

Maureen Moe Mendoza
[REDACTED]

April 7, 2026

Members of the City Council
13220 Central Avenue
Chino, CA 91710

Good evening Mayor and City Council Members of Chino,

Over the past year, I have submitted multiple letters and public comments to this council raising serious concerns about ARC's care, resources, funding, medical needs, and oversight, including letters submitted in 2025 and 2026.

I have raised concerns about whether ARC has adequate staffing, funding, space, and oversight, and proposed solutions such as aligning resources with intake, expanding spay and neuter services, strengthening foster and rescue partnerships, and ensuring transparency through regular public reporting.

To date, I have received only one written response despite these repeated submissions. No acknowledgment, no timeline, no accountability. This lack of response is alarming when animal welfare and public trust are at stake.

Tonight, I'm asking again for action. I respectfully request that the City formally consider pursuing amendments to the ARC Joint Powers Agreement to allow shared staffing support, including member agency employees, event volunteers, and limited-duty personnel to assist with ARC operations and community outreach.

I'm also asking the Council to commit to transparency and oversight by:

- Implementing regular public reporting on ARC operations
- Placing a quarterly ARC agenda item to publicly report intake, adoptions, return to owner, transfers, euthanasia totals (and reason), and average length of stay, consistent with the Hayden Act.
- Ensuring meetings are posted, accessible, and recorded for the public
- Request that City Council implement a practice of displaying two adoptable ARC animals, with brief introductions, on screen before and after each meeting to promote adoption
- I am requesting that the City of Chino formally request, through the JPA, the establishment of an independent oversight committee to ensure that decisions impacting the welfare of animals are transparent and open to public review.

These steps are practical, achievable, and necessary to ensure humane care and responsible management of the animals in ARC's care. I respectfully request a written response to my prior submissions and to the concerns raised here tonight.

Thank you for your time and consideration,

M. Mendoza

Maureen Moe Mendoza
Foster Advocate for Maverick

Maureen Moe Mendoza

April 7, 2026

Members of the City Council
13220 Central Avenue
Chino, CA 91710

RE: Request for Consideration of JPA Amendment – Shared Staffing and Support for ARC

I am writing as a community advocate to respectfully request your consideration of pursuing an amendment to the Joint Powers Agreement, JPA, governing the Animal Resource Center of the Inland Empire, ARC, to include provisions allowing for the temporary sharing or assignment of staff between member agencies.

As you are aware, the ARC is not only a regional service provider but also a facility responsible for the daily care, housing, and wellbeing of animals for its member cities, including the City of Chino. The demands of maintaining kennel operations such as cleaning, feeding, medical support, and enrichment combined with staffing and budget limitations, can make it difficult to fully support both essential onsite animal care and participation in community events, particularly those hosted within member cities.

To help address this, I respectfully suggest that the JPA be expanded to allow for:

- Temporary assignment of employees from member agencies to assist ARC at city hosted events
- Utilization of approved event volunteers to support ARC related activities under appropriate supervision
- Opportunities for limited duty employees to assist with appropriate tasks that support animal care and outreach

These options would provide meaningful, flexible support while ensuring that ARC can maintain its core responsibilities, including animal care, enrichment, and community engagement.

Allowing this type of collaboration would be consistent with the cooperative intent of a JPA and would strengthen the partnership between ARC and its member cities, while directly benefiting the animals in ARC's care.

This correspondence is being submitted for inclusion in the public record. I respectfully request a written response regarding this matter and whether the City would be willing to explore this proposal and potentially bring it forward for discussion.

Thank you for your time and consideration.

Respectfully submitted,

M. Mendoza

Maureen Moe Mendoza
Foster Advocate for Maverick

[EXT EMAIL] Public Comments

From Robert Nigg [REDACTED]

Date Tue 4/7/2026 3:51 PM

To Gonzaga, Natalie <ngonzaga@cityofchino.org>; Ulloa, Eunice <eulloa@cityofchino.org>; Burton, Curtis <cburton@cityofchino.org>; Flores, Christopher <cflores@cityofchino.org>; Comstock, Karen <kcomstock@cityofchino.org>; Lucio, Marc <mlucio@cityofchino.org>

Cc Reich, Linda <LReich@cityofchino.org>

 1 attachment (527 KB)

Recap of Density Meeting 1.pdf;

Natalie Gonzaga, City Clerk

I plan on attending the April 7, 2026 Council Meeting tonight and due to the 5 minutes time limit for Public Comments, I request the attached PDF document be distributed to each council member to be included in the public record.

Thank-you

Bob Nigg

EXTERNAL EMAIL: Please verify sender email. If unknown, **DO NOT** open links/attachments. **NEVER** give out your user ID or password for any reason!

Comments Concerning Zoning Revisions Meeting of February 11, 2026

Density Issues

It has been nearly 15 months since the city council agreed to look into the topics of density, height and inclusion of storage facilities in the affordable housing overlay sites. This extended time frame unjustifiably has and will allow future developments to be continued to be developed at unwarranted zoning requirements that are detrimental to the citizens of Chino. The horrible effects of the Eden development are being allowed to continue while the city council takes no meaningful action.

The density of units in the MU-OV districts was based upon a faulty feasibility study that was revised within a two week period. It is argued that the econometric feasibility study dated March 15, 2023 did not meet the standards of law under Gov. Code § 65850.01(b) which required sufficient evidence be provided to HCD to adequately review the Housing Element (and Ordinance 2023-008) to determine the density study used would not constrain the production of housing in the two types of overlay districts (AFF-OV and MU-OV). It is asserted the Inclusionary Housing: Policy Recommendations prepared by Keyser Marston Associates, Inc., dated March 15, 2023 lacked the standards of § 65850.01(b)(3). The study methodology did not follow best professional practices and was not sufficiently rigorous to allow an assessment of whether the rental inclusionary requirement, in combination with other factors (active commercial usage) that influence feasibility, was realistic and economically feasible.

- Lack of professional practices – The March 15, 2023 study had material differences between the January 30, 2023 and March 15, 2023 feasibility studies prepared by Keyser. A professional and proficient study which followed best practices should not contain significant revisions in less than a 90 day period. A professional firm should not need to recalculate the cost of public permits and fees by 100% within a very short period of time.
- Insufficient Rigorous Analysis - The March 15 study did not conduct a rigorous analysis and did not provide analytical data to support that public permits and fees had doubled within an approximate 30 day period since the report dated January 30, 2023.
- Lack of Best Practices – Standard auditing principles should have been used to assure that the January 30, 2023 was using the most current analytical information to determine cost projections, including current public permits and fees.
- Lack of Assessment of Other Factors in Mixed Use Overlay Sites - Neither the January 30 or the March 15, 2023 report considered mixed use cost benefits, including how including commercial, retail, or office space in a mixed-use project can directly improve the financial feasibility of the residential component. These factors

could include such important facts as the lowering of the land costs for the residential portion of the development and that commercial tenants often sign longer-term leases, providing stable income that can offset the risk and volatility of the residential market. There is also the financial feasibility of cross-subsidization when the higher revenue generated by commercial spaces can "subsidize" the lower rents often required for affordable housing units within the same development..

The information provided by the city to HCD (Kimly-Horn letter dated September 16, 2025) to modify the density levels required in overlay districts did not include this critical information. At minimum, two new and separate feasibility studies should be completed; one for AFF-OV districts and one for MU-OU districts to comply with the standards of Gov. Code § 65850.01.

The city should also review the current standards that can be used to determine the feasibility studies allowed by cities under Gov. Code § 65850.01 (the Palmer fix). Under this revision to the law, cities have the ability to enact inclusionary ordinances to require lower income units (which includes low and very low income units) in RHNA sites. This revision could allow Chino to enact local ordinances to necessitate up to 15% lower income inclusion without the need to have a HCD review. It is not uncommon for HCD to approve inclusionary requirements of 10% to 15% for cities having mixed use RHNA sites. Based upon the flawed feasibility studies as noted above, it is recommended that the city amend by ordinance its zoning code to include the following standards and Tables..

Tables 1, 2 and 3

Proposed Density for Affordable Rental Housing Projects in MU-OV Districts

Maximum Allowable Density (Units per Adjusted Gross Acre)												
Units per Acre	20	21	22	23	24	25	26	27	28	29	30	
Percent Affordable Units Required in Rental Projects												
Low Income Units	10	10	11	11	12	12	13	13	14	14	15	

Proposed Density for Affordable Rental Housing Projects in AFF-OV Districts

Maximum Allowable Density (Units per Adjusted Gross Acre)											
Units per Acre	20	21	22	23	24	25	26	27	28	29	30
Percent Affordable Units Required in Rental Projects											
Low Income Units						10	11	12	13	14	15

Current Density For AFF-OV and MU-OV Districts

Maximum Allowable Density (Units per Adjusted Gross Acre)												
Units per Acre	20	21	22	23	24	25	26	27	28	29	30	
Percent Affordable Units Required in Rental Projects												
Low Income Units							9	10	11	12	13	

Such a revision to the zoning code would not have an adverse effect of the required RHNA capacity of 20 to 30 du/ac for MU-OV sites and 25 to 30 du/ac for AFF-OV sites. In fact it could actually increase the number of lower income units being built in the overlay sites while allowing for less density effecting the surrounding residential neighborhoods.

No Net Loss Issues

It is anticipated that a “no net loss” violation will or has already occurred in Chino based upon the unrealistic assumptions in the Housing Element. The current inclusionary percentage for lower income units is a minimum of 9% at 26 du/ac for the RHNA lower income units. This assumed capacity to meet HCD’s goals for RHNA for lower income housings does not realistically exist. Even assuming all the RHNA sites are fully utilized and developed, only approximately 536 lower income units could be built during the 6th Cycle (20221-2029) Housing Element planning period. A shortage of over 2,800 units will have occurred and would result in a “no net loss” violation. If 30 units acre at 13% lower income inclusion, it would require only approximately 893 lower income units at full RHNA capacity and still result in a shortage of roughly 2,500 units. The city has built in a buffer capacity of approximately 1,561 lower income units.

Table 4

Current RHNA Allocation of 3397 Units - AFF and MU Totals 229 Acres											
Units Per Acres	20	21	22	23	24	25	26	27	28	29	30
Total Possible Units (du/ac x 229 acres =)							5954	6183	6412	6641	6870
Inclusionary Percentage							9%	10%	11%	12%	13%
Total Very Low and Low Income Units							536	618	705	797	893
RHNA Allocation of 3397 Units							3,397	3,397	3,397	3,397	3,397
RHNA Allocation Shortage							2,861	2,779	2,692	2,600	2,504

Table 5

BUFFER Capacity				
Preserve	DMU	Mixed Use Overlay MU-OV	Affordable Housing Overlay AFF-OV	Total Capacity
86	92	2,547	2,233	4,958
Total RHNA Low/Very Low Income Units				3,397
Buffer Capacity				1,561

Based upon the current trends of RHNA development, there are six RHNA planned sites having a capacity of 623 units (4 of which are the project at 4700 Chino Hills Parkway). However, only 35 RHNA low or very lower income units are planned in these six sites, resulting in a RHNA capacity shortage of 588 lower income units for planned RHNA sites.

Table 6

Planned RHNA Development in AFF-OV and MU-OV Districts (Feb. 2026)							
APN	Buildable Net Acreage	Overlay Zone	Assumed Density	RHNA Total Capacity	RHNA Low/Very Low Capacity Total	RHNA Low Units Planned	RHNA Shortage
102515108	2.44	AFF-OV	25	61	61	0	61
102548201	0.47	AFF-OV	25	11	11	0	11
102549101	0.37	AFF-OV	25	9	9	0	9
102519106	5.52	AFF-OV	25	138	138	0	138
105258103	15.12	MU-OV	25	301	301	24	277
102521129	4.12	AFF-OV	25	103	103	11	92
Totals	28.04			623	623	35	588

This 588 units shortage leaves only a RHNA capacity of 973 lower income units remaining in the buffer.

Table 7

Total Units Available with Buffer	RHNA Lower Income Units Required	Total Buffer in Overlay Districts	Planned Capacity in the Five Sites	Actual Planned Lower Income Units	Total RHNA Shortage in Planned Units	Remaining Buffer Units	Percentage of RHNA Actual to Required
4,958	3,397	1,561	623	35	588	973	29%

Additionally, there are three proposed developments in the RHNA AFF-OV and MU-OV sites, creating a further shortage of 342 units in meeting the “no net lost” allocation of 3,397 units.

**Table 8
Projected RHNA Development in AFF-OV and MU-OV Districts (Feb. 2026)**

APN	Buildable Net Acreage	Overlay Zone	Assumed Density	Overlay Zone	Assumed Density	RHNA Low Units Projected	RHNA Shortage
101551127	8.35	AFF-OV	25	207	207	0	207
102011101	4.02	AFF-OV	25	99	99	0	99
102103116	1.45	AFF-OV	25	36	36	0	36
Totals	13.82			342	342	0	342

Based upon the current planned and proposed developments in 8 RHNA sites, there is a probable remaining buffer of only 631 units before a “no net loss” would be expected to occur.

Table 9

Total Units Available	RHNA Lower Income Units Required	Total Buffer in Overlay Districts	Total RHNA Shortage in Planned Units	Total RHNA Shortage in Projected Low Units	Total RHNA Shortage Planned & Projected	Remaining Buffer Units	Percentage of RHNA Actual to Required
4958	3397	1561	588	342	930	631	18.6%

Based upon the assumed capacity in all 91 RHNA sites documented in the Housing Element, a development trend of only 1.3% of planned and projected capacity is being developed to fulfill the city’s RHNA lower income housing allocation. Of the RHNA goal of 3,397 only 35 lower income units have been planned to date within the planning period.

Table 10

Total Units Available with Buffer	RHNA Lower Income Units Required	Total Buffer in Overlay Districts	Planned Capacity	Projected Capacity	Total Planned and Projected Capacity	RHNA Capacity Lower Income Planned & Projected	Percentage of RHNA Low Income Actual to Required
4,958	3,397	1,561	623	342	965	35	1.03%

There are 4,028 units remaining in the capacity buffer, on which 3,362 would be required to meet the RHNA goal of 3,397 units. This predicts that the remaining capacity within the RHNA sites would need to be developed at an appropriate 83% RHNA lower income capacity. This goal is not realistic, and is virtually impossible.

Table 11

Total Units Available	Total Capacity Planned & Projected	Available Units Left in Buffer	Total Capacity RHNA Lower Income Units	Less RHNA Lower Income Planned Proposed	Net Capacity RHNA Low Income Units Remaining	Percentage Required to Meet RHNA Goal
4,958	930	4,028	3,397	35	3,362	83%

HCD Realistic Capacity

The HCD has shifted from theoretical to realistic capacity to ensure cities are planning for housing that will actually be built, rather than just the theoretical possibility on paper. This change was largely driven by state laws like AB 1397 (2017) and SB 166 (2019) to address the housing crisis.

This change, primarily driven by stronger state housing laws and stricter 6th Cycle oversight, addresses the following issues:

- Underestimation of Constraints: Theoretical capacity (total acreage × maximum density) often ignored factors such as existing non-residential uses, leading to overinflated unit counts.
- Need for Actionable Sites: HCD now requires that "realistic development capacity" reflect what is likely to be built, considering zoning, development standards (height, setbacks, parking), and site-specific constraints.
- Closing Loopholes (Builder's Remedy): Relying on theoretical, unachievable capacity led to noncompliant housing elements, which exposed cities to "Builder's Remedy" projects where developers can bypass local zoning.
- Impact on Low-Income Housing: Previously, sites zoned at high densities might not have actually produced affordable housing. Realistic capacity calculations, based on actual trends, provide a more accurate assessment.

In practice, HCD requires adjustments (such as using only a realistic percentage of total capacity) to ensure that the housing inventory is reliable and not just "pie-in-the-sky" planning.

Key reasons for this shift included:

- Preventing "Paper Capacity": Historically, cities identified sites that were technically zoned for housing but had zero real-world chance of development (e.g., a high-performing grocery store or a site with long-term leases).
- Data-Driven Accuracy: HCD now requires cities to look at recent development trends. If developers only build just less than 50% of the maximum allowed density in mixed use sites, the city can only claim 50% capacity for its future sites.
- Enforcing Housing Targets: By requiring a realistic "expected yield," HCD ensures that the RHNA targets represent actual homes that can be delivered during the 8-year planning period.
- Mixed-Use Likelihood: For sites zoned for both commercial and residential use, cities must now prove the likelihood of residential development occurring instead of just more commercial space.

The recent Redondo Beach appellant court decision further restricted the possible "paper capacity" developments in mixed use overlay sites. The City of Chino could be a "poster child" for the abuses of mixed use overlays.

Furthermore, there is a false assumption that the shortfalls in the city's RHNA lower income capacity would be met by having virtually all of the assumed RHNA Low/Very Low Income capacity be developed. There are 91 overlay sites (44 AFF-OV and 47 MU-OV sites) the city used to fulfill its RHNA allocations. Under Table B-6 of the Housing Element, the "Net Capacity" total is identical to the RHNA "Low/Very Low" capacity total for each of the 91 RHNA site. Wherein the city has a 146% buffer assumption to satisfy its RHNA lower income allocation requirements with 4,958 units, the city passed an ordinance requiring only 9% of the units in the 91 overlay sites are required to be for lower income units. This results in a projected short of 4,512 lower income unit during the assumed 6th Cycle period. This creates a highly probable "no net loss" scenario that cannot be realistic achieved.

Table 12

No Net Loss Chart				
RHNA Lower Income Capacity	Buffer Assumption	Site Inventory Total	Site Inventory Total at 9% Low Income Inclusion	Realistic Net RHNA Lower Income Units Shortage
3,397	146%	4,958	446	4,512

Under Gov. Code § 65583.2(g)(1) the city shall specify for nonvacant site the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.

- **Existing Uses:** an analysis of any known existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and could include other market conditions that would encourage redevelopment of the property. For example, an analysis might describe an identified site as being developed with a 1960's strip commercial center with few tenants and expiring leases and, therefore, a good candidate for redevelopment, versus a site containing a newly opened retail center, an active Home Depot, the only grocery store in the city, etc. that is unlikely to be available for residential development within the planning period. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.
- **Development Trends:** The inventory analysis should describe development and/or redevelopment trends in the community as it relates to nonvacant sites, i.e., the rate at which similar sites have been redeveloped. This could include a description of the local government's track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more intensive residential uses. If the local government does not have any examples of recent recycling or redevelopment, the housing element should describe current or planned efforts (via new programs) to encourage and facilitate this type of development (e.g., providing incentives to encourage lot consolidation or assemblage to facilitate increased residential-development capacity).

There are a corrected 72 nonvacant sites listed in the Housing Element (and only 19 vacant sites, 26 less 7 misclassified equal 19 sites). Many of the 72 nonvacant sites have active retail/commercial sales in strip malls, large shopping centers, or no verified realistic potential to be developed under the 6th Cycle Housing Element planning period. Additionally, there is a lack of documented evidence that retail/commercial sites have been redeveloped in the city for residential housing in the recent past. The extent of the existing uses or development trends as required under Gov. Code 65583.2(g)(1) for these 47 sites could impede the development of lower income housing.

A more accurate analysis of these 72 nonvacant sites could determine a large portion should be removed from the assume RHNA capacity they would fail to realistically fulfill the 3,397 lower income units during the 6th Cycle (2021-2029) planning period.

Vacant – Nonvacant Sites

Per Gov. Code 65583.(g)(2), if a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, **the nonvacant site's existing use is presumed to impede additional residential development.**

Under HCD letters of October 2, 2019 (*No Net Loss Law Government, Code Section 65863*) and June 10, 2020 (*Housing Element Site Inventory Guidebook Government Code Section 65583.2*), a city must track and determine if it will fulfill its RHNA lower income allocations during the 8 year planning period. Based upon recent trends and the large use utilization of nonvacant sites, it is very dubious that the city can or will meet its RHNA allocations.

The City of Chino 6th Cycle Housing Element appears to have inaccurately and under reported percentages of nonvacant sites to determine if it meets the 50% required under §65583.2(c)(2). Without supporting documentation the city claimed 1,861 RHNA lower income units. However, an analytical review of Tables B-6 and B-7 of the Housing Element, only identified 1,591 units in the declared vacant sites. Errors and material omissions were also identified in that 704 housing units claimed in seven vacant sites should have been correctly classified as nonvacant. HCD defines a vacant site as a site without any houses, offices, buildings, or other significant improvements on it. Improvements are generally defined as development of the land (such as a paved parking lot, or income production improvements such as crops, high voltage power lines, oil-wells, etc.) or structures on a property that are permanent and add significantly to the value of the property. Examples of Vacant Sites:

- No improvement on the site (other than being a finished lot).
- No existing uses, including parking lots.
- Underutilized sites are not vacant sites. (agriculture and prison property are considered underutilized)
- Sites with blighted improvements are not vacant sites.
- Sites with abandoned or unoccupied uses are not vacant sites.

In Chino's Housing Element, under Table B-2, *Sites Capacity on Vacant Sites*, the city listed a capacity of 1,861 units, declaring it had 55% of the RHNA need of 3,397 units. However the 1,861 units could not be supported with any analytical documentation. An analysis of Table B-6, *Sites to Accommodate Chino 2021-2029 RHNA*, determined there are 26 vacant sites listed. These 26 vacant sites totaled 1,591 in RHNA lower income units, resulting in only a 46.8% of the units being vacant. Additionally, the city misclassified at least seven sites as being vacant, when under the criteria used by HCD,

these sites should have been classified as nonvacant, resulting in a net capacity of only 887 RHNA units on 19 sites.

Table 13

Chino 2021-2029 Site Capacity on Vacant Sites (Low and Very Low Income Units)			
6 th Cycle - Chino 2021 -2029 RHNA Need (Very Low and Low Income Units)	Unsupported Identified Capacity Per Table B-2	Identified Capacity Taken from Table B-6	Identified B-6 Capacity (1,591 Units) Less Misidentified Vacant Sites of 704 Units
3,397	1,861	1,591	887
Identified Percentage of Vacant Units	54.8%	46.8%	26.1%

Per the lawful requirements of Gov. Code § 65583.2(g)(2) and under the standards of SB 166 and AB 1397, if more than 50 percent of the lower income RHNA is on nonvacant sites **a more rigorous and enhanced analysis is required to be conducted by the city.** There is a lack of supportable evidence that the City of Chino conducted such analysis. There is adequate evidence that the information provided by the city to HCD had errors and material omissions in regards to if more than 50% of its RHNA capacity allocated on vacant sites had been accurately reported by the city to HCD.

There is a major conflict concerning if the City of Chino's percentage of nonvacant sites was greater than 50% of RHNA lower income allocation units. The 54.8% vacant sites is not supported by verifiable factual data. It is assumed that of the 91 RHNA sites 72 of the sites should be classified as nonvacant. (91 sites minus 26 original vacant sites equals 65 sites, plus the 7 sites suspected of being misclassified as vacant equals 72 nonvacant sites).

The City of Chino misrepresented its factual nonvacant sites by 704 units per the chart below.

Table 14

Misidentified Vacant Capacity for AFF-OV and MU-OV Sites (Obtained from Tables B-2, B-6, and B-7)								
APN	Address	Buildable Net Acreage	Overlay Zone	Assumed Density	Existing Units	Net Capacity	Low/ Very Low	Vacancy
105258104	Schaefer & Euclid	4.66	MU-OV	25	1	92	92	VACANT
Currently this parcel is used agriculturally and vacant. This parcel is currently underutilized and has high potential to be developed into housing in the future.								
105258103	Schaefer & Euclid	15.12	MU-OV	25	1	301	301	VACANT
Currently on this parcel is used agriculturally and vacant. This parcel is currently underutilized and has high potential to be developed into housing in the future.								
102606105	14700 CENTRAL AVE	10	AFF-OV	25	0	250	250	VACANT
This parcel is part of the State owned California Institute for Men (CIM) facility. See discussion within this appendix for development potential and past discussions with the State relating to housing on this site. This analysis assumes redevelopment of ten acres of the overall parcel with existing uses to remain. A large portion of the site is vacant or used for seasonal agricultural purposes.								
105205120	12900 EUCLID AVE	1.4	MU-OV	25	1	26	26	VACANT
Currently on this parcel is developed with tennis courts and storage buildings. This parcel is currently underutilized and has high potential to be developed into housing in the future.								
101438103	11761 CENTRAL AVE	1.4	AFF-OV	25	0	35	35	VACANT
Currently on this parcel is used agriculturally and vacant. This parcel is currently underutilized and has high potential to be developed into housing in the future.								
Totals		32.58				704	704	

HCD holds **a presumption that existing nonvacant site uses will impede development, requiring substantial evidence to the contrary.**

Examples of substantial evidence that an existing use will likely be discontinued in the current planning period include, but are not limited to: -

- The lease for the existing use expires early within the planning period,
- The building is dilapidated, and the structure is likely to be removed, or a demolition permit has been issued for the existing uses,

- There is a development agreement that exists to develop the site within the planning period,
- The entity operating the existing use has agreed to move to another location early enough within the planning period to allow residential development within the planning period.
- The property owner provides a letter stating its intention to develop the property with residences during the planning period.

Based upon a determination if the city had misrepresented the factual nonvacant sites capacity in the Housing Element, HDC should require the city to resubmit a revised 6th Cycle Housing Element with corrected and accurate data.

Based upon the new information, there is a false assumption of the realistic capacity to ensure the City of Chino is planning for housing that will realistically be built during the 6th Cycle planning period, rather than just a theoretically possibility on paper.

It is assumed that the city has inflated the realistic capacity of the nonvacant sites and will thus fail to meet its RHNA lower income housing of 3,397 units during the 6th Cycle planning period ending in 2029. It is anticipated that credibly factual evidence will determine that the City of Chino may already be at, or very near, a “no net loss” violation and be subject to the conditions of SB 166 as codified in Gov. Code § 65863.

Under Gov. Code § 65583.2(g)(2), in addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. **An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.**

Such existing use of commercial/retail on a RHNA site would be a factual impediment to meeting the city’s RHNA goal of 3,397 lower income units. The city’s calculation for realistic capacity should be the **developable portion of the site** rather than its total acreage.

Under the enhanced and rigorous requirements of § 65583.2(g)(2), the city should provide specific findings based on substantial evidence that commercial or engaged use is likely to be discontinued during the planning period.

Numerous nonvacant sites identified would need additional factual evidence to justify that residential development will likely occur in the 6th Cycle planning period. Probable

deficiencies have been identified during a perfunctory review of only a few of the 72 nonvacant site. Examples are:

1. APN 101910105, located at 4117 Riverside was reported on Table B-6 as being 7.19 acres as having 142 RHNA lower housing capacity. However the San Bernardino County Assessor office reports the lot acres as being only 4.93. This parcel per the notes in Table B-6 contains three retail structures having active commercial usage. It is estimated that only half of the parcel is developable for residential usage. There is no evidence the commercial area will be removed or adjusted to allow for development on other than the estimated 2.47 east portion of the lot. There is no evidence that the leases for the commercial usage will expire during the current planning period. There is no evidence the developer has submitted a development agreement to revise or remove the commercial development. There is no evidence the owner has provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income units would range from 93 to 142 units

2. APN 101460119 located at 5402 Philadelphia was reported on Table B-6 as having a RHNA lower income capacity of 120 units. The parcel was described as currently having gym and strip mall with a large surface parking lot (local experience is the parking lot consistently has limited available parking and there are a very thriving and active commercial usage on the property. There is no evidence the leases will expire during the current planning period. There is no evidence the developer has submitted a development agreement to revise or remove the commercial development. A realistic shortage of RHNA lower income 120 units exists.

3. APN 101506107 located at 5459 Philadelphia Ave, was reported on Table B-6 has having a RHNA lower income capacity of 180 units. Table B-6 lists the acreage as 9.05 acres; however, the San Bernardino County Assessor's office report the parcel has 6.2 acres. The only occupant on the parcel is Curacao, a large format retail chain that is currently active and uses the large parking lot. There may be a small portion of the parking lot that is being underutilized. A parcel being deemed as underutilized, would not qualify under the enhanced and rigorous significant evidence needed under Gov. Code § 65583.2(g)(2); AB 1397; and HCD Housing Element Site Inventory Guidebook dated June 10, 2020. There is no evidence that the leases for the commercial usage will expire during the current planning period. There is no evidence the developer has submitted a development agreement to revise or remove the commercial development. There is no evidence the owner has provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income 180 units exists.

4. APN 101945117 located at 13375 Ramona Ave, was reported on Table B-6 as 4.61 acres and having a RHNA lower income capacity of 115 units (AFF-OV). The only occupant on the parcel is currently a storage facility. There is no evidence that the leases for the commercial usage will expire during the current planning period. There is no evidence the developer has submitted a development agreement to revise or remove the commercial development. There is no evidence the owner has provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income 115 units exists.

5. APN 101951105 located at 13355 Ramona Ave, was reported on Table B-6 as 4.39 acres and having a RHNA lower income capacity of 109 units (AFF-OV). The only occupant on the parcel is currently a storage facility. There is no evidence that the leases for the commercial usage will expire during the current planning period. There is no evidence the developer has submitted a development agreement to revise or remove the commercial development. There is no evidence the owner has provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income 109 units exists.

6. APN 105327109 located at 6950 Edison, was reported on Table B-6 as 3.94 (adjusted) and having a RHNA lower income capacity of 97 units (AFF-OV). The property is currently occupied by a church. Per the narrative on page B-19 of the Housing Element, while the occupant (Crosspoint Church) could not commit to future plans, they weren't in disagreement over the application of the affordable housing overlay at this property. Such a stipulation would not qualify under the enhanced and rigorous significant evidence needed under Gov. Code § 65583.2(g)(2); AB 1397; and HCD Housing Element Site Inventory Guidebook dated June 10, 2020. A realistic shortage of RHNA lower income 97 units exists.

7. APN 101555301 located at 5832 Riverside, was reported on Table B-6 as 2.77 acres and having a RHNA lower income capacity of 55 units. The property is currently occupied by a strip mall with active tenets. While there may be some underutilized parking spaces at the east end, such unsupported evidence would not qualify under the enhanced and rigorous significant evidence needed under Gov. Code § 65583.2(g)(2); AB 1397; and HCD Housing Element Site Inventory Guidebook dated June 10, 2020. A realistic shortage of RHNA lower income 55 units exists.

8. APN 101504107 located at 12266 Central Ave, was reported on Table B-6 as 1.8 acres having a RHNA lower income capacity of 35 units. The parcel is currently a Motel 6 with a large surface parking lot. There is no evidence that the leases for the commercial usage will expire during the current planning period. There is no evidence

the developer has submitted a development agreement to revise or remove the commercial development. There is no evidence the owner has provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income 35 units exists.

9. APN 101460120 located at 5440 Philadelphia, was reported on Table B-6 as 3.10 acres having a RHNA lower income capacity of 61 units. It was reported that parcel is currently a strip mall with a large surface parking lot. These businesses are active and utilized the parking area. There is no evidence that the leases for the commercial usage will expire during the current planning period. There is no evidence the developer has submitted a development agreement to revise or remove the commercial development. There is no evidence the owner has provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income 61 units exists.

10. APN 105325102 at located at 6622 Edison, was reported on Table B-6 as 2.92 acres having a RHNA lower income capacity of 72 units. This property is adjacent to APN 105325103 at 6566 Edison on 2.12 acres having a RHNA lower income capacity of 52 units. Both parcels have single family detached residence in the southern portion of the parcels and the northern portion of the parcels are under SCE power lines making most of the property undevelopable. Both parcels are occupied by established ownership with no indication of near term development of high density housing. There is no evidence the developer has submitted a development agreement to revise or remove the detached housing units. There is no evidence the owners have provided a letter stating its intention to develop the property with residences during the planning period. A realistic shortage of RHNA lower income 124 units exists.

Table 16

Unsupported RHNA Capacity in Nonvacant AFF-OV and MU-OV Sites – When Nonvacant Sites Exceed 50% of RHNA Capacity an Enhanced and More Rigorous Analysis with Significant Evidence is Required by HCD								
Site APN	Acreage	Claimed RHNA Lower Income Capacity	Buildable Acreage Adjustment	Shortage of RHNA Capacity if Developed with Current Commercial Not Removed	Shortage of RHNA Capacity if Removed – Not Developable in 6 th Cycle	Evidence of Lease Ending	A development agreement exists to develop the site within the planning period	No Letter of Intention from Owner or Developer
101910105	7.19/4.93	142	2.47	50	142	No	No	No
101460119	6.09	120	6.09	120	120	No	No	No
105506107	9.05/6.2	180	6.2	124	180	No	No	No
101945117	4.61	115	4.61	115	115	No	No	No
101951105	4.39	109	4.39	109	109	No	No	No
105327109	3.94	97	3.94	97	97	No	No	No
101555301	2.77	55	2.77	55	55	No	No	No
101504107	1.8	35	1.8	35	35	No	No	No
101460120	3.1	61	3.1	61	61	No	No	No
105325102	2.92	72	2.92	72	72	X	No	No
105325103	2.12	52	2.12	52	52	X	No	No
Shortage in RHNA Capacity for Unsupported Sites				890	1,038			

Based upon the estimated overstatement of 1,038 units in nonvacant sites and if not supported by substantial evidence, the city would be in a “no net loss” violation by approximately 408 units. There are numerous other nonvacant sites having the apparent overstatement in realistic capacity, including APN 101459116 (67 units); APN 101507108 (92 units); 101506108 ((161 units); APN 102513206 (109 units) and APN 101551129 (27 units). While there is a theoretical possibility should some of the 72 nonvacant sites may have a RHNA lower income capacity, substantial evidence would need to be provided by city to prove each site that there is a realistic probability that such development would occur during the 6th Cycle planning period.

Table 17

No Net Loss Calculation				
Buffer	RHNA Low Capacity	Low Income Units Planned	Realistic / Projected RHNA Capacity Used	Buffer Capacity of 1,561 Less Running Totals
1561	623	35	588	973
Overstated Projected Capacity			343	630
Overstated Nonvacant Realistic Capacity			1038	-408
Possible No Net Loss Total				-408

In order to comply with § 65583.2(g)(2) and the written policies and guidelines of HCD, the city should document and provide a narrative of each of the 72 nonvacant sites and how each will not impede additional residential development.

As previously discussed, an inventory analysis should describe development and/or redevelopment trends in the community as it relates to nonvacant sites, i.e., the rate at which similar sites have been redeveloped. This could include a description of the local government's track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more intensive residential uses. There appears to be minimal evidence that nonvacant sites, particularly those with commercial/retail activity have been redeveloped to include residential usage.

During the 6th Cycle planning period to date, the development trend provides evidence of only 35 lower income units (Table 6) are planned compared to the RHNA lower income goal of 3,397 units, a development trend of only 1.03% (Table 10). When analyzing the overall Buffer RHNA capacity in overlay sites of 4,780 units, of which the nonvacant sites account for of 3,189 units, the city is erroneously relying upon 67% of the theoretical capacity of the 72 (corrected) nonvacant sites to meet its RHNA capacity..

Table 18

Development Trend Analysis					
Nonvacant Site Capacity	3189	72	Sites	67%	Percent of Nonvacant Capacity
Vacant Capacity	1591	19	Sites	33%	Percent of Vacant Capacity
Total Buffer Capacity	4780	91	Total Sites	100%	Total Percentage

The reliance on the nonvacant sites to meet the realistic RHNA goals is not supported by substantial factual evidence and needs to be rectified.

In Summary

A jurisdiction must report in the jurisdiction's Annual Progress Report (APR) any sites that have been identified or rezoned to accommodate the resulting shortfall due to the approval of a development at a lower density. APRs are required to be sent to the Department by all jurisdictions by April 1, pursuant to Government Code section 65400.

There is sufficient evidence to necessitate that revisions to the 6th Cycle Housing Element are required and should be addressed in the Annual Progress Report due to the HCD by April 1, 2026. Based upon the factual data driven analysis of this submission, the City of Chino faces a specific potential of being in violation of the "No Net Loss" Law. It is recommended that immediate corrective action be taken to resolve the issues cited above.

Please advise me promptly if there is any disputes to the accuracy of the analysis cited in this submission. Feel free to contact me if you have any questions or concerns.

Sincerely

Robert Nigg