

RESOLUTION NO. 2025-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DENYING SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY'S (SAFER) APPEAL AND APPROVING PL24-0097 (SPECIAL CONDITIONAL USE PERMIT), PL24-0098 (SITE APPROVAL), AND PL24-0120 (SPECIAL CONDITIONAL USE PERMIT) FOR THE CONSTRUCTION OF THE CHINO GATEWAY TERMINAL PROJECT CONSISTING OF A 158,548 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING, A 3,540 SQUARE FOOT FOOD AND BEVERAGE BUILDING, AND TO CONDITIONALLY PERMIT AN INDUSTRIAL BUILDING GREATER THAN 50,000 SQUARE FEET AND TO ALLOW RESTAURANTS IN THE LIGHT INDUSTRIAL (M1) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF SCHAEFER AVENUE AND OAKS AVENUE (APN: 1021-052-04, -06, -09, AND -11)

WHEREAS, on July 6, 2010, the City certified the City of Chino General Plan Environmental Impact Report (GPEIR) (SCH# 2008091064); and

WHEREAS, Gateway Terminal LLC (the "Applicant"), has filed an application with the City of Chino (the "City") for approval of PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit) (the "Project") to construct the Chino Gateway Terminal Project consisting of a 158,548 square foot warehouse industrial building, a 3,540 square foot restaurant building with an outdoor dining area, and to conditionally permit restaurants and a warehouse industrial building greater than 50,000 square feet, located on approximately 7.35 acres of land within the Light Industrial (M1) zoning district at the southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09, and -11); and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), an Addendum to the General Plan Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project, dated June 2025, has been prepared by LSA Associates, Inc.; and

WHEREAS, a notice was published in the *Chino Champion* on July 5, 2025. Additionally, a 10-day notice was mailed to all property owners within a 300-foot radius of the project site, the City sent information out on the City's social media platforms, and two freestanding signs were posted along each of the project's street frontages in accordance with Section 20.23.140.D.1 of the City's Zoning Code; and

WHEREAS, on July 15, 2025, Louzeau Drury, LLP, on behalf of the Supporters for Environmental Responsibility (SAFER) submitted an objection to the Project, objecting to the City's reliance on an Addendum to the City of Chino General Plan Environmental Impact Report; and

WHEREAS, on July 16, 2025, the Planning Commission held a duly noticed public hearing for the Project in compliance with the law, and, after entertaining the written and oral report of staff, and taking public testimony from Mr. Jorge Zavala with Western States Regional Council of Carpenters who requested the Project be delayed until the developer could commit to hiring a local, skilled, and trained workforce, approved the Project by a vote of 6-1; and

WHEREAS, SAFER (the "Appellant") filed a timely appeal of the approval of the project; and

WHEREAS, on September 16, 2025, prior to the City Council hearing, SAFER submitted additional information that was not included in their original appeal, detailing why the City's reliance on an Addendum to the City of Chino General Plan Environmental Impact Report was insufficient; and

WHEREAS, on September 16, 2025, the City Council held a duly noticed public hearing to consider appellant's appeal; and

WHEREAS, the Applicant requested a continuance of the Project to the October 21, 2025, City Council public hearing to allow adequate time to address the issues raised in SAFER's letter; and

WHEREAS, on October 21, 2025, the City Council held a duly noticed public hearing to consider Appellant's appeal, considered the written and oral report of staff and all oral and written evidence presented and closed the public hearing.

NOW, THEREFORE, the City Council of the City of Chino, California, does hereby FIND, DETERMINE, and RESOLVE as follows:

A. The foregoing recitals are true and correct and incorporated herein.

B. Based on substantial evidence, both written and oral, from the public hearing, the City Council makes the following findings and takes the following actions on the appeal and on PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit):

1. *PL24-0098 (Site Approval)*

- a. The proposed Project is consistent with the goals and policies of the City's adopted General Plan and/or applicable specific plan(s). The Project site has a General Plan land use designation of Light Industrial (LI). The LI land use designation is intended for industrial uses with fewer impacts on traffic, noises, odors and pollutants and allows for a broad range of uses. The Project has been designed to meet applicable development standards and design guidelines. The Project serves General Plan Goal LU-2 and Objective LU-2.1 which aim to foster the development of new industrial uses in the City while preventing negative impacts on the health, safety, and welfare of residents and General Plan Objective LU-1.3 which encourages commercial development that will support and enhance vibrant commercial areas and serve existing neighborhoods;
- b. The proposed Project is permitted within the zoning district in which it is proposed and complies with all applicable provisions of the City's Zoning Code. The Project is located in the Light Industrial (M1) zoning district and consists of a 158,548 square foot warehouse industrial building and a 3,540 square foot food and beverage building with an outdoor dining area. The restaurant uses and the size of the warehouse building, which exceeds 50,000 square feet, require approval of a Special Conditional Use Permit. Additionally, the Project meets or exceeds all minimum development standards related to setbacks, building height, lot coverage, parking, and landscaping;

- c. The subject site is physically suitable, including, but not limited to, parcel size, shape, access and availability of utilities, for the type and intensity of use proposed, as all minimum zoning requirements governing parcel size, shape, access, type and intensity of development have been met or exceeded. The 7.35-acre site is flat and will have adequate infrastructure and four points of vehicular access from Schaefer Avenue and Oaks Avenue. Utilities and stormwater improvements will be extended to serve the site;
- d. The subject site for the Project relates to streets and highways properly designed, both as to width and type of pavement to carry the type and quantity of traffic generated by the proposed Project, in that the Project site is located along Schaefer Avenue, which is designated as a primary arterial and Oaks Avenue, which is designated as an urban industrial collector. Access to the site is provided from the adjacent streets. Additionally, Schaefer Avenue is designated as a truck route. Both streets are currently improved and have adequate capacity to serve the proposed Project;
- e. The proposed Project is compatible with those abutting properties and in the surrounding area. The Project is located within an area designated for industrial uses and is surrounded by existing industrial developments to the east, south and west. To the north, Schaefer Avenue separates the single-family residential development from the Project. The Project will have no significant negative light, noise, and aesthetic impacts, as the building has been designed to meet all development and design requirements of the M1 zoning district, in which it is located;
- f. The proposed location, size, and operating characteristics of the proposed Project will not be detrimental to the public interest, health, safety or general welfare, as the proposed Project consists of a mixed-use development with an industrial building and a food and beverage building, which is consistent with the M1 zoning district. In addition, certain safeguards have been required of the proposed Project, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A";
- g. The proposed Project will not have a significant adverse impact on the environment as an Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project has been prepared for this Project pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The Project is within the scope of the EIR, which adequately describes the activity for the purposes of CEQA. The Addendum satisfies the requirement of CEQA and the CEQA Guidelines (California Public Resources Code §§ 21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and
- h. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed Project and have been imposed as conditions of Project approval by the Chino Planning Commission. In addition, certain safeguards have been required of the proposed Project, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A".

2. *PL24-0097 (Special Conditional Use Permit – Warehouse Building ≥ 50,000SF)*

- a. The proposed use is consistent with the goals and policies of the City's adopted General Plan and/or applicable specific plan(s), in that the proposed use consists of an industrial building exceeding 50,000 square feet, which is permitted subject to approval of a SCUP. The use supports General Plan Goal LU-2 and Objective LU-2.1, which aims to foster the development of new industrial uses that contributes to the City's economic development, while ensuring such uses are planned and designed to prevent negative impacts on the health, safety, and welfare of residents;
- b. The subject site is physically suitable, including but not limited to, parcel size, shape, access and availability of utilities, for the type and intensity of use proposed, as all minimum zoning requirements governing parcel size, shape access, type and intensity of the use have already been met or exceeded and the appropriate infrastructure and public improvements are conditioned to be constructed with the development. Additionally, the proposed 158,548 square foot industrial building meets all requirements and development standards in the Zoning Ordinance;
- c. The subject site relates to streets and highways properly designed, both as to width and type of pavement to carry the type and quantity of traffic generated by the proposed use; as the 158,548 square foot industrial building will have direct access from one driveway off Schaefer Avenue and a second driveway off Oaks Avenue. Schaefer Avenue is designated as a primary arterial and truck route and Oaks Avenue is designated as an urban industrial collector, both streets designed to carry the volume of traffic typically generated by the use;
- d. The proposed use is compatible with those on abutting properties and in the surrounding neighborhood. The Project is located within an area designated for industrial uses and is surrounded by existing industrial developments to the east, south and west. To the north, Schaefer Avenue, separates the single-family residential development from the use. The use will have no significant negative light, noise, and aesthetic impacts, as the building has been designed to meet all development and design requirements of the M1 zoning district, in which it is located. Additionally, the M1 zoning district is intended for industrial uses that are less intensive;
- e. The proposed location, size, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety or general welfare, as the 158,548 square foot industrial building is allowed in the M1 zoning district, subject to the approval of a SCUP. In addition, certain safeguards have been required of the proposed use, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A";
- f. The proposed Project will not have a significant adverse impact on the environment as an Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project has been prepared for this Project pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The Project is within the scope of the EIR, which

adequately describes the activity for the purposes of CEQA. The Addendum satisfies the requirement of CEQA and the CEQA Guidelines (California Public Resources Code §§ 21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and

- g. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed Project and have been imposed as conditions of Project approval by the Chino Planning Commission. In addition, certain safeguards have been required of the proposed use, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit “A”.

3. *PL24-0120 (Special Conditional Use Permit - Restaurant):*

- a. The proposed use is consistent with the goals and policies of the City’s adopted General Plan and/or applicable specific plan(s); in that the proposed use consists of individual restaurants located within a multi-tenant building. The proposed use is permitted, subject to approval of a SCUP. Furthermore, Objective LU-1.3 of the City’s General Plan encourages commercial development that will support and enhance vibrant commercial areas to serve existing neighborhoods with a combination of daily and specialty daily needs;
- b. The subject site is physically suitable, including, but not limited to, parcel size, shape, access and availability of utilities, for the type and intensity of use proposed, as all minimum zoning requirements governing parcel size, shape access, type and intensity of development have already been met or exceeded and the appropriate infrastructure and public improvements are conditioned to be constructed with the development;
- c. The subject site relates to streets and highways properly designed, both as to width and type of pavement to carry the type and quantity of traffic generated by the proposed use; as the restaurant building will have direct access from one driveway off Schaefer Avenue a second driveway off Oaks Avenue. Schaefer Avenue is designated as a primary arterial and Oaks Avenue is designated as an urban industrial collector, both streets designed to carry the volume of traffic typically generated by the proposed restaurant use;
- d. The proposed use is compatible with those on abutting properties and in the surrounding neighborhood, in that restaurants in the M1 zoning district are allowed, subject to approval of a SCUP. The proposed food and beverage building is located within an area designated for industrial uses and is surrounded by existing industrial developments to the east, south and west. The restaurant component is strategically located at the northeast corner of the project site, serving as a transitional buffer between the single-family residential neighborhood, separated by Schaefer Avenue, and the larger warehouse industrial building to the south. The use will have no significant negative light, noise, and aesthetic impacts, as the building has been designed to meet all development and design requirements of the M1 zoning district, in which it is located;
- e. The proposed location, size, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety or general welfare, as

restaurant uses are allowed in the M1 zoning district, subject to the approval of a SCUP. In addition, certain safeguards have been required of the proposed Project, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A";

- f. The proposed Project will not have a significant adverse impact on the environment as an Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project has been prepared for this Project pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The Project is within the scope of the EIR, which adequately describes the activity for the purposes of CEQA. The Addendum satisfies the requirement of CEQA and the CEQA Guidelines (California Public Resources Code §§ 21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and
 - g. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed Project and have been imposed as conditions of Project approval by the Chino Planning Commission. In addition, certain safeguards have been required of the proposed Project, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A".
4. *CEQA Findings.* An Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project has been prepared by LSA Associates, Inc. for this Project pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The City Council has considered the Addendum and Environmental Impact Report as part of its decision on this Project pursuant to Section 15164. The City Council hereby finds that the Project is within the scope of the EIR, which adequately describes the activity for the purposes of CEQA. The City Council hereby finds that the Project will not have any impacts that would require a revision to the EIR or any other additional environmental review.
5. *Deny the appeal and grant approval of PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit).* The City Council hereby makes the following findings:
 - a. SAFER's appeal presents vague and unsupported claims that new information, significant environmental impacts and/or mitigation measures may have emerged since the 2010 GPEIR was certified and therefore claims that a new EIR or Negative Declaration is required. However, the Addendum and the Planning Commission's decision were based on comprehensive technical analysis that evaluated the Project's environmental impacts.
 - b. The Addendum provided: 1) a detailed summary of relevant General Plan policies for each environmental topic addressed in the GPEIR; 2) the level of impact for each environmental topic identified in the GPEIR; and 3) an evaluation of the Project's impacts compared to those analyzed in the GPEIR. The Addendum appropriately compared the impacts of the Project with those anticipated from full General Plan buildout. This is backed by the numerous technical studies that evaluated potential impacts and concluded that no additional mitigation would be

required for the Project. Based on this analysis, the Planning Commission found no evidence that the Project would result in new or more severe significant impacts than those previously identified in the GPEIR.

- c. As documented in the Addendum, the Project would not result in any new significant impacts, nor would it cause a substantial increase in the severity of existing impacts beyond those addressed in the GPEIR. The Project's potential impacts are equal or less than those evaluated in the GPEIR. Additionally, there have been no substantial changes in the Project's conditions or location that would lead to new or more severe environmental impacts. Therefore, no new information has been identified that would require further CEQA review under Section 15162.

Based on such findings, the City Council hereby denies the appeal and approves PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit) subject to the Conditions of Approval attached hereto as Exhibit "A". Applicant, including its successors and assigns, shall be responsible for implementing and complying with all conditions set forth in Exhibit "A".

6. *Actions by the City Clerk.* The City Clerk is hereby directed to attest to the adoption of this Resolution as of the date set forth below and forthwith transmit a copy of this Resolution, by regular mail, to the Applicant at the address of record set forth in the Application.

PASSED, APPROVED, AND ADOPTED THIS 21ST DAY OF OCTOBER 2025.

EUNICE M. ULLOA, MAYOR

ATTEST:

NATALIE GONZAGA, CITY CLERK

State of California)
County of San Bernardino) §
City of Chino)

I hereby certify the foregoing Resolution was duly adopted by the Chino City Council at a meeting held on the 21st day of October 2025 and entered in the minutes of said Commission.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

CITY CLERK

Attachment: Exhibit A – Conditions of Approval