

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

**A PROPOSITION APPROVING ORDINANCE NO. 2104 ADOPTED BY THE CITY COUNCIL ON FEBRUARY 19, 2014 CHANGING THE GENERAL PLAN AND ZONING MAP DESIGNATION FROM A COMMERCIAL LAND USE TO A RESIDENTIAL LAND USE AND APPROVING AN 80 UNIT RESIDENTIAL SUBDIVISION AT 2015 POTRERO GRANDE DRIVE.**

The people of the city of Monterey Park do hereby ordain as follows:

SECTION 1: NAME. This Proposition may be referred to as the "Potrero Grande Drive Initiative."

SECTION 2: FINDINGS. The People find as follows:

- A. Monterey Park Municipal Code ("MPMC") Chapter 21.42 generally requires voter approval for changes to the Land Use Element of the General Plan; the Zoning Map; or zoning regulations in the MPMC;
- B. On February 19, 2014, the Monterey Park City Council adopted Ordinance No. 2104 (the "Ordinance") which, if ratified by voters, will change the permissible use of the property from commercial to residential by amending the General Plan, the Zoning Map, and approving a Specific Plan ("SP -13-02" or "2015 Potrero Grande Specific Plan") for property located at 2015 Potrero Grande Drive (the "Property");
- C. The Ordinance can only become effective upon voter ratification pursuant to MPMC Chapter 21.42;
- D. The Property is currently zoned C-S (Commercial Services) and the General Plan designation is Commercial. The Property is currently occupied by a plant nursery which has been operated on the property since approximately 1977; and
- E. If ratified by voters, the Ordinance would allow construction of an 80 unit residential subdivision at the Property.

SECTION 3: APPROVALS. The People hereby ratify the Ordinance and, in doing so, also specifically approve:

- A. General Plan Amendment No. GP-13-02 which changes the land use designation of the Property from C-S (Commercial Services) to SP-13-02 (Specific Plan Residential Use) as graphically set forth in attached Exhibit "A," which is incorporated by reference;

- B. An amendment to the Zoning Map which changes the zoning of the Property from commercial to residential and more specifically from C-S (Commercial Services) to SP-13-02 as graphically set forth in attached Exhibit "B," which is incorporated by reference; and
- C. Adoption of the 2015 Potrero Grande Drive Specific Plan as set forth in the Ordinance.

**SECTION 4: INTERPRETATION.** This Proposition must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Proposition is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Proposition. The voters declare that this Proposition, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Proposition is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Proposition that can be given effect without the invalid application.

**SECTION 5: SEVERABILITY.** If any portion of this Proposition is held by a court of competent jurisdiction to be invalid, the remainder of the Proposition and the application of such provision to other persons or circumstances will not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Proposition by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Proposition, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.

**SECTION 6: CONSTRUCTION.** This Proposition must be broadly construed in order to achieve the purposes stated in this Proposition. It is the intent of the voters that the provisions of this Proposition be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Proposition.

**SECTION 7: ENFORCEABILITY.** Repeal of any provision of the Monterey Park 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 8: VALIDITY OF PREVIOUS CODE SECTIONS.** If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or

amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes

SECTION 9: The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's general election on June 3, 2014 approve the proposition asking whether the voters approve this Initiative.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Anthony Wong, Mayor

ATTEST:

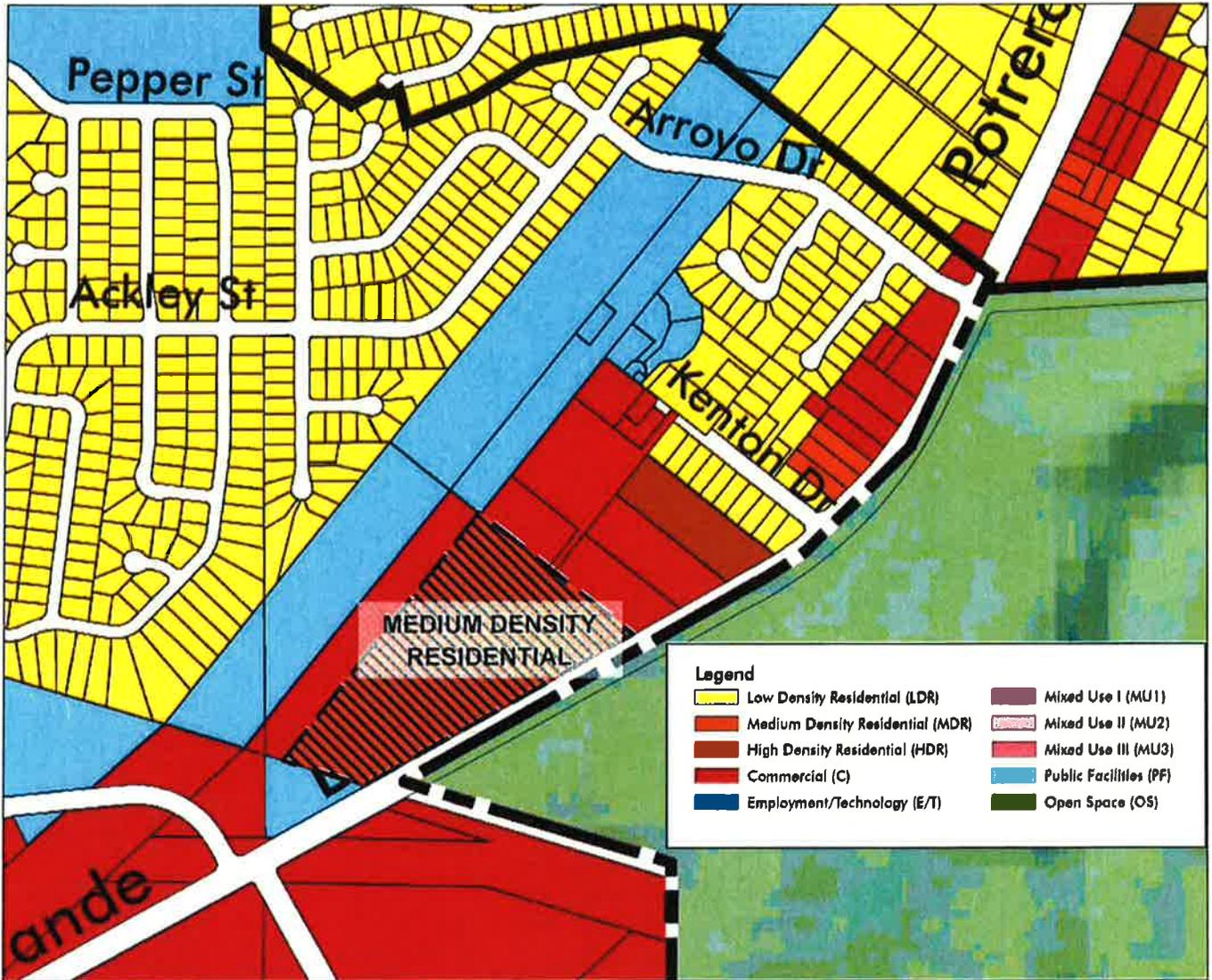
\_\_\_\_\_  
Vincent D. Chang,  
City Clerk

APPROVED AS TO FORM:  
MARK D. HENSLEY, City Attorney

By: \_\_\_\_\_  
Karl H. Berger, Assistant City Attorney

# **EXHIBIT A**

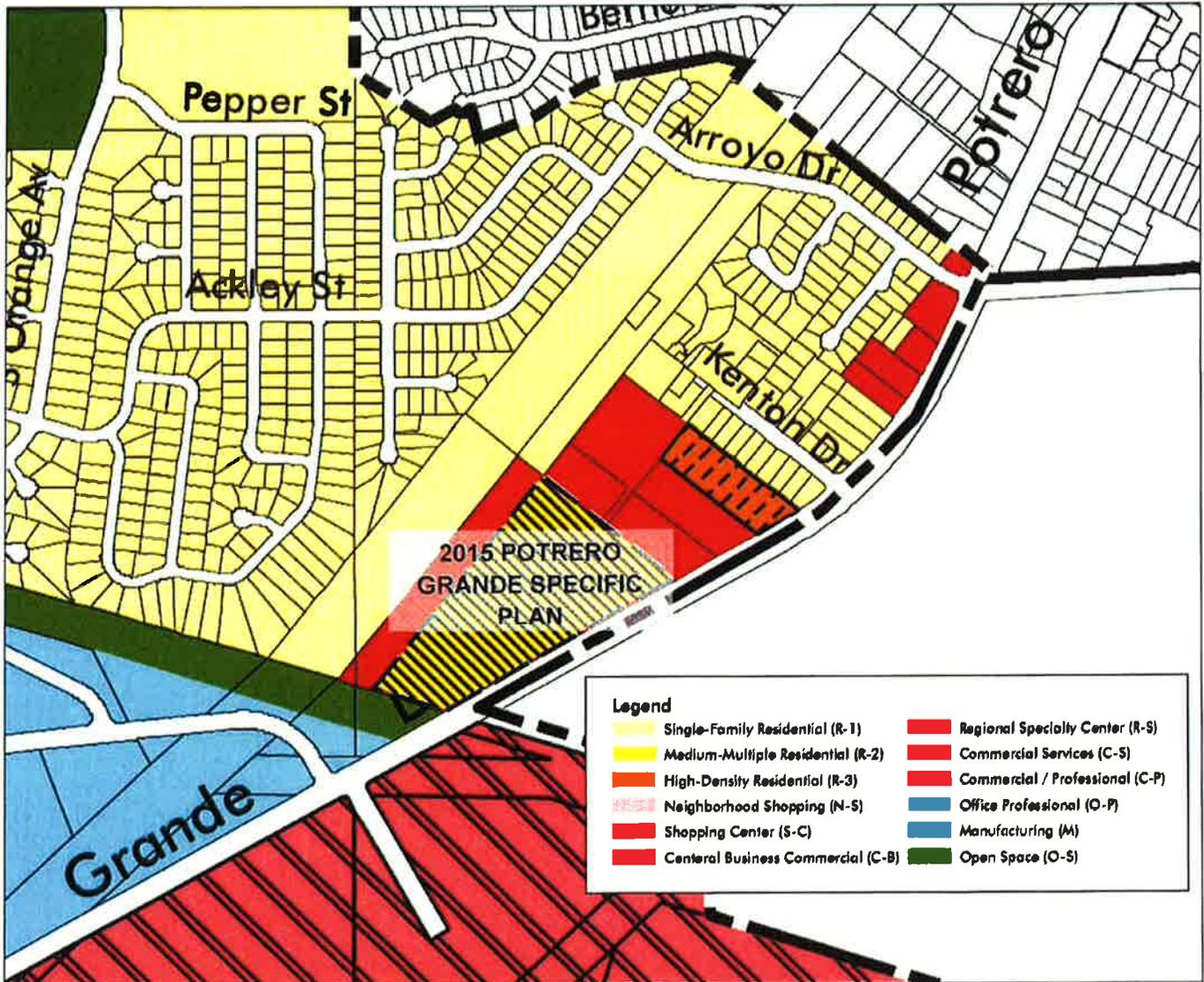
Ballot Measure (Land Use Map)



**Amendment of the Land Use Map from Commercial to Medium Density Residential**

# **EXHIBIT B**

Ballot Measure (Zoning Map)



**Amendment of the Zoning Map from Commercial Services (C-S) to 2015 Potrero Grande Specific Plan**