	
2006/MAY'16	005565		00	05/04/2016	551-8200-888.15-40	CALPERS INSURANCE PREMIUM	435.06	
2006/MAY'16	005549		00	05/04/2016	575-0000-217.10-00	CALPERS INSURANCE PREMIUM	84,075.93	
						VENDOR TOTAL *	92,728.95	
0000064	00	S.B.COUNTY SHERIFF'S DEPT.						
15516/MAY'16	005625		00	05/04/2016	001-6000-888.31-70	LAW ENFORCEMENT CONTRACT	994,096.00	
						VENDOR TOTAL *	994,096.00	
						TOTAL EXPENDITURES ****	1,086,824.95	
						GRAND TOTAL *****		1,086,824.95

MANUAL CHECKS EXCEEDING \$25,000.00

PREPARED 05. .6, 9:25:10  
 PROGRAM: GM3.  
 CITY OF CHINO HILLS

EXPENDITURE APPROVAL LIST  
 AS OF: 04/29/2016 PA . DATE: 04/29/2016

PAGE 1

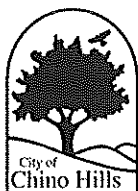
VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0000064	00	S.B.COUNTY SHERIFF'S DEPT.						
15461/APR'16	100292		00	04/27/2016	001-6000-888.31-70	LAW ENFORCEMENT CONTRACT	CHECK #: 100292	994,096.00
						VENDOR TOTAL *	.00	994,096.00
						HAND ISSUED TOTAL ***		994,096.00
						TOTAL EXPENDITURES ****	.00	994,096.00
						GRAND TOTAL *****		994,096.00

### Outgoing Wire Transfers Over \$25,000

From 4/21/16 to 5/4/16

Vendor Name	Due Date	Account Number	Item Description	Amount
Federal EFTPS	5/4/2016	575-0000-218-1000	P/R Tax Transfer - Federal	57,051.20
			Vendor Total *	57,051.20
Grand Total Transfers Over \$25,000 *****				57,051.20

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A03

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: CITY OFFICIAL REPORTS

### RECOMMENDATION:

Receive and file pursuant to the City's Travel, Training and Meetings Reimbursement Policy City Official Reports.

### BACKGROUND/ANALYSIS:

In accordance with Government Code Section 53232.2 and 53232.3, implementing Assembly Bill 1234 (AB 1234) effective January 1, 2006, the City's Travel, Training and Meetings Policy was amended to reflect those changes. The City Official Report provides a brief report regarding the purpose and subject matter of meetings for the period through May 10, 2016.

### REVIEW BY OTHERS:

The report format has been reviewed by the City Attorney.

### FISCAL IMPACT:

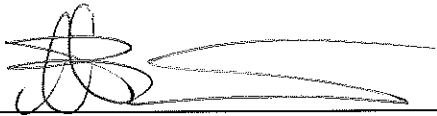
Travel, Training and Meeting expenses are included within the City's adopted budget for Fiscal Year 2015/2016.



ENVIRONMENTAL REVIEW:

This proposed action is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code Regulations §§ 15000, et seq.) because it constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CC § 15378 (b)(4-5)).

Recommended by,

A handwritten signature in black ink, appearing to be 'KB', is written over a horizontal line.

Konradt Bartlam, City Manager

KB:ssr

CITY OFFICIAL REPORT  
CITY OF CHINO HILLS  
COUNCIL MEETING DATE: 5/24/16  
PERIOD TO COVER: 04/27/16 – 05/10/16

Event Date	Name of Payee	Meeting and Subject Matter	City Official Attendees	Purpose*
April 27, 2016	City of Chino Hills	Legislative Action Day	R. Marquez, Vice Mayor C. Moran, Council Member	LOCC Budget, Legislative and Policy Updates
May 5, 2016	City of Chino Hills	SCAG 2016 Regional Conference & General Assembly	R. Marquez, Vice Mayor P. Rogers, Council Member	Regional Conference

\*Details on expenses are maintained in the Finance Department.

## COUNCIL AGENDA STAFF REPORT

CITY CLERK USE ONLY



Meeting Date: May 24, 2016

Item No.: A04

Public Hearing: ☐  
Discussion Item: ☐  
Consent Item: ☒

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION FOR CAL RECYCLE PAYMENT PROGRAMS.

### RECOMMENDATION:

Adopt a Resolution entitled:

RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION FOR CAL RECYCLE PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS.

### BACKGROUND/ANALYSIS:

The Department of Resources Recycling and Recovery (CalRecycle) administers a program to provide opportunities for beverage container recycling. The goal of this program is to reach and maintain an 80 percent recycling rate for all California refund value beverage containers--aluminum, glass, plastic and bi-metal. Projects implemented by cities and counties will assist in reaching and maintaining this goal.

Pursuant to Public Resources Code section 14581(a)(3)(A) of the California Beverage Container Recycling and Litter Reduction Act, CalRecycle is distributing \$10,500,000 to eligible cities and counties specifically for beverage container recycling and litter cleanup activities. Cities are eligible to receive a minimum of \$5,000 and counties are eligible to receive a minimum of \$10,000. Payments are calculated based upon the population as of January 1, 2015, as stated in the annual E-1 Cities, Counties and the State Population Estimates with Annual Percentage Change—January 1, 2014, and 2015 report submitted to the Governor by the California Department of Finance. The City received \$20,246 in 2015 and, if awarded again, can expect to get approximately \$19,000 from the Program in 2016.

In order to receive funds for its recycling programs, the City needs to submit a completed application, a Resolution authorizing submittal of the application for the CalRecycle Payment Program, and meet the Program's eligibility requirements. The City engages in public education and outreach promoting beverage container recycling and supports AB 341 Mandatory Commercial Recycling requirements. Both of these activities satisfy the eligibility requirements and, therefore, make the City eligible for funding.

SUBJECT: RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION FOR  
CAL RECYCLE PAYMENT PROGRAMS.

REVIEW BY OTHERS:

This item has been reviewed by the City Clerk.


FISCAL IMPACT:

The CalRecycle grant is included in the proposed budget for Fiscal Year 2016/17. There is no fiscal impact from adopting this resolution.

ENVIRONMENTAL (CEQA) REVIEW:

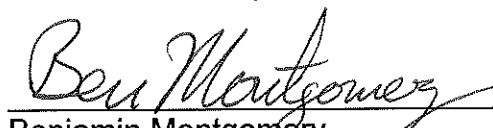
This proposed resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et. seq.; "CEQA") and CEQA regulations (14 California Code Regulations §§ 15000, et. seq.) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Respectfully submitted,



Konradt Bartlam  
City Manager

Recommended by:



Benjamin Montgomery  
Deputy City Manager

KB:BM:MS:ssr

Attachments

RESOLUTION NO. 2016R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHINO HILLS, AUTHORIZING SUBMITTAL OF  
APPLICATION FOR PAYMENT PROGRAMS AND  
RELATED AUTHORIZATIONS

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

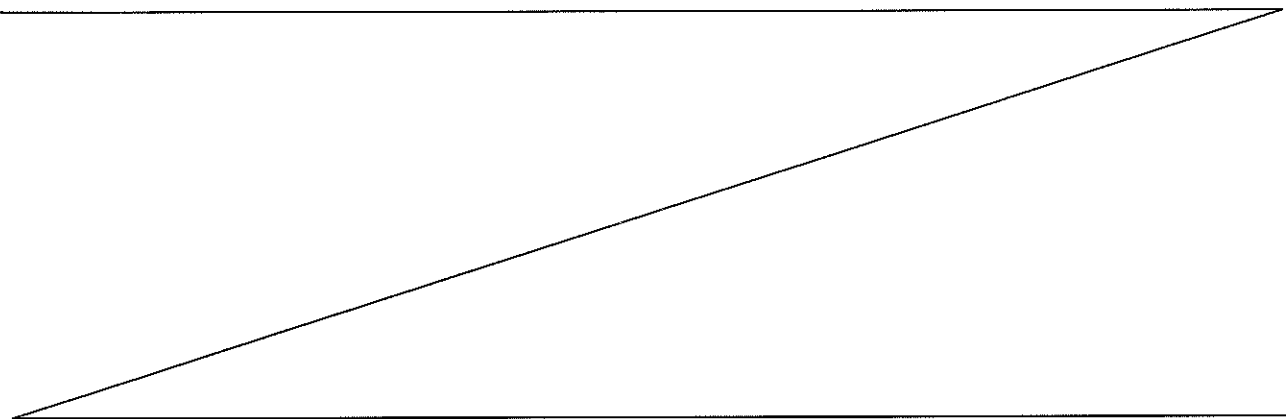
WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

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

SECTION 1. The City of Chino Hills is authorized to submit an application to CalRecycle for any and all payment programs offered.

SECTION 2. The Management Analyst II, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

SECTION 3. This authorization is effective until rescinded by the Signature Authority or this governing body.



SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of May 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A05

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: NOTICE OF COMPLETION FOR THE PEYTON DRIVE AND ENGLISH CHANNEL - PHASE 3 PROJECT BY H & H GENERAL CONTRACTORS, INC.

### RECOMMENDATION:

1. Accept the Peyton Drive and English Channel - Phase 3 Project by H & H General Contractors, Inc. as complete.
2. Authorize the City Clerk to cause the Notice of Completion to be recorded.
3. Approve Change Order No. 11 to Agreement No. A14-180 with H & H General Contractors, Inc. in the amount of a net credit of (\$217,788.54)
4. Authorize the release of any remaining encumbrance after final payment of retention.
5. Reduce the amount of the Performance Bond to 25% for warranty purposed for a period of one year.
6. Authorize the release of the Labor and Materials Bond six months after project acceptance.

### BACKGROUND/ANALYSIS:

On December 9, 2014, the City Council awarded a contract to H & H General Contractors, Inc. for the Peyton Drive Widening - Phase 3 and English Channel Improvement project in the amount of \$4,907,781. In addition to the award of the contract, the City Council also provided authorization to the City Manager to approve change orders up to a maximum amount of \$490,778, or 10% of the contract amount as needed during the course of construction.

AGENDA DATE: MAY 24, 2016

PAGE 2

SUBJECT: NOTICE OF COMPLETION FOR THE PEYTON DRIVE AND  
ENGLISH CHANNEL – PHASE 3 PROJECT BY H & H GENERAL  
CONTRACTORS, INC.

Construction on the project began March 2, 2015 and was completed April 18, 2016. During the course of construction, the City Manager authorized nine (9) change orders for various construction related issues totaling \$221,401.39, and the City Council authorized one (1) change order in the amount \$245,000 for the installation of the 8" recycled water pipeline.

Change Order No. 11, in the amount of (\$217,788.54) is needed to account for the minor quantity adjustments required to reflect actual quantities constructed versus estimated quantities for the purpose of bidding the work. Additionally, due to a delay in the installation of the landscaping, the contractor was required to remobilize once the landscaping work was initiated. Change Order No. 11 is summarized as follows:

C/O No.	Description	Est. Qty.	Actual Qty.	Diff.	Unit	Unit Cost	Total Cost
11	Remobilize/Supervise Marina	1	1	0	LS	\$18,527.00	\$18,527.00
11	Install Basket Strainer Assembly	1	1	0	LS	\$3,517.36	\$3,517.36
11	Subtotal amount of Adjusted Quantities						(\$239,832.90)
						<b>Total:</b>	<b>(\$217,788.54)</b>

The final contract amount is summarized below:

Original Contract:	\$4,907,781.00
Change Orders 1-10	\$466,401.39
Change Order 11	(\$217,788.54)
Amended Contract Amount	\$5,156,393.85

CEQA REVIEW:

The project has been determined to be exempt as a Class 1(c) Categorical Exemption (Minor alteration or repair of existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public entity services), pursuant to Section 15301 of Guidelines for the California Environmental Quality Act of 1970, as amended, Public Resources Code Section 21000 *et seq.*

REVIEW BY OTHERS:

This item has been reviewed by the Finance Director.



AGENDA DATE: MAY 24, 2016 PAGE 3  
SUBJECT: NOTICE OF COMPLETION FOR THE PEYTON DRIVE AND  
ENGLISH CHANNEL – PHASE 3 PROJECT BY H & H GENERAL  
CONTRACTORS, INC.


FISCAL IMPACT:

This project is included in the approved FY 2015-2016 Capital Improvement Program budget.

Respectfully submitted,

  
\_\_\_\_\_  
Konradt Bartlam, City Manager

Recommended by:

  
\_\_\_\_\_  
Steven C. Nix, City Engineer

SN/PS

Attachment: Change Order No. 11  
Notice of Completion

**CITY OF CHINO HILLS**  
**CHANGE ORDER NO. 11**  
**DATE: May 24, 2016**

**Project No S15009**

**Project:** Peyton Drive Widening - Phase 3 and  
English Channel Improvements

**Contract No.**

A2014-180

**P.O. No.**

150590

**Account No.**

399-7100-888-8110

**Contractor:** H & H General Contractors, Inc.

P.O. Box 536

Highland, CA 92346-0536

**Distribution:**

Original to City Clerk

Contractor

Purchasing

Department

					<b>Current Change Order</b>	<b>-4.44%</b>
<b>No.</b>	<b>Description</b>	<b>QTY</b>	<b>Unit</b>	<b>Unit Price</b>		
1.)	Remob/supervise Marina	1	LS	\$18,527.00		\$18,527.00
2.)	Install Basket Strainer Assembly	1	LS	\$3,517.36		\$3,517.36
					<b>Subtotal Amount=</b>	<b>\$22,044.36</b>

**3.) ADJUSTMENT IN QUANTITIES**

<b>No.</b>	<b>Description</b>	<b>Est</b>	<b>Act</b>	<b>Diff</b>	<b>Unit Cost</b>	<b>Ext.</b>
6	CONSTRUCT 66" RCP, 1500D	182 LF	154	-28	\$392.00	-\$10,976.00
15	CONSTRUCT CONCRETE COLLAR PER CITY STD SD-103	4 EA	3	-1.0	\$2,020.00	-\$2,020.00
22	MODIFY EXISTING 24"X24" DRAINAGE INLET PER DETAILS ON SHEET NO. 17	1 EA	0	-1	\$1,120.00	-\$1,120.00
34	CONSTRUCT CABLE RAILING PER CALTRANS STD. B11-47	148 LF	147	-1	\$23.00	-\$23.00
40	SAWCUT EXISTING ASPHALT PAVEMENT	2,560 LF	2,460	-100	\$1.30	-\$130.00
41	REMOVE EXISTING ASPHALT PAVEMENT	86,000 SF	85,586	-414	\$0.60	-\$248.40
44	RELOCATE EXISTING CHAIN LINK FENCE AND GATES AS INDICATED	500 LF	446	-54	\$22.00	-\$1,188.00
46	CONSTRUCT 6" PCC MEDIAN CURB PER CITY STD. 109	4,772 LF	4,678	-94	\$14.00	-\$1,316.00
48	CONSTRUCT 4" PCC SIDEWALK PER CITY STD. 107	18,302 SF	16,974	-1,328	\$4.00	-\$5,312.00
49	CONSTRUCT RESIDENTIAL DRIVE APPROACH PER CITY STD. 116&117	3,990 SF	2,275	-1,715	\$6.70	-\$11,490.50
51	COLD MILL ASPHALT PAVEMENT, 0.16' DEPTH	23,000 SF	19,768	-3,232	\$0.25	-\$808.00
52	CONSTRUCT 0.16' ASPHALT OVERLAY	3,000 TON	2,819	-181	\$76.00	-\$13,756.00
53	CONSTRUCT FULL DEPTH AC PAVEMENT, 6" THICK	1,775 SF	1,712	-63	\$7.60	-\$478.80
54	CONSTRUCT ASPHALT CONCRETE BASE COURSE (4" OR 6" THICK)	4,425 TON	3,970	-455	\$75.00	-\$34,125.00
55	CONSTRUCT CLASS II AGGREGATE BASE (10.5" OR 16" THICK)	13,000 TON	8,722	-4,278	\$16.40	-\$70,159.20
56	CONSTRUCT 18" RCP, 2000D	114 LF	58	-56.0	\$144.00	-\$8,064.00
57	CONSTRUCT 24" RCP, 1800D	163 LF	146	-17.00	\$143.00	-\$2,431.00
65	INSTALL LANDSCAPING AS SHOWN PER PROJECT PLANS AND SPECIFICATIONS	1 LS	0.74	-0.26	\$191,000.00	-\$49,660.00
69	INSTALL PVC TRAIL FENCE	1,000 LF	525	-475	\$16.00	-\$7,600.00
70	REMOVE EXISTING PVC TRAIL FENCE	900 LF	830	-70	\$7.00	-\$490.00
71	EDGE GRIND EXISTING AC PAVEMENT 0' TO 0.16' IN DEPTH (5' WIDE)	4,700 LF	2,980	-1,720	\$1.25	-\$2,150.00
72	INSTALL LOOP DETECTOR PER CITY STD. 406	12 EA	0	-12.00	\$476.00	-\$5,712.00

81	RELOCATE EXISTING FIRE HYDRANT PER CITY STD. W-9	2 EA	1	-1.00	\$5,375.00	-\$5,375.00
82	RELOCATE EXISTING BLOW-OFF PER CITY STD. W-7	1 EA	0.5	-0.50	\$5,600.00	-\$2,800.00
CO#2.3	INSTALL "WAFFLE" TYPE DRAIN BOARD AND MIRAFI FABRIC AT CARBON CANYON CHANNEL	1 LS	0	-1	\$2,400.00	-\$2,400.00

**Subtotal Amount of Adjusted Quantities=** **-\$239,832.90**

**TOTAL AMOUNT=** **-\$217,788.54**

Contract Time Adjustment: Add -0- Working Days.

**ORIGINAL CONTRACT AMOUNT** \$ 4,907,781.00

Change Orders to Date: 1-10

Add \$ 495,807.39

Deduct \$ 29,406.00 \$ 466,401.39

Change Orders to Date

Adjusted Contract Amount \$ 5,374,182.39

Change Order No. 11

Add \$ 22,044.36

Deduct \$ -239,832.90

Net Change Order -4.44% -\$217,788.54

Total Change Orders 5.07%

**AMENDED CONTRACT AMOUNT** \$ 5,156,393.85

**CITY OF CHINO HILLS**

Authorized this the \_\_\_\_\_ day of  
May, 2016.

ART BENNETT, MAYOR

**ATTEST:**

CHERYL BALZ, CITY CLERK

**APPROVED BY:**

STEVE NIX, CITY ENGINEER

**ACCEPTED BY:**

H & H GENERAL CONTRACTORS, INC.

Recording Requested by And  
When Recorded, Mail To:

CITY CLERK  
CITY OF CHINO HILLS  
14000 City Center Drive  
Chino Hills, CA 91709

Exempt Recording Per  
Government Code Section 6103

### NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

The undersigned is a Project Manager for the City of Chino Hills, 14000 City Center Drive, Chino Hills, California, which is the owner of the interest or estate stated below in the property hereinafter described.

The nature and interest or estate of the City is: **In Fee**

(If other than fee, strike "In Fee" and insert, for example, "easement" or "lessee")

A work of improvement on the property hereinafter described was completed on April 18, 2016. The work of improvement is described as follows: Peyton Drive and English Channel – Phase 3

Date of Contract: December 9, 2014 Contract/Agreement No. A14-180

Name of Original Contractor: H & H General Contractors, Inc.

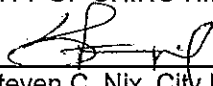
The property on which said work of improvement was completed is in the City of Chino Hills, County of San Bernardino, State of California, and is described as follows:

Peyton Drive from Chino Hills Parkway (SR 142) to Eucalyptus Avenue  
(Legal description)

The street address of said property is: None  
(If no street address has been officially assigned, insert "none")

APN: N/A


CITY OF CHINO HILLS

  
Steven C. Nix, City Engineer

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

I HEREBY CERTIFY THAT I am the City Engineer for the City of Chino Hills. I have read the foregoing Notice of Completion and know the contents thereof; and I certify that the same is true of my own knowledge.

I declare under penalty of perjury, that the foregoing is true and correct. Executed on May 5, 2016 at City of Chino Hills, California.

  
Steven C. Nix, City Engineer

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A06

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: CITY-WIDE PRINT MAINTENANCE, SUPPORT, AND SUPPLIES

### RECOMMENDATION:

Authorize an increase in Purchase Order No. 160320 with Konica Minolta Business Solutions to a not-to-exceed amount of \$84,300 to cover maintenance, support, and supplies for the City's printer fleet for the remainder of FY 2015-16.

### BACKGROUND/ANALYSIS:

Konica Minolta Business Solutions provides maintenance, support, and supplies for the City's fleet of 67 multi-function printers (MFPs), desktop printers and fax machines.

The City's annual budget of \$68,000 includes an estimated \$5,300 monthly service and supply charge and any overage fees associated with exceeding the monthly allowable volume limits. Overage fees are \$.0073 per page for MFP black & white prints, \$.06 per page for MFP color prints and \$.01875 for desktop printers.

FY 2015-16 has seen an increase in the volume of color printing versus prior years. This is due to a number of factors including brochures, flyers, the transition to color formatted utility bills, and other materials being printed in house.

### REVIEW BY OTHERS:

None.

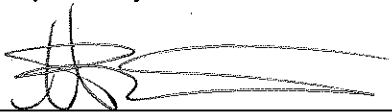
### FISCAL IMPACT:

No additional appropriations will be necessary as funding for these services will be provided by cost savings in the Information Technology Fund.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

This proposed action is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.; "CEQA") and CEQA regulations (14 California Code Regulations §§15000, et. seq.) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Respectfully submitted:



Konradt Bartlam, City Manager

Recommended by:



Judy R. Lancaster, Finance Director

KB:JRL:MRJ:dk

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A07

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: THIRD QUARTER BUDGET PROGRAM REVIEW

### RECOMMENDATION:

1. Receive, review, and file the quarterly budget review.
2. Approve the appropriation budget amendments described in the Background/Analysis and Fiscal Impact sections of this report.
3. Approve the recommended changes to the Capital Improvement Program.

### BACKGROUND/ANALYSIS:

As part of the annual budget process, a quarterly review is performed to provide a status of the current financials. Staff continues to review and monitor the status of all revenues and expenditures and recommends the following adjustments:

#### Revenue Amendments

##### General Fund

##### Property Transfer Tax

It is recommended that property transfers tax revenue be increased by \$178,500 bringing the adjusted estimated revenues to \$554,000. As of March 31, 2016, a total of \$460,550 was received or 123% of the revenue budget of \$375,500. Staff will continue to monitor these revenues as they are very volatile and sensitive to the real estate market activity.

##### Community Development Fund

##### Building Permits

It is recommended that building permit revenues be decreased by \$223,000 to a revised estimated revenue of \$3,318,000. As of March 31, 2016, a total of \$1,755,305 was received or 50% of the revenue budget. The original projections for FY 2015/16 called for 1,004 new residential units, and to date, 420 units have been permitted.

#### Citizen's Option for Public Safety (COPS) Fund

It is recommended that the estimated revenues in the COPS fund be increased by \$39,400 to \$138,900. As of March 31, 2016, \$107,221 has been received or 108% of the estimated revenue. We anticipate total revenues for the year to be \$138,900 based on information provided by the San Bernardino County Auditor-Controller's Office. The COPS funding is used to pay for frontline policing in the City.

#### Development Fee Funds

##### Parks and Recreation Facilities Fees and Quimby In-Lieu Fees

It is recommended that the estimated revenues in the Parks and Recreation Facilities Fees Fund and the Quimby In-Lieu Fees Fund be increased by \$721,600 and \$258,300, respectively, for the recognition of developer credits used to offset development fees. See expenditure amendment below.

##### Existing Infrastructure Fee (EIF) Fund

It is recommended that the estimated revenues in the EIF be increased by \$598,500 for recognition of proceeds received in satisfaction of an assessment deferral agreement. As discussed below, these funds will be used to pay down developer debt.

#### Expenditure Amendments

##### City Manager- Public Safety

It is recommended that budget appropriations be increased in the Citizens Option for Public Safety (COPS) Grant Fund by \$60,600 for payment of the County of San Bernardino Sheriff's contract for Contract Police Services. During the current fiscal year, additional grant monies have been received in the COPS Fund. Additionally, a small amount of accumulated reserves was carried over from the prior fiscal year. This appropriation amendment will liquidate the surplus and provide for utilization of the excess fund balance for police services, lessening the burden on the General Fund.

#### Development Fee Funds

It is recommended that budget appropriations be increased in the Parks and Recreation Facility Fee Fund and the Quimby In-Lieu Fund by \$721,600 and \$258,300, respectively, for developer credits used to offset development fees. Developer credits are issued to promote development within the City. As development occurs, developers draw down existing credits to reduce the fees they will pay based on prior written agreements. This budget amendment will have no net impact on the Parks and Recreation Facility Fund reserves or the



Quimby In-Lieu Fund reserves as the appropriations will be offset by corresponding revenue credits, as discussed above.

#### Existing Infrastructure Fee (EIF) Fund

It is recommended that the City Council approve an appropriation amendment in the EIF Fund in the amount of \$1,794,800 for principal payments to pay down developer debt. This appropriation amendment will be partially offset by the revenue adjustment discussed above (\$598,500) and will reduce the EIF unreserved fund balance by \$1,196,300.

It is recommended that the City Council authorize the estimated payment of \$4,117,400 in EIF Interfund loan obligations. These Interfund loan payments will occur only if EIF revenues are received.

#### **Capital Improvement Program**

The City currently has 48 projects designated in the Capital Improvement Program. As of March 31, 2016, there are 7 projects completed, 30 projects either in the design process or under construction, and 11 projects which have not had any activity. The completed projects are as follows:

ADA Compliance Program – FY 2015/16  
Butterfield Ranch Road Rehabilitation  
City Yard Rehabilitation  
Rehab Community Park Center Planter  
SR-71 Off Ramp Extension  
Street Improvements Program – FY 2014/15  
Street Improvements Program – FY 2015/16

#### **Capital Project Budget Modification:**

##### McCoy Announcer Booth (Project No. F14003)

Appropriation: Decrease \$70,000  
Funding source: Miscellaneous Grants Fund- McCoy Trust  
Reason: This project needs to be deleted as the funding source, McCoy Trust, is no longer available.

##### R2/R6 Evaluation/Repair (Project No. W14004)

Appropriation: Decrease \$50,000  
Funding source: Water Utility Fund  
Reason: This project needs to be deleted as it is no longer needed since the reservoirs will be replaced by new reservoirs.

Repair of Sewer between Calle Verano & Carbon Canyon Road (Project No. D13004)

Appropriation: Decrease \$100,000  
Funding source: Sewer Utility Fund  
Reason: This project needs to be deleted as it is no longer needed since the sewer line is now fully maintainable.

Traffic Mitigation Fee Study (Project No. S16007)

Appropriation: Adjust Funding Source  
Funding source: General Fund – decrease by \$80,000  
Traffic Signal Fee Fund – increase by \$80,000  
Reason: The funding source for this project needs to be changed from General Fund to Traffic Signal Fee Fund.

REVIEW BY OTHERS:

This agenda item has been reviewed by the City Engineer and the Community Development Director.

FISCAL IMPACT:

The recommended modifications to the budget will increase the General Fund Unreserved balance in the amount of \$258,500. The following table indicates the financial impact to its respective fund reserves as a result of the recommended modifications:

	<u>Net Increase/ (Decrease)</u>
General Fund – Unreserved	\$ 258,500
Community Development Fund	(223,000)
COPS Fund	(21,200)
Development Fees	0
Miscellaneous Grants Fund- McCoy Trust	0
Existing Infrastructure Fee Fund	(1,196,300)
Water Utility Fund	50,000
Sewer Utility Fund	100,000
Traffic Signal Fee Fund	(80,000)
TOTAL	<u>\$ (1,112,000)</u>

ENVIRONMENTAL REVIEW:

This proposed action is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.; "CEQA") and CEQA regulations (14 California Code Regulations §§15000, et. seq.) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Respectfully submitted:

Recommended by:



Konradt Bartlam, City Manager



Judy R. Lancaster, Finance Director

KB:JRL:PA:EC:dk

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A08

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC HEARING  
OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS LANDSCAPE  
AND LIGHTING DISTRICT NO. 1

### RECOMMENDATION:

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE CHINO HILLS LANDSCAPE AND LIGHTING DISTRICT NO. 1, SETTING THE DATE, TIME AND PLACE FOR CONFIRMATION OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS LANDSCAPE AND LIGHTING DISTRICT NO. 1, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE, SECTION 22500 ET. SEQ., STATE OF CALIFORNIA.)

### BACKGROUND/ANALYSIS:

Chino Hills Landscape and Lighting District No. 1 was formed to provide street lighting, park, open space, landscaping maintenance, and improvements throughout the District. On February 9, 2016, the City Council adopted Resolution No. 2016R-007, ordering the Engineer's Report for 2016/17 fiscal year.

Annually, the City Council must hold a public hearing to review the cost of operation for Landscape and Lighting as presented in the Engineer's Report, and to set the annual assessments on properties within the District. The date for this hearing will be June 28, 2016. The Engineer's Report for fiscal year 2016/17, with proposed assessments and District Map, is now on file with the City Clerk.

### REVIEW BY OTHERS:

This item has been reviewed by the Finance Director.

AGENDA DATE: May 24, 2016  
SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC  
HEARING OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS  
LANDSCAPE AND LIGHTING DISTRICT NO. 1

PAGE 2

FISCAL IMPACT:

Funding for the proposed maintenance and improvement expenses, in part, will be provided by the assessment charges proposed in the Engineer's Report, and will be levied against those properties receiving benefit from the services provided. Funding for the report is contained within the 2015/16 fiscal year budget.

CEQA REVIEW:

This action is not a project within the meaning of the California Environmental Quality Act (California Public Resources Code § 2100, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations § 15000, et seq.) Section 15378 and is therefore exempt from CEQA.

Respectfully submitted,

  
\_\_\_\_\_  
Konradt Bartlam, City Manager

Recommended by:

  
\_\_\_\_\_  
Nadeem Majaj, Public Works Director

KB/NM/MG/MH

Attachment: Resolution

RESOLUTION NO. 2016R-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE CHINO HILLS LANDSCAPE AND LIGHTING DISTRICT NO.1, SETTING THE DATE, TIME AND PLACE FOR CONFIRMATION OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS LANDSCAPE AND LIGHTING DISTRICT NO. 1, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE, SECTION 22500 ET SEQ., STATE OF CALIFORNIA.)

WHEREAS, on February 9, 2016, the City Council of the City of Chino Hills adopted Resolution No. 2016R-007 ordering an Engineer's Report for annual assessments for Chino Hills Landscape and Lighting District No. 1 street lighting, open space, park, landscaping, fencing, and irrigation maintenance, and other similar appurtenances, along with the addition of new capital facilities and improvements of similar nature as provided in the Engineer's Report; and

WHEREAS, the City Council has been informed that the Engineer's Report described in said Resolution setting forth the proposed annual assessments for fiscal year 2016/17 is on file with the City Clerk; and

WHEREAS, the City Council does set June 28, 2016 at 7:00 p.m. in the Council Chambers of City Hall, 14000 City Center Drive, Chino Hills, as the day, hour, and fixed place for a Public Hearing at which time any and all persons having any objections to the confirmation of the assessments for fiscal year 2016/17 can appear before the City Council to protest such confirmation.

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

SECTION 1. That the public interest and convenience require, and it is the intention of the City Council, to levy and collect for the expenses necessary for the maintenance of Chino Hills Landscape and Lighting District No. 1, generally located within Los Ranchos, Rolling Ridge, Oaks, Carbon Canyon/Carriage Hills, Woodview Butterfield and Rincon Villages, assessments for the fiscal year 2016/17.

SECTION 2. That the Engineer's Report for the proposed Chino Hills Landscape and Lighting Assessment District No. 1 annual assessments was filed with the City Clerk and submitted to the City Council this date. The Engineer's Report may be referred to for a full and detailed description of the improvements, the boundaries of the assessment district, and any zones therein and the proposed assessments upon assessable lots and parcels of land within the District.

SECTION 3. The improvements to the District shall only include improvements that were previously authorized by the District, pursuant to the 1996/97 Engineers Report.

SECTION 4. That on June 28, 2016, at 7:00 p.m., the City Council will hold a public hearing in the Council Chambers of City Hall located at 14000 City Center Drive, Chino Hills, to give all interested persons an opportunity to hear and be heard on the proposed assessments to be levied on Chino Hills Landscape and Lighting No. 1, District for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office.

SECTION 5. That on June 28, 2016, 7:00 p.m., the City Council will confirm the proposed assessments to be levied on Landscape and Lighting District No. 1 for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office. The City Council shall consider all oral statements and written protests made or filed by any interested person.

SECTION 6. The City Clerk is hereby directed to give notice pursuant to Street and Highways Code Section 22552 and 22553, as applicable.

SECTION 7. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐  
Discussion Item: ☐  
Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A09

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC HEARING  
OF ANNUAL ASSESSMENTS FOR SPECIAL MAINTENANCE AREAS 1  
AND 2

### RECOMMENDATION:

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS,  
ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF SPECIAL  
MAINTENANCE AREAS 1 AND 2, SETTING THE DATE, TIME AND PLACE FOR  
CONFIRMATION OF ANNUAL ASSESSMENTS FOR SPECIAL MAINTENANCE  
AREAS 1 AND 2.

### BACKGROUND/ANALYSIS:

Special Maintenance Area 1 was formed to provide street sweeping services throughout Chino Hills, and to levy a special service charge to cover the costs of furnishing that service. Chino Hills Special Maintenance Area No. 2 was formed to provide road maintenance in the Sleepy Hollow area, and was also empowered to collect a special service fee to pay for that benefit. On February 9, 2016, the City Council adopted Resolution No. 2016R-009, ordering the Engineer's Report for 2016/17 fiscal year.

Annually, the City Council must hold a public hearing to review the cost of operation for Chino Hills Maintenance Areas 1 and 2 as presented in the Engineer's Report, and to set the annual assessments on properties within the Districts. The date for this hearing will be June 28, 2016. The Engineer's Report for fiscal year 2016/17, with proposed assessments and District Map is now on file with the City Clerk.

### REVIEW BY OTHERS:

This item has been reviewed by the Finance Director.



AGENDA DATE: May 24, 2016  
SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC  
HEARING OF ANNUAL ASSESSMENTS FOR SPECIAL  
MAINTENANCE AREAS 1 AND 2

PAGE 2

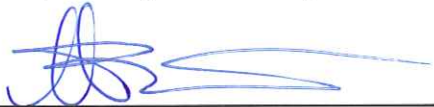
FISCAL IMPACT:

Funding for the proposed maintenance and improvement expenses will be provided by the assessment charges proposed in the Engineer's Report, and will be levied against those properties receiving benefit from the services provided. Funding for the report is contained within the 2015/16 fiscal year budget.

CEQA REVIEW:

This action is not a project within the meaning of the California Environmental Quality Act (California Public Resources Code § 2100, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations § 15000, et seq.) Section 15378 and is therefore exempt from CEQA.

Respectfully submitted,



Konradt Bartlam, City Manager

Recommended by:



Nadeem Majaj, Public Works Director

KB/NM/MG/MH

Attachment: Resolution

RESOLUTION NO. 2016R-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF SPECIAL MAINTENANCE AREAS 1 AND 2, SETTING THE DATE, TIME AND PLACE FOR CONFIRMATION OF ANNUAL ASSESSMENTS FOR SPECIAL MAINTENANCE AREAS 1 AND 2

WHEREAS, Chino Hills Special Maintenance Area 1, previously formed by the Board of Supervisors of the County of San Bernardino as County Service Area 70-CH, provides street sweeping services throughout Chino Hills; and

WHEREAS, Chino Hills Special Maintenance Area 2, previously formed by the Board of Supervisors of the County of San Bernardino as County Service Area 48-A, provides road maintenance services in the Sleepy Hollow area of Chino Hills; and

WHEREAS, on February 9, 2016, the City Council of the City of Chino Hills adopted Resolution No. 2016R-009 ordering an Engineer's Report for annual assessments for Special Maintenance Areas 1 and 2; and

WHEREAS, the City Council has been informed that the Engineer's Report described in said Resolution setting forth the proposed annual assessments for fiscal year 2016/17 is on file with the City Clerk; and

WHEREAS, the City Council does set June 28, 2016 at 7:00 p.m. in the Council Chambers of City Hall, 14000 City Center Drive, Chino Hills, as the day, hour, and fixed place for a Public Hearing at which time any and all persons having any objections to the confirmation of the assessments for fiscal year 2016/17 can appear before the City Council to protest such confirmation.

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

SECTION 1. That the public interest and convenience require, and it is the intention of the City Council, to levy and collect within Special Maintenance Areas 1 and 2, for the expenses necessary for the maintenance, repairs, replacement, utilities, care, supervision, and all other items necessary for proper maintenance and operation of the improvements shall be confirmed as a special service charge upon each lot or parcel of land lying within the maintenance areas in proportion to the estimated benefits received from the existing maintenance and improvements.

SECTION 2. That the Engineer's Report for the proposed Special Maintenance Areas 1 and 2 annual assessments was filed with the City Clerk and submitted to the City Council this date. The Engineer's Report may be referred to for a full and detailed description of the improvements, the boundaries of the assessment district, and any zones

therein and the proposed assessments upon assessable lots and parcels of land within the District.

SECTION 3. That the proceedings for the confirmation of the aforesaid charges contained in the Annual Report for the maintenance areas shall be taken under and in accordance with the State of California Government Code Section 25214.1 and the County of San Bernardino Ordinance No. SD-91-11 incorporated by reference into the Chino Hills Municipal Code.

SECTION 4. That on June 28, 2016, at 7:00 p.m., the City Council will hold a public hearing in the Council Chambers of City Hall located at 14000 City Center Drive, Chino Hills, to give all interested persons an opportunity to hear and be heard on the proposed assessments to be levied on Special Maintenance Areas 1 and 2 for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office.

SECTION 5. That on June 28, 2016, 7:00 p.m., the City Council will confirm the proposed assessments to be levied on Special Maintenance Areas 1 and 2 for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office. The City Council shall consider all oral statements and written protests made or filed by any interested person.

SECTION 6. The City Clerk is hereby directed to give notice pursuant to Government Code Section 6066, as applicable.

SECTION 7. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

## COUNCIL AGENDA STAFF REPORT

CITY CLERK USE ONLY



Meeting Date: May 24, 2016

Item No.: A10

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC HEARING OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS LOS SERRANOS LIGHTING MAINTENANCE DISTRICT

### RECOMMENDATION:

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF CHINO HILLS LOS SERRANOS LIGHTING MAINTENANCE DISTRICT, SETTING THE DATE, TIME AND PLACE FOR CONFIRMATION OF ANNUAL ASSESTMENTS FOR THE CHINO HILLS LOS SERRANOS LIGHTING MAINTENANCE DISTRICT, PURSUANT TO THE PROVISIONS OF LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE, SECTION 22500 ET SEQ., STATE OF CALIFORNIA.)

### BACKGROUND/ANALYSIS:

Chino Hills Los Serranos Lighting Maintenance District was formed to provide street lighting maintenance and improvements throughout the District. On February 9, 2016, the City Council adopted Resolution No. 2016R-008, ordering the Engineer's Report for 2016/17 fiscal year.

Annually, the City Council must hold a public hearing to review the cost of operation and maintenance for Lighting as presented in the Engineer's Report, and to set the annual assessments on properties within the District. The date for this hearing will be June 28, 2016. The Engineer's Report for fiscal year 2016/17, with proposed assessments and District map, is now on file with the City Clerk.

### REVIEW BY OTHERS:

This item has been reviewed by the Finance Director and the City Engineer.

AGENDA DATE: May 24, 2016

PAGE 2

SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC  
HEARING OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS  
LOS SERRANOS LIGHTING MAINTENANCE DISTRICT

FISCAL IMPACT:

Funding for the proposed maintenance and improvement expenses will be provided by the assessment charges proposed in the Engineer's Report, and will be levied against those properties receiving benefit from the services provided. Funding for the report is contained within the 2015/16 fiscal year budget.

CEQA REVIEW:

This action is not a project within the meaning of the California Environmental Quality Act (California Public Resources Code § 2100, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations § 15000, et seq.) Section 15378 and is therefore exempt from CEQA.

Respectfully submitted,

Recommended by:



Konradt Bartlam, City Manager



Nadeem Majaj, Public Works Director

KB/NM/MG/MH

Attachment: Resolution

RESOLUTION NO. 2016R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF CHINO HILLS LOS SERRANOS LIGHTING MAINTENANCE DISTRICT, SETTING THE DATE, TIME, AND PLACE FOR CONFIRMATION OF ANNUAL ASSESSMENTS PURSUANT TO PROVISIONS OF LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE, SECTION 22500 ET SEQ., STATE OF CALIFORNIA)

WHEREAS, on February 9, 2016 the City Council of the City of Chino Hills adopted Resolution No. 2016R-008 ordering an Engineer's Report for annual assessments for Chino Hills Los Serranos Lighting Maintenance District street lighting and other similar appurtenances of similar nature as provided in the Engineer's Report; and

WHEREAS, the City Council has been informed that the Engineer's Report described in said Resolution setting forth the proposed annual assessments for fiscal year 2016/17 is on file with the City Clerk; and

WHEREAS, the City Council does set June 28, 2016 at 7:00 p.m. in the Council Chambers of City Hall, 14000 City Center Drive, Chino Hills, as the day, hour, and fixed place for a Public Hearing at which time any and all persons having any objections to the confirmation of the assessments for fiscal year 2016/17 can appear before the City Council to protest such confirmation.

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

SECTION 1. That the public interest and convenience require, and it is the intention of the City Council, to levy and collect for the expenses necessary for the maintenance of Chino Hills Los Serranos Lighting Maintenance District.

SECTION 2. That the Engineer's Report for the proposed Chino Hills Los Serranos Lighting Maintenance District annual assessments was filed with the City Clerk and submitted to the City Council this date. The Engineer's Report may be referred to for a full and detailed description of the boundaries of the assessment district, and any zones therein and the proposed assessments upon assessable lots and parcels of land within the District.

SECTION 3. That on June 28, 2016 at 7:00 p.m., the City Council will hold a public hearing in the Council Chambers of City Hall located at 14000 City Center Drive, Chino Hills, to give all interested persons an opportunity to hear and be heard on the proposed assessments to be levied on Chino Hills Los Serranos Lighting Maintenance District for

fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office.

SECTION 4. That on June 28, 2016, 7:00 p.m., the City Council will confirm the proposed assessments to be levied on Chino Hills Los Serranos Lighting Maintenance District for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office. The City Council shall consider all oral statements and written protests made or filed by any interested person.

SECTION 5. The City Clerk is hereby directed to give notice pursuant to Street and Highways Code Section 22552 and 22553, as applicable.

SECTION 6. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY



## COUNCIL AGENDA STAFF REPORT

CITY CLERK USE ONLY



Meeting Date: May 24, 2016

Item No.: A11

Public Hearing: ☒

Discussion Item: ☐

Consent Item: ☐

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC HEARING OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS VELLANO LANDSCAPE AND LIGHTING DISTRICT

### RECOMMENDATION:

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE CHINO HILLS VELLANO LANDSCAPE AND LIGHTING DISTRICT, SETTING THE DATE, TIME AND PLACE FOR CONFIRMATION OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS VELLANO LANDSCAPE AND LIGHTING DISTRICT, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE, SECTION 22500 ET SEQ., STATE OF CALIFORNIA).

### BACKGROUND/ANALYSIS:

Chino Hills Vellano Landscape and Lighting District was formed to provide street lighting, park, open space, landscaping maintenance, and improvements throughout the District. On February 9, 2016, the City Council adopted Resolution No. 2016R-010, ordering the Engineer's Report for 2016/17 fiscal year.

Annually, the City Council must hold a public hearing to review the cost of operation for Landscape and Lighting as presented in the Engineer's Report, and to set the annual assessments on properties within the District. The date for this hearing will be June 28, 2016. The Engineer's Report for fiscal year 2016/17, with proposed assessments and District map, is now on file with the City Clerk.

### REVIEW BY OTHERS:

This item has been reviewed by the Finance Director.



AGENDA DATE: May 24, 2016

PAGE 2

SUBJECT: RESOLUTION TO SET TIME AND PLACE FOR THE PUBLIC  
HEARING OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS  
VELLANO LANDSCAPE AND LIGHTING DISTRICT

FISCAL IMPACT:

Funding for the proposed maintenance and improvement expenses will be provided by the assessment charges proposed in the Engineer's Report, and will be levied against those properties receiving benefit from the services provided. Funding for the report is contained within the 2015/2016 fiscal year budget.

CEQA REVIEW:

This action is not a project within the meaning of the California Environmental Quality Act (California Public Resources Code § 2100, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations § 15000, et seq.) Section 15378 and is therefore exempt from CEQA.

Respectfully submitted,



Konradt Bartlam, City Manager

Recommended by:



Nadeem Majaj, Public Works Director

KB/NM/MG

Attachment: Resolution

RESOLUTION NO. 2016R-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE CHINO HILLS VELLANO LANDSCAPE AND LIGHTING DISTRICT, SETTING THE DATE, TIME AND PLACE FOR CONFIRMATION OF ANNUAL ASSESSMENTS FOR THE CHINO HILLS VELLANO LANDSCAPE AND LIGHTING DISTRICT, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE, SECTION 22500 ET SEQ., STATE OF CALIFORNIA)

WHEREAS, on February 9, 2016, the City Council of the City of Chino Hills adopted Resolution No. 2016R-010, ordering an Engineer's Report for annual assessments for Chino Hills Vellano Landscape and Lighting District street lighting, open space, park, landscaping, fencing, and irrigation maintenance, and other similar appurtenances, along with the addition of new capital facilities and improvements of similar nature as provided in the Engineer's Report; and

WHEREAS, the City Council has been informed that the Engineer's Report described in said Resolution setting forth the proposed annual assessments for fiscal year 2016/17 is on file with the City Clerk; and

WHEREAS, the City Council does set June 28, 2016 at 7:00 p.m. in the Council Chambers of City Hall, 14000 City Center Drive, Chino Hills, as the day, hour, and fixed place for a Public Hearing at which time any and all persons having any objections to the confirmation of the assessments for fiscal year 2016/17 can appear before the City Council to protest such confirmation.

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

SECTION 1. That the public interest and convenience require, and it is the intention of the City Council, to levy and collect for the expenses necessary for the maintenance of Chino Hills Vellano Landscape and Lighting District.

SECTION 2. That the Engineer's Report for the proposed Chino Hills Vellano Landscape and Lighting Assessment District annual assessments was filed with the City Clerk and submitted to the City Council this date. The Engineer's Report may be referred to for a full and detailed description of the improvements, the boundaries of the assessment district, and any zones therein and the proposed assessments upon assessable lots and parcels of land within the District.

SECTION 3. The improvements to the District shall only include improvements that were previously authorized by the District.

SECTION 4. That on June 28, 2016, at 7:00 p.m., the City Council will hold a public hearing in the Council Chambers of City Hall located at 14000 City Center Drive, Chino Hills, to give all interested persons an opportunity to hear and be heard on the proposed assessments to be levied on Chino Hills Vellano Landscape and Lighting District for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office.

SECTION 5. That on June 28, 2016, 7:00 p.m., the City Council will confirm the proposed assessments to be levied on Chino Hills Vellano Landscape and Lighting District for fiscal year 2016/17, as contained in the Engineer's Report on file in the City Clerk's Office. The City Council shall consider all oral statements and written protests made or filed by any interested person.

SECTION 6. The City Clerk is hereby directed to give notice pursuant to Street and Highways Code Section 22552 and 22553, as applicable.

SECTION 7. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A12

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 2015-1 (VILA BORBA)

### RECOMMENDATION:

Adopt a Resolution entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2015-1 (VILA BORBA) AUTHORIZING THE ANNUAL LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2016/2017.

### BACKGROUND/ANALYSIS:

Standard Pacific Company (the "Developer") is currently developing 336 acres located east and west of Butterfield Ranch Road into a multi-tract community with 513 residential units to be known as "Vila Borba." Community Facilities District No. 2015-1 (Vila Borba) was formed in July 2015 to finance certain maintenance services within Vila Borba. The services to be provided may include all or a portion of the following: maintenance of parks, landscaping, lighting, public streets, trail improvements and other services authorized or to be authorized by the Act. The Community Facilities District (CFD) levies an annual special tax on properties within the boundaries of the CFD and the special tax is used to pay for these services provided by the City.

### REVIEW BY OTHERS:

This item was reviewed by the Finance Director.

### FISCAL IMPACT:

If the Council approves the CFD special tax levy for FY 2016/2017, it will provide funding for certain maintenance within the CFD. The Maximum Special Taxes, if levied, will provide approximately \$674,589 in revenue. The FY 2016/2017 budget amount is based on the approved budget at the time of formation, as escalated, and the levy at the applicable FY 2016/2017 Special Tax Rates listed in Exhibit "A" of the Resolution.

AGENDA DATE: MAY 24, 2016

PAGE 2

SUBJECT: AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN  
COMMUNITY FACILITIES DISTRICT NO. 2015-1 (VILA BORBA)

CEQA REVIEW:


This action is not a project within the meaning of the California Environmental Quality Act (California Public Resources Code § 2100, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations § 15000, et seq.) Section 15328 and is therefore exempt from CEQA.

Respectfully submitted,

Recommended by:



Konradt Bartlam, City Manager



Nadeem Majaj, P.E., Public Works Director

Attachment  
to Resolution

RESOLUTION NO. 2016R-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2015-1 (VILA BORBA) AUTHORIZING THE ANNUAL LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2016/2017

WHEREAS, the City Council ("Council") of the City of Chino Hills ("City") has previously undertaken proceedings under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Titles 5 of the Government Code of the State of California, to form Community Facilities District No. 2015-1 (Vila Borba) (the "District"), to authorize the levy of special taxes upon land within the District to maintain certain facilities; and

WHEREAS, this Council, by Ordinance as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said District, and this Council is desirous to establish the specific rate of the special tax for the District to be collected for the next fiscal year.

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

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That in accordance with the Act and Ordinance, there is hereby levied upon all parcels within the District which are not otherwise exempt from taxation, the special taxes for fiscal year 2016/2017 at the rates set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rate determined and as set forth above does not exceed the amount as previously authorized by Ordinance of this Council, and is not in excess of that as previously approved by the qualified electors of the District, and is exempt from Proposition 218, Section XIID of the California State Constitution.

SECTION 4. That the proceeds of the special tax shall be used to pay in whole or in part, the costs of the following:

- (1) park maintenance services;
- (2) landscaping maintenance services;
- (3) street lighting;
- (4) public street maintenance services;
- (5) trail maintenance services;
- (6) recreational facilities maintenance services; and

(7) the incidental expenses related to financing and administering the District.

The proceeds of the special taxes shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 6. All monies above collected shall be paid in to the District funds, including any reserve fund.

SECTION 7. The City Clerk is hereby authorized to transmit a certified copy of this Resolution to the County of San Bernardino ("County") Office of the Auditor-Controller ("County Auditor"). The County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected the installment of the special tax, and for the exact rate and amount of said tax, reference is made to the attached Exhibit "A".

SECTION 6. This Resolution relating to the levy of the special tax shall take effect immediately upon its final passage in accordance with the provisions of Government Code Section 53340, as amended.

SECTION 7. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

**EXHIBIT "A"**

**COMMUNITY FACILITIES DISTRICT NO. 2015-1  
(VILA BORBA)**

**FISCAL YEAR 2016/2017  
MAXIMUM  
SPECIAL TAX RATES**

<b>Tax Classification</b>	<b>FY 2016/2017</b>
Residential Property	\$1,314.56 per Unit
Non-Residential Property	\$7,364.24 per Acre
Approved Property	\$1,314.56 per Lot
Undeveloped Property	\$7,364.24 per Acre



## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☐

Discussion Item: ☐

Consent Item: ☒

CITY CLERK USE ONLY

Item No.: A13

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: PURCHASE ORDER FOR PLAY EQUIPMENT AT GLENMEADE PARK

### RECOMMENDATION:

Authorize the issuance of a Purchase Order with Game Time C/O Great Western Park and Playground to provide a play structure in the amount of \$26,983.75.

### BACKGROUND/ANALYSIS:

Glenmeade Park is located west of Pipeline Ave. and south of Chino Hills Parkway. The existing play equipment in this park is over 20 years old and in need of replacement. The new equipment is compliant with the Americans with Disabilities Act and Consumer Product Safety Commission requirements.

This structure is being replaced pursuant to the Public Works programmed replacement schedule. This equipment is being procured through the U.S. Communities Government Purchasing Alliance which is a cooperative that reduces the cost of goods and services by aggregating the purchasing power of public agencies. The cost of the equipment through this purchasing alliance reflects an overall discount of 36%.

This structure will be shipped approximately six weeks after approval of the purchase order. Staff will then issue an informal bid request seeking a certified playground installation contractor to install this play equipment.

### REVIEW BY OTHERS:

The Community Services Director and Finance Director have reviewed this item.

### FISCAL IMPACT:

This project is identified and funded in the FY 2015/2016 Park and Landscape Capital Outlay budget.

SUBJECT: PURCHASE ORDER FOR PLAY EQUIPMENT AT GLENMEADE  
PARK

CEQA REVIEW:

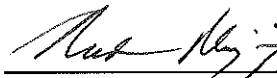
This action is not a project within the meaning of the California Environmental Quality Act (California Public Resources Codes §§ 21000, et seq., "CEQA) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) Section 15378 and is therefore exempt from CEQA. It will not result in any direct or indirect physical change in the environment as it simply provides an authorization to purchase equipment for the replacement of an existing structure. Consequently, the subject activity is statutorily exempt from further CEQA review under California Codes of Regulations Title 14, § 15273 and exempt as a Class 2 categorical exemption (Existing Facilities) pursuant to California Code of Regulations Title 14, § 15302.

Respectfully submitted,



Konradt Bartlam, City Manager

Recommended by:



Nadeem Majaj, P.E., Public Works Director

KB/NM/SO/MG/MH

## COUNCIL AGENDA STAFF REPORT

CITY CLERK USE ONLY



Meeting Date: May 24, 2016

Item No.: B01

Public Hearing: ☒  
Discussion Item: ☐  
Consent Item: ☐

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: ESTABLISH DEVELOPMENT STANDARDS AND REGULATIONS FOR CLUSTERING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL/ RANCH (R-A) AND RURAL RESIDENTIAL (R-R) ZONING DISTRICTS

### RECOMMENDATION:

Introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING THE CHINO HILLS MUNICIPAL CODE TITLE 16, CHAPTER 16.10 RESIDENTIAL DISTRICTS BY ADDING SECTION 16.10.030.C. CLUSTERING STANDARDS AND AMEND CHAPTER 16.76 SITE PLAN APPROVAL TO ESTABLISH DEVELOPMENT STANDARDS AND REGULATIONS FOR CLUSTERING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL/RANCH (R-A) AND RURAL RESIDENTIAL (R-R) ZONING DISTRICTS AND FINDING PROPOSED DEVELOPMENT CODE AMENDMENT NO. 15DCA05 EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

### BACKGROUND/ANALYSIS:

The City Council approved the General Plan Update at their meeting on February 24, 2015, which included policies to encourage clustering within the Agriculture/Ranches and Rural Residential land use districts. Specifically, the General Plan contains the following policies:

Action LU-1.1.6: Cluster development where appropriate to minimize grading, and roadway and driveway intrusions into sensitive habitat areas, open spaces, and Chino Hills State Park. Prohibit development in areas adjacent to Chino Hills State Park (for example, ridgelines), which would result in urban runoff to the watershed of the Park.

Action LU-2.2.1: To protect environmental and visual resources within Agriculture/Ranches and Rural Residential properties, residential lots may be clustered and minimum lot size reduced provided the overall residential density of the property is not increased.

Action LU-2.4.2: Process applications for residential clustering in the Agriculture/Ranches and Rural Residential areas through the site plan review process.

Action LU-2.4.3: Establish minimum lot sizes for clustering in the Agriculture/Ranches and Rural Residential areas through subsequent Municipal Code amendments.

Cluster development is a means of preserving open space while permitting residential development by clustering homes on only a portion of the development parcel, thereby preserving the remainder of the parcel in open space. The clustering of residential homes into a small area is made possible by reducing the individual lot sizes and corresponding development standards.

Planning Commission Workshops:

To implement these General Plan policies, staff held three Planning Commission workshops to develop new code provisions that will encourage clustering in the Agricultural/Ranches and Rural Residential areas.

Through the course of the workshops, staff highlighted the following undeveloped Agricultural/Ranches and Rural Residential designated areas in the City that could be eligible for clustering based on their size, location and proximity to collector roads (See Exhibit "A" Potential Properties that were considered for Clustering during Planning Commission Workshops):

Site	Property Name	Assessors Parcel Numbers
1	Tres Hermanos	1000-011-08, -19, -20, -21, -22; 1000-021-13, -14; 1000-031-14, -15
2	English Road North Property	1024-011-17
3	English Road South Property	1024-011-18
4	North of Western Hills Mobile Home Estate	1031-011-49
5	Hill of Hope	1000-041-01, -03, -06
6	North of Canyon Hills	1000-051-09, -19
7	West of Hidden Oaks	1000-151-03; 1000-511-37
8	Red Apple	1000-132-23, -24, -25
9	Shanghai Aviation Property	1017-261-03
10	Shanks Property	1017-261-24
11	West of Aerojet	1033-021-04, -06, -08, -09; 1033-031-05
12	Aerojet	1017-261-21, -22; 1033-031-01, -03, -04, -06; 1033-041-01; 1033-131-14
13	East of Aerojet	1017-251-01, -02
14	Galstian Property	1017-251-09
15	Canyon Estates	1017-251-14

16	Wang Property	1017-251-05; 1030-041-03, -04
17	Lamb Property	1033-071-05; 1033-111-02; 1033-151-06, -09, -10, -11, -12, -16, -17, -26
18	Abacherli Property	1033-101-04; 1033-151-15, -25; 1057-261-06
19	South Chino Hills	1033-151-19, -20, -21, -22, -23, -24, -27; 1033-171-12, -13, -14; 1057-271-01, -02, -03, -04, -05
20	HHH Ranch	1033-041-02; 1033-131-10
21	Hidden Oaks	1000-162-65; 1000-511-38; 1017-403-10; 1033-012-16

Of the various properties highlighted, the Commission eliminated Sites 1, 2 and 3 from being eligible for clustering. The Commission expressed its desire to eliminate these properties because the eventual development of Tres Hermanos will be through the use of a "master plan" or a "specific plan" and the two properties on English Road should maintain their five-acre minimum lot size to maintain the equestrian rural nature of the neighborhood. Staff also eliminated Site 12 (Aerojet) from being eligible for clustering due to Aerojet's unique history as an ordnance facility, and any future development of the site will need to be carefully considered. The 313-acre project site that is the Soquel Canyon Mitigation Bank, located between Sites 11 and 21 is not included because its mitigation bank status commits it to remain in an open space state in perpetuity (See Exhibit "A").

Not included in the original list of eligible properties discussed with the Commission during the workshops, but added subsequently was Site 20 (HHH Ranch) and Site 21 (Hidden Oaks) because both sites have the potential to qualify for clustered development pursuant to the proposed ordinance (See Exhibit "A"). Both areas are undeveloped and have a current zoning designation of Agricultural/Ranches (R-A).

Based on the input provided by the Planning Commission during the workshops, staff prepared and presented new code provisions to direct the clustering of single-family residential developments on the eligible undeveloped Agricultural/Ranches and Rural Residential designated areas in Chino Hills. The Commission agreed with staff's preliminary recommendation that projects that add to the City's arterial or collector road capacity by completing designated segments of the City's Circulation Element Roadway Plan (Exhibit "B") be considered for clustering with up to the maximum number of units permissible under the General Plan through the Site Plan Review process, which includes Site 14 (Galstian Property), Site 15 (Canyon Estates) and Site 16 (Wang Property) as these three areas will contribute to completing the City's Roadway Plan by enhancing the City's vehicular circulation. The Commission provided direction to staff that those properties that do not provide roadway infrastructure improvements that contribute to the City's Circulation Element Roadway Plan be allowed to cluster through the Site Plan Review process at a reduced density of fifty percent (50%) of their maximum number of units permissible under the General Plan, which will be applicable to Sites 4 – 7, 9 – 11, 13, and 17 – 21. The Commission also agreed with staff's

preliminary recommendation that for R-A zoned properties along Carbon Canyon that are less than 20 acres and have a maximum permitted number of dwelling units of three (3) be permitted up to three (3) dwelling units, which will be applicable to Site 8.

The Commission agreed with staff's preliminary recommendation for reduced minimum development standards for cluster developments (i.e. lot size, minimum lot width and depth, setbacks and lot coverage).

Review by the Planning Commission:

At the Planning Commission meeting on March 1, 2016, the Planning Commission received a request from staff to continue the public hearing to March 15, 2016 to allow staff additional time to finalize the proposed clustering development standards with the City Attorney's Office. However, staff requested that the Planning Commission receive a presentation from staff that briefly explained the background for the proposed clustering development standards as well as open the public hearing to receive any public comments. The Commission requested that staff provide additional information for the potential properties that were considered for clustering during the Planning Commission Workshops by indicating the maximum number of dwelling units that each property could develop if they were to utilize the proposed clustering, which is provided in Exhibit "C". The Commission also requested that staff provide a diagram illustrating the difference between traditional residential developments versus cluster development, which is provided as Exhibit "D". At the March 15, 2016 Planning Commission meeting, staff requested that the Commission continue the public hearing to April 19, 2016, as staff needed additional time to finalize the proposed clustering development standards with the City Attorney's Office.

At the Planning Commission meeting on April 19, 2016, the Planning Commission resumed the continued public hearing. The Commissioners expressed support for clustering to provide greater opportunity for preserving open space as well as protecting existing prominent and exceptionally prominent ridgelines in the City.

Commissioner Stover inquired about why staff added the two additional properties referred to as "HHH Ranch" and "Hidden Oaks" as eligible properties for clustering as they were not included during the Planning Commission Workshop discussions pertaining to clustering. Staff responded by stating that HHH Ranch is currently utilized for agricultural purposes with one manufactured home, but does have the potential to be subdivided in the future as the property has an R-A zoning designation. Hidden Oaks is currently processing a Specific Plan entitlement application to subdivide their property, but the property itself would be eligible to cluster as it is currently vacant and has an R-A zoning designation.

Commissioner Romero asked if the proposed clustering development standards had a maximum lot size requirement. Staff responded by stating that the proposed clustering development standards do not specify a maximum lot size, but instead specify a minimum lot size requirement for clustering in both the R-A (10,000 square feet minimum) and R-R (7,200 square feet minimum) zones.

There were two speakers at the April 19<sup>th</sup> public hearing. The first speaker asked for clarification as to how the City defines clustering. Staff responded by explaining that

cluster development is a means of preserving open space by permitting residential development to cluster in smaller lots provided the majority of the site remains open space. The second speaker, which is the property owner of the property referred to as "North of Canyon Hills", spoke in support of the proposed clustering development standards as the new standards would provide a development option for him as he explores the future subdivision of his property.

By unanimous vote, 4-0 (Commissioner Larson was absent), the Planning Commission adopted a resolution recommending to the City Council the approval of Development Code Amendment 15DCA05 to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranches (R-A) and Rural Residential (R-R) zoning districts through the Site Plan Review process.

Development Code Amendment No. 15DCA05:

Following are the recommended Development Code Amendments:

- (a) Section 16.10.030.C. of Title 16, Chapter 16.10 Residential Districts of the Chino Hills Development Code is added to read as follows:

Section 16.10.030.C. Notwithstanding subsection A and B of § 16.10.030 above, clustering is permitted for certain designated properties to protect environmental and visual resources. As an alternative to the development standards set forth in Exhibit "A" Table 20-1, designated properties within the R-A and R-R zone identified in Figure 20-1B may apply to have the clustering standards set forth in Exhibit "B" Table 20-1. Applications for clustering apply through and comply with the requirements of the Site Plan Review process (Chapter 16.76) and the additional following requirements.

1. Applications to cluster must clearly demonstrate that clustering results in:
  - i. Reduced grading;
  - ii. Reduced roadways and driveway intrusions into sensitive habitat areas, open space, and the Chino Hills State Park;
  - iii. Protection of increased amounts of open space; and
  - iv. Protection of environmental and visual resources.
2. In addition to the findings required for Site Plan approval by Section 16.76.060, the following findings must also be made prior to approval of a clustering Site Plan:
  - F. That the clustering site plan results in a substantial reduction in the following impacts than would have occurred had the property developed pursuant to development standards in Exhibit "A" Table 20-1:
    - a. Grading;
    - b. Roadways and driveway intrusions into sensitive habitat areas, open space, and the Chino Hills State Park;
    - c. Impacts to environmental and visual resources.

G. That the clustering site plan protects more open space than would have been required by Section 16.08.070.

Exhibit "B"  
 Table 20-1

R-A and R-R Residential Zone Districts – Clustering Development Standards

Development Standard	Zoning District: R-A Clustering	Zoning District: R-R Clustering
A. Minimum Project Size	10 acres	10 acres
B. Minimum Lot Size (Single-Family Detached Residential Development) or Minimum Project Area	10,000 sf	7,200 sf
C. Minimum Lot Width	80 ft.	50 ft. min.; 60 ft. avg.
D. Minimum Lot Depth	125 ft.	N/A
E. Maximum Lot Coverage by: Buildings	40%	40%
F. Maximum Coverage In Front Yard by Impervious Surfaces	50%	50%
G. Maximum Number of Units		
i) Roadway Plan Contribution <sup>(a)</sup>	i) 1 du/5.0 ac	i) 2 du/1.0 ac
ii) Non-Roadway Plan Contribution <sup>(a)</sup>	ii) 0.5 du/5.0 ac	ii) 1 du/1.0 ac
iii) Properties along Carbon Canyon Road that are less than 20 acres	iii) 3 units	iii) N/A
H. Maximum Building Height <sup>(b)</sup>	35 ft.	35 ft.
I. Minimum Front Yard Setback		
i) Primary structure	i) 25 ft.	i) 20 ft. min.
ii) Garage	ii) 25 ft.	ii) 20 ft. min.
iii) Structures with Side Loaded Garages	iii) 20 ft. min. for garage or the primary structure	iii) 16 ft. min. for the garage or the primary structure
J. Minimum Side Yard Setback:		
i) Collector or Larger Street Side	i) 25 ft.	i) 25 ft.
ii) Local Street Side	ii) 15 ft.	ii) 15 ft.
iii) Other Side	iii) 10 ft.	iii) 10 ft.
K. Minimum Rear Yard Setback	25 ft.	15 ft.
L. Minimum Usable Private Open Space	N/A	N/A
M. Minimum Landscape Coverage	Refer to Landscape Manual	

Abbreviations:

sf = square feet; ft. = feet; ac = acre; du = dwelling unit; N/A = not applicable.



Notes for Table 20-1 R-A and R-R Residential Zone Districts – Clustering Development Standards	
(a)	If development of the project site requires the completion of the full width of a roadway segment consistent with the City's Circulation Element Roadway Plan (Figure 2-1 in the General Plan Circulation Element) along the property line of, or within the property comprising the project site, then the maximum number of dwelling units permissible under the General Plan is allowed. If development of the project site does not include completion of a roadway segment consistent with the City's Circulation Element Roadway Plan, then the maximum number of dwelling units allowed is limited to fifty percent (50%) of the maximum number of dwelling units permissible under the General Plan. Notwithstanding the above, the number of dwelling units may be further reduced based on site specific environmental constraints.
(b)	Exempt antennas as defined in this Development Code are exempt from the maximum height restrictions.

This portion intentionally left blank.



# CITY OF CHINO HILLS

## PROPERTIES ELIGIBLE FOR CLUSTERING THROUGH THE SITE PLAN REVIEW PROCESS

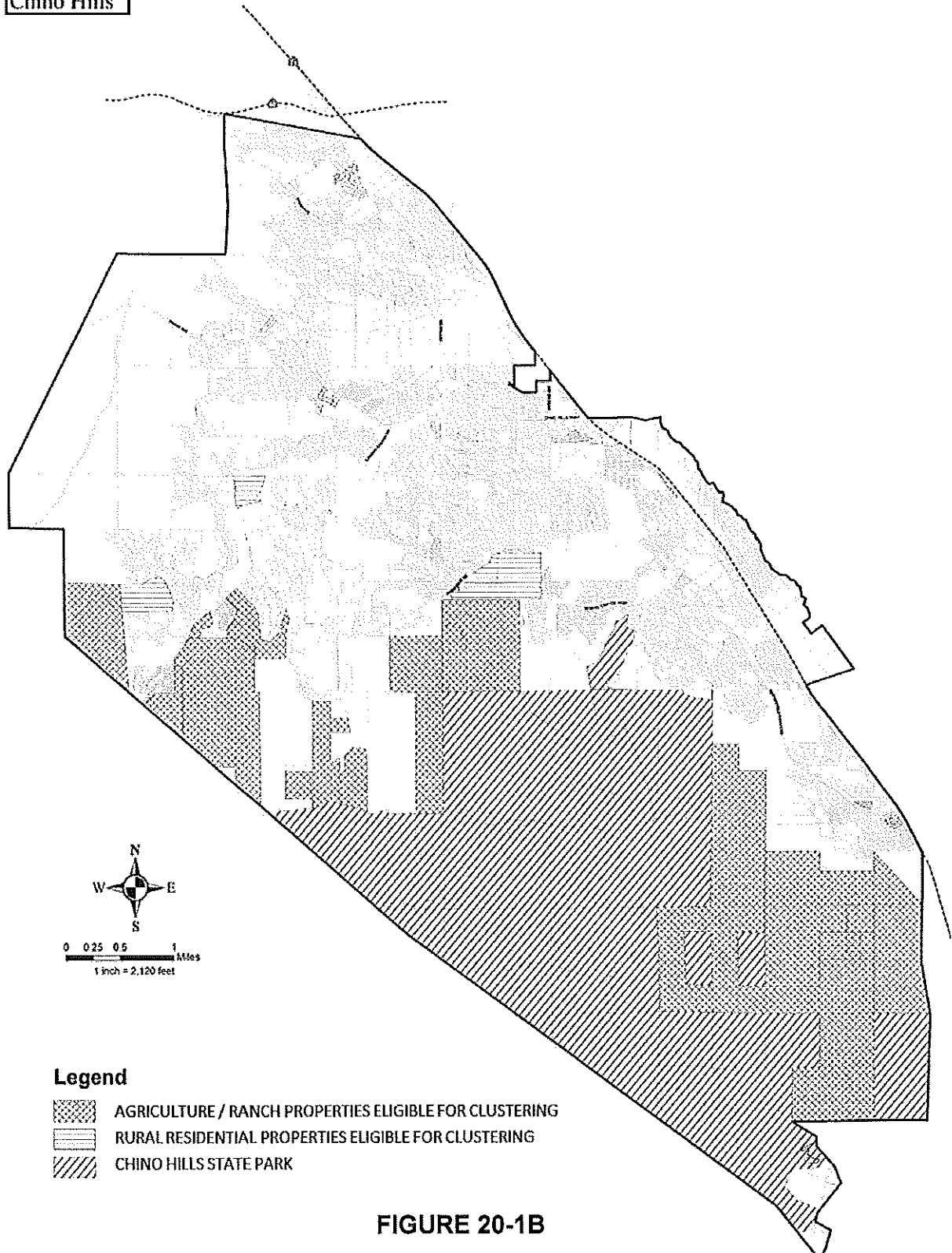


FIGURE 20-1B

- (b) Section 16.76.020, Application Requirements for Site Plan Approval shall be amended as follows:

Section 16.76.020, Applications for Site Plan Approval and subdivision map shall be submitted for all multi-family development, condominium conversion, clustered Agriculture Ranch (R-A) and Rural Residential (R-R) development, mixed use projects and non-residential projects involving the construction of new buildings.

- (c) Section 16.76.080, Site Plan Approval Attached to the Property shall be amended as follows:

Section 16.76.080, An approved Site Plan which is valid and in effect pursuant to the provisions of this Development Code shall run with the land and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land. Notwithstanding the above, for Site Plans approved for clustered single-family structures, once the original structure is constructed pursuant to the Site Plan, subsequent changes to the footprint, elevations and materials and colors of single-family structures may proceed without seeking an amendment to the Site Plan as long as the footprint of such structures stays within the required setbacks set forth in the Site Plan, and the subsequent improvements are in compliance with all other applicable provisions set forth in Title 15 and 16 of this code.

#### PUBLIC NOTICE/PUBLIC COMMENTS:

A notice of the public hearing for Development Code Amendment 15DCA05 was mailed to all property owners who own property eligible for clustering through the Site Plan Review process on May 10, 2016. Staff published a public hearing notice in the Chino Hills Champion newspaper on May 14, 2016. As of the writing of this staff report, staff has not received any public comments concerning the proposed Development Code Amendment.

#### REVIEW BY OTHERS:

This item has been reviewed by the City Attorney's Office.

#### FISCAL IMPACT:

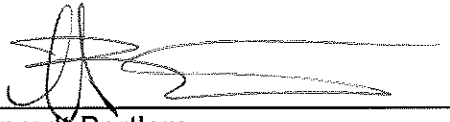
There is no fiscal impact associated with the adoption of this Ordinance.

#### CEQA REVIEW:

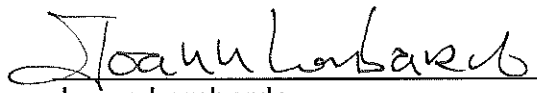
Adoption of the proposed Ordinance is a necessarily included element of the projects considered in Final EIR No. 2013051082 for the General Plan Update, certified by the City Council on February 24, 2015, which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or

could not have been known when the Final EIR No. 2013051082 was certified has become known. Therefore, no further environmental review is required under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.). Further, adoption of the proposed ordinance is exempt from the provisions of CEQA because it establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch and Rural Residential zoning districts, which does not involve the construction of new buildings or an activity that has the potential of causing a significant effect on the environment. Consequently, the proposed amendments to the Development Code relative to cluster development are exempt from further CEQA review under Cal. Code Regs. Title 14, §15061.b.3.

Respectfully submitted,

  
Konradt Bartlam  
City Manager

Recommended by:

  
Joann Lombardo  
Community Development Director

KB/JL/JW

Attachments:

1. Ordinance for Development Code Amendment 15DCA05
2. Exhibit "A" – Potential Properties that were considered for Clustering during Planning Commission Workshops
3. Exhibit "B" – Figure 2-1 General Plan Circulation Element Roadway Plan
4. Exhibit "C" – Maximum Number of Dwelling Units Utilizing Clustering Development
5. Exhibit "D" – Example of Traditional Development vs Clustering Development
6. Public Hearing Notice

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING THE CHINO HILLS MUNICIPAL CODE TITLE 16, CHAPTER 16.10 RESIDENTIAL DISTRICTS BY ADDING SECTION 16.10.030.C. CLUSTERING STANDARDS AND AMEND CHAPTER 16.76 SITE PLAN APPROVAL TO ESTABLISH DEVELOPMENT STANDARDS AND REGULATIONS FOR CLUSTERING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL/RANCH (R-A) AND RURAL RESIDENTIAL (R-R) ZONING DISTRICTS AND FINDING PROPOSED DEVELOPMENT CODE AMENDMENT NO. 15DCA05 EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- a. On February 24, 2015, the City Council of the City of Chino Hills adopted a General Plan Update, which included the establishment of clustering development code standards through the Site Plan Review process.
- b. Cluster development is a means of preserving open space while permitting residential development by clustering homes on only a portion of the development parcel, thereby preserving the remainder of the parcel in open space. The clustering of residential homes into a small area is made possible by reducing the individual lot sizes and corresponding development standards.
- c. This ordinance is intended to allow the City to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranches (R-A) and Rural Residential (R-R) zoning districts.
- d. On September 15, 2015, the Planning Commission conducted a public workshop to consider the intent and policies of the General Plan in creating new code provisions to direct the clustering of single-family residential development on potential eligible undeveloped Agricultural/Ranches and Rural Residential designated areas in Chino Hills through the Site Plan Review process.
- e. On October 20, 2015, the Planning Commission conducted a second public workshop to review, discuss, and provide comments regarding new code provisions to direct the clustering of single-family residential

development on undeveloped Agricultural/Ranches and Rural Residential designated areas in Chino Hills. Staff highlighted nineteen areas in the City that would be eligible for clustering as well as outlined the potential development standards for clustering. After identifying their concerns, the Commission eliminated three properties from being considered for clustering, which included the Tres Hermanos property as the eventual development will be through the use of a specific plan and two properties along English Road because of their Zoning Map designation of 5-acre minimum. The Commission directed staff to provide additional analysis for the remaining properties by identifying existing ridgeline constraints, potential sensitive habitat, as well as discuss the types of benefits that could be provided to the City such as improved infrastructure for vehicular circulation or expanded preservation of natural open space. The Commission asked staff to clarify the methodology for calculating maximum density as well as outline the advantages or disadvantages for adopting cluster development standards.

- f. On November 3, 2015, the Planning Commission conducted a third public workshop to review, discuss, and provide comments regarding new code provisions to direct the clustering of single-family residential development on undeveloped Agricultural/Ranches and Rural Residential designated areas in Chino Hills. Pursuant to the direction provided by the Planning Commission, staff provided additional information regarding the calculation of density versus the maximum number of units, and the potential benefits of clustering such as expanded preservation of natural open space or improved infrastructure for vehicular circulation by completing designated roadway segments consistent with the City's General Plan Circulation Element Roadway Plan.
- g. Notice of public hearing for Development Code Amendment 15DCA05 was mailed to all property owners who own property eligible for clustering through the Site Plan Review process on February 18, 2016. Notice of public hearing was published in the Chino Hills Champion newspaper on February 20, 2016.
- h. On March 1, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public, regarding the proposed amendments to the Development Code. Staff explained the background for the proposed clustering development standards and the Commission opened the public hearing to receive any public comments. The Commission requested that staff provide additional information for the potential properties that were considered for clustering during the Planning Commission Workshops by indicating the maximum number of dwelling units that each property could develop if it were to utilize the proposed clustering. The Commission also requested that staff provide a diagram illustrating the difference between traditional residential

developments versus cluster developments. At the request of staff, the Planning Commission continued the public hearing to March 15, 2016 to allow staff additional time to finalize the proposed clustering development standards with the City Attorney's Office.

- i. At their meeting on March 15, 2016, the Planning Commission, at the request of staff, continued the public hearing to April 19, 2016, to provide additional time for staff to finalize the proposed clustering development standards with the City Attorney's Office.
- j. On April 19, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments to the Development Code.
- k. On April 19, 2016, the Planning Commission adopted a resolution recommending to the City Council the approval of Development Code Amendment 15DCA05 to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranches (R-A) and Rural Residential (R-R) zoning districts through the Site Plan Review process.
- l. Notice of public hearing for Development Code Amendment 15DCA05 was mailed to all property owners who own property eligible for clustering through the Site Plan Review process on May 10, 2016. Notice of public hearing was published in the Chino Hills Champion newspaper on May 14, 2016.
- m. A duly noticed public hearing before the City Council was conducted on May 24, 2016, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. This proposed Ordinance is a necessarily included element of the projects considered in Final EIR No. 2013051082 for the General Plan Update, certified by the City Council on February 24, 2015, which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the Final EIR No. 2013051082 was certified has become known. Therefore, no further environmental review is required under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.). Further, adoption of the proposed ordinance is exempt from the provisions of CEQA because it establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch (R-A) and Rural Residential (R-R) zoning districts, which does not involve the construction of new buildings or an activity that has the potential of causing a significant

effect on the environment. Consequently, the proposed amendments to the Development Code relative to cluster development are exempt from further CEQA review under Cal. Code Regs. Title 14, §15061.b.3. The proposed ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) pursuant to Cal. Code Regs., tit. 14, § 15308 because the ordinance is authorized by state law and establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch (R-A) and Rural Residential (R-R) zoning districts, which will assure the maintenance, restoration, enhancement, or protection of the environment because the proposed ordinance involves procedures for protection of the environment. Construction activities and relaxation of standards, allowing environmental degradation are not included in this exemption. Further, the proposed ordinance is exempt pursuant to Cal. Code Regs., tit. 14 § 15307 because the proposed ordinance is a non-construction action taken by the City as authorized by state law to assure the maintenance of a natural resource and involves procedures for protection of the environment. Finally, pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), there is no possibility that the proposed ordinance may have a significant effect on the environment because it will result in less grading and intrusion into natural open space and natural resources.

SECTION 3. As required under Government Code § 65860, the City Council finds that Chino Hills Municipal Code amendments proposed in Development Code Amendment No. 15DCA05 are consistent with the Chino Hills General Plan as follows:

- a. The proposed amendment to the Chino Hills Development Code conforms to General Plan Action LU1.1.6, Action LU-2.2.1, Action LU-2.4.2, and Action LU-2.4.3 in that the amendment would establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranches and Rural Residential zoning districts through the Site Plan Review process.

SECTION 4. In accordance with Chino Hills Development Code § 16.62.040, the City Council makes the following findings of fact:

- a. FINDING: That the proposed Development Code Amendment is consistent with the goals, policies and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Development Code conforms to General Plan Action LU1.1.6, Action LU-2.2.1, Action LU-2.4.2, and Action LU-2.4.3 in that the amendment would establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranches (R-A) and Rural Residential (R-R) zoning districts through the Site Plan Review process, which will contribute to the protection of Chino Hills' natural environment by encouraging cluster development.



- b. FINDING: That the proposed Development Code Amendment will not adversely affect surrounding properties.

FACT: The proposed Development Code Amendment would establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranches and Rural Residential zoning districts through the Site Plan Review process. The proposed amendment will provide those properties eligible for clustering an additional land use entitlement process to develop future residential development.

SECTION 5. Upon the effective date of this ordinance, the Chino Hills Development Code, is amended to add subsection C, including Exhibit "B" Table 20-1 and Figure 20-1B to § 16.10.030, to read as follows:

"C. Notwithstanding subsection A and B § 16.10.030 above, clustering is permitted for certain designated properties to protect environmental and visual resources. As an alternative to the development standards set forth in Exhibit "A" Table 20-1, designated properties within the R-A and R-R zone identified in Figure 20-1B may apply to have the clustering standards set forth in Exhibit "B" Table 20-1. Applications for clustering apply through and comply with the requirements of the Site Plan Review process (Chapter 16.76) and the additional following requirements.

1. Applications to cluster must clearly demonstrate that clustering results in:
  - i. Reduced grading;
  - ii. Reduced roadways and driveway intrusions into sensitive habitat areas, open space, and the Chino Hills State Park;
  - iii. Protection of increased amounts of open space; and
  - iv. Protection of environmental and visual resources.
2. In addition to the findings required for Site Plan approval by Section 16.76.060, the following findings must also be made prior to approval of a clustering Site Plan:

F. That the clustering site plan results in a substantial reduction in the following impacts than would have occurred had the property developed pursuant to development standards in Exhibit "A" Table 20-1:

- a. Grading;
- b. Roadways and driveway intrusions into sensitive habitat areas, open space, and the Chino Hills State Park;
- c. Impacts to environmental and visual resources.

G. That the clustering site plan protects more open space than would have been required by Section 16.08.070.

**Exhibit "B"**

**Table 20-1**

**R-A and R-R Residential Zone Districts – Clustering Development Standards**

Development Standard	Zoning District: R-A Clustering	Zoning District: R-R Clustering
A. Minimum Project Size	10 acres	10 acres
B. Minimum Lot Size (Single-Family Detached Residential Development) or Minimum Project Area	10,000 sf	7,200 sf
C. Minimum Lot Width	80 ft.	50 ft. min.; 60 ft. avg.
D. Minimum Lot Depth	125 ft.	N/A
E. Maximum Lot Coverage by: Buildings	40%	40%
F. Maximum Coverage In Front Yard by Impervious Surfaces	50%	50%
G. Maximum Number of Units <sup>(a)</sup>		
i) Roadway Plan Contribution	i) 1 du/5.0 ac	i) 2 du/1.0 ac
ii) Non-Roadway Plan Contribution	ii) 0.5 du/5.0 ac	ii) 1 du/1.0 ac
iii) Properties along Carbon Canyon Road that are less than 20 acres	iii) 3 units	iii) N/A
H. Maximum Building Height <sup>(b)</sup>	35 ft.	35 ft.
I. Minimum Front Yard Setback		
i) Primary structure	i) 25 ft.	i) 20 ft. min.
ii) Garage	ii) 25 ft.	ii) 20 ft. min.
iii) Structures with Side Loaded Garages	iii) 20 ft. min. for the garage or the primary structure	iii) 16 ft. min. for the garage or the primary structure
J. Minimum Side Yard Setback:		
i) Collector or Larger Street Side	i) 25 ft.	i) 25 ft.
ii) Local Street Side	ii) 15 ft.	ii) 15 ft.
iii) Other Side	iii) 10 ft.	iii) 10 ft.
K. Minimum Rear Yard Setback	25 ft.	15 ft.
L. Minimum Usable Private Open Space	N/A	N/A
M. Minimum Landscape Coverage	Refer to Landscape Manual	

**Abbreviations:**

sf = square feet; ft. = feet; ac = acre; du = dwelling unit; N/A = not applicable.

Notes for Table 20-1 R-A and R-R Residential Zone Districts – Clustering Development Standards	
(a)	If development of the project site requires the completion of the full width of a roadway segment consistent with the City's Circulation Element Roadway Plan (Figure 2-1 in the General Plan Circulation Element) along the property line of, or within the property comprising the project site, then the maximum number of dwelling units permissible under the General Plan is allowed. If development of the project site does not include completion of a roadway segment consistent with the City's Circulation Element Roadway Plan, then the maximum number of dwelling units allowed is limited to fifty percent (50%) of the maximum number of dwelling units permissible under the General Plan. Notwithstanding the above, the number of dwelling units may be further reduced based on site specific environmental constraints.
(b)	Exempt antennas as defined in this Development Code are exempt from the maximum height restrictions.



# CITY OF CHINO HILLS

## PROPERTIES ELIGIBLE FOR CLUSTERING THROUGH THE SITE PLAN REVIEW PROCESS

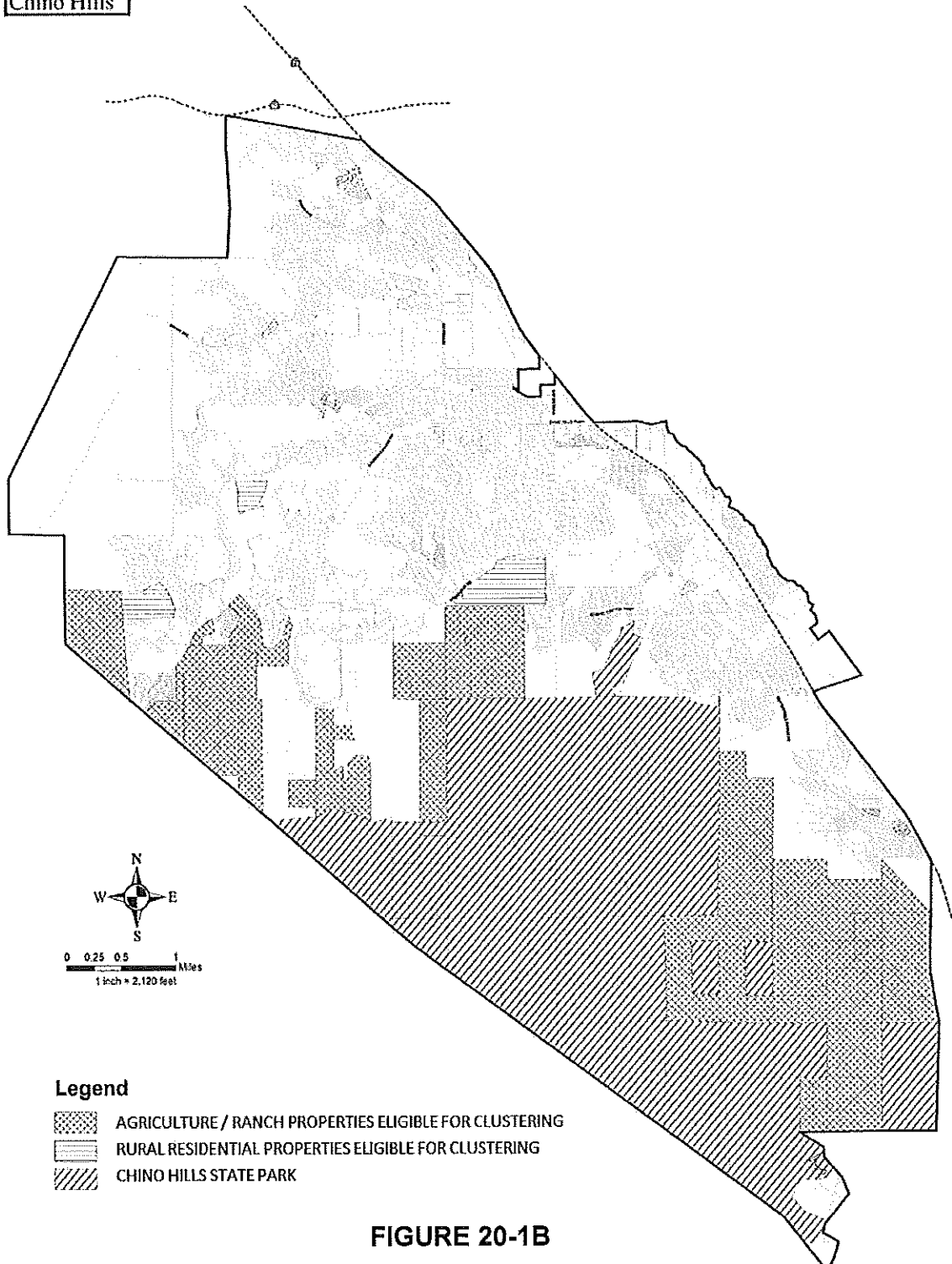


FIGURE 20-1B

SECTION 6. Upon the effective date of this ordinance Chino Hills Development Code § 16.76.020 is amended in its entirety to read as follows:

**16.76.020 – Application requirements**

Applications for Site Plan Approval and subdivision map shall be submitted for all multi-family development, condominium conversion, clustered Agriculture Ranch (R-A) and Rural Residential (R-R) development, mixed use projects and non-residential projects involving the construction of new buildings.

SECTION 7. Upon the effective date of this ordinance Chino Hills Development Code § 16.76.080 is amended to read in its entirety as follows:

**16.76.080 – Site plan approval attached to the property**

An approved Site Plan which is valid and in effect pursuant to the provisions of this Development Code shall run with the land and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land. Notwithstanding the above, for Site Plans approved for clustered single-family structures, once the original structure is constructed pursuant to the Site Plan, subsequent changes to the footprint, elevations and materials and colors of single-family structures may proceed without seeking an amendment to the Site Plan as long as the footprint of such structures stays within the required setbacks set forth in the Site Plan, and the subsequent improvements are in compliance with all other applicable provisions set forth in Title 15 and 16 of this code.

SECTION 8. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinances Nos. 91-01 and 92-02.

SECTION 9. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 11. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date.

Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 12. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provisions or other city ordinances to remain in full force and effect for all purposes.

SECTION 13. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

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

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No.            was duly introduced at a regular meeting held May 24, 2016; and adopted at a regular meeting of the City Council held on the 14th day of June, 2016 by the following vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No.       duly passed and adopted by the Chino Hills City Council at their regular meeting held on May 24, 2016 and that summaries of the Ordinance were published on            and            in the Chino Hills Champion newspaper.

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK





# CITY OF CHINO HILLS

## POTENTIAL PROPERTIES THAT WERE CONSIDERED FOR CLUSTERING DURING PLANNING COMMISSION WORKSHOPS

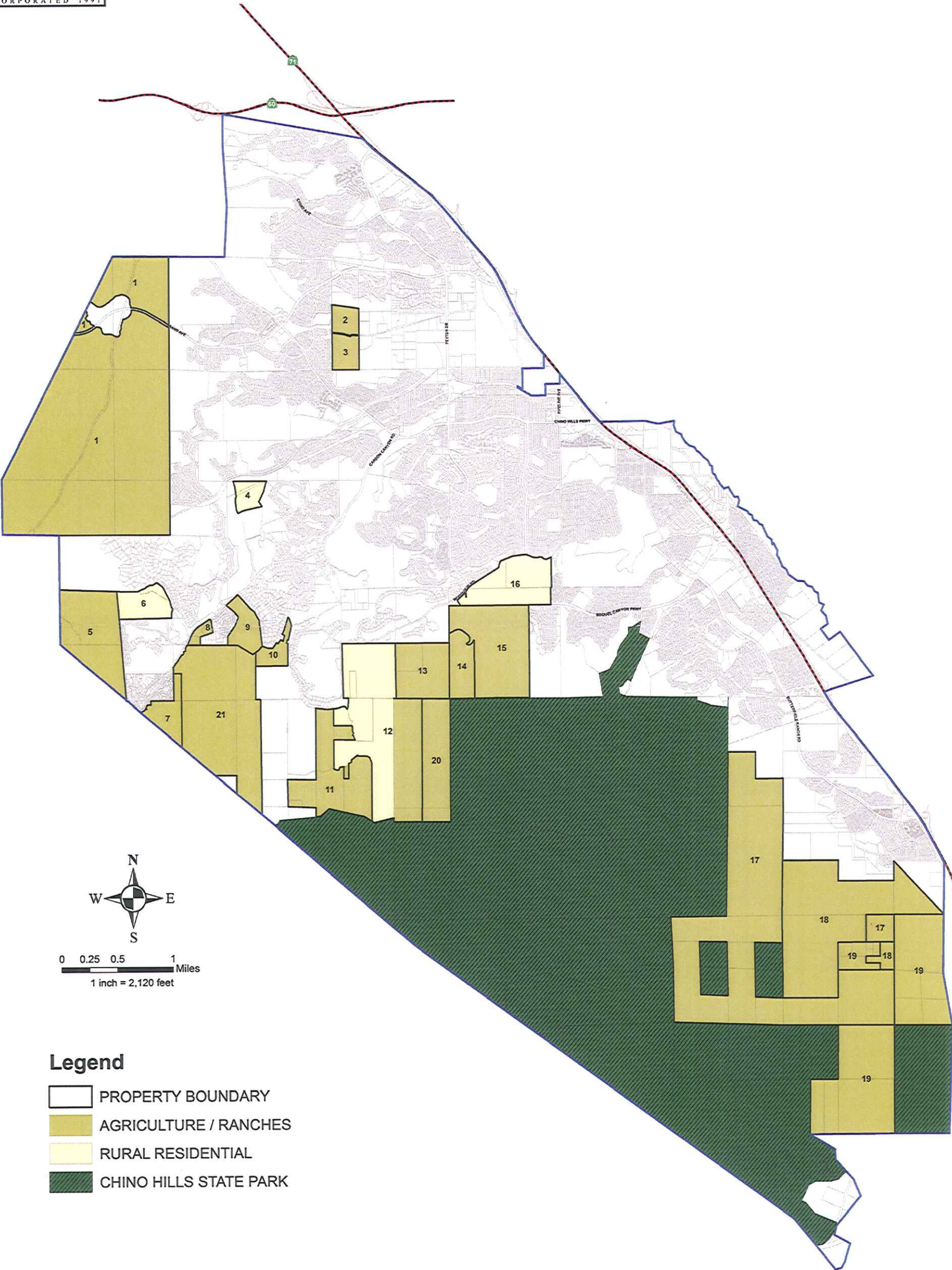


EXHIBIT "A"



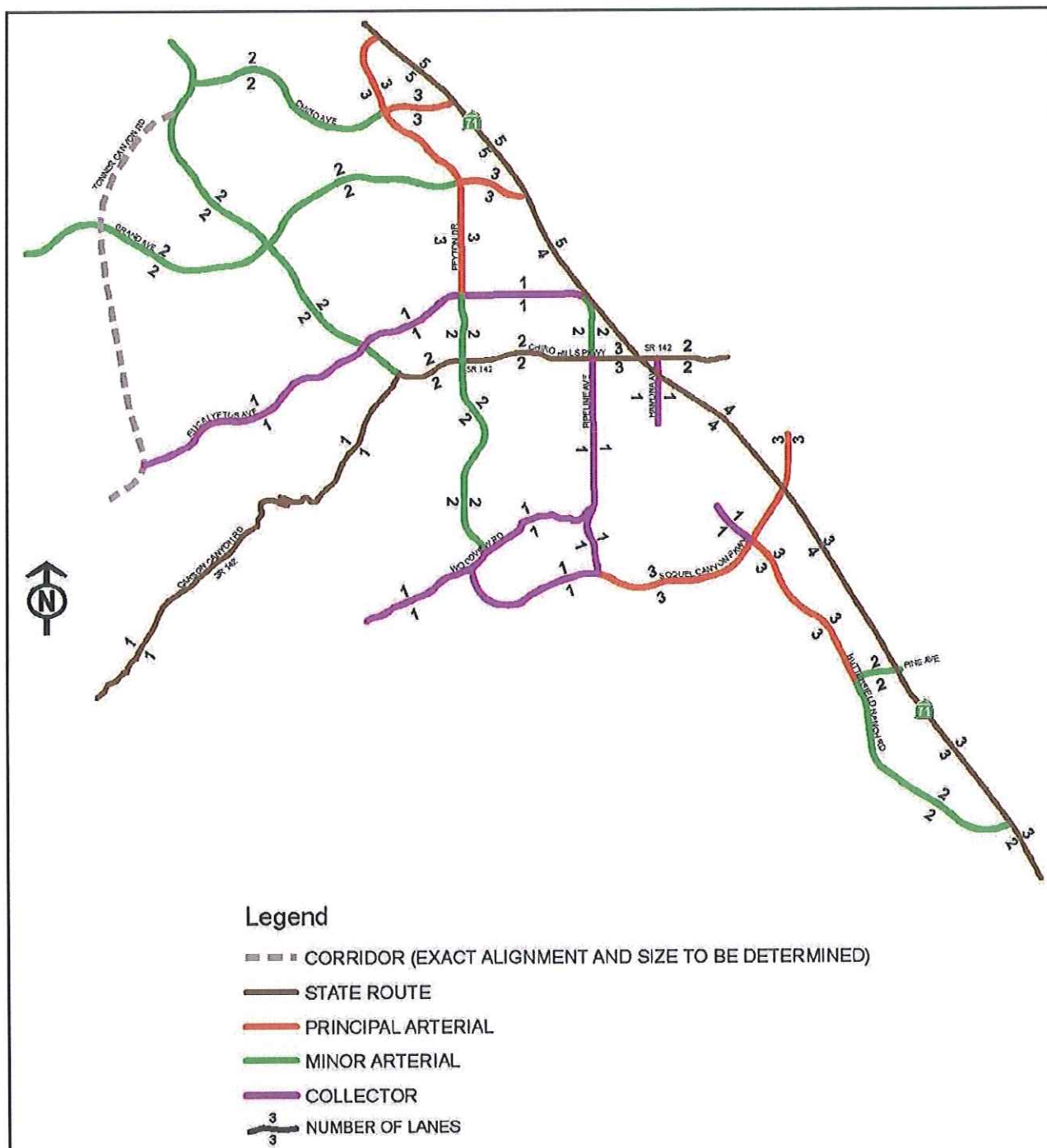


Exhibit "C" - Eligible Properties for Cluster Development

Site	Eligible Property	Existing General Plan Land Use	Acres	Potential Units			
				General Plan Maximum Number of Dwelling Units Permissible	Clustering - 100% of General Plan Maximum Number of Dwelling Units Permissible	Clustering - 50% of General Plan Maximum Number of Dwelling Units Permissible	Approved Number of Units
4	North of Western Hills Mobile Home Estate	RR	31.35	62	N/A	31	N/A
	Property / Owner: - APN 1031-011-49 / New World International LLC						
5	Hill of Hope	Ag/R	255.72	31	N/A	15	31; previously approved through 2015 General Plan Update
	Property / Owner: - APN 1000-041-01, -03 & -06 / Saint Josephs Hill of Hope						
6	North of Canyon Hills	RR	82.61	165	N/A	82	N/A
	Property / Owner: - APN 1000-051-09 & -19 / Philip Gentile						
7	West of Hidden Oaks	Ag/R	11.22 <u>57.66</u> 68.88	2 <u>11</u> 13	N/A	1 <u>5</u> 6	N/A
	Property / Owner: - APN 1000-511-37 / Palm Investment Group LLC - APN 1000-151-03 / Ujinobu Niwa						
8	Red Apple	Ag/R	16.25	3	N/A	1	3; 1 each for 3 existing lots
	Property / Owner: - APN 1000-132-23, -24, & -25 / Las Haciendas LLC						
9	Shanghai Aviation	Ag/R	66.58	13	N/A	6	N/A
	Property / Owner: - APN 1017-261-03 / Robert & Nancy Ko						
10	Shanks Property	Ag/R	39.8	7	N/A	3	N/A
	Property / Owner: - APN 1017-261-24 / Robert & Nancy Ko						
11	West of Aerojet	Ag/R	57.10 61.68 35.74 <u>79.78</u> 234.3	11 12 7 <u>16</u> 46	N/A	6 6 3 <u>8</u> 23	N/A
	Property / Owner: - APN 1033-021-04 / Rabbigon Enterprises LLC - APN 1033-021-06 / Chinop LLC - APN 1033-021-08, -09 / John Casseday - APN 1033-031-05 / Paige Marital Trust						

Exhibit "C" - Eligible Properties for Cluster Development							
Site	Eligible Property	Existing General Plan Land Use	Acres	Potential Units			
				General Plan Maximum Number of Dwelling Units Permissible	Clustering - 100% of General Plan Maximum Number of Dwelling Units Permissible	Clustering - 50% of General Plan Maximum Number of Dwelling Units Permissible	Approved Number of Units
13	East of Aerojet	Ag/R	117.37 <u>39.49</u> 156.86	23 <u>8</u> 31	N/A	7 <u>4</u> 15	N/A
	Property / Owner: - APN 1017-251-01 / Lee Revocable Living Trust - APN 1017-251-02 / Hellen Yu						
14	Galstian Property	Ag/R	82.64	16	16	N/A	N/A
	Property / Owner: - APN 1017-251-09 / Galstian Family Trust						
15	Canyon Estates (TTM 16104)	Ag/R (Zone: PD 00-01)	299 (225 acres preserved as	59	59	N/A	59 lots; previously approved by PD 00-01
	Property / Owner: - APN 1017-251-14 / GGF LLC						
16	Wang Property	RR	189.66	379	379	N/A	N/A
	Property / Owner: - APN 1017-251-05, 1030-041-03 & -04 / Cheng Wen Etal Wang						
17	Lamb Property	Ag/R	1,181.78	29 @ 40 acre minimum	N/A	14	N/A
	Property / Owner: - APN 1033-071-05, 1033-111-02, 1033-151-06, -09, -10, -11, -12, -16, -17 & -26 / 200** CHINO HILLS **** LLC						
18	Abacherli Property	Ag/R	635.31	15 @ 40 acre minimum	N/A	7	N/A
	Property / Owner: - APN 1033-101-04, 1033-151-15 & -25 and 1057-261-06 / Abacherli Family Trust						



**Exhibit "C" - Eligible Properties for Cluster Development**

Site	Eligible Property	Existing General Plan Land Use	Acres	Potential Units			
				General Plan Maximum Number of Dwelling Units Permissible	Clustering - 100% of General Plan Maximum Number of Dwelling Units Permissible	Clustering - 50% of General Plan Maximum Number of Dwelling Units Permissible	Approved Number of Units
19	South Chino Hills	Ag/R	25.30	1	N/A	1	N/A
	Property / Owner:		10.11	1		1	
	- APN 1033-151-19 / Steve Zambel		10.12	1		1	
	- APN 1033-151-20 / Rajinder Adlakha Living Trust		2.53	1		1	
			2.53	1		1	
	- APN 1033-151-21 & -22 / Carla Kotila		5.06	1		1	
	- APN 1033-151-23 / Beatrice Bedolla		160.26	4		2	
	- APN 1033-151-24 / Kerry & Debra Peterson		40.01	1		1	
			39.92	1		1	
	- APN 1033-151-27, 1033-171-12, -13 & -14 / SPT Chino Hills LLC		160.58	4		2	
			147.54	3		1	
	- APN 1057-271-01 / Cew Davidson Trust		37.79	1		1	
	- APN 1057-271-02 / Seldon Investments		33.76	1		1	
	- APN 1057-271-03 / Philip Fortin		39.50	1		1	
	- APN 1057-271-04 / Seldon Investments		<u>37.80</u>	<u>1</u>		<u>1</u>	
	- APN 1057-271-05 / Cynthia Aros		752.81	<b>23 @ 40 acre minimum</b>		<b>17</b>	
20	HHH Ranch	Ag/R	161.6	32	N/A	16	N/A
	Property / Owner:		<u>20.0</u>	<u>4</u>		<u>2</u>	
	- APN 1033-041-02, 1033-131-10 / HHH Ranch LLC		181.6	<b>36</b>		<b>18</b>	
21	Hidden Oaks	Ag/R	189.04	37	N/A	18	N/A
	Property / Owner:		162.13	32		16	
	- APN 1000-162-65, 1000-511-38, 1017-403-10, 1033-012-16 / Chino Hills Country Club LLC		52.25	10		5	
			<u>130.85</u>	<u>26</u>		<u>13</u>	
			534.27	<b>105</b>		<b>52</b>	

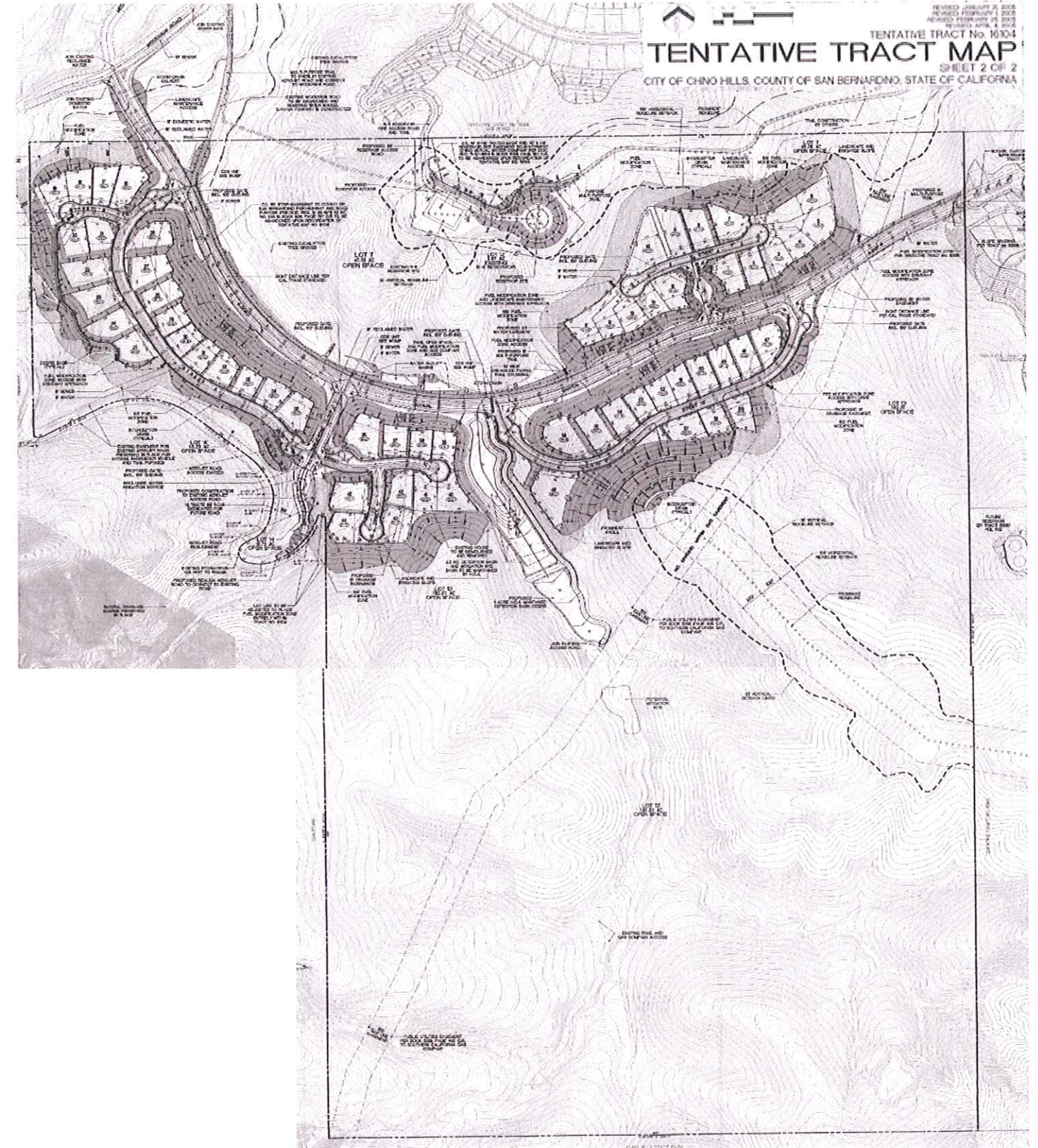


# Canyon Estates – Tentative Tract Map 16104

Conceptual Traditional Development Design  
(R-A: 5 acre minimum)

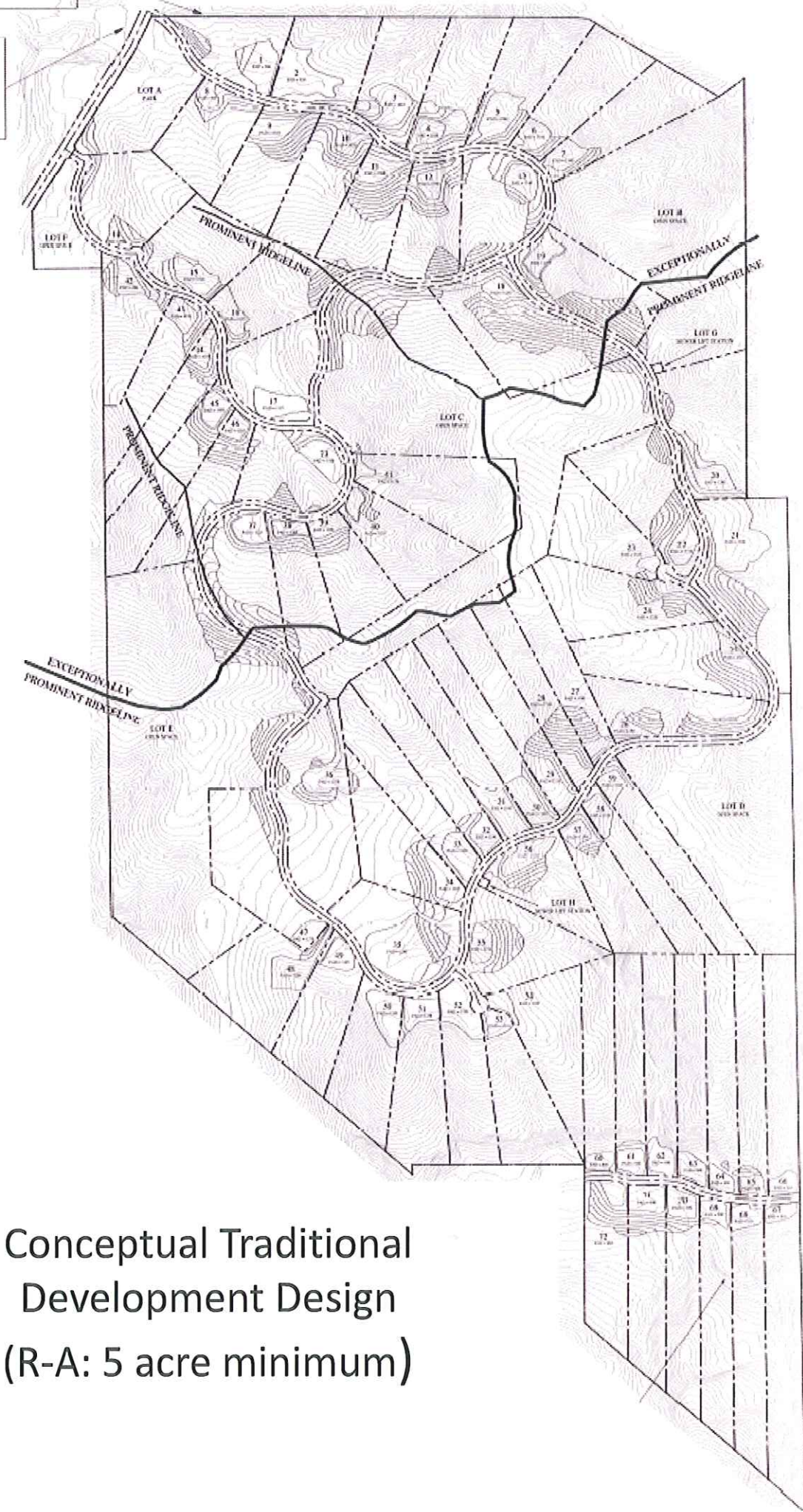


Approved Clustering Development Design  
(PD 00-01: 10,000 sq. ft. minimum)



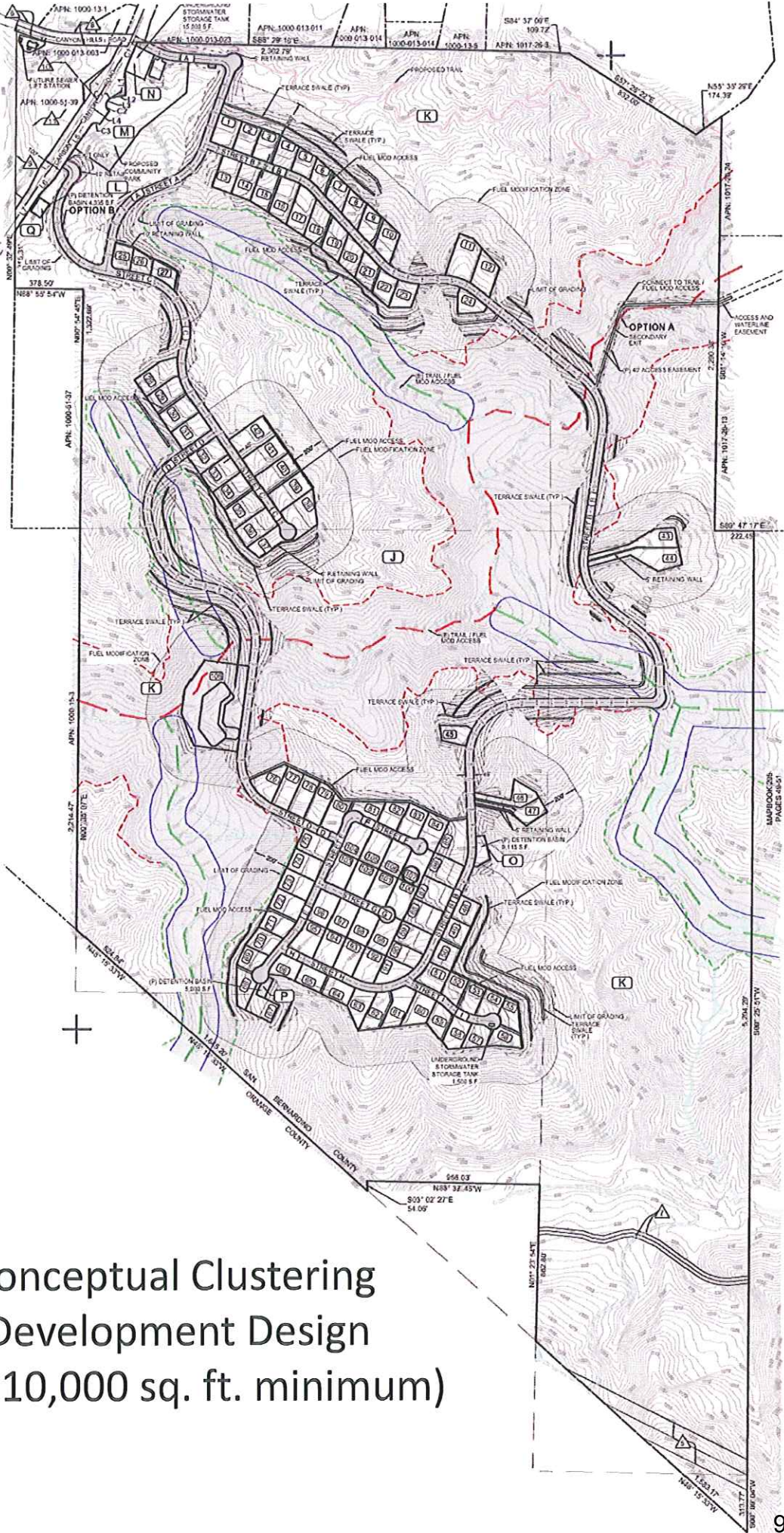


# Hidden Oaks Property



Conceptual Traditional  
Development Design  
(R-A: 5 acre minimum)

Conceptual Clustering  
Development Design  
(R-A: 10,000 sq. ft. minimum)





## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Chino Hills will hold a public hearing on Tuesday, May 24, 2016 at 7:00 p.m. in the Council Chambers of the City Hall, 14000 City Center Drive, to consider a proposal to amend Title 16 of the Chino Hills Municipal Code, Section 16.10.030 – Development Standards by adding Section 16.10.030.C. Clustering Standards and amending Chapter 16.76 Site Plan Approval to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch and Rural Residential zoning districts. The proposed Clustering Standards will be applicable to the following properties: Assessor Parcel Numbers (APN) 1031-011-49; 1000-041-01, -03, -06; 1000-051-09, -19; 1000-511-37, 1000-151-03; 1000-132-23, -24, -25; 1017-261-03; 1017-261-24; 1033-021-04, -06, -08, -09, 1033-031-05; 1017-251-01, -02; 1017-251-09; 1017-251-14; 1017-251-05, 1030-041-03, -04; 1033-071-05, 1033-111-02, 1033-151-06, -09, -10, -11, -12, -16, -17, -26; 1033-101-04, 1033-151-15, -25, 1057-261-06; 1033-151-19, -20, -21, -22, -23, -24, -27, 1033-171-12, -13, -14, 1057-271-01, -02, -03, -04, -05; 1033-041-02, 1033-131-10; 1000-162-65, 1000-511-38, 1017-403-10, and 1033-012-16.

**NOTICE IS FURTHER GIVEN** that a determination has been made that the adoption of the Ordinance associated with the proposed Development Code Amendment No. 15DCA05 is exempt from the provisions of the California Environmental Quality Act (CEQA) because it establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch and Rural Residential zoning districts, which does not involve the construction of new buildings or an activity that has the potential of causing a significant effect on the environment. Consequently, the proposed amendments to the Municipal Code relative to clustering development are categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §15061.b.3. Additional information regarding this project is available for public review at the City of Chino Hills Community Development Department, 14000 City Center Drive, Chino Hills, CA 91709 during the following hours: Monday thru Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m.

**NOTICE IS FURTHER GIVEN**  
that if you challenge the above  
described action in court, you may be  
limited to raising only those issues you  
or someone else raised at a public  
hearing described in this notice, or in  
written correspondence delivered to  
the City Council at, or prior to, the  
public hearing.

**ALL INTERESTED PERSONS**  
are invited to be present at the public  
hearing. All persons are encouraged to  
give testimony at the time and place  
indicated above. Additional information  
regarding this project may be obtained  
from Jerrod Walters, Senior Planner  
with the Community Development  
Department at [jwalters@chinohills.org](mailto:jwalters@chinohills.org)  
or (909) 364-2753.

**DATED:** May 11, 2016  
S/ Cheryl Balz, City Clerk

**PUBLISH:** Chino Hills Champion  
Saturday,  
May 14, 2016





## PUBLIC HEARING NOTICE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Chino Hills will hold a public hearing on Tuesday, May 24, 2016, at 7:00 p.m., in the Council Chambers of the City Hall, 14000 City Center Drive, Chino Hills, CA, to consider the following project.

**CASE NO.:** Development Code Amendment No. 15DCA05

**APPLICANT:** City of Chino Hills

**PROPOSAL:** Development Code Amendment No. 15DCA05 proposes to amend Title 16 Development Code, Section 16.10.030 – Development Standards by adding Section 16.10.030.C Clustering Standards and amending Chapter 16.76 Site Plan Approval to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch (R-A) and Rural Residential (R-R) zoning districts. The proposed Clustering Standards will be applicable to the following properties, which may include your property: Assessor Parcel Numbers (APN) 1031-011-49; 1000-041-01, -03, -06; 1000-051-09, -19; 1000-511-37, 1000-151-03; 1000-132-23, -24, -25; 1017-261-03; 1017-261-24; 1033-021-04, -06, -08, -09, 1033-031-05; 1017-251-01, -02; 1017-251-09; 1017-251-14; 1017-251-05, 1030-041-03, -04; 1033-071-05, 1033-111-02, 1033-151-06, -09, -10, -11, -12, -16, -17, -26; 1033-101-04, 1033-151-15, -25, 1057-261-06; 1033-151-19, -20, -21, -22, -23, -24, -27, 1033-171-12, -13, -14, 1057-271-01, -02, -03, -04, -05; 1033-041-02, 1033-131-10; 1000-162-65, 1000-511-38, 1017-403-10, and 1033-012-16. Refer to the map on the back side of this notice to see all listed APN's highlighted.

**ENVIRONMENTAL REVIEW:** A determination has been made that the adoption of the ordinance associated with the proposed Development Code Amendment No. 15DCA05 is exempt from the provisions of the California Environmental Quality Act (CEQA) because it establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agricultural/Ranch and Rural Residential zoning districts, which does not involve the construction of new buildings or an activity that has the potential of causing a significant effect on the environment. Consequently, the proposed amendments to the Municipal Code relative to clustering development are categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §15061.b.3. Additional information regarding this project is available for public review at the City of Chino Hills Community Development Department, 14000 City Center Drive, Chino Hills, CA 91709 during the following hours: Monday thru Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m.

**STAFF:** Joann Lombardo, Community Development Director  
Jerrold Walters, Senior Planner

**NOTICE IS HEREBY FURTHER GIVEN** that if you challenge the above described project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

**ALL PERSONS INTERESTED** are invited to be present at the public hearing. The proposed project application may be viewed Monday through Thursday from 7:30 am to 5:30 pm and Friday from 7:30 am to 4:30 pm. in the Community Development Department, City Hall, 14000 City Center Drive, Chino Hills, CA. Additional information regarding this project may be obtained from Jerrold Walters, Senior Planner, with the Community Development Department at (909) 364-2753.

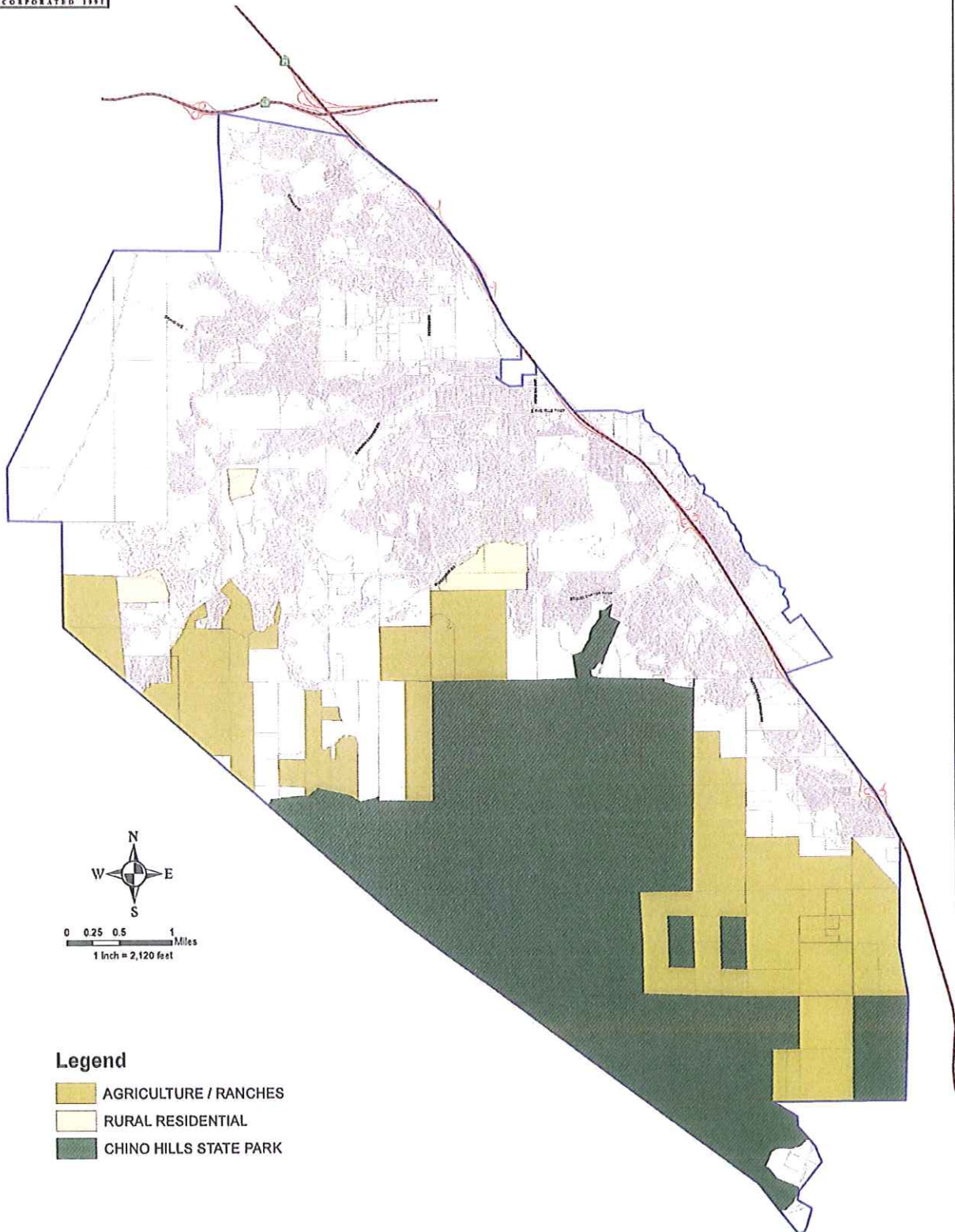
 5/10/2016  
Signature: Jerrold Walters, Senior Planner





# CITY OF CHINO HILLS

## PROPERTIES ELIGIBLE FOR CLUSTERING THROUGH THE SITE PLAN REVIEW PROCESS



APN: 103101149  
NEW WORLD INTERNATIONAL LLC  
23341 GOLDEN SPRING DRIVE, SUITE 200  
DIAMOND BAR, CA 91765

APN: 100004101  
SAINT JOSEPHS HILL OF HOPE  
7351 CARBON CANYON ROAD  
BREA, CA 92621

APN: 100004103  
SAINT JOSEPHS HILL OF HOPE  
7351 CARBON CANYON ROAD  
BREA, CA 92621

APN: 100004106  
SAINT JOSEPHS HILL OF HOPE  
7351 CARBON CANYON ROAD  
BREA, CA 92621

APN: 100005109  
PHILIP GENTILE  
16220 CANYON HILLS  
CHINO HILLS, CA 91709

APN: 100005119  
PHILIP GENTILE  
16220 CANYON HILLS  
CHINO HILLS, CA 91709

APN: 100051137  
PALM INVESTMENT GROUP LLC  
P O BOX 24066  
LOS ANGELES, CA 90024

APN: 100015103  
UJINOBU & YOSHINO NIWA  
659 N CLIFFWOOD AVENUE  
BREA, CA 92630

APN: 100013223  
LAS HACIENDAS LLC  
14915 TITUS STREET  
PANORAMA, CA 91402

APN: 100013224  
LAS HACIENDAS LLC  
P O BOX 2683  
CHINO HILLS, CA 91709

APN: 100013225  
LAS HACIENDAS LLC  
14915 TITUS STREET  
PANORAMA, CA 91402

APN: 101726103  
ROBERT & NANCY KO  
20107 COVINA HILLS ROAD  
COVINA, CA 91724

APN: 101726124  
ROBERT & NANCY KO  
20107 COVINA HILLS ROAD  
COVINA, CA 91724

APN: 103302104  
RABBIGON ENTERPRISES LLC  
4195 CHINO HILLS PARKWAY, SUITE E-568  
CHINO HILLS, CA 91709

APN: 103302106  
CHINOP LLC  
P O BOX 780  
BLOOMINGTON, CA 92316

APN: 103302108  
JOHN CASSEDAY & DANIEL RUIZ  
537 N EUCLID AVENUE  
ONTARIO, CA 91762

APN: 103303105  
PAIGE MARITAL TRUST  
C/O VIRGINIA L PAIGE  
4801 NEWPORT AVENUE  
BETHESDA, MD 20816

APN: 101725101  
LEE REVOCABLE LIVING TRUST  
C/O CHONG-MING AND YU-TSU LEE TRUSTEES  
4215 REGENCY AVENUE  
ORANGE, CA 92867

APN: 101725102  
HELLEN J YU  
2406 HAWKWOOD DRIVE  
CHINO HILLS, CA 91709

APN: 101725109  
GALSTIAN FAMILY TRUST  
GALSTIAN, GAGIK TR  
100 W BROADWAY #950  
GLENDALE, CA 91210

APN: 101725114  
GGF LLC  
100 W BROADWAY #950  
GLENDALE, CA 91210

APN: 101725105  
WANG, CHENG WEN ETAL  
YU, WEN-AN L TR/CHING C K LEE TRUST  
335 N BERRY STREET  
BREA, CA 92821

APN: 103004103  
WANG, CHENG WEN ETAL  
WANG, SHIRLEY C (HW-CHENG)  
335 N BERRY STREET  
BREA, CA 92821

APN: 103004104  
WANG, CHENG WEN ETAL  
WANG, SHIRLEY C (HW-CHENG)  
335 N BERRY STREET  
BREA, CA 92821

APN: 103307105  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103311102  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315106  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315109  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315110  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315111  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315112  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315116  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315117  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103315126  
200\*\* CHINO HILLS \*\*\*\* LLC  
C/O EMPIRE COMMUNITIES LLC  
2006 OLD HWY 395  
FALLBROOK, CA 92028

APN: 103310104  
ABACHERLI FAMILY TRUST  
C/O SHIRLEY M ABACHERLI, TRUSTEE  
29875 NEWPORT ROAD  
MENIFEE, CA 92584

APN: 103315115  
ABACHERLI FAMILY TRUST  
C/O SHIRLEY M ABACHERLI, TRUSTEE  
29875 NEWPORT ROAD  
MENIFEE, CA 92584

APN: 103315125  
ABACHERLI FAMILY TRUST  
C/O SHIRLEY M ABACHERLI, TRUSTEE  
29875 NEWPORT ROAD  
MENIFEE, CA 92584

APN: 105726106  
ABACHERLI FAMILY TRUST  
C/O SHIRLEY M ABACHERLI, TRUSTEE  
29875 NEWPORT ROAD  
MENIFEE, CA 92584

APN: 103315119  
STEVE ZAMBEL  
1008 RADKA  
BEAUMONT, CA 92223

APN: 103315120  
ADLAKHA, RAJINDER REVOCABLE LIVING  
TRUST  
1696 S RESERVOIR STREET  
POMONA, CA 91766

APN: 103315121  
CARLA A KOTILA  
3919 W BARRETT STREET  
SEATTLE, WA 98199

APN: 103315122  
CARLA A KOTILA  
3919 W BARRETT STREET  
SEATTLE, WA 98199

APN: 103315123  
BEATRICE BEDOLLA  
241 W 11<sup>TH</sup> STREET #3  
SAN PEDRO, CA 90731

APN: 103315124  
KERRY & DEBRA PETERSON  
5364 VIA MORENO  
YORBA LINDA, CA 92886

APN: 103315127  
SPT CHINO HILLS LLC  
2 PARK PLAZA SUITE 700  
IRVINE, CA 92614

APN: 103317112  
SPT CHINO HILLS LLC  
2 PARK PLAZA SUITE 700  
IRVINE, CA 92614

APN: 103317113  
SPT CHINO HILLS LLC  
2 PARK PLAZA SUITE 700  
IRVINE, CA 92614

APN: 103317114  
SPT CHINO HILLS LLC  
2 PARK PLAZA SUITE 700  
IRVINE, CA 92614

APN: 105727101  
CEW DAVIDSON TRUST  
P O BOX 126  
CORONA DEL MAR, CA 92625

APN: 105727102  
SELDON INVESTMENTS  
7550 E MARTELLA LANE  
ANAHEIM, CA 92808

APN: 105727103  
PHILIP FORTIN  
16500 CARBON CANYON ROAD  
CHINO HILLS, CA 91709

APN: 105727104  
SELDON INVESTMENTS  
7550 E MARTELLA LANE  
ANAHEIM, CA 92808

APN: 105727105  
CYNTHIA ETAL AROS  
C/O NORMA E LEE  
7012 E TYPHOON FLYER WAY  
TUCSON, AZ 85730-4984

APN: 103304102  
HHH RANCH LLC  
C/O ANDRE HOZEN  
14711 CLARK AVENUE  
INDUSTRY, CA 91745

APN: 103313110  
HHH RANCH LLC  
C/O ANDRE HOZEN  
14711 CLARK AVENUE  
INDUSTRY, CA 91745

APN: 100016265  
CHINO HILLS COUNTRY CLUB LLC  
19871 YORBA LINDA BLVD. #102  
YORBA LINDA, CA 92886

APN: 100051138  
CHINO HILLS COUNTRY CLUB LLC  
19871 YORBA LINDA BLVD. #102  
YORBA LINDA, CA 92886

APN: 101740310  
CHINO HILLS COUNTRY CLUB LLC  
19871 YORBA LINDA BLVD. #102  
YORBA LINDA, CA 92886

APN: 103301216  
CHINO HILLS COUNTRY CLUB LLC  
19871 YORBA LINDA BLVD. #102  
YORBA LINDA, CA 92886

HENRY C. RHEE  
3116 GIANT FOREST LOOP  
CHINO HILLS, CA 91709

Easy Peel® Labels  
Use Avery® Template 5160®

Feed Paper  
Bend along line to  
expose Pop-Up Edge™



Additional Individuals that requested to be  
notified regarding Clustering Ordinance

APN 100013211  
ALICE MONTAZ  
1535 RED APPLE LANE  
CHINO HILLS, CA 91709

PAUL WANG  
C/O CHENG-WEN & SHIRLEY WANG  
39 TESLA  
IRVINE, CA 92618

Étiquettes faciles à peeler  
Utilisez le gabarit AVERY® 5160®

Sens de  
chargement

Repliez à la hachure afin de  
révéler le rebord Pop-Up™

www.avery.com  
1-800-GO-AVERY

Additional Individuals that requested to be  
notified regarding Clustering Ordinance

APN 100013211  
ALICE MONTAZ  
1535 RED APPLE LANE  
CHINO HILLS, CA 91709

PAUL WANG  
C/O CHENG-WEN & SHIRLEY WANG  
39 TESLA  
IRVINE, CA 92618

## COUNCIL AGENDA STAFF REPORT



Meeting Date: May 24, 2016

Public Hearing: ☒

Discussion Item: ☐

Consent Item: ☐

CITY CLERK USE ONLY

Item No.: B02

May 17, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: REGULATION OF BOARDING HOUSES AND PROHIBITION OF  
TRANSIENT LODGING USES AND BED AND BREAKFASTS IN  
RESIDENTIAL ZONES

### RECOMMENDATION:

Introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING THE CHINO HILLS MUNICIPAL CODE TITLE 16 (DEVELOPMENT CODE) TO REGULATE BOARDING HOUSES, PROHIBIT TRANSIENT LODGING USES AND BED AND BREAKFASTS IN RESIDENTIAL ZONES, AND DETERMINING THAT THE MUNICIPAL CODE AMENDMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

### BACKGROUND/ANALYSIS

The City Council has expressed two concerns about the City's residential areas: (1) numerous different tenants living in one residential unit, and (2) short-term renters/lessees of residential units. The concern is that having too many different individuals leasing rooms within a unit, or having short-term tenants, erodes the integrity of residential zones. Specifically, tenants that only stay for one night, a week, or even a few weeks do not have the same interest in investing their time and energy in preserving the neighborhood and the community. These concerns and problems are being addressed in other Southern California cities, particularly in response to short term stay on-line services like Airbnb.

The proliferation of internet-based services that facilitate the listing, advertising, and hiring of transient residential rentals has led to significant increases in the number of transient rentals throughout the City's residential zones. Based upon a recent review of websites facilitating short-term residential rentals, specifically Airbnb ([www.airbnb.com](http://www.airbnb.com)) and Vacation Rentals by Owner ([www.vrbo.com](http://www.vrbo.com)), approximately 29 residential properties in the City of Chino Hills are currently listed for short term rental (Exhibits "A" and "B").

Bed and breakfast uses were permitted in the Agriculture-Ranch and Rural Residential zones under the San Bernardino County Development Code and were incorporated into the City's Development Code upon incorporation. However, these uses are no longer appropriate in residential zones in a community that has grown and evolved significantly since the time before incorporation. The City's remaining Agriculture-Ranch (R-A) and Rural Residential (R-R) properties are typically underserved by roads and infrastructure and would not be good locations for bed and breakfast uses. Prohibiting bed and breakfast uses is consistent with not allowing boarding houses in single family zones. There are no active business licenses for the operation of a bed and breakfast business within the City.

#### Chapter 16.02 General Provisions and Definitions

Section 16.02.140 will be amended to add a definition of boarding house or rooming house to read as follows:

'Boarding house' or 'rooming house' means a dwelling, building, or accessory building rented to three or more individuals under concurrent, separate rental agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of sleeping rooms or common kitchen facilities may be provided. This definition does not include any of the following:

- Hotel;
- Motel;
- Emergency shelter;
- Transitional housing;
- Single-room occupancy residential hotels;
- Skilled nursing facility;
- Small family day care home;
- Supportive housing;
- Group home;
- A residential facility as defined in the California Community Care Facilities Act (Health & Safety Code § 1500 et seq.) that serves six or fewer persons;
- Housing for persons protected under the Fair Housing Act (42 USC § 3604(f)) or the California Fair Housing Act (Gov't Code § 12920 et seq.);
- Alcoholism or drug abuse recovery or treatment facilities that serve six or fewer persons (as defined in Health & Safety Code § 11834.23(b));
- Employee housing providing accommodations for six or fewer employees (as defined in Health & Safety Code § 17021.5);
- Employee housing providing accommodations for six or fewer employees (as defined in Health & Safety Code § 17021.5);
- Residential care facilities for the elderly that serve six or fewer persons (Health & Safety Code § 1569.85);
- Intermediate care facilities/developmentally disabled habilitative facilities serving six or fewer persons (Health & Safety Code § 1250(e), 1267.8); or
- Any other use or arrangement expressly excluded from the definition of 'boarding house' or 'rooming house' pursuant to state or federal law,



including household arrangements protected by *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.

Additionally, Section 16.02.150 will be amended to delete the definition of "communal housing."

#### Chapter 16.10 Residential Districts

Section 16.10.020 will be amended to add subparagraph (E) to prohibit commercial transient lodging uses in all residential districts to read as follows:

- E. Except as otherwise permitted by this code, transient lodging uses for remuneration are prohibited in all residential districts. For purposes of this section, 'transient' means a period of time less than 30 consecutive days.

#### Chapter 16.12 Commercial Districts

Section 16.12.020 will be amended to add subparagraph (D) to conditionally permit boarding houses in the Freeway Commercial (C-F), General Commercial (C-G), and Commercial Recreation (C-R) districts to read as follows:

- D. A boarding house may be conditionally permitted in the C-F, C-G, and C-R zoning districts provided that:
1. The boarding house contains no healthcare facilities similar to those found in a medical clinic.
  2. Not more than two (2) persons are permitted to occupy one rental room.
  3. One uncovered on-site parking space must be provided for each sleeping room.

#### Appendix A Regulation of Uses by Zoning District

The use matrix in Appendix A will be amended to designate the boarding house/rooming house use as conditionally permitted in the Freeway Commercial (C-F), General Commercial (C-G), and Commercial Recreation (C-R) zoning districts and prohibit the use in all other zoning districts. The amendment would also delete bed and breakfasts from the matrix, prohibiting the use in any zoning district. These amendments will be reflected in Appendix A to read as follows:

Zoning District Land Use	R A	R R	R S	R M 1	R M 2	R M 3	C N	C F	C G	C O	C R	B P	L I	I - 1	I - 2	O S
<u>Boarding House/Rooming House</u>								<u>C</u>	<u>C</u>		<u>C</u>					
<del>Bed and Breakfast</del>	<del>C</del>	<del>C</del>														

Review by the Planning Commission:

On May 3, 2016, the Planning Commission conducted a public hearing to consider staff's recommendation to amend the Chino Hills Municipal Code to regulate boarding houses and prohibit transient lodging uses and bed and breakfasts in residential zones. Commissioner Stover suggested that the definition of boarding house and rooming house be revised to clarify that the definition refers to the "concurrent" rental or lease of a building to three or more individuals under separate rental or lease agreements. The Commission generally discussed the potential for short-term rental uses to disrupt the character of existing residential neighborhoods.

There were two speakers during the public hearing. Mrs. Cynthia Knutson expressed concern about the growing numbers of short-term rentals being advertised within the City's residential neighborhoods; she noted that the introduction of these commercial uses into residential communities results in increased traffic, parking demand, noise, and security concerns. Mr. Jim Gallagher recalled the City's efforts to address previous Code Enforcement complaints involving boarding houses and discussed the deleterious effects of this type of use on the surrounding properties. Both of the speakers expressed support for the proposed amendments to the Municipal Code.

The Planning Commission adopted a resolution, updated to clarify the definition of boarding house and rooming house as suggested by Commissioner Stover, recommending to the City Council the adoption of the proposed Municipal Code Amendment by a unanimous vote, 3-0 (Commissioners Larson and Eliason were absent). The Planning Commission also recommends that the City Council direct the Code Enforcement Division to engage in proactive enforcement of the proposed ordinance once it is in effect.

Public Notice/Public Comments:

Staff published a public hearing notice in the Chino Hills Champion newspaper on May 14, 2016. As of the writing of this staff report, staff has not received any public comments concerning the proposed Municipal Code Amendment.

REVIEW BY OTHERS:

This item has been reviewed by the City Attorney's Office.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this Ordinance.

CEQA REVIEW:

Adoption of the proposed ordinance is exempt from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and

specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308. Furthermore, the City Council finds that it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment; therefore, it is not subject to CEQA pursuant to 14 Cal. Code Regs. § 15061(b)(3).

Respectfully submitted,



Konradt Bartlam  
City Manager

Recommended by:



Joann Lombardo  
Community Development Director

KB/JL/RG

Attachments:

1. Ordinance for Municipal Code Amendment 16MCA02
2. Exhibit "A" – Screenshots from Airbnb
3. Exhibit "B" – Printed Page from VRBO
4. Public Hearing Notice

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING THE CHINO HILLS MUNICIPAL CODE TITLE 16 (DEVELOPMENT CODE) TO REGULATE BOARDING HOUSES, PROHIBIT TRANSIENT LODGING USES AND BED AND BREAKFASTS IN RESIDENTIAL ZONES, AND DETERMINING THAT THE MUNICIPAL CODE AMENDMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- a. The City's ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well established. This ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other similar matters related to public health, safety, and welfare.
- b. At City Council meetings, the City Council has expressed two concerns about the City's residential areas: (1) numerous different tenants living in one residential unit, and (2) short-term renters/lessees of residential units. The concern is that having too many different individuals leasing rooms within a unit, or having short-term tenants, erodes the integrity of residential zones. Specifically, tenants that only stay for one night, a week, or even a few months do not have the same interest in investing their time and energy in preserving the neighborhood and the community. These concerns and problems are being addressed in other Southern California cities, particularly in response to short term stay on-line services like Airbnb.
- c. This ordinance is tailored to preserve the residential character of a neighborhood by prohibiting boarding houses in residential zones and conditionally permitting boarding houses in commercial zones (C-F, C-G, and C-R) while respecting the rights to privacy and association that the California Supreme Court recognized in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123 and related cases.
- d. Preserving the residential character of a neighborhood is a legitimate government purpose that may be reasonably achieved by prohibiting commercial enterprises such as the operation of boarding house businesses. (See 86 Ops.Cal.Atty.Gen. 30 (2003) and cases cited therein.) In the multifamily residential (RM) zones, the City has little land

not already developed or entitled, so boarding houses in these zones would generally require subletting an existing apartment or leasing out a townhome, which would be deleterious for the community.

- e. The transient (short-term) commercial use of residential property also has deleterious effects on residential and community character. Short-term tenants that stay only for one night, a week, or even a month in a residential area have little interest in the community or the welfare of its citizenry; as such, they do not generally participate in local government and community organizations that strengthen a City and its residents.
- f. The proliferation of internet-based services that facilitate the listing, advertising, and hiring of transient residential rentals has led to significant increases in the number of transient rentals throughout the City's residential zones. Based upon a review of websites facilitating short-term residential rentals, specifically Airbnb ([www.airbnb.com](http://www.airbnb.com)) and Vacation Rentals by Owner ([www.vrbo.com](http://www.vrbo.com)), approximately 29 residential properties in the City of Chino Hills are currently listed for short term rental.
- g. Local ordinances that prohibit or regulate transient commercial uses of residential property have been upheld in cases such as *Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579 because such regulations are rationally related to preservation and enhancement of the residential character of the neighborhood and stability of the community.
- h. Bed and breakfast uses were permitted in the Agriculture-Ranch (R-A) and Rural Residential (R-R) zones under the San Bernardino County Development Code and were incorporated into the City's Development Code upon incorporation. However, these uses are no longer appropriate in residential zones in a community that has grown and evolved significantly since the time before incorporation. The City's remaining R-A and R-R properties are typically underserved by roads and infrastructure and would not be good locations for bed and breakfast uses. Prohibiting bed and breakfast uses is consistent with not allowing boarding houses in single family zones. Currently, there are no active business licenses for the operation of a bed and breakfast business within the City.
- i. On May 3, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments. The Commission generally discussed the potential for short-term rental uses to disrupt the character of existing residential neighborhoods and clarified the definition of boarding house and rooming house. The Planning Commission adopted a resolution recommending to the City Council the adoption of the proposed Municipal Code Amendment.

- j. Notice of public hearing was published in the Chino Hills Champion newspaper on May 14, 2016.
- k. A duly noticed public hearing before the City Council was conducted on May 24, 2016, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. The City Council finds that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308. Furthermore, the City Council finds that it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment; therefore, it is not subject to CEQA pursuant to 14 Cal. Code Regs. § 15061(b)(3).

SECTION 3. As required under Government Code § 65860, the City Council finds that Chino Hills Municipal Code amendments proposed in Municipal Code Amendment No. 16MCA02 are consistent with the Chino Hills General Plan as follows:

- a. The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3 and LU-4, which require the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods. The proposed amendment would prohibit transient lodging uses within the City's residential zoning district, which is intended to prevent the deleterious effects of these commercial uses from impacting the residential character of these communities and to ensure safe and decent housing.

SECTION 4. In accordance with Chino Hills Development Code § 16.62.040, the City Council makes the following findings of fact:

- a. FINDING: That the proposed Municipal Code Amendment is consistent with the goals, policies and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3 and LU-4, which require the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods. The proposed amendment would prohibit transient lodging uses within the City's residential zoning district,

which is intended to prevent the deleterious effects of these commercial uses from impacting the residential character of these communities and to ensure safe and decent housing.

- b. FINDING: That the proposed Municipal Code Amendment will not adversely affect surrounding properties.

FACT: The proposed Municipal Code Amendment would be effective citywide and provides reasonable development standards to further enhance the health, safety, and welfare of the community and will not adversely affect surrounding properties.

SECTION 5. Chino Hills Municipal Code § 16.02.140 is amended, in part, to add the definition of "boarding house" or "rooming house" to read as follows, while all other items in this section shall remain unchanged:

"Boarding house" or "rooming house" means a dwelling, building, or accessory building rented to three or more individuals under concurrent, separate rental agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of sleeping rooms or common kitchen facilities may be provided. This definition does not include any of the following:

- Hotel;
- Motel;
- Emergency shelter;
- Transitional housing;
- Single-room occupancy residential hotels;
- Skilled nursing facility;
- Small family day care home;
- Supportive housing;
- Group home;
- A residential facility as defined in the California Community Care Facilities Act (Health & Safety Code § 1500 et seq.) that serves six or fewer persons;
- Housing for persons protected under the Fair Housing Act (42 USC § 3604(f)) or the California Fair Housing Act (Gov't Code § 12920 et seq.);
- Alcoholism or drug abuse recovery or treatment facilities that serve six or fewer persons (as defined in Health & Safety Code § 11834.23(b));
- Employee housing providing accommodations for six or fewer employees (as defined in Health & Safety Code § 17021.5);
- Employee housing providing accommodations for six or fewer employees (as defined in Health & Safety Code § 17021.5);
- Residential care facilities for the elderly that serve six or fewer persons (Health & Safety Code § 1569.85);
- Intermediate care facilities/developmentally disabled habilitative facilities serving six or fewer persons (Health & Safety Code § 1250(e), 1267.8); or

Any other use or arrangement expressly excluded from the definition of 'boarding house' or 'rooming house' pursuant to state or federal law, including household arrangements protected by City of Santa Barbara v. Adamson (1980) 27 Cal.3d 123.

SECTION 6. Chino Hills Municipal Code § 16.02.150 is amended, in part, to delete the definition of "communal housing", while all other items in this section shall remain unchanged.

SECTION 7. Chino Hills Municipal Code § 16.10.020 is amended, in part, to add subparagraph (E) to prohibit commercial transient lodging uses in all residential districts to read as follows, while all other items in this section shall remain unchanged:

- E. Except as otherwise permitted by this code, transient lodging uses for remuneration are prohibited in all residential districts. For purposes of this section, 'transient' means a period of time less than 30 consecutive days.

SECTION 8. Chino Hills Municipal Code § 16.12.020 is amended, in part, to add subparagraph (D) to conditionally permit boarding houses in the Freeway Commercial (C-F), General Commercial (C-G), and Commercial Recreation (C-R) districts to read as follows, while all other items in this section shall remain unchanged:

- D. A boarding house may be conditionally permitted in the C-F, C-G, and C-R zoning districts provided that:
1. The boarding house contains no healthcare facilities similar to those found in a medical clinic.
  2. Not more than two (2) persons are permitted to occupy one rental room.
  3. One uncovered on-site parking space must be provided for each sleeping room.

SECTION 9. Chino Hills Municipal Code Title 16, Appendix A (Regulation of Uses by Zoning District) is amended, in part, to delete the entry for "Bed and breakfasts" and prohibit the use in any zoning district and to add an entry for "Boarding House/Rooming House" as a conditionally permitted use in the Freeway Commercial (C-F), General Commercial (C-G), and Commercial Recreation (C-R) zoning districts read as follows, while all other items in this section shall remain unchanged:

Zoning District Land Use	R A	R R	R S	R M 1	R M 2	R M 3	C N	C F	C G	C O	C R	B P	L I	I - 1	I - 2	O S
Boarding House/Rooming House								C	C		C					

SECTION 10. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County



Code as the same were adopted by reference by City Ordinances Nos. 91-01 and 92-02.

SECTION 11. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 13. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 14. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provisions or other city ordinances to remain in full force and effect for all purposes.

SECTION 15. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 16. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
ART BENNETT, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK D. HENSLEY, CITY ATTORNEY

Exhibit A  
Screenshots from Airbnb  
For Short-Term Rentals  
In the City of Chino Hills

Dates	05/27/2016	05/30/2016	1 Guest
-------	------------	------------	---------

Room Type <sup>2</sup> ☐ Entire home/apt ☐ Private room ☐ Shared room ☐

## More Filters

③ Additional fees apply. Taxes may be added.



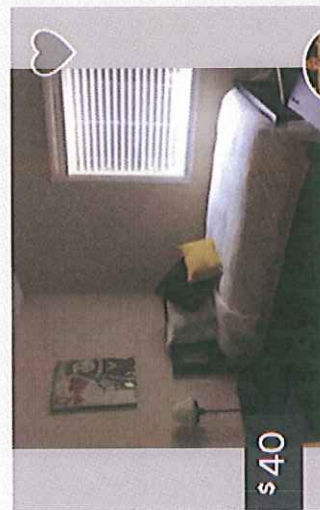
welcome to Chino Hills

Private room • ★★★★★ • 8 reviews



Cozy & Quiet Room w/ Private B...

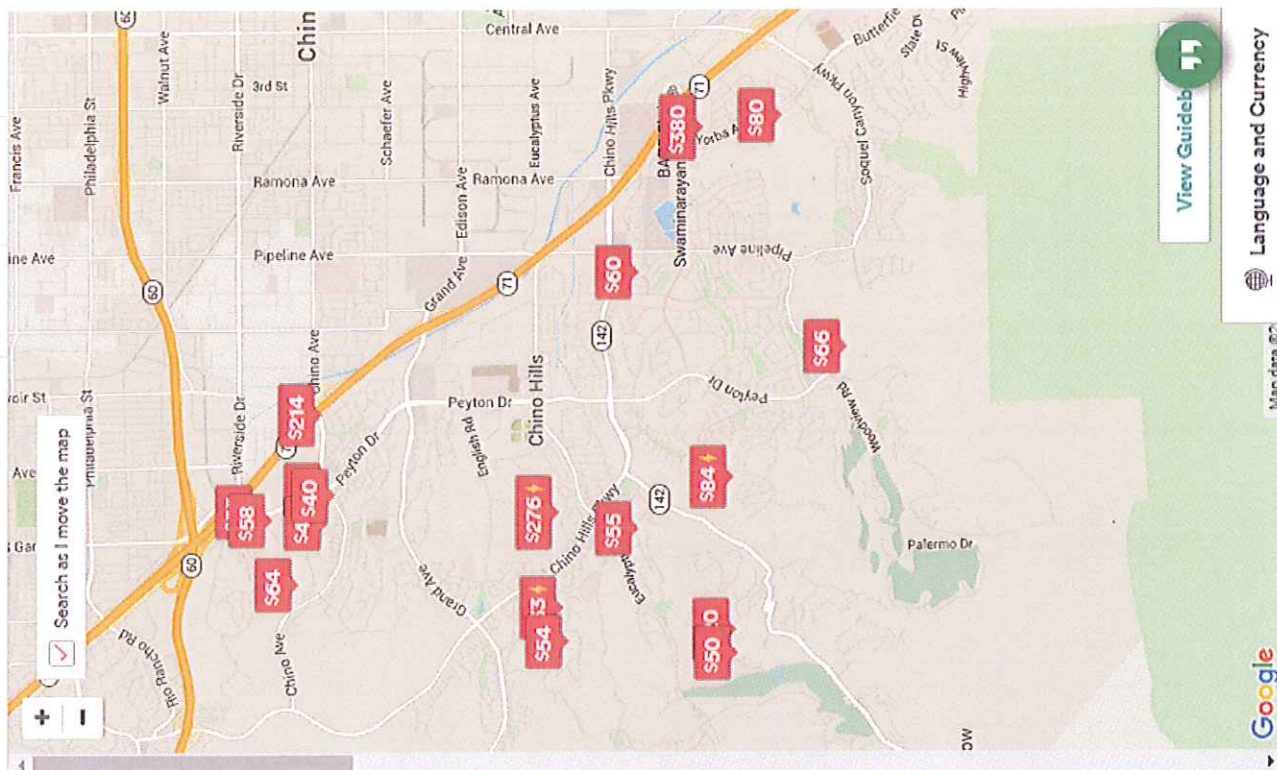
Private room • ★★★★★ • 15 reviews



\$40



\$50







Chino Hills, CA, United States

Dates

05/27/2016

05/30/2016

1 Guest

Room Type



Entire home/apt

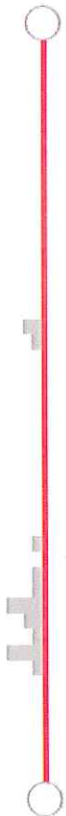


Private room



Shared room

Price Range



\$10

\$104 Average

\$1000+

More Filters

Only 18 listings left for these dates.

We recommend booking a place soon.

Additional fees apply. Taxes may be added.



\$49

Private quiet room in Friendly Ar...

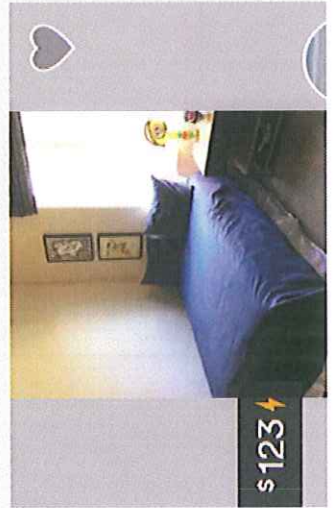
Private room • ★★★★★ • 5 reviews



\$51

Cozy bedroom w/ private bathro...

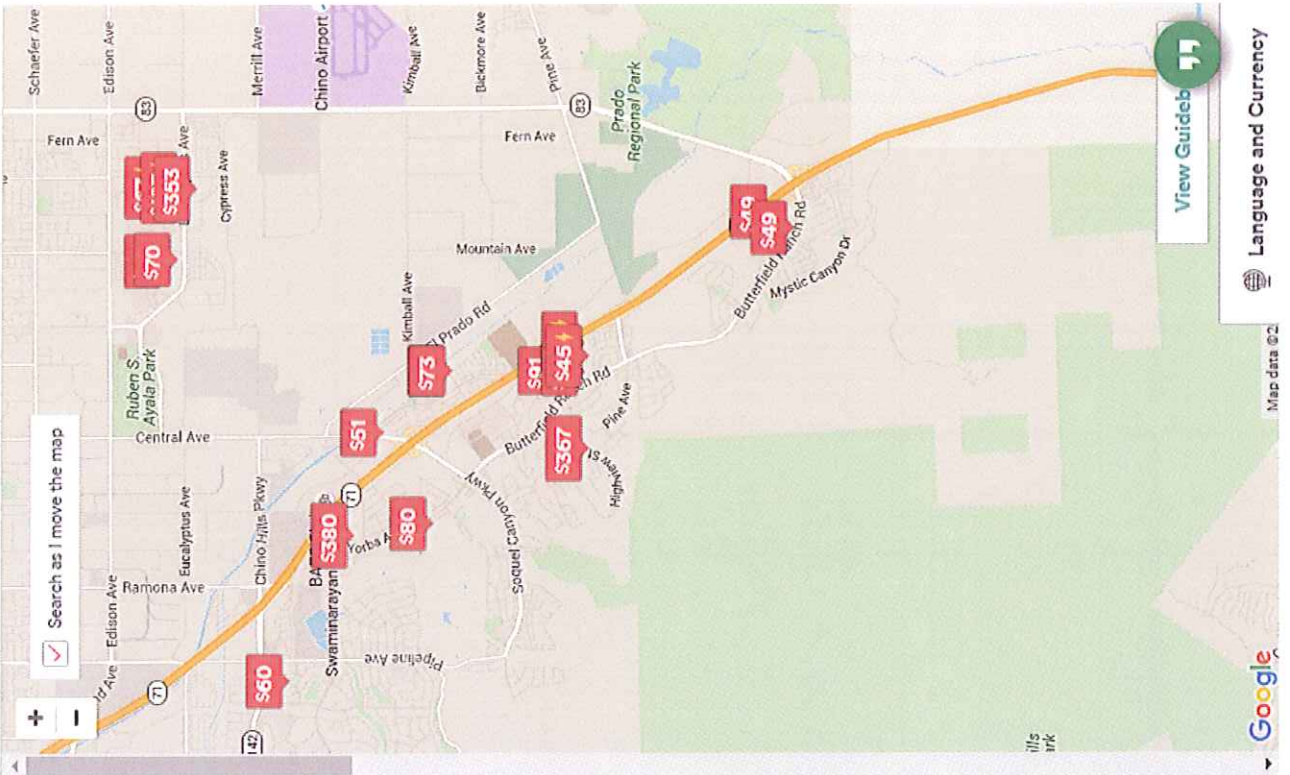
Private room • ★★★★★ • 8 reviews



\$123



\$45



View Guide

Language and Currency

Exhibit B  
Print Out from VRBO  
For Short-Term Rentals  
In the City of Chino Hills





Chino Hills, CA, USA

Arrival

Depart

☒ I don't have dates yet

Guests



Search

Sort by: VRBO Sort

Price: Any

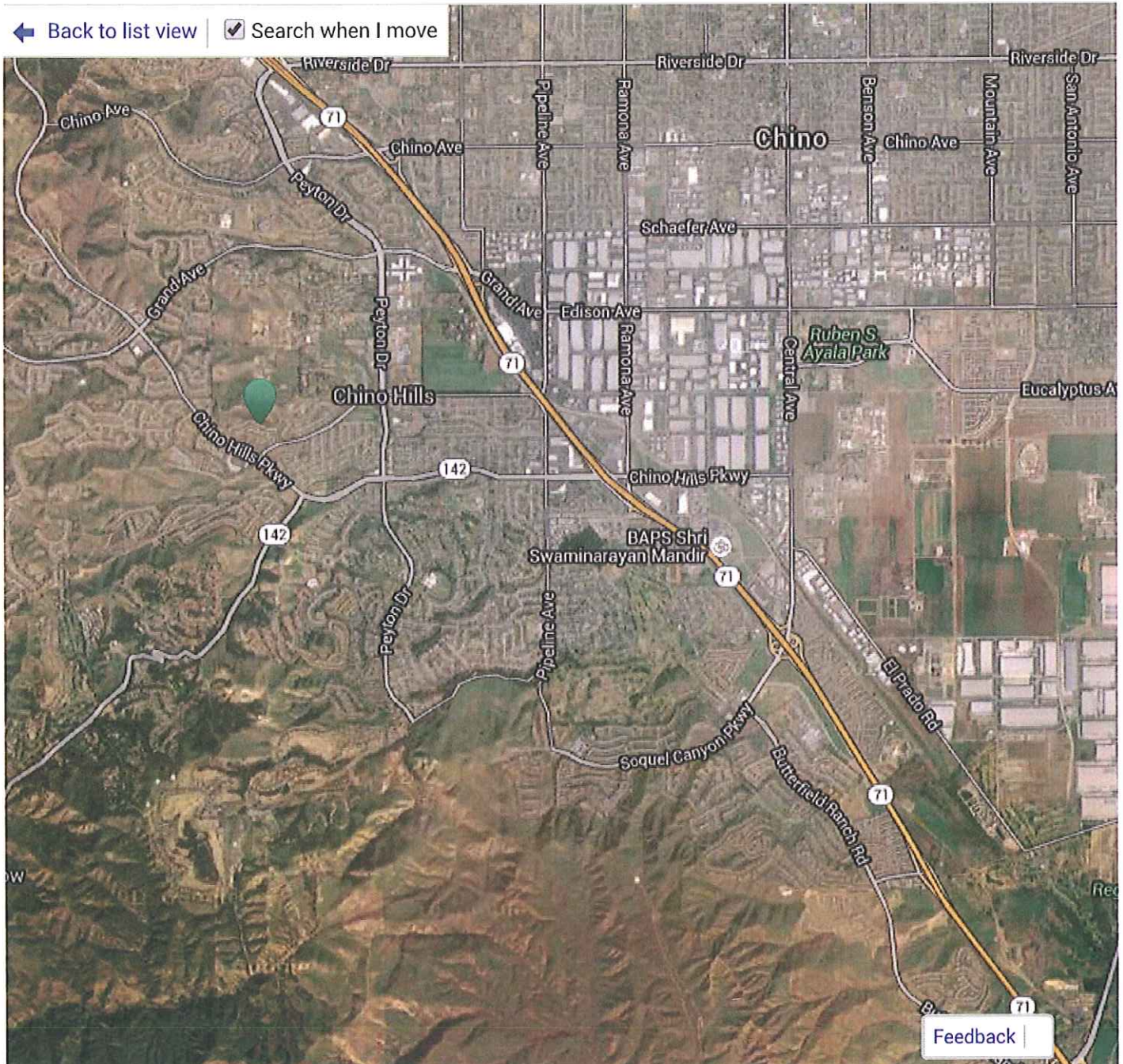
Sleeps: Any

Bedrooms: Any

Booking type: Edit

More filters: Add+

[← Back to list view](#) | ☒ Search when I move



Feedback



Chino Hills, CA, USA

Arrival

Depart

☒ I don't have dates yet

Guests



Search

Sort by: VRBO Sort

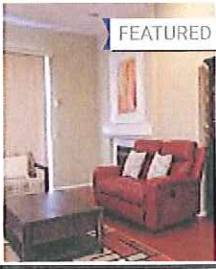
Price: Any

Sleeps: Any

Bedrooms: Any

Booking type: Edit

More filters: Add+



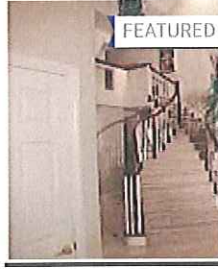
FEATURED

\$203 avg/night



FEATURED

\$668 avg/night



FEATURED

\$639 avg/night

## Chino Hills (1 rental)

[Home](#) › [USA](#) › [California](#) › [Chino Hills](#)

### Cozy 4bd/2.5 Bathroom House

#4172962ha

4 BR 2.5 BA Sleeps 9

Owner Operated

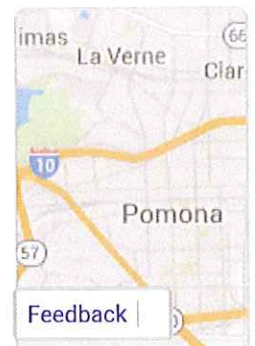
**\$203**

avg/night  
1-2 night min stay



Book now

Expand map








Feedback





## Sponsored Links

- 
**goaheadtours...**  
 (800) 206-9836  
 ★★★★★ (4.8)
- Vacation California - Easiest Way to Travel California**  
 Save up to \$400 per couple!  
 125+ Tours · Handpicked Hotels · Expert Tour Director · Maximum Group Size of 35  
 A+ Rating - Better Business Bureau  
 The Go Ahead Difference      Right Size Advantage  
 Food & Wine Tours      Request A Free Catalog  
 Last Minute Specials      Walking Tours
- 
- 
**hometogo.com**  
 ★★★★★ (4.8)
- Vacation Home Rentals - California from \$175 - HomeToGo.com**  
 75336 accomodations found.  
 More than 250 websites · Find the lowest prices · The best offers · Over 6 million offe...  
 Amenities: WiFi, TV, AC, Pool, Patio, Balcony, Sauna, Terrace  
 The European Metasearch Engine For Holiday Rentals - techcrunch.com  
 Dog Friendly      For lots of people  
 Very close to water      Offers under \$200 / week  
 Pool & Sauna
- 
- 
**familyvacation...**
- California Vacation Package - Find A California Family Hotel**  
 Check Prices, Read Reviews & More!  
 Up to 60% Off Top Hotels · Editor-Curated Hotels · Handpicked Family Deals  
 Destinations: California, Carribean, Florida, Hawaii  
 Vacation Rentals      All Inclusive Deals  
 Family Hotel Deals      Popular Destinations
- 
- 
**search.truthfin...**
- (Found) Chino Hill - Searching for Chino Hill? - TruthFinder.com**  
 Address, Criminal History and More
- 
- dealbase.com**
- \$59 Cheap Vacation Hotels - Big Savings on Cheap Hotels**  
 Cheap Hotel Deals Now from \$59/nt.  
 Just Updated · Incredible Savings · 1000s of Deals · Hotels, Flights, Cars  
 Destinations: Las Vegas, New York City, Miami, San Francisco
- 
- 
**empirevacatio...**  
 (866) 426-2336
- California Vacation - Tour CA and the West Coast's Top Attractions**  
 1-7 Day Tours from LA.  
 Hotels Included · Multilingual Guided Tours · Tours Starting at \$159.  
 Amenities: Free Wifi Onboard, Hotels Included, Multilingual Tour Guide

## Recent Chino Hills reviews

## Such a peaceful place

"Enjoyed staying at this condo so much. It is very quiet and the surroundings incl. pool are well

---

looked after. The view from this condo is amazing. Susan was very helpful and friendly. This is definitely the place to stay if you want to relax and enjoy the beach."

Guest: Tiffany    Date of Stay: May 2015    Review Submitted: May 25, 2015

[View listing](#)

---

### Wonderful Condo

---

"We have rented from Marie Brown every winter for 6 years. She is a wonderful person and very easy to work with, if there are any problems she takes care of them. The Condo is decorated very nice, it looks just like the picture. It is well stocked. It is close to everything. Pier Park has anything you need, a nice choice of restaurants & stores. The sunsets from the patio are amazing. Would rent from Marie anytime."

Guest: Carol K.    Date of Stay: December 2015  
Review Submitted: February 22, 2016

[View listing](#)

---

### Excellent

---

"First time renting a cabin & I made the perfect choice. Searched the internet & by sheer luck came across this one. The cabin was very clean, very well stocked, beautifully decorated. Loved getting up on the crisp mornings sitting on the porch listening to nature come alive. The beds were comfortable. Not too far from all the attractions but away enough to get off the beaten path. Directions given were right on target. After riding for 7 hours it was home away from home. I highly recommend for any occasion."

Guest: Donna F.    Date of Stay: October 2015  
Review Submitted: October 4, 2015

[View listing](#)

---

### Super week-end

---

"Chalet très agréable décoré avec goût, super bien équipé, bien chauffé et très agréable à vivre car très calme Nous y sommes allés à ' couples 2 bébés et 1 fillette de 3 ans. Chacun sa chambre, deux salles de bain deux WC super lorsque l'on est si nombreux Nous y retournons dès que l'occasion se présentera c'est sûr. N'hésitez pas à vous y rendre."

Guest: christine B.    Date of Stay: March 2016  
Review Submitted: March 28, 2016

[View listing](#)

---



**Featured Destinations:** The Villages, Rosemary Beach, Destin Condo Rentals, Amelia Island, Myrtle Beach, Outer Banks

 **RELY LESS ON UTILITIES.**  
**Go solar and pay less for power.**

GET STARTED >

Sponsored Advertisement

[View more of the HomeAway Family](#)

[List your property](#) | [Testimonials](#) | [Advantages](#) | [Rental Guarantee](#) | [Links](#) | [Luxury from HomeAway](#) | [Careers](#) | [Product News](#)

Insider Guides provided by

©Copyright 1995-Present HomeAway.com, Inc. All rights reserved. Use of this website constitutes acceptance of the Terms and Conditions and Privacy Policy.  
"VRBO" and "Vacation Rentals by Owner" are registered trademarks of HomeAway.com, Inc. and cannot be used without permission.

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Chino Hills will hold a public hearing on Tuesday, May 24, 2016 at 7:00 p.m. in the Council Chambers of the City Hall, 14000 City Center Drive, to consider a proposal to amend Title 16 of the Chino Hills Municipal Code, Chapter 16.02 General Provisions and Definitions, Chapter 16.10 Residential Districts, Chapter 16.12 Commercial Districts, and Appendix A Regulation of Uses by Zoning District of the Municipal Code to define "boarding house" and "rooming house" uses, delete the definition of "communal housing", specify the permissibility of "boarding house" and/or "rooming house" uses in the City's zoning districts, regulate transient lodging, and prohibit bed and breakfast uses within the City. (Municipal Code Amendment No. 16MCA02)

**NOTICE IS FURTHER GIVEN** that a determination has been made that the adoption of the ordinance associated with proposed Municipal Code Amendment No. 16MCA02 is exempt from the provisions of the California Environmental Quality Act (CEQA) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. Consequently, the proposed amendment to the Municipal Code is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §§ 15301, 15305, 15308, and 15061.b.3. Additional information regarding this project is available for public review at the City of Chino Hills Community Development Department, 14000 City Center Drive, Chino Hills, CA 91709 during the following hours: Monday thru Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m.

**NOTICE IS FURTHER GIVEN** that if you challenge the above described action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

**ALL INTERESTED PERSONS** are invited to be present at the public hearing. All persons may give testimony at the time and place indicated above. Additional information regarding this project may be obtained

from Ryan Gackstetter, Senior Planner  
with the Community Development  
Department at (909) 364-2749 or  
rgackstetter@chinohills.org.

DATED: May 10, 2016  
S/ Cheryl Balz, City Clerk

PUBLISH: Chino Hills Champion  
Saturday,  
May 14, 2016

## Cheryl Balz

---

**From:** Meranda Linne <merandauphills@gmail.com>  
**Sent:** Thursday, May 12, 2016 12:15 AM  
**To:** City Council-web mail  
**Subject:** Boarding Houses Rent More than 30-day  
  
**Categories:** FYI only

Dear Council Members,

I was really excited to learn the city finally takes efforts to ban boarding houses and make Chino Hills a better place to live.

Other than the short term rentals (less than 30 days), I'm wondering if there's any step taken toward multiple renters reside in one house for more than 30 days.

For instance, I'm aware of a house that's located at 2539 Paseo Del Palacio, Chino Hills that there are five to ten junior or high school students reside without obvious parental guidance, perhaps there are some adults, however, we don't know if these kids being legally supervised or anyone is taking advantage of the public education. Will the council members also address situations like this because I've seen increasing numbers of these houses appear in neighborhoods.

We as residents would also like to see ways the ordinance being enforced.

Again, thank you for the efforts and changes. We look forward to a better living environment. If you could comment back on my email, I will be greatly appreciated.

Thank you

Meranda L