



Community Development Department
Planning Division
13220 Central Avenue
Chino, CA 91710
(909) 334-3253

CITY of CHINO

www.cityofchino.org

Appeal Application

Appeal Process

The applicant or any interested aggrieved person may appeal the determination of the Community Development Director or Planning Commission within ten (10) calendar days from the date of such determination. The appeal must be in writing in accordance with Section 20.23.150 of the City of Chino Zoning Ordinance. The required appeal fee as adopted by the City Council must accompany an appeal to the Planning Commission of a decision of the Community Development Director or an appeal to the City Council of a decision of the Planning Commission or it will be considered incomplete and the appeal will not be considered. A building permit will not be issued until after the 10-day appeal period is complete. If an action of the Commission is appealed, the City Council will hear the appeal and render a final decision.

General Information (Print of Type)

Appellant's Name: Supporters Alliance For Environmental Responsibility ("SAFER"),
represented by Lozeau Drury LLP Phone Number: 510.836.4200

Mailing Address: 1939 Harrison St., Suite 150 Oakland, CA 94612

Email Address: rebecca@lozeaudrury.com

Fax Number: 510.836.4205

Contact Name: Rebecca Davis

Phone Number: 510.230.0400

Type of Appeal Requested

- ☐ An appeal to the Planning Commission of an administrative action or determination
☒ An appeal to the City Council of a Planning Commission action or determination
☐ An appeal to the City Council of an environmental action or determination

Project number(s): PL20-0003, PL20-0004, PL20-0005

Project address or location: Northwest corner of East End Avenue and Philadelphia Street (APN: 1013-521-04)

Specific action or decision which is being appealed: SAFER appeals the Planning Commission's July 19, 2023 decision to approve PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174) for the Project.

Specific grounds for the appeal, and the relief requested is as follows: SAFER objects to the county's reliance on the MND for the Project. The MND fails to adequately analyze and fully mitigate the Project's environmental impacts under CEQA. In addition, adoption of Planning Commission Resolution No. PC2023-023 prior to the City Council's review and adoption of the MND violates CEQA. An agency may not approve a project until after it considers a proposed mitigated negative declaration together with any comments received during the public review process. See attached letter.

Staff Use Only

File No. PL20-0004 & 0005	Date Received 7/27/23	Filing Fee ☐ Resident ☒ Non-Resident	Received By
Related Files PL20-0003	Time Received	Receipt No. 60570	Supervisor Authorization

Appellant's Affidavit

I hereby certify that the statements and information contained herein are in all respects true and correct to the best of my knowledge and belief.

Appellant's Signature: _____

Date: 07/24/2023

Print Name: Rebecca Davis

Relationship to Subject Appeal:

☐ Property Owner

☐ Business Owner

☐ Resident

☒ Other: SAFER has members that live
and/or work in the vicinity of the
proposed project



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Via Email

July 18, 2023

Kevin Cisneroz, Chairperson
Jimmy Alexandris, Vice Chairperson
Brandon Blanchard, Commissioner
Joanna Chavez, Commissioner
Lissa Fraga, Commissioner
Steve Lewis, Commissioner
Lawrence Vieira, Commissioner
Chino Planning Commission
13220 Central Avenue
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Kim Le, Associate Planner
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**Re: Comment on Mitigated Negative Declaration
Philadelphia Street Industrial Development and East End Annexation
Project (PL20-0003, PL20-0004, PL20-0005)
July 19, 2023 Planning Commission Agenda Item 4**

Dear Chairperson Cisneroz, Honorable Commissioners, and Planner Le:

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Philadelphia Street Industrial Development and East End Annexation Project (PL20-0003, PL20-0004, PL20-0005) and the related Initial Study and Mitigated Negative Declaration ("MND") ("Project").

Based on our initial review, the MND fails to adequately analyze and fully mitigate the Project's environmental impacts under the California Environmental Quality Act ("CEQA"). SAFER requests that an environmental impact report ("EIR") be prepared for the Project rather than an MND to ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated. SAFER requests that the Planning Commission refrain from any consideration of the Project until an EIR is prepared as required by CEQA.

In addition, adoption of Planning Commission Resolution No. PC2023-023 prior to the City Council's review and adoption of the MND would violate CEQA. An agency may not approve a project until after it considers a proposed mitigated negative declaration together with any comments received during the public review process. (14 C.C.R. § 15074(b); Pub. Res. Code § 21091(f); *Citizens for Responsible Government v. City of Albany*

(1997) 56 Cal.App.4th 1199.) Even though additional approvals may be required, CEQA review is required prior to the first agency approval of a project, when the agency commits itself to a definite course of action. (*Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116, 137-138)

Resolution PC2023-023 would approve PL20-0004 (Site Approval) and a PL20-0005 (Tentative Parcel Map No. 20174). Site approval and approval of the tentative map are actions that significantly further the Project in a manner that forecloses mitigation measures that would ordinarily be part of CEQA review for the Project. (See, 14 CCR 15004(b)(2)(B); *Save Tara v. City of W. Hollywood*, 45 Cal. 4th 116, 138, 194 P.3d 344, 360 (2008), as modified (Dec. 10, 2008).)

In contrast to its approval of the Site Plan and Tentative Map, the Planning Commission will act merely as an advisory agency when reviewing the MND. The Commission will only make a recommendation to the Chino City Council on whether it should adopt an MND for the Project. (See Planning Commission Resolution No. PC2023-021.) Members of the public will then have the opportunity to comment on the adequacy of the MND at the City Council meeting, and the CEQA requires the City Council consider any public comments made.

Since the MND will not be adopted, if at all, until a forthcoming City Council meeting, the Planning Commission cannot approve any portion of the Project at its July 19, 2023 meeting, prior to the City Council's adoption of the MND.

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Davis', with a long horizontal flourish extending to the right.

Rebecca Davis
Lozeau Drury LLP