Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the City Council, are invited fill out and submit to the City Clerk a "Request to Speak" form (name and address optional) which is available at the entrance to the Council Chambers. Additionally, members of the public may submit electronic public comments to CityClerk@cityofchino.org no later than 4:00 p.m. on the day of the meeting. In your email, please include the meeting date, agenda item you are commenting on, and your comment. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record for the meeting specified in email received.

If you require a reasonable accommodation to participate in this meeting per your rights under the Americans with Disabilities Act or for any other reason, please contact the City Clerk's Office (909) 334-3306, at least 48 hours prior to the advertised starting time of the meeting.

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 13220 Central Avenue, Chino. In addition, such documents will be posted on the City's website at www.cityofchino.org.

CHINO CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
CITY HALL COUNCIL CHAMBERS
13220 CENTRAL AVENUE
CHINO, CA 91710

TUESDAY, OCTOBER 21, 2025

REGULAR MEETING

AGENDA

CLOSED SESSION – 5:00 PM
OPEN SESSION – 6:00 PM

ROLL CALL

Mayor Eunice M. Ulloa, Mayor Pro Tem Curtis Burton, Council Member Karen C. Comstock, Council Member Christopher Flores, Council Member Marc Lucio.

CLOSED SESSION PUBLIC COMMENTS

This is the time and place for the general public to address the City Council about the closed session items. Ordinance No. 97-08 (Chino Municipal Code Section 2.04.090) limits speakers to no more than five (5) minutes in which to address the Council, except as provided under Government Code 54954.3(b)(2).

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of case: Mary Ingrid Culp vs. City of Chino; (Case No. CIVSB2222717)

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.
Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9
City of Chino, et al v. Inland Empire Utilities Agency (Los Angeles Superior Court Case No. 24STCP02321)

FLAG SALUTE

CEREMONIALS

Proclamations

Proclamation Recognizing State Senator Susan Rubio - Recognition of Senator Susan Rubio for authoring Senate Bill 536, a landmark bill marking the beginning process for the City of Chino to acquire the former Heman G. Stark Youth Correctional Facility from the State of California.

Lights on Afterschool Day. - Proclaim October 23, 2025, as Lights On Afterschool Day in the City of Chino.

Presentations

Recognition of Kaitlyn Clancy - Presentation Honoring Kaitlyn Clancy for Her Heroic Delivery of a Baby on a Chino Sidewalk.

Business of the Month - Award of Business of the Month for October 2025 to Bevy Beans Coffee.

REPORT OUT OF CLOSED SESSION

AGENDA ADDITIONS/REVISIONS

INFORMATION

External Agency Report for October 21, 2025. Receive and file the External Agency Report for October 21, 2025 (Covering Meetings from August 1 - August 31, 2025).

PUBLIC ANNOUNCEMENTS

This is the time and place for the Mayor to inform the public of all upcoming events and past occurrences of communitywide interest and concern.

PUBLIC COMMENTS

This is the time and place for the general public to address the City Council about subjects that do not appear elsewhere on the agenda. Due to Council policy and Brown Act requirements, action will not be taken on any issues not on the Agenda. Ordinance No. 97-08 (Chino Municipal Code Section 2.04.090) limits speakers to no more than five (5) minutes in which to address Council, except as provided under Government Code 54954.3(b)(2). If more than three (3) persons seek to address the same agenda item or the same subject matter, the Mayor shall establish a maximum period of time not to exceed thirty (30) minutes.

CONSENT CALENDAR

At this time, members of the public may present testimony as to why an item should be removed from the Consent Calendar for separate discussion. Unless a member of the public or City Council requests that an item be removed from the Consent Calendar, all items will be acted upon as a whole and by one vote. Items placed on the Consent Calendar represent routine expenditures and/or actions that support ongoing City operations.

1. Warrants. Approve expenses as audited and within budget for warrants 7772443 to 7772670, and Electronic Fund Transfers 525091E to 525179E, totaling $9,221,071,27.

2. Minutes. Regular Meeting Minutes for October 7, 2025 (All Members Present).

3. Elected City Officials' Report Regarding Travel, Training, and Meetings. Receive and file the Elected City Officials' Report reflecting City Council business related expenses incurred by the City.

4. Report on Priority State and Federal Legislative Issues. Receive and file the Priority Legislative Items Report dated October 21, 2025, the Tracked State Legislation Report; and Position Letters on Legislation.

5. Second Amendment to City Manager's Employment Agreement. Approve the Second Amendment to the City Manager's Employment Agreement.

6. Project Update - Solar Power Purchase Agreement (PPA). Receive and file an update of the Solar Power Purchase Agreement (PPA) to BP Solar Chino LLC as the contracting entity.

7. Approve Contract Amendment No. 4 to the Professional Services Agreement with MV Cheng & Associates. Approve a contract amendment with MV Cheng & Associates increasing the not-to-exceed amount from $150,000 to $300,000 to provide interim financial consulting services.

8. Award a Professional Services Agreement with CT&T Concrete Paving, Inc., Diamond Bar, CA. Approve a Professional Services Agreement with CT&T Concrete Paving, Inc., Diamond Bar, CA, in the amount of $580,000 for As-Needed Concrete Repair Services.

9. Notice of Completion for the Water Service Lateral Replacement in Hampshire Village Project (WA255) with G&A Nelos Construction, Inc. Accept Project WA255 with G&A Nelos Construction, Inc., Contract 2025-282, as complete; authorize release of retention funds following the 35-day lien period; authorize the Director of Public Works to file the Notice of Completion on behalf of the City.

CONTINUED PUBLIC HEARING

Prior to the vote of the City Council, any member of the audience will have the opportunity to address Council on any items listed under Public Hearings. Council requests, but it is not required, that you state your name and address prior to making any remarks.

10. Appeal of Planning Commission action approving the Chino Gateway Terminal Project. Adopt Resolution No. 2025-058, denying the appeal and thereby upholding the approval of PL24-0097, PL24-0098, and PL24-0120, based upon the findings and subject to the departmental conditions of approval.

    Staff Report By: Kim Le, Senior Planner

    RECOMMENDATION: 1) Conduct a Public Hearing; and 2) Adopt Resolution No. 2025-058, denying the appeal and thereby upholding the approval of PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit), based upon the findings and subject to the departmental conditions of approval.

PUBLIC HEARING

11. Community Development Block Grant (CDBG) FY 2022-23 Action Plan - Substantial Amendment. Adopt a Resolution approving the Community Development Block Grant FY 2022-23 Action Plan Substantial Amendment.

    Staff Report By: Traci Rossetti-Smith, Senior Management Analyst

RECOMMENDATION: 1) Conduct a Public Hearing; 2) adopt Resolution 2025-067, approving the substantial amendment to the City of Chino's FY 2022-23 Annual Action Plan for the Community Development Block Grant (CDBG) Program; 3) transfer $31,500 in Fund 350 allocated funds from project G6231 to project SN240; 4) authorize the City Manager to execute all required documents pertaining to the amendment; and 5) approve submission of the amendment to the United States Department of Housing and Urban Development (HUD).

12. Amending Title 15 of the Chino Municipal Code. Introduction of Ordinance No. 2025-007, amending Title 15 (Building and Construction) of the Chino Municipal Code.

Staff Report By: Basel Badawi, Building Official

RECOMMENDATION: Conduct a public hearing and approve the introduction of Ordinance No. 2025-007, amending the Title 15, Building and Construction, of the Chino Municipal Code, to be read by number and title only, and waive further reading of the Ordinance.

ORDINANCE NO. 2025-007 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CHINO MUNICIPAL CODE, ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, INCLUDING THE 2025 EDITION OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA FIRE CODE, CALIFORNIA ENERGY CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA REFERENCED STANDARDS CODE, CALIFORNIA WILDLAND INTERFACE CODE, AND THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE.

NEW BUSINESS

13. Professional Services Agreement to Dudek to prepare the City's Urban Forest Management Plan. Award a Professional Services Agreement to Dudek to prepare the City's Urban Forest Management Plan (MS260).

Staff Report By: Michelle Chapman, CIP Engineering Manager

RECOMMENDATION: Award a professional services agreement to Dudek for $245,377.00 to prepare the City's Urban Forest Management Plan (MS260); and authorize the City Manager to execute all necessary documents on behalf of the City.

14. Amending Chapter 10.64 of the Chino Municipal Code. Introduction of Ordinance No. 2025-008, Amending Chapter 10.64 of the Chino Municipal Code Regulating Parades and Special Events.

Staff Report By: Nikki Love, Strategic Initiatives Manager

RECOMMENDATION: Approve the Introduction of Ordinance No. 2025-008 amending Chapter 10.64 of the Chino Municipal Code regulating Parades and Special Events, to be read by number and title only, and waive further reading of the Ordinance.

ORDINANCE NO. 2025-008 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING CHAPTER 10.64 (PARADES AND SPECIAL EVENTS) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE CHINO MUNICIPAL CODE

15. Amending Chapter 2.36 (Planning Commission) of the Chino Municipal Code. Introduction of Ordinance No. 2025-009 Amending Chapter 2.36 (Planning Commission) of the Chino Municipal Code to Modify City of Chino Planning Commission Members.

Staff Report By: Jackie Melendez, Assistant City Manager

RECOMMENDATION: Approve the introduction of Ordinance No. 2025-009, amending Chapter 2.36 (Planning Commission) of the Chino Municipal Code (CMC) to provide for the reduction in the number of resident Planning Commission members from seven to five, to be read by number and title only, and waive further reading of the Ordinance.

ORDINANCE NO. 2025-009 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING CHAPTER 2.36 (PLANNING COMMISSION) TO PROVIDE FOR THE REDUCTION IN THE NUMBER OF RESIDENT PLANNING COMMISSION MEMBERS FROM SEVEN TO FIVE

MAYOR AND COUNCIL REPORTS

This is the time and place for the Mayor and Council Members to report on prescheduled Council Committee Assignment Meetings that were held since the last Regular Council Meeting, and any other items of interest. Upon request by an individual Council Member, the City Council may choose to take action on any of the subject matters listed below.

Mayor Ulloa

Mayor Pro Tem Burton

16. Community Support Fund - Mayor Pro Tem Burton. Approve community support fund contribution to Soroptimist International of the Chino Valley.

Staff Report By: Mayor Pro Tem Curtis Burton

RECOMMENDATION: Approve community support fund contribution of $100 to Soroptimist International of the Chino Valley.

Council Member Comstock

Council Member Flores

17. Community Support Fund - Council Member Flores. Approve community support fund contributions to No More Locked Doors, Chino Youth Boxing Foundation, and the Chino Youth Museum.

Staff Report By: Council Member Christopher Flores

RECOMMENDATION: Approve a community support fund contribution of $500 to No More Locked Doors, $500 to Chino Youth Boxing Foundation, and $500 to the Chino Youth Museum.

Council Member Lucio

City Manager's Report

City Attorney's Report

Police Chief's Report

Director's Report

Fire Chief's Report

ADJOURN

The next Regular Meeting of the City Council will be held on Tuesday, November 4, 2025 at 6:00 p.m. (Closed Session no earlier than 4:00 p.m. if necessary) in these Council Chambers.

I, Natalie Gonzaga, City Clerk of the City of Chino, hereby declare that on Friday, October 17, 2025 this agenda was posted on the south window of Chino City Hall and this agenda together with all of the agenda reports and related documents were posted on the City's website at www.cityofchino.org by myself or under my direction.

ngonzaga

Natalie Gonzaga, City Clerk.

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **LINDA REICH, CITY MANAGER**

SUBJECT

Proclamation Recognizing State Senator Susan Rubio

MEMORANDUM
CITY OF CHINO
COMMUNITY SERVICES, PARKS & RECREATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **SILVIA AVALOS, DIRECTOR OF COMMUNITY SERVICES, PARKS & RECREATION**

SUBJECT

Proclaim October 23, 2025, as Lights On Afterschool Day.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Commitment to Our Community
- Public Service Excellence through Internal and External Partnerships

C H I N O

Proclamation

***WHEREAS**, on October 23, 2025, Chino will join more than 8,000 local events nationwide in celebrating the 26th Annual Lights on Afterschool event. The only nationwide event that highlights after school programs and their vital role in the lives of children, families, and communities; and*

***WHEREAS**, the City of Chino is committed to supporting high-quality after school programs for all youth by:*

- *Providing safe, enriching, and engaging learning experiences.*
- *Enhancing students' academic success and social development.*
- *Supporting working families by ensuring their children are safe and productive during after-school hours.*
- *Strengthening communities by connecting students, parents, community organizations, and volunteers in meaningful ways; and*

***WHEREAS**, members of the Chino Focus on Youth Collaborative, including the City of Chino and Chino Valley Unified School District, along with many other youth service organizations, provide essential leadership by promoting community involvement to support the education, growth, and well-being of Chino's youth during after-school hours; helping them build the skills needed to become successful adults; and*

***WHEREAS,** the Chino community believes that every child should have access to a safe and welcoming place where the lights are on after school.*

***NOW, THEREFORE, I, EUNICE M. ULLOA, MAYOR OF THE CITY OF CHINO,** do hereby proclaim October 23, 2025, as*

LIGHTS ON AFTERSCHOOL DAY

and urge all residents to take advantage of the programs and services that are available to the community.

PRESENTED THIS 21ST DAY OF OCTOBER 2025.

EUNICE M. ULLOA, Mayor

ATTEST:

NATALIE GONZAGA, City Clerk

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **LINDA REICH, CITY MANAGER**

SUBJECT

Recognition of Kaitlyn Clancy

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **LINDA REICH, CITY MANAGER**

SUBJECT

Business of the Month.

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **LINDA REICH, CITY MANAGER**

SUBJECT

External Agency Report for October 21, 2025.

RECOMMENDATION

Receive and file the External Agency Report for October 21, 2025 (Covering Meetings from August 1 to August 31, 2025).

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built by fostering:

- Positive City Image
- Financial Stability
- Responsible Long-Range Planning
- Exemplary Leadership
- Public Service Excellence through Internal and External Partnerships

BACKGROUND

Members of the Chino City Council are assigned to represent the City on several external agencies, committees, boards, and task forces. While the frequency of meetings varies by agency, many meet monthly. Others meet quarterly, bi-monthly, or on an as-needed basis.

ISSUES/ANALYSIS

The attached Monthly Agency Report for October 21, 2025, summarizes recent discussions and actions during external meetings attended by City Council Members. It focuses on items that may impact or be of interest to the City of Chino, its residents, and its businesses. The report covers meetings that took place from August 1 to August 31, 2025.

CITY OF CHINO
MONTHLY AGENCY REPORTS
OCTOBER 21, 2025 - Covering meetings from August 1 – August 31, 2025

Members of the Chino City Council are assigned to represent the City on several external agencies, committees, boards, and task forces. This report summarizes the actions and discussions of those entities as they may impact or be of interest to the City of Chino, its businesses, and its residents.

ANIMAL RESOURCE CENTER OF THE INLAND EMPIRE JOINT POWERS AUTHORITY
Council Representative: Curtis Burton | Staff Report by: Rogelio Huerta

Meeting Date: August 5, 2025

During the August 5 Animal Resource Center of the Inland Empire (ARC) Board meeting, the Board approved the following items:

On-Call Veterinary Services Agreements
The Board authorized the Executive Director to negotiate and execute On-Call Veterinary Services Agreements with VCA California Veterinary Specialists and Country Animal Clinic. Each agreement has a total not-to-exceed amount of $375,000, spanning a three-year term with an annual not-to-exceed amount of $125,000. These agreements are intended to provide on-call veterinary services, including spay and neuter procedures.

Acquisition of Mobile Veterinary Trailer
A contract was authorized with Magnum Mobile Specialty Vehicles for the construction and delivery of a mobile veterinary trailer for a not-to-exceed amount of $202,547.

Fee Reduction Authority
The Board adopted a resolution that grants the Executive Director the authority to reduce or adjust fees for operational needs or special circumstances.

Legal Services Agreement
The Board authorized the Executive Director to execute a three-year legal services agreement with Best Best and Krieger LLP (BBK) for a total not-to-exceed amount of $540,000, with an annual not-to-exceed amount of $180,000.

Purpose/Designation Statement
The Board adopted the Purpose and Designation Statement, which had been previously discussed and selected at a Special Meeting/Study Session held on July 21, 2025. This Statement expresses the ARC's commitment to operating as a "Life Saving Entity" and working towards achieving a "No Kill" designation.

Goods and Services Agreement Amendment
Amendment No. 2 to the agreement with Midmark Corporation was authorized. This amendment, with a new amount of $113,705, increases the total not-to-exceed contract amount to $1,782,229 for the purchase and installation of animal services equipment and furniture.

Next anticipated meeting date: September 02, 2025

CHAFFEY COLLEGE CHINO COMMUNITY CENTER OVERSIGHT COMMITTEE

Council Representative: Marc Lucio | Staff Report By: Silvia Avalos

No meeting during this reporting period.

Next anticipated meeting date: September 16, 2025

CHINO VALLEY CHAMBER OF COMMERCE

Council Representative: Christopher Flores | Staff Report By: Ellyse Martinez

Meeting Date: August 19, 2025

- On Friday, August 1, Council Member Chris Flores and City staff attended the grand opening of Ekang Nutra Inc. Council Member Flores welcomed the new business to the community. The business is located at 13955 Sycamore Way.
- On Tuesday, August 19, Mayor Eunice Ulloa and City staff attended the Grand Opening of Orange County's Credit Union. Mayor Ulloa presented the business with a certificate of congratulations and said a few words of welcome to the staff. The business is located at 8401 Pine Avenue #110.
- On Wednesday, August 27, Mayor Eunice Ulloa and City staff attended the Grand Re-Opening of Chino Primary Care Facility. The medical office reopened after a fire closed the original location. Mayor Ulloa congratulated the business on its reopening and presented a certificate of congratulations. The business is located at 5475 Walnut Avenue.
- On Thursday, August 28, City Manager Linda Reich and Assistant City Manager Jackie Melendez attended the Chamber Leadership Academy graduation, where Jackie was a keynote speaker. City of Chino graduates include Director of Public Works Hye Jin Lee, City Planner Andrea Gilbert, and Police Department Management Assistant Margareth Jackson.

Next anticipated meeting date: September 21, 2025

CHINO BASIN DESALTER AUTHORITY

Council Representative: Curtis Burton | Staff Report By: Pete Vicario

Meeting Date: August 26, 2025

The Chino Basin Desalter Authority (CDA) reported that 438 acre-feet of water was delivered to the City of Chino in July.

The CDA Technical Advisory Committee (TAC) recommended the following, all of which were approved:

- Approval of a professional services agreement with West Yost Water Engineered for geohydrologic services, in the amount not to exceed $60,000. West Yost is also the Watermaster's geohydrologic consultant, and they will analyze groundwater impacts of new extraction well locations to ensure the

proposed new wells do not interfere with the existing Chino II wells. Funding for this agreement will be provided from the Specific (Identified) Capital Expenditures Reserve, specifically the New Chino II Well Construction Reserve Account, which has a balance of $9.8 million as of August 14, 2025.

- Approval of a sole-source procurement for the replacement of JMS incline screw conveyor spiral ends provided by MISCO Water, in the amount not to exceed $120,000. MISCO Water is JMS's sole authorized distributor throughout California. The reinforced ends will be constructed from high-grade 316 stainless steel to withstand both corrosion and mechanical stress. This retrofit will extend the service life of the equipment and improve operational reliability. Funding for this project will be provided through the CIP 7003 Capital Replacement Reserve, which currently has an unencumbered balance of $370,000.
- Adoption of the Revised CDA Emergency Response Plan (ERP). Resolution 2025-05 was adopted, approving the updated ERP dated July 2025, as a core component of the Authority's Emergency Management Program. The ERP serves as the foundational guide for CDA in preparing for, responding to, and recovering from emergency incidents that may affect CDA's operations, personnel, or facilities. There is no impact on the Authority's Fiscal Year 2025/26 budget.

Next anticipated meeting date: September 23, 2025

CHINO BASIN WATERMASTER

Council Representative: Curtis Burton | Staff Report By: Benjamin Orosco

Meeting Date: August 28, 2025

BUSINESS ITEMS:

B. Optimum Basin Management Program – Economic Analysis Update (Information Only)

Chino Basin Socioeconomic Studies Update:
The Watermaster has initiated an update to the 2006–2007 socioeconomic studies of the Chino Basin to account for current legal, hydrologic, and institutional changes. The update is led by researchers from the University of California, Davis, and the University of California, Berkeley with expertise in water policy, resource economics, and optimization. The study will integrate new data on groundwater rights, recycled water, infrastructure, and energy costs. Updated economic models will be used to evaluate equity, efficiency, and the distribution of benefits across agencies, with results shared through stakeholder engagement materials.

Timeline of Key Steps:

- August 5 – Kick-off meeting with Watermaster and research team
- Weeks 1–2 – Data collection and stakeholder interviews
- Weeks 3–4 – Model updates and legal/institutional integration
- Weeks 5–6 – Scenario modeling and benefit distribution analysis
- Weeks 7–8 – Sensitivity testing and report drafting
- By September 30 – Outreach materials completed

C. Peer Review of the Draft 2025 Safe Yield Reevaluation Final Report Update (Information Only)

Peer Review Safe Yield Evaluation Report:

The peer review process for the 2025 Safe Yield Evaluation Report (SYR) was conducted through weekly virtual meetings with staff from the Chino Basin Watermaster**,** West Yost, and consultants from S.S. Papadopoulos & Associates**.** These meetings provided opportunities to share information, review draft materials, and ensure consistency with prior work, such as the 2020 Safe Yield Recalculation. The collaborative approach allowed the team to identify questions, confirm assumptions, and provide clear input for the final report.

Timeline of Key Steps:

- September 18 – Peer review presentation to the Advisory Committee
- September 25 – Final peer review report presented to the Watermaster Board
- October 23 – Draft 2025 SYR distributed to parties for review
- Late October – Workshop held with stakeholders to review draft report
- November 26 – Deadline for comments on the draft report
- December 18 – Final 2025 SYR published

Next anticipated meeting date: September 25, 2025

CHINO VALLEY INDEPENDENT FIRE DISTRICT - LIAISON TO BOARD OF DIRECTORS

Council Representative: Karen Comstock | Staff Report By: Linda Reich

Meeting Date: August 13, 2025

Resolution No. 2025-17, adopting a Ticket and/or Pass Policy – The Board passed on a 5-0 vote a resolution adopting a ticket and pass distribution policy that outlines the legal framework, defines public purposes for distribution, specifies disclosure requirements using FPPC Form 802 with posting on the District's website, and delegates administration to the Fire Chief or designee. CVFD legal counsel provided information on reporting requirements under FPPC regulations for tickets or passes purchased or received by the District. He noted that there is no dollar threshold for disclosure, and the reporting obligation rests with the agency, not the individual official.

Fire Chief's Comments – Chief Williams stated that CVFD personnel had spent time with the Chino Police Department's 911 dispatchers and senior leadership in the dispatch center, working toward the shared goal of decreasing the time it takes for calls to be transferred to the ComCenter.

Next anticipated meeting date: September 10, 2025

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Council Representative: Curtis Burton | Staff Report By: Vivian Castro

Meeting Date: August 5, 2025 – Special Board Meeting

Vacancy on the Board of Education for Trustee Area 4 - Approved 4-0, with Board Member John Monroe absent, to make a provisional appointment to fill the Board vacancy in Trustee Area 4, vacated by Monroe, in accordance with Education Code 5091 and Board Bylaw 9223. Board President Shaw and Board Member

Cervantes were selected to work with the Superintendent, established August 15, 2025 through August 29, 2025, as the

Meeting Date: August 21, 2025

Action Items:

Resolution 2025/2026-12, Opposing Assembly Bill 495 to Defend Parental Rights in Education. Approved 4-0 to adopt Resolution 2025/2026-12, Opposing Assembly Bill 495 to Defend Parental Rights in Education.

Informational Items:

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised to reflect changes in law, mandates, federal regulations, and/or current practice. The Board received for information various new and revised policies and administrative regulations, including the following:

- **Revision of Board Policy and Administrative Regulation 5010 Students: Notification** – Revises Administrative Regulation 5010, which placed new reporting duties regarding parent notification on bargaining unit members. Associated Chino Teachers (ACT) filed a complaint with the Public Employee Relations Board (PERB) that the reporting requirements violate the Educational Employment Relations Act (EERA). PERB is considering the Board's formal appeal on whether the District made a unilateral change affecting the working conditions of employees without providing ACT the opportunity to bargain over the decision. The revisions to AR 5010 allow school sites to follow their existing notification procedures as outlined in their behavior management matrix and existing policies while PERB makes its final decision.
- **New Administrative Regulation 5131.2 Students: Bullying** – A new regulation created to reflect AB 2291, which mandates districts to adopt procedures for preventing acts of bullying, including cyberbullying. The regulation includes material regarding bullying prevention measures, student instruction, reporting, and corrective action. It adds the definition of bullying and examples of behaviors that may constitute bullying and cyberbullying.
- **Revision of Administrative Regulation 6115 Instruction: Ceremonies and Observances** – Revises AR 6115, which has been challenged by ACT and is pending a final decision by PERB, prohibiting the displaying of flags other than those of the United States and State of California, unless it is a country, state, or United States military flag used for educational purposes within the adopted curriculum. It provides exceptions if certain criteria and processes are met and does not violate District standards and policies already in place. The revision is to align the regulation with existing CVUSD guidelines and policies regarding the use of instructional materials and other classroom displays.
- **Revision of Administrative Regulation 6144 Instruction: Controversial Issues** – Revises AR 6144, which outlines controversial issues that may be discussed in the classroom, to require prior parental notification of LGBTQ+ content, allowing parents to opt out of the content for religious beliefs.

Next anticipated meeting date: September 18, 2025

CHINO VALLEY UNIFIED SCHOOL DISTRICT – MEASURE G OVERSIGHT COMMITTEE

Council Representative: Karen Comstock | Staff Report By: Silvia Avalos

No meeting during this reporting period.

Next anticipated meeting date: September 4, 2025

CITIZEN'S COMMITTEE FOR CIM & CIW

Council Representative: Marc Lucio | Staff Report By: Aaron Kelliher

Meeting Date: August 12, 2025

California Institution for Men (CIM)

- CIM reported a current population of 2,243 inmates with a capacity of 2,800. CDCR is planning to close the California Rehabilitation Center in Norco, with some inmates and staff transferring to CIM.
- Cal State LA courses at CIM began in August with a Bachelor's Program in Liberal Studies.
- There was an attack on a correctional cook in facility A, which resulted in an attempted murder investigation.
- CIM 2nd Quarter food sales proceeds were donated to Project Sister, Chino Valley YMCA, and Chino WIC, with each receiving $2,311.85.

California Institution for Women (CIW)

- CIW reported a population of 1,211 inmates.
- Councilmember Lucio offered to have inmates participate in the utility box art project.
- CIW currently has 25 inmates enrolled in a peer support specialist class, which is beneficial upon reentry.
- The CIW auditorium is undergoing an upgrade, which will significantly improve its usefulness to the population.
- CIW is seeking community donations for their bike program, which repairs broken bikes and donates them back to the community.

Next anticipated meeting date: October 14, 2025

INLAND EMPIRE UTILITIES AGENCY (IEUA) REGIONAL SEWERAGE COMMITTEE

Council Representative: Curtis Burton | Staff Report by: Benjamin Orosco

Meeting Date: August 7, 2025

Information Items:

A. Chino Basin Program Update (PowerPoint):

The Chino Basin Program (CBP) is a regional effort led by the Inland Empire Utilities Agency (IEUA) to strengthen water supply reliability, improve recycled water use, and meet wastewater compliance requirements. The program combines advanced treatment, storage, and conveyance projects to maximize local resources while also supporting statewide environmental goals. Local benefits include dependable supplies for IEUA ratepayers, protection of recycled water permits, and expanded use of purified water. At the same time, CBP provides ecosystem benefits in Northern California by coordinating "pulse flow" releases to support salmon migration.

Key CBP facilities include an Advanced Water Purification Facility (AWPF)**,** the Rialto Recycled Water Pipeline**,** aquifer recharge wells**,** extraction wells with a 40,000-acre-foot capacity, and a Metropolitan Water District of Southern California (MWD) interconnection. These projects will enable up to 15,000 acre-feet of purified water per year to be stored locally, with 300,000 acre-feet dedicated over 25 years for state exchange agreements. Funding of nearly $48 million has been secured through reserves and federal grants, with long-term cost allocation to be determined through a five-year rate study.

Timeline of Key Milestones:

- Summer 2025 – Award of design-build contracts for AWPF and Rialto pipeline; draft State Public Benefit Contracts prepared
- Fall 2025 – Wastewater change of use permit submittal, coordination with State and Federal agencies on efficiency credits
- Winter 2025/26 – Extraction Facilities design updates and partner decisions
- Winter 2026 – Final State Public Benefit Contracts
- Winter 2026/27 – Environmental finding of consistency
- Fall 2027 – WSIP final funding hearing
- 2027–2031 – Construction of major facilities (AWPF, Rialto pipeline, recharge wells, MWD interconnection, extraction wells)
- 2031–2032 – Facility commissioning and operations begin

B. Capital Capacity Reimbursement Account Overview (PowerPoint):

IEUA is initiating a series of capital calls beginning July 15, 2025, in response to direction from the Regional Sewerage Program's Technical Advisory and Policy Committees. These calls are tied to wastewater connection fees collected and held by customer agencies. The purpose is to reduce long-term financing costs, ease rate impacts, and provide agencies with predictable planning tools through smaller, distributed requests.

Funds collected will support regional wastewater projects identified in the 2025 Rate Study and the Ten-Year Capital Improvement Plan. Major projects include rehabilitation of primary and secondary systems at RP-1, process improvements at RP-4, upgrades at Carbon Canyon Water Recycling Facility, system reliability improvements, and agency-wide electrical and control upgrades. The total budget for these projects is $89.25 million.

As of March 2025, customer agencies reported $161.5 million in Capital Capacity Reimbursement Account balances. The first call of $22.3 million will be proportionally drawn down, leaving approximately $139.2 million in remaining balances across all agencies. Ontario holds the largest share (35.5%), followed by Fontana (26%), Chino (14%), and CVWD (13%).

Timeline of Key Steps:

- July 15, 2025 – First capital call issued
- July 16, 2025 – Finance Directors meeting
- August 2025 – Internal audit of rate and fee collection procedures
- January 15, 2026 – Second capital call
- July 15, 2026 – Third capital call
- January 15, 2027 – Fourth capital call

C. Eastern Trunk Sewer and Impact on Regional System (PowerPoint):

The Eastern Trunk Sewer (ETS) was built to improve flexibility in the regional wastewater system and reduce the need for major expansions at Regional Plant No. 1 (RP-1) and Regional Plant No. 5 (RP-5). By diverting flows between facilities, the ETS allowed the Inland Empire Utilities Agency (IEUA) to meet permit requirements, avoid costly simultaneous plant expansions, and support development in Ontario's New Model Colony. It also gave the City of Ontario time to develop permanent solutions for local wastewater needs. The jointly owned pipeline remains the most cost-effective option for both IEUA and Ontario.

The original cooperative agreement, signed in 2003 and amended in 2004, established shared ownership of ETS capacity, with Ontario buying back its share over 20 years. The agreement also required Ontario to shift certain flows to the Western Trunk Sewer. However, IEUA raised concerns that Ontario still has flows in ETS beyond its purchased capacity. This has implications for IEUA's ability to meet permit obligations and ensure available capacity in the regional system.

Before the presentation, an update confirmed that Ontario is now working collaboratively with IEUA to address these issues. Some of the earlier concerns regarding excess flows and system impacts have already been resolved, and both agencies are coordinating on flow monitoring, capacity planning, and system adjustments to ensure long-term compliance and efficiency.

Next anticipated meeting date: September 4, 2025

LEAGUE OF CALIFORNIA CITIES – INLAND EMPIRE DIVISION

Council Representative: Marc Lucio | Staff Report by: Jackie Melendez

No meeting during this reporting period.

Next anticipated meeting date: October 16, 2025

OMNITRANS BOARD OF DIRECTORS

Council Representative: Eunice Ulloa | Staff Report by: Dennis Ralls

No meeting during this reporting period.

Next anticipated meeting date: September 3, 2025

ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) INTER-AGENCY COLLABORATIVE (ROUNDTABLE)

Council Representative: Christopher Flores | Staff Report by: Jackie Melendez

No meeting during this reporting period.

Next anticipated meeting date: TBD

SAN BERNARDINO COUNTY BOARD OF SUPERVISORS

Staff Report By: Rogelio Huerta

Meeting Date: August 5, 2025

The San Bernardino County Board of Supervisors approved an updated project list for Fiscal Year 2024-25 under the Senate Bill 1 (SB 1) funding program. This update includes six new projects, securing funds for local traffic improvements in the Chino area, specifically highlighting the addition of a new right-turn pocket at the intersection of Riverside Drive and Riverside Terrace.

Next anticipated meeting date: August 19, 2025

Meeting Date: August 19, 2025

The Board approved an Interim Use Permit for the Belegarth Medieval Combat Society. This permit allows the society to host its "Battle for the Ring" live-action event at Prado Regional Park in Chino from January 15–19, 2026.

Next anticipated meeting date: September 9, 2025

SAN BERNARDINO COUNTY SOLID WASTE ADVISORY TASK FORCE

Council Representative: Christopher Flores | Staff Report by: Xochitl Huerta

No meeting during this reporting period.

Next anticipated meeting date: October 15, 2025

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) BOARD OF DIRECTORS

Council Representative: Eunice Ulloa | Staff Report by: Dennis Ralls

No meeting during this reporting period.

Next anticipated meeting date: September 3, 2025

SBCTA – CITY SELECTION COMMITTEE

Council Representative: Eunice Ulloa | Staff Report by: Jackie Melendez

No meeting during this reporting period.

Next anticipated meeting date: TBD

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) – GENERAL ASSEMBLY

Council Representative: Marc Lucio | Staff Report by: Jackie Melendez

No meeting during this reporting period.

Next anticipated meeting date: TBD

SANTA ANA WATERSHED ADVISORY COUNCIL

Council Representative: Karen Comstock | Staff Report by: Benjamin Orosco

Meeting Date: August 5, 2025

Discussion Item:

The Inland Empire Brine Line Reserve Funds:

The Council discussed the Inland Empire Brine Line Reserve Funds and recommended setting aside money to keep the system financially stable. The operating reserve will increase to $2.55 million, equal to 25% of annual operating costs. The replacement and capital reserve will be maintained with a minimum of $19.9 million and a target of $48.8 million to fund future system upgrades. Other reserves are already above their targets and will continue earning interest. From the projected $3.83 million surplus, $162,000 will be added to the operating reserve to reach its target, with the remaining $3.67 million directed to the capital reserve.

Next anticipated meeting date: September 2, 2025

WATER FACILITIES AUTHORITY BOARD OF DIRECTORS

Council Representative: Curtis Burton | Staff Report by: Benjamin Orosco

No meeting during this reporting period.

Next anticipated meeting date: September 18, 2025

WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

Council Representative: Chris Flores | Staff Report by: Vivian Castro

Meeting Date: August 26, 2025

Administrative Matters:

Staff Reports – Regular reports were provided, including a Field Operations update with information on meetings regarding the status of vectors at various facilities in the WVMVCD region, such as ponds and recharge basins; a Surveillance report monitoring the population of vectors, especially mosquitoes, and any detected related pathogens, such as West Nile Virus, Dengue, and Zika; and a report on WVMVCD Community Outreach activities and impacts. Information was also provided about efforts by another jurisdiction to regulate the feeding of feral cats, in part due to potential vector issues.

Next anticipated meeting date: September 23, 2025

MEMORANDUM
CITY OF CHINO
FINANCE DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **KIM SAO, DIRECTOR OF FINANCE**

SUBJECT

Warrants.

RECOMMENDATION

Approve expenses as audited and within budget for warrants 7772443 to 7772670, and Electronic Fund Transfers 525091E to 525179E, totaling $9,221,071,27.

FISCAL IMPACT

Sufficient funds have been included in the Fiscal Year 24-25 and 25-26 Adopted Budgets.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Financial Stability

Revenue:	Expenditure:

BACKGROUND

As prescribed by Government Code Sections 37202 and 37208, the following demand registers are herewith submitted for Council ratification:

NO.	WARRANTS	CHECK DATE	FY	AMOUNT
1.	7772443 – 7772582	09/18/25	25-26	$1,522,931.86
2.	7772583 – 7772587	09/18/25	24-25	$38,394.92
3.	7772588	09/22/25	24-25	$27,066.25
4.	7772589 – 7772670	09/25/25	25-26	$2,288,275.87
5.	525091E	09/16/25	24-25	$661,563.64
6.	525092E – 525131E	09/19/25	25-26	$1,974,175.39
7.	525132E – 525179E	09/26/25	25-26	$2,708,663.34
TOTAL				**$9,221,071.27**

ISSUES/ANALYSIS

See attached exhibit for detailed information on warrants exceeding $50,000.

Attachment

CITY OF CHINO
A/P Warrant Register Over $50,000

Check Date	Check Number	Vendor Name	Description	Amount
09/16/2025	525091	INLAND EMPIRE UTILITIES AGENCY	RECYCLED WATER	$661,563.64
09/18/2025	7772489	FLOCK GROUP INC.	FLOCK CAMERAS & SAFETY ADD-ON	$81,050.00
	7772495	G&A NELOS CONSTRUCTION, INC.	HAMPSHIRE VILLAGE CONSTRUCTION	$400,507.37
	7772497	GENERAL PUMP COMPANY INC	WELL 12 & 14 REHAB	$54,448.50
	7772498	GENTRY BROTHERS INC	PAVEMENT IMPROVEMENTS	$741,731.50
09/19/2025	525097	CHINO VALLEY INDEPENDENT FIRE DISTRICT	FIRE PROTECTION SERVICES	$1,310,147.00
	525100	DELL MARKETING LP	SOFTWARE	$435,508.75
	525125	US BANK CORPORATE PAYMENT SYSTEM	PCARD PAYMENT-AUGUST 2025	$74,601.83
09/25/2025	7772591	ALESHIRE & WYNDER LLP	LEGAL SERVICES	$50,558.49
	7772617	GENTRY BROTHERS INC	PAVEMENT IMPROVEMEMTS	$859,493.50
	7772668	WASTE MANAGEMENT	COLLECTION SERVICES	$963,498.83
	7772669	WESTERN TRUCK EXCHANGE	NEW UNIT 461-2025 FORD-750	$134,309.75
09/26/2025	525143	CHINO BASIN DESALTER AUTHORITY	WATER PURCHASES	$1,689,008.00
	525147	CLIMATEC, LLC	LIBRARY HVAC CONTROL UPG	$55,982.00
	525163	LANDSCAPE WEST MANAGEMENT SERVICES, INC.	LANDSCAPE MAINTENANCE	$62,950.00
	525177	WATER FACILITIES AUTHORITY	IMPORTED WATER PURCHASE	$657,931.08
			TOTAL	**$8,233,290.24**

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **NATALIE GONZAGA, CITY CLERK**

SUBJECT

Minutes.

CHINO CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
REGULAR MEETING - CITY HALL COUNCIL CHAMBERS
13220 CENTRAL AVENUE
CHINO, CA 91710

TUESDAY, OCTOBER 7, 2025

MINUTES

CLOSED SESSION – 4:00 PM
OPEN SESSION – 6:00 PM

CALL TO ORDER

The October 7, 2025, Regular Meeting of the Chino City Council / Successor Agency to the Redevelopment Agency was called to order at 4:00 pm by Mayor Eunice M. Ulloa in the Council Chambers.

ROLL CALL

PRESENT: Mayor Eunice M. Ulloa, Mayor Pro Tem Curtis Burton, Council Member Karen C. Comstock, Council Member Christopher Flores, and Council Member Marc Lucio

ABSENT: NONE.

CLOSED SESSION PUBLIC COMMENTS

There were no requests to speak.

CLOSED SESSION

City Attorney Fred Galante read into the record the item listed on the Closed Session agenda.

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of Cases: One Case

2. LIABILITY CLAIMS Pursuant to Government Code Section 54956.95 to consider the following Worker's Compensation Claim: Claimant: Todd Arnold Case Number(s): ADJ19707955 and ADJ9707954 Agency Claimed Against: City of Chino

3. CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6: Agency Negotiator: Terry Doyle, Director of Human Resources/Risk Management Employee Organizations: Chino City Hall Confidential Employee Association; Chino Police Management Association (CPMA); Chino Police Officers Association (CPOA); Chino Police Professional Employees Association (CPPEA); Teamsters Local1932 Professional, Technical and Clerical Unit; American Federation of State, County, and Municipal Employees (AFSCME District Council 36 - Local 3183); Unrepresented Management Sworn and Professional; Executive Management and Deputy Directors; and Part-time Employees

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to Government Code 54956.8 Property: APN: 1014-052-04; 5349 E. Phillips Blvd., Chino Agency Negotiator: Linda Reich, City Manager or her designee Negotiating Parties: Christopher Thi Under Negotiation: Price and Terms of Potential Acquisition

The City Council recessed to Closed Session at 4:03 p.m. and concluded at 5:44 p.m. The City Council reconvened the meeting at 6:06 p.m.

FLAG SALUTE

Council Member Comstock led the Pledge of Allegiance.

ADJOURNMENT IN MEMORY OF COMMISSIONER STEVE LEWIS

Mayor Ulloa sadly announced that tonight's meeting will adjourn in memory of Planning Commissioner Steve Lewis, who recently passed away. Mayor Ulloa spoke about Commissioner Lewis' dedication to a life of service, to the City of Chino, and the lasting impact he made on the community. On behalf of the City Council and Chino community, Mayor Ulloa extended heartfelt condolences to Commissioner Lewis' family and friends. A moment of silence was held in his honor.

CEREMONIALS

Proclamations

World Homeless Day - Proclaim October 10, 2025 as World Homeless Day.

Mayor Ulloa read into the record the Proclamation designating October 10, 2025, as World Homeless Day in Chino. Kari Franco, Community Services, Parks & Recreation Supervisor (CSPR), members of the Homeless Outreach Team, and Quality of Life Team, accepted the Proclamation.

Domestic Violence Awareness Month - Proclaim October 2025 as Domestic Violence Awareness Month.

Mayor Ulloa read into the record the Proclamation designating October 2025 as Domestic Violence Awareness Month in Chino. Kari Franco, CSPR Supervisor, and Pat Bell, Executive Director/CEO of House of Ruth, accepted the Proclamation.

Community Planning Month - Proclaim October 2025 as Community Planning Month.

Mayor Ulloa read into the record the Proclamation designating October 2025 as Community Planning Month in Chino. Planning Commission Chair Jimmy Alexandris, Member Larry Vieira, Member Brandon Blanchard, and Member Kevin Cisneroz, accepted the Proclamation.

Presentations

General Plan Advisory Committee - Recognition of the General Plan Advisory Committee (GPAC) Members for their contributions to the 2045 General Plan Update.

Mayor Ulloa called up Michael Hitz, Principal Planner, who presented certificates of recognition to the General Plan Advisory Committee. Lynda Flathers, Neal Jerry, Harvey Luth, Bobby Martinez, Shari Rodelo, Irene St. Esteban, Larry Vieira, and the family of Steve Lewis were present to accept their awards. Committee members recognized, but not present were Dave Frewing, Brandy Jones, and Darian Venerable.

Business of the Month - Award of Business of the Month for October 2025 to:
- Francis Animal Hospital
- Bevy Beans Coffee

Mayor Ulloa presented the October 2025, Business of the Month Award to Francis Animal Hospital. Owner Dr. Choi and his General Manager, were present to accept the award.

Mayor Ulloa announced the next October 2025, Business of the Month Awardee, Bevy Beans Coffee, was unable to attend, but will be recognized at the next meeting.

Mayor's Home Beautification Award - Award of Mayor's Home Beautification Award for October 2025.

Mayor Ulloa presented the Mayor's Home Beautification Award for October 2025, to Robert Grout of Alma Court in Chino.

REPORT OUT OF CLOSED SESSION

City Attorney Fred Galante reported out of closed session as follows:

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of Cases: One Case

The City Council received a briefing from both City Attorney Galante and Attorney Matthew Silver, provided direction, and no further reportable action was taken.

2. LIABILITY CLAIMS Pursuant to Government Code Section 54956.95 to consider the following Worker's Compensation Claim: Claimant: Todd Arnold Case Number(s): ADJ19707955 and ADJ9707954 Agency Claimed Against: City of Chino

The City Council received a briefing, provided direction, and no further reportable action was taken.

3. CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6: Agency Negotiator: Terry Doyle, Director of Human Resources/Risk Management Employee Organizations: Chino City Hall Confidential Employee Association; Chino Police Management Association (CPMA); Chino Police Officers Association (CPOA); Chino Police Professional Employees Association (CPPEA); Teamsters Local1932 Professional, Technical and Clerical Unit; American Federation of State, County, and Municipal Employees (AFSCME District Council 36 - Local 3183); Unrepresented Management Sworn and Professional; Executive Management and Deputy Directors; and Part-time Employees

The City Council received an update, and no further reportable action was taken.

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to Government Code 54956.8 Property: APN: 1014-052-04; 5349 E. Phillips Blvd., Chino Agency Negotiator: Linda Reich, City Manager or her designee Negotiating Parties: Christopher Thi Under Negotiation: Price and Terms of Potential Acquisition

The City Council received an update, provided direction, and no further reportable action was taken.

AGENDA ADDITIONS/REVISIONS

City Manager Linda Reich reported there were no additions or revisions to the agenda.

PUBLIC ANNOUNCEMENTS

Mayor Ulloa provided the following notifications:

-Halloween Spooktacular is Friday, October 31, 2025, from 4:00 - 9:00 p.m. at Ruben S. Ayala Park, 14225 Central Avenue. For information, visit cityofchino.org/halloween.

-Haunted House Halloween Decor Contest entries can be submitted by October 30, 2025, at noon. To enter, visit cityofchino.org/hauntedhouses.

Mayor Ulloa announced that the meeting would adjourn in memory of Angel Martinez, a talented young athlete and member of the Chino Boxing Club. On behalf of the City Council, the Mayor extended condolences to Mr. Martinez's family and friends.

PUBLIC COMMENTS

Pastor Mike Spradlin, Valley Christian Church, Chino Police Department Chaplain, provided the invocation.

Lynda Flathers, Chino Valley History Society President, invited the community to attend the 4th Annual Chino Harvest Festival at the Old Schoolhouse Museum and Farm on Saturday, October 11, 2025, from 10:00 a.m. - 4:00 p.m.

Maureen Moe Mendoza, spoke regarding the Animal Resource Center (ARC), their lack of a Trap Neuter Release (TNR) program, local veterinary assistance, and concerns regarding ARC meetings. Ms. Mendoza also submitted a letter to the City Council members.

Terri Carver, Feral Cat Organization, spoke regarding TNR in Chino and thanked Dr. Choi, Francis Animal Hospital, for supporting the feral cat program in the City.

Donna Marchesi, spoke regarding the feral cat program and requested the ARC record their board meetings and have a central website.

Katharine Morales, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Ashraf, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Jasser, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills and requested the City Council adopt a ceasefire resolution.

Mel, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Alexis, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills and requested the City Council adopt a ceasefire resolution.

Jessica O., spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Sylvia Barber, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Justice May, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Jonathon, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Madeline Newman Rios, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Rat, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills and police involvement with the unhoused community.

Anees Rehman, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills and requested the City Council adopt a ceasefire resolution.

Ashal Al-MuQawama, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Safia, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Peter Attwood, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Gilbert, Brown Beret representative, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Mischa, Dignity Sustained, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills.

Anonymous, spoke in opposition to NSMP 7 and ICE detentions.

Nicole, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills and ICE raids.

Hazel Romero, Nicole, spoke in opposition to the Pray Vote Stand event at Calvary Chapel Chino Hills and ICE raids.

Neal Yeager, spoke in recognition of October 7th as being two years since Israel was attacked by Hamas and requested a ceasefire resolution.

Caitlin Shepherd, spoke about police funding and opposition to ICE raids.

Mayor Ulloa thanked the public for their comments regarding the upcoming Calvary Chapel Chino Hills event and clarified the City's role in the special event process. She explained that the City of Chino does not fund, approve, or endorse events held by private organizations, nor does it participate in selecting speakers or setting agendas. Calvary Chapel Chino Hills has requested and received an event permit, and if police services are requested for this event, the hosting organization funds those services not the city.

CONSENT CALENDAR

1. Warrants. Approve expenses as audited and within budget for warrants 525089 to 525090, 7772270, 7772325 to 7772442, and Electronic Fund Transfers 7772271 to 7772724, totaling $2,671,170.53.

2. Minutes. Approve Regular Meeting Minutes for (a) September 16, 2025, (b) May 2, 2023, and Special Meeting Minutes for (c) May 2, 2023 (All Members Present).

3. Elected City Officials' Report Regarding Travel, Training, and Meetings. Receive and file the Elected City Officials' Report reflecting City Council business related expenses incurred by the City.

4. Falloncrest Development Agreement Annual Monitoring Report and Issuance of Certificate of Agreement Compliance. Accept the Annual Monitoring Report for the Falloncrest Development Agreement and Authorize the City Manager, or their Designee, to Issue a Certificate of Agreement Compliance.

5. Acceptance of Permanent Local Housing Allocation (PLHA) Standard Agreement. Accept the State of California PLHA funding Standard Agreement; establish a new Fund titled Acceptance of Permanent Local Housing Allocation; appropriate grant funds in the amount of $804,163.00.

6. Federal Asset Forfeiture Funds - Aviation Safety and Operating Equipment Purchase (Federal Grant G4261). Establish the Federal Grant Number G4261 and appropriate $85,000.00 from the available reserves of the Asset Forfeiture Fund-Dept of Justice Fund 120 for the purchase of aviation safety and operating equipment.

7. CalRecycle Grant and Payment Program Applications. Adopt Resolution No. 2025-066 authorizing submittal of applications to California Department of Resources Recycling and Recovery (CalRecycle) for various grants and payment programs.

8. Sale of Stored Groundwater Reserves to Niagara Bottling Company. Approve the sale of 2,000 acre-feet from the City's excess Carryover stored groundwater reserves to Niagara Bottling Company.

9. Shea Homes Limited Partnership - Replacement Subdivision Improvement Agreement for Tract Map No. 16420-6 (Block 11 - Lots 5, 6 & 8). Approve replacement Subdivision Improvement Agreement for Tract Map No. 16420-6 (Block 11- Lots 5, 6 & 8), generally located south of Legacy Park Street, east of Main Street, and north of East Preserve Loop.

Motion by Mayor Pro Tem Burton, seconded by Council Member Flores, to approve the Consent Calendar items 1-9 as presented. The motion carried by the following vote:

AYES: ULLOA, BURTON, COMSTOCK, FLORES, AND LUCIO

NOES: NONE.

ABSENT: NONE.

MAYOR AND COUNCIL REPORTS

Mayor Ulloa

Mayor Ulloa had no report.

Mayor Pro Tem Burton

Mayor Pro Tem Burton extended condolences to the family of Commissioner Steve Lewis and Angel Martinez.

Council Member Comstock

Council Member Comstock extended condolences to family of Commissioner Steve Lewis and Angel Martinez.

Council Member Flores

Council Member Flores has no report.

Council Member Lucio

Council Member Lucio had no report.

City Manager's Report

City Manager Reich had no report.

City Attorney's Report

City Attorney Galante extended condolences to the family of Commissioner Steve Lewis.

Police Chief's Report

Police Chief Mensen spoke regarding Senate Bill 54, noting the Chino Police Department complies with the California Values Act, and does not participate in immigration enforcement.

Director's Report

No Director's Report.

Fire Chief's Report

Fire Chief Dave Williams had no report.

ADJOURNED IN MEMORY OF COMMISSIONER STEVE LEWIS AND ANGEL MARTINEZ

The meeting adjourned at 8:05 p.m. in memory of Commissioner Steve Lewis and Angel Martinez. The next Regular Meeting of the City Council will be held on Tuesday, October 21, 2025 at 6:00 p.m. (Closed Session no earlier than 4:00 p.m. if necessary) in these Council Chambers.

APPROVED AND ADOPTED THIS 21ST DAY OF OCTOBER 2025.

_____
EUNICE M. ULLOA, MAYOR

ATTEST:

_____
NATALIE GONZAGA, CITY CLERK

****

(These minutes are not official until signed.)

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **NATALIE GONZAGA, CITY CLERK**

SUBJECT

Elected City Officials' Report Regarding Travel, Training, and Meetings.

RECOMMENDATION

Receive and file the Elected City Officials' Report reflecting City Council business related expenses incurred by the City.

FISCAL IMPACT

Sufficient funding is available in the adopted Fiscal Year 2025-26 Operating Budget.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Superior Customer Service
- Responsible Long-Range Planning
- Exemplary Leadership
- Public Service Excellence through Internal and External Partnerships

Revenue:	Expenditure: 1002000-43320
Transfer In:	Transfer Out:

BACKGROUND

In accordance with Government Code Sections 53232.2 and 53232.3, implementing Assembly Bill (AB) 1234 on January 1, 2006, the City adopted Resolution No. 2005-093 establishing a Business-Related Expense Policy. On December 6, 2016, the City approved Resolution No. 2016-075 adopting the latest revisions to this policy. In addition to requiring local agencies to adopt a business-related expense policy, AB 1234 requires that Elected Officials provide a brief report on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

ISSUES/ANALYSIS

In response to AB 1234, a report regarding Elected City Officials' Travel, Training, and Meetings (Exhibit A) was created and is placed on the City Council Agenda Consent Calendar, as needed. The documents that pertain to the items listed on Exhibit A are available for public inspection at the City Clerk's office located in City Hall at 13220 Central Avenue, Chino, CA.

Attachment – Exhibit A

Event Date	Meeting Purpose and Subject Matter	Location	City Official Attendees
October 8-10, 2025	League of California Cities 2025 Annual Conference	Long Beach, California	Mayor Pro Tem Burton Council Member Comstock

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **LINDA REICH, CITY MANAGER**

SUBJECT

Report on Priority State and Federal Legislative Issues.

RECOMMENDATION

Receive and file the October 21, 2025 Government Relations Update, the Tracked State Legislation Report, and the Report on City Position Letters.

FISCAL IMPACT

There is no fiscal impact.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built by fostering:

- Positive City Image
- Financial Stability
- Responsible Long-Range Planning
- Exemplary Leadership
- Public Service Excellence through Internal and External Partnerships

BACKGROUND

On April 2, 2024, the City Council adopted the Citywide Legislative Policy, which details guiding principles organized around respective legislative, policy, and regulatory matters. It supplements the Citywide Strategic Plan to build an effective and flexible legislative advocacy strategy.

The Policy authorizes Staff to formulate and approve official City responses for those legislative items with potentially significant impacts on the City or that create an issue of timeliness for an official response, with the qualification that the position is determined to be consistent with the City's legislative policy.

Per the Policy, the Committee or Staff is to report to the City Council on any updates, recommendations, or actions taken by the Committee or Staff.

ISSUES/ANALYSIS

The Government Relations Update includes legislative and government relations issues of note to the City (Attachment 1).

The Tracked State Legislation Report (Attachment 2) reflects the City's position on active bills being tracked during the current state legislative session.

The Report on City Position Letters (Attachment 3) includes communications submitted by the City on priority legislative and regulatory issues.

City of Chino
GOVERNMENT RELATIONS UPDATE (Attachment 1)
As of October 15, 2025

FEDERAL UPDATE

Federal Budget

The federal fiscal year began on October 1. As of October 15, there is still no federal budget, and the federal government is on its 15th day of shutdown. The Senate has failed to pass the Republican House funding bill 9 times. The Senate is expected to take its 10th vote on the stopgap bill Thursday morning, October 16, 2025.

An estimated 750,000 federal employees have been furloughed and ordered not to report to work. Others must work without pay until a budget is passed, with exceptions for some, including military personnel and the FBI. The White House issued 4,100 reduction-in-force notices to furloughed federal workers. Russell Vought, the head of the White House Office of Management and Budget, stated that layoffs of federal workers could reach more than 10,000 as the shutdown continues, with the aim of cutting programs deemed “not consistent” with Trump’s priorities.

On Wednesday, October 15, a federal judge issued an emergency order to temporarily halt the Trump administration's permanent layoffs of federal workers.

STATE UPDATE

California Redistricting Election

A recent poll shows that a majority of likely California voters support Proposition 50, the redistricting measure on the November 4th Special Election ballot. The survey, conducted by research firm co/efficient between September 29 and October 1, found that 54% of respondents favor the proposition, 36% oppose it, and 10% remain undecided.

Proposition 50 proposes redrawing California’s congressional districts, with the potential to add up to five seats favoring Democrats ahead of the 2026 midterm elections. The measure was introduced in response to Texas’s redistricting, which was seen as benefiting Republicans.

Proposed Initiative on California’s Independence

On October 15, 2025, the California Secretary of State announced that a proposed initiative seeking a future vote on California's independence had been cleared to begin collecting petition signatures. The measure would place a question on the November 2028 ballot asking whether California should become an independent country. If at least 50% of registered voters participate and 55% vote “yes,” it would be considered a symbolic vote of no confidence in the U.S., without altering California’s current governmental structure. The initiative also proposes creating a commission to study the state's viability as an independent nation, with estimated costs of $10 million initially and $2 million annually. The measure’s proponent must gather 546,651 valid signatures by April 13, 2026, for the measure to qualify for the ballot.

TRACKED STATE LEGISLATION REPORT (Attachment 2)

Attachment 2 provides two versions of a report (by measure number and subject) on the status of state legislation tracked by the City of Chino as of October 15, 2025. The positions noted on bills are based on the City Council's adopted Legislative Policy, Legislative Committee direction, or Council action. The report is organized by subject area and reflects the final disposition of the bills, reflecting the Governor’s

action by the October 12 deadline to sign or veto bills.

POSITION LETTERS & MAJOR ISSUES (Attachment 3)

Attachment 3 includes drafts of letters that were submitted to Governor Newsom requesting his veto or signature on various bills. October 12 was the deadline for the Governor to sign or veto bills. The City's request to the Governor is noted, followed by the Governor's action on the bill. An additional letter was sent to the Governor requesting his action on a regulatory issue.

- AB 339 (Ortega) - Local public employee organizations: notice requirements; Veto requested; Signed by Governor.
- AB 492 (Valencia) - Alcohol and drug programs: licensing; Signature requested; Signed by Governor.
- AB 507 (Haney) – Adaptive reuse: streamlining: incentives; Veto requested; Signed by Governor.
- AB 650 (Papan) - Planning and zoning: housing element: regional housing needs allocation; Signature requested; Vetoed by Governor.
- SB 79 (Wiener) - Planning and zoning: housing development: transit-oriented development; Veto requested; Signed by Governor.
- SB 274 (Cervantes) - Automated license plate recognition systems; Veto requested; Vetoed by Governor.
- SB 454 (McNerney) - State Water Resources Control Board: PFAS mitigation program; Signature requested; Vetoed by Governor.
- SB 707 (Durazo) - Open meetings: meeting and teleconference requirements; Veto requested; Signed by Governor.
- SB 827 (Gonzalez) - Local agency officials: training; Veto requested; Signed by Governor.
- Letter to Governor Newsom - Request to Revise DIR's 2021 Determination Misclassifying Municipal Street Sweeping as Public Works

CHINO CITY COUNCIL LEGISLATIVE POLICY COMMITTEE MEETING

The Legislative Policy Committee is scheduled for Thursday, November 13, 2025, at 3:00 p.m. in Council Chambers.

STATE LEGISLATIVE CALENDAR – Recent and Upcoming Legislative Deadlines

- Oct. 12 - Last day for the Governor to sign or veto bills passed by the Legislature before Sept. 12 and in the Governor's possession on or after Sept. 12.
- Jan. 1 - Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 5 - Legislature reconvenes (J.R. 51(a)(4)) for second year of the 2025-26 Regular Session.

City of Chino
LEGISLATIVE UPDATE

13220 Central Avenue, Chino, CA 91710 | 909.334.3250 | www.cityofchino.org

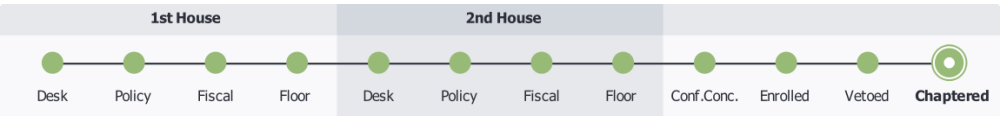
Wednesday, October 15, 2025
By Measure

Governance

SB 634 (Pérez, D) Local government: homelessness.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 521, Statutes of 2025.



Summary: Current law establishes procedures for the enactment of ordinances by counties and cities and makes a violation of a county or city ordinance, as applicable, a misdemeanor unless by ordinance it is made an infraction. This bill would prohibit a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing support services, as specified, to a person who is homeless or assisting a person who is homeless with any act related to basic survival. The bill would define various terms for these purposes. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. (Based on 10/10/2025 text)

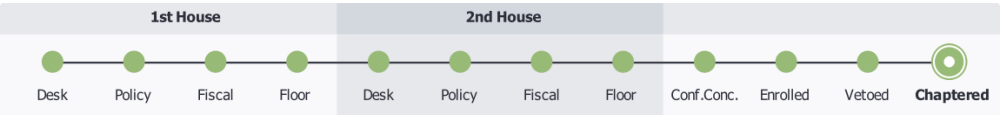
Priority: (5) Track/Watch

Subject: Governance, Human Services, Recreation, Quality of Life, Public Safety

SB 707 (Durazo, D) Open meetings: meeting and teleconference requirements.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**

Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 327, Statutes of 2025



Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. This bill would, beginning July 1, 2026, and until January 1, 2030, require an eligible legislative body, as defined, to comply with additional meeting requirements, including that, except as specified, all open and public meetings include an opportunity for members of the public to attend via a 2-way telephonic service or a 2-way audiovisual platform, as defined, and that the eligible legislative body take specified actions to encourage residents to participate in public meetings, as specified. The bill would require an eligible legislative body, on or before July 1, 2026, to approve at a noticed public meeting in open session a policy regarding disruption of telephonic or internet services occurring during meetings subject to these provisions, as specified, and would require the eligible legislative body to comply with certain requirements relating to disruption, including for certain disruptions, recessing the open session for at least one hour and making a good faith attempt to restore the service, as specified. This bill contains other related provisions and other existing laws. (Based on 10/03/2025 text)

Position: Oppose

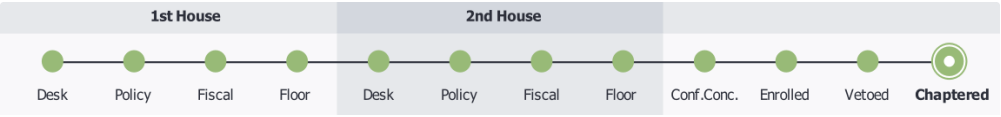
Priority: (4) Standard

Subject: Governance

SB 827 (Gonzalez, D) Local agency officials: training.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**

Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 661, Statutes of 2025.



Summary: Current law imposes ethics training on specified local agency officials. Current law requires each training to be 2 hours and requires the officials to receive each training every 2 years, and as described otherwise, with the first training within one year of commencing service. Existing law requires the local agency to maintain records of the trainings, as prescribed. This bill would expand which local agency officials are required to complete the above-described ethics training to include department heads, or other similar administrative officers, as specified, and would instead require officials who commence service on or after January 1, 2026, to receive their initial training within 6 months of commencing service. The bill would require the local agency to publish post clear instructions and contact information for requesting the training records on its internet website, as specified. This bill would additionally require all local agency officials, as defined, to receive at least 2 hours of fiscal and financial training, as described. The bill would require the training to be received at least once every 2 years, as provided. The bill would exempt from these requirements specified local agency officials if they are in compliance with existing education requirements specific to their positions. This bill would authorize a local agency or an association of local agencies to contract with or otherwise collaborate with a provider of a training course to offer one or more training courses, or sets of self-study materials with tests, to its local agency officials to meet the training requirement, as described. The bill would require the training courses and materials to be developed in consultation with experts in local government finance. finance, as specified. (Based on 10/11/2025 text)

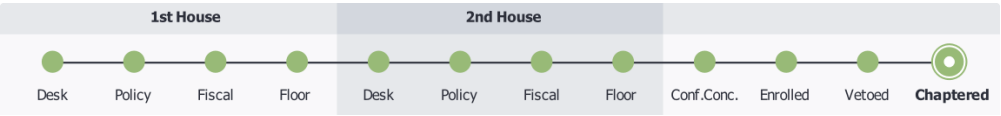
Position: Oppose
Priority: (5) Track/Watch
Subject: Governance

Human Resources

AB 339 (Ortega, D) Local public employee organizations: notice requirements.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 687, Statutes of 2025.



Summary: The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. Current law requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Current law requires the governing body of a public agency, and boards and commissions designated by law or by the governing body, to give reasonable written notice, except in cases of emergency, as specified, to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body or the designated boards and commissions. This bill would require the governing body of a public agency, and boards and commissions designated by law or by the governing body of a public agency, to give the recognized employee organization no less than 45 days' written notice before issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization, subject to certain exceptions. The bill would require the notice to include specified information, including the anticipated duration of the contract. (Based on 10/13/2025 text)

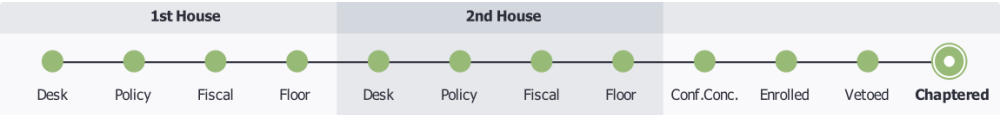
Position: Oppose
Priority: (3) Significant
Subject: Human Resources, Public Safety

Human Services, Recreation, Quality of Life

SB 634 (Pérez, D) Local government: homelessness.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 521, Statutes of 2025.



Summary: Current law establishes procedures for the enactment of ordinances by counties and cities and makes a violation of a county or city ordinance, as applicable, a misdemeanor unless by ordinance it is made an infraction. This bill would prohibit a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing support services, as specified, to a person who is homeless or assisting a person who is homeless with any act related to basic survival. The bill would define various terms for these purposes. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. (Based on 10/10/2025 text)

Priority: (5) Track/Watch

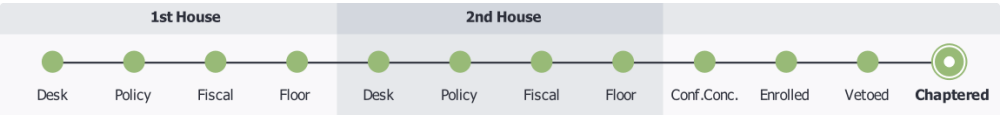
Subject: Governance, Human Services, Recreation, Quality of Life, Public Safety

Legal and Records Management

AB 538 (Berman, D) Public works: payroll records.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**

Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 616, Statutes of 2025.



Summary: Current law requires the Labor Commissioner to investigate allegations that a contractor or subcontractor violated the law regulating public works projects, including the payment of prevailing wages. Current law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Current law requires certified copies of records to be available upon request by the public and sets forth a process for the public to request the records either through the awarding body or the Division of Labor Standards Enforcement. Current law makes any contractor, subcontractor, agent, or representative who neglects to comply with the requirements to keep accurate payroll records guilty of a misdemeanor. This bill would require the awarding body, if a request is made by the public through the awarding body and the body is not in possession of the certified records, to obtain those records from the relevant contractor and make them available to the requesting entity. The bill would authorize the Division of Labor Standards Enforcement to enforce certain penalties if a contractor fails to comply with the awarding body's request within 10 days of receipt of the notice. (Based on 10/11/2025 text)

Position: Oppose

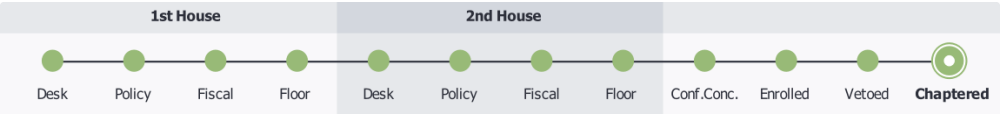
Priority: (4) Standard

Subject: Legal and Records Management

AB 712 (Wicks, D) Housing reform laws: enforcement actions: fines and penalties.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 496, Statutes of 2025.



Summary: Current law within the Planning and Zoning Law describes various reforms and incentives enacted by the Legislature to facilitate and expedite the construction of affordable housing. Current law within the Planning and Zoning Law, in certain civil actions or proceedings against a public entity that has issued specified approvals for a housing development, authorizes a court to award all reasonably incurred costs of suit to a prevailing public entity or nonprofit housing corporation that is a real party in interest and the permit applicant of the low- or moderate-income housing if the court makes specified findings. This bill, where the applicant for a housing development is a prevailing party in an action brought by the applicant to enforce the public agency's compliance with a housing reform law as applied to the applicant's housing development project, would entitle an applicant for a housing development project to reasonable attorney's fees and costs and would require a court to impose fines on a local agency, as specified. The bill would extend any period of limitation for actions under any state law for a period of 60 days beginning on the date the applicant provides written notice to the local agency indicating its intent to commence an action. The bill would prohibit a public agency from requiring the

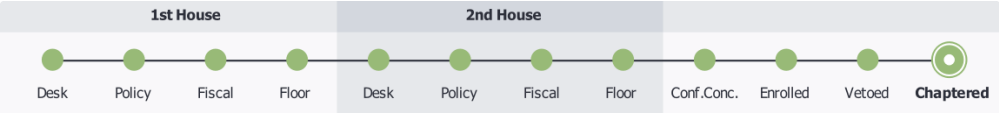
applicant to indemnify, defend, or hold harmless the public agency in any action alleging the public agency violated the applicant's rights or deprived the applicant of the benefits or protection provide by a housing reform law. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Legal and Records Management, Planning, Land Use, Housing
Misc2: Fast Track Housing Package

Municipal Funding and Procurement

AB 330 (Rogers, D) Local Prepaid Mobile Telephony Services Collection Act.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 553, Statutes of 2025.

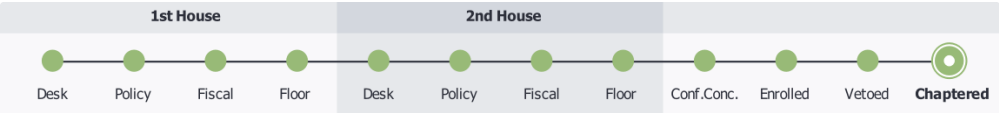


Summary: The Local Prepaid Mobile Telephony Services Collection Act, until January 1, 2026, suspends the authority of a city, county, or city and county to impose a utility user tax on the consumption of prepaid communications service and any charge that applies to prepaid mobile telephony service, as defined, on access to communication services or access to local "911" emergency telephone systems, and instead requires those taxes and charges to be applied during the period beginning January 1, 2016, and ending January 1, 2026, under any local ordinance to be at specified rates. The act requires that these local charges imposed by a city, county, or a city and county on prepaid mobile telephony services be collected from the prepaid consumer by a seller at the time of sale, as specified. Current law requires that all local charges be collected and paid to the California Department of Tax and Fee Administration pursuant to the Fee Collection Procedures Law and be deposited into the Local Charges for Prepaid Mobile Telephony Services Fund, and be transmitted to the city, county, or city and county, as provided. This bill would extend operation of the act until January 1, 2031. (Based on 10/10/2025 text)

Position: Support
Priority: (5) Track/Watch
Subject: Municipal Funding and Procurement

SB 346 (Durazo, D) Local agencies: transient occupancy taxes: short-term rental facilitator.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**
Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 751, Statutes of 2025.



Summary: Current law authorizes a local authority, by ordinance or resolution, to regulate the occupancy of a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of less than 30 days. This bill would authorize a local agency, defined to mean a city, county, or city and county, to enact an ordinance to require a short-term rental facilitator, as defined, to report, in the form and manner prescribed by the local agency, the physical address, including 9-digit ZIP Code, of each short-term rental, as defined, during the reporting period. The bill would also authorize a local agency to request additional information, as provided, when the physical address is not sufficient for the local agency to identify a specific short-term rental. The bill would authorize the local agency to impose an administrative fine or penalty for failure to file the report, and would authorize the local agency to initiate an audit of a short-term rental facilitator, as described. The bill would require a short-term rental facilitator, in a jurisdiction that has adopted an ordinance, to include in the listing of a short-term rental any applicable local license number associated with the short-term rental and any transient occupancy tax certification issued by a local agency. (Based on 10/13/2025 text)

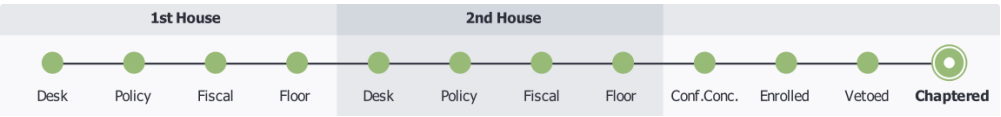
Position: Support
Priority: (4) Standard
Subject: Municipal Funding and Procurement, Planning, Land Use, Housing
Misc2: League of Cities Sponsored

Planning, Land Use, Housing

AB 39 (Zbur, D) General plans: Local Electrification Planning Act.

Current Text: 10/06/2025 - Chaptered **HTML** **PDF**

Status: 10/06/2025 - Chaptered by Secretary of State - Chapter 356, Statutes of 2025



Summary: The Planning and Zoning Law requires a city or county to adopt a comprehensive general plan for the city's or county's physical development that includes various elements, including, among others, a land use element that designates the proposed general distribution and general location and extent of the uses of the land in specified categories, and a circulation element that identifies the location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, as specified. This bill, the Local Electrification Planning Act, would require each city, county, or city and county, on or after January 1, 2027, but no later than January 1, 2030, to prepare and adopt a specified plan, or integrate a plan in the next adoption or revision of the general plan, that includes locally based goals, objectives, policies, and feasible implementation measures that include, among other things, the identification of opportunities to expand electric vehicle charging and other zero-emission vehicle fueling infrastructure, as specified, and includes policies and implementation measures that address the needs of disadvantaged communities, low-income households, and small businesses for equitable and prioritized investments in zero-emission technologies that directly benefit these groups. (Based on 10/06/2025 text)

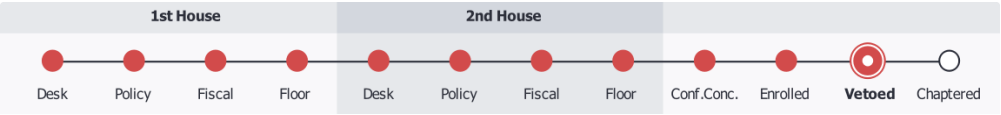
Priority: (5) Track/Watch

Subject: Planning, Land Use, Housing

AB 76 (Alvarez, D) Surplus land: exempt surplus land: sectional planning area.

Current Text: 10/13/2025 - Vetoed **HTML** **PDF**

Status: 10/13/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Current law prescribes requirements for the disposal of surplus land by a local agency and defines terms for these purposes, including, among others, "surplus land" to mean land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use. Current law defines "exempt surplus land" to mean land that is subject to a sectional planning area document, as described, and meets specified requirements, including that the land identified in the adopted sectional planning area document was dedicated prior to January 1, 2019, at least 25% of the units are dedicated to lower income households, as specified, and that the land is developed at an average density of at least 10 units per acre calculated with respect to the entire sectional planning area. This bill would change those requirements so that at a minimum, 25% of units that are proposed by the sectional planning area document as adopted prior to January 1, 2019, and are not designated for students, faculty, or staff of an academic institution, or 500 units, whichever is greater, must be dedicated to lower income households, as specified, and that the land must be developed at an average density of at least 10 units per acre, in accordance with certain requirements and calculated with respect to the entire sectional planning area and inclusive of housing designated for students, faculty, and staff of an academic institution. (Based on 09/12/2025 text)

Governor's Message: VETOED: 10/13/2025 **PDF**

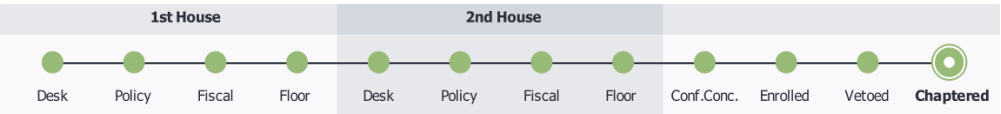
Priority: (4) Standard

Subject: Planning, Land Use, Housing

AB 253 (Ward, D) California Residential Private Permitting Review Act: residential building permits.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 487, Statutes of 2025.



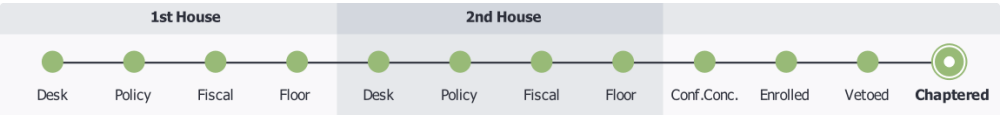
Summary: The State Housing Law establishes statewide construction and occupancy standards for buildings used for human habitation. Current law authorizes a county's or city's governing body to prescribe fees for permits, certificates, or other forms or documents required or authorized under the State Housing Law. This bill, the California Residential Private

Permitting Review Act, would require a county or city to prepare a residential building permit fee schedule and post the schedule on the county's or city's internet website, if the county or city prescribes residential building permit fees. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing

AB 357 (Alvarez, D) Coastal resources: coastal development permit application: higher education housing project.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 256, Statutes of 2025

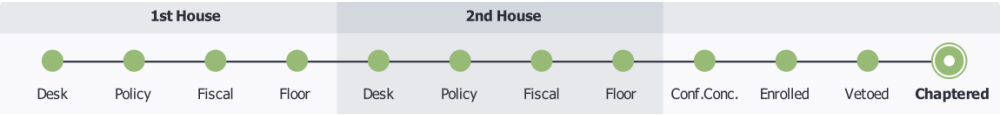


Summary: The Coastal Act of 1976, which is administered by the California Coastal Commission, requires a person wishing to perform or undertake any development in the coastal zone to obtain a coastal development permit. The act provides for the submission and approval of long-range land use development plans as an alternative to project-by-project review to promote greater efficiency for the planning of state university or college or private university development projects and provides for amendments to those plans. The act places limits on the conditions the commission may impose on projects contained in a plan that has been certified by the commission. The act authorizes the commission to, after a public hearing, by regulation, adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is de minimis, as specified. This bill would require the commission to defer to the state university or college or private university in determining the number of vehicle parking spaces necessary for residents of student, faculty, or staff housing facilities, as provided. The bill would authorize the executive director to determine that a proposed amendment to a public works plan or long-range development plan is de minimis and would provide the procedures for the determination and approval of amendments that are de minimis. (Based on 10/03/2025 text)

Priority: (6) Info only
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

AB 424 (Davies, R) Alcohol and other drug programs: complaints.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 261, Statutes of 2025

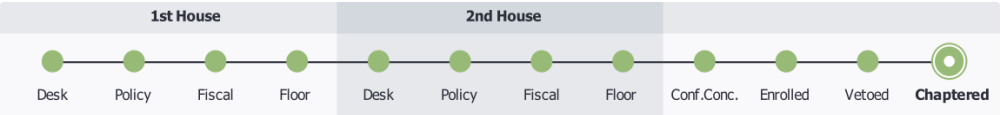


Summary: Would, when the Department of Health Care Services receives a complaint against a licensed alcohol or other drug recovery or treatment facility, or a complaint alleging that a facility is unlawfully operating without a license, from a member of the public, require the department to provide, within 30 10 days of the date of the complaint, notice to the person filing the complaint that the complaint has been received and to provide, upon closing the complaint, notice to the person filing the complaint that the complaint has been closed and whether the department found the facility to be in violation of the provisions governing facility licensure and regulation. (Based on 10/03/2025 text)

Position: Support
Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

AB 492 (Valencia, D) Alcohol and drug programs: licensing.

Current Text: 10/06/2025 - Chaptered **HTML** **PDF**
Status: 10/06/2025 - Chaptered by Secretary of State - Chapter 368, Statutes of 2025



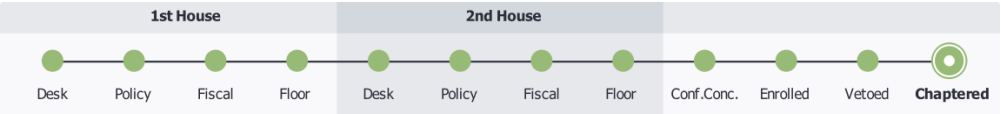
Summary: Would require the State Department of Health Care Services, whenever it issues a license to operate an alcohol or other drug recovery or treatment facility, to concurrently provide written notification of the issuance of the license to the city or county in which the facility is located. The bill would require the notice to include the name and mailing address of the licensee and the location of the facility. (Based on 10/06/2025 text)

Position: Support
Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

AB 507 (Haney, D) Adaptive reuse: streamlining: incentives.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 493, Statutes of 2025.



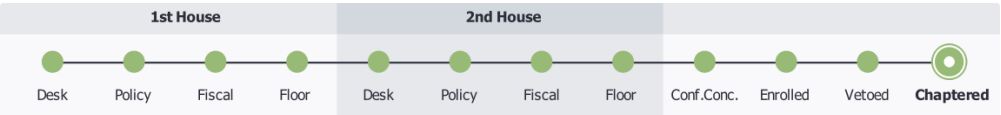
Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit, if the development satisfies certain objective planning standards, including that the development is a multifamily housing development that contains two or more residential units. This bill would deem an adaptive reuse project a use by right in all zones, regardless of the zoning of the site, and subject to a streamlined, ministerial review process if the project meets specified requirements, subject to specified exceptions. In this regard, an adaptive reuse project, in order to qualify for the streamlined, ministerial review process, would be required to be proposed for an existing building or structure that is less than 50 years old or meets certain requirements regarding the preservation of historic resources, including the signing of an affidavit declaring that the project will comply with the United States Secretary of the Interior's Standards for Rehabilitation for, among other things, the preservation of exterior facades of a building or structure that face a street, or receive federal or state historic rehabilitation tax credits, as specified. The bill would require an adaptive reuse project to meet specified affordability criteria. (Based on 10/10/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Planning, Land Use, Housing

AB 610 (Alvarez, D) Housing element: governmental constraints: disclosure statement.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 494, Statutes of 2025.



Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. Current law, commonly referred to as the Housing Element Law, prescribes requirements for a city's or county's preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. Current law requires the housing element to include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including, among others, locally adopted ordinances that directly impact the cost and supply of residential development. Current law also requires the analysis to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need. For adoption of the 7th and all subsequent revisions of the housing element, this bill would require the housing element to include, in addition to the above-described analysis, a potential and actual governmental constraints disclosure statement that contains, among other things, an identification of each new or amended potential or actual governmental constraint, or revision increasing the stringency of a governmental constraint, that was adopted after the due date of the previous housing element and before submittal of the current draft housing element to the department. (Based on 10/10/2025 text)

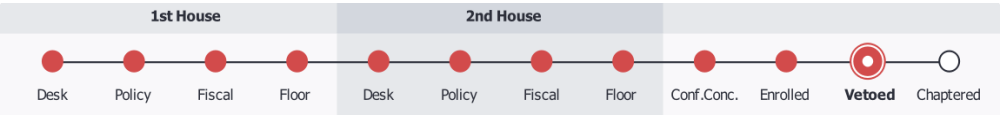
Priority: (4) Standard
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 650 (Papan, D) Planning and zoning: housing element: regional housing needs allocation.

Current Text: 10/13/2025 - Vetoed **HTML** **PDF**

Status: 10/13/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Current law requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. Current law defines “affirmatively furthering fair housing,” as provided. The Planning and Zoning Law requires that a housing element include, among other things, a program that sets forth a schedule of actions during the planning period. Current law requires the Department of Housing and Community Development to develop a standardized reporting format for programs and actions taken pursuant to the requirement to affirmatively further fair housing. This bill would require the department to develop the above-described standardized reporting format on or before December 31, 2026. (Based on 09/15/2025 text)

Governor's Message: VETOED: 10/13/2025 **PDF**

Position: Support

Priority: (2) Priority

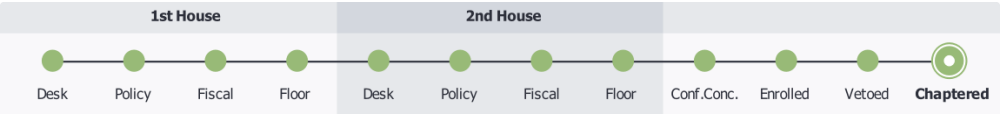
Subject: Planning, Land Use, Housing

Misc2: League of Cities Sponsored

AB 712 (Wicks, D) Housing reform laws: enforcement actions: fines and penalties.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 496, Statutes of 2025.



Summary: Current law within the Planning and Zoning Law describes various reforms and incentives enacted by the Legislature to facilitate and expedite the construction of affordable housing. Current law within the Planning and Zoning Law, in certain civil actions or proceedings against a public entity that has issued specified approvals for a housing development, authorizes a court to award all reasonably incurred costs of suit to a prevailing public entity or nonprofit housing corporation that is a real party in interest and the permit applicant of the low- or moderate-income housing if the court makes specified findings. This bill, where the applicant for a housing development is a prevailing party in an action brought by the applicant to enforce the public agency’s compliance with a housing reform law as applied to the applicant’s housing development project, would entitle an applicant for a housing development project to reasonable attorney’s fees and costs and would require a court to impose fines on a local agency, as specified. The bill would extend any period of limitation for actions under any state law for a period of 60 days beginning on the date the applicant provides written notice to the local agency indicating its intent to commence an action. The bill would prohibit a public agency from requiring the applicant to indemnify, defend, or hold harmless the public agency in any action alleging the public agency violated the applicant’s rights or deprived the applicant of the benefits or protection provide by a housing reform law. (Based on 10/10/2025 text)

Priority: (5) Track/Watch

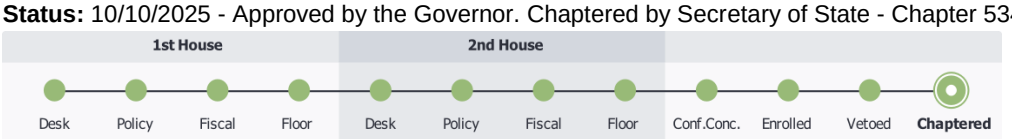
Subject: Legal and Records Management, Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 818 (Ávila Farías, D) Permit Streamlining Act: local emergencies.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 534, Statutes of 2025.



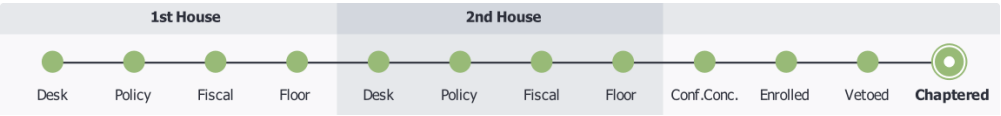
Summary: The Permit Streamlining Act requires a public agency to determine whether an application for a development project is complete within specified time periods, as specified. The act requires a public agency that is the lead agency for

a development project to approve or disapprove that project within specified time periods. Current law, the California Emergency Services Act, among other things, authorizes the governing body of a city, county, or city and county to proclaim a local emergency under certain circumstances, as specified, and grants political subdivisions various powers and authorities in periods of local emergency. This bill would require a city, county, or city and county to approve or deny a complete application, within 10 business days of receipt of the application, for a building permit or an equivalent permit for any of the specified structures intended to be used by a person until the rebuilding or repair of an affected property is complete. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

AB 920 (Caloza, D) Permit Streamlining Act: housing development projects: centralized application portal.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 501, Statutes of 2025.

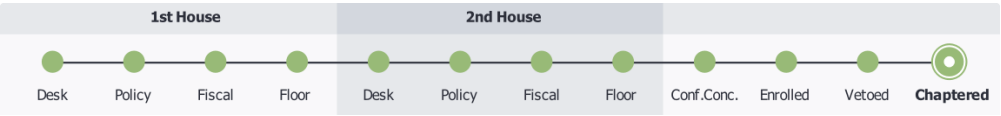


Summary: The Permit Streamlining Act requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Current law requires a city or county that has an internet website to, among other things, make a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development project available on its internet website. This bill would require a city or county with a population of 150,000 or more persons to make a centralized application portal available on its internet website to applicants for housing development projects, as prescribed. The bill would, notwithstanding that provision, authorize a city or county described above to make a centralized application portal available on its internet website no later than January 1, 2030, if the legislative body of the city or county, on or before January 1, 2028, takes certain action, including initiating a procurement process to make a centralized application portal available on its internet website. The bill would require the centralized application portal to allow for tracking of the status of an application. The bill would specify that a city or county is not required to provide the status of any permit or inspection required by another local agency, a state agency, or a utility provider. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

AB 961 (Ávila Farías, D) Hazardous materials: California Land Reuse and Revitalization Act of 2004.

Current Text: 10/01/2025 - Chaptered **HTML** **PDF**
Status: 10/01/2025 - Chaptered by Secretary of State - Chapter 173, Statutes of 2025



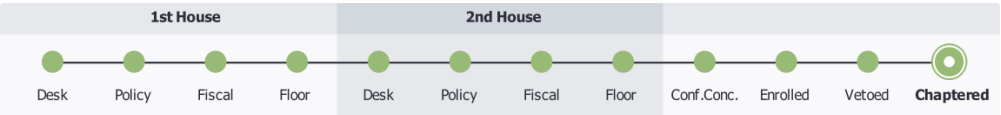
Summary: The California Land Reuse and Revitalization Act of 2004 provides, among other things, that an innocent landowner, bona fide purchaser, or contiguous property owner qualifies for immunity from liability from certain state statutory and common laws for pollution conditions caused by a release or threatened release of a hazardous material if specified conditions are met, including entering into an agreement for a specified site assessment and response plan. The act prohibits the Department of Toxic Substances Control, the State Water Resources Control Board, and a California regional water quality control board from requiring one of those persons to take a response action under certain state laws, except as specified. Current law repeals the act on January 1, 2027. Current law provides that a person who qualifies for immunity under the act before January 1, 2027, shall continue to have that immunity on and after January 1, 2027, if the person continues to be in compliance with the requirements of the former act. This bill would extend the repeal date of the act to January 1, 2037. (Based on 10/01/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

AB 996 (Pellerin, D) Public Resources: sea level rise plans.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**

Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 286, Statutes of 2025



Summary: Current law requires local governments lying in whole or in part within the coastal zone or within the jurisdiction of the San Francisco Bay Conservation and Development Commission to, on or before January 1, 2034, develop a sea level rise plan with specified required content as part of a local coastal program that is subject to approval by the California Coastal Commission or the San Francisco Bay Conservation and Development Commission. This bill would authorize the applicable commission, when approving a local coastal plan or an amendment to a local coastal plan, to deem existing sea level rise information or plans prepared by a local government to satisfy the content requirements for a sea level rise plan. (Based on 10/03/2025 text)

Priority: (6) Info only

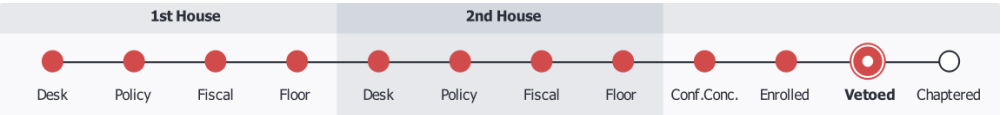
Subject: Planning, Land Use, Housing

Misc2: League of Cities Sponsored

AB 1026 (Wilson, D) Public utilities: electrical corporations: energization.

Current Text: 10/03/2025 - Vetoed **HTML** **PDF**

Status: 10/03/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: The Powering Up Californians Act requires the Public Utilities Commission, on or before September 30, 2024, to establish reasonable average and maximum target energization time periods, as defined, and a procedure for customers to report energization delays to the commission, as provided. The act requires the commission to require the electrical corporation to take remedial actions necessary to achieve the commission's targets and requires all reports to be publicly available. This bill would require the commission, in a new or existing proceeding, to require each large electrical corporation to compile a list of information needed to approve or deny an application for energization, to post an example of a complete, approved energization application and an example of a complete energization application for a housing development project, and to make those items available on its internet website by a date specified by the commission. The bill would also require the commission to require each large electrical corporation to determine if an application for energization is complete and provide notice or otherwise provide certain information under a specified procedure. (Based on 09/08/2025 text)

Governor's Message: VETOED: 10/3/2025 **PDF**

Priority: (5) Track/Watch

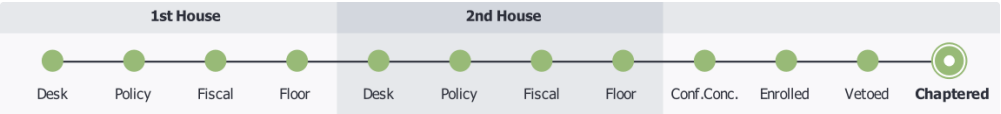
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 1050 (Schultz, D) Unlawfully restrictive covenants: housing developments.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 504, Statutes of 2025.



Summary: Current law provides that recorded covenants, conditions, restrictions, or private limits on the use of land contained in instruments affecting the transfer or sale of any interest in real property that, among other things, restrict the number, size, or location of the residences that may be built on the property, are not enforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided. As part of this process, current law requires the owner to submit to the county recorder a copy of the original restrictive covenant and any documents the owner believes necessary to establish that the property qualifies as an affordable housing development and requires the county counsel to determine, among other things, if the property qualifies as an affordable housing development and if a modification document may be recorded. Current law provides that these provisions do not authorize any development that is not otherwise consistent with local general plans, zoning ordinances, and any applicable specific plan. This bill would extend those provisions to a housing development that is owned or controlled by an entity or individual that has submitted a development project

application to redevelop an existing commercial property, and the development project includes residential uses permitted by state housing laws or local land use and zoning regulations and would make various conforming changes. The bill would additionally make these provisions applicable to covenants, conditions, restrictions, or private limits contained in a reciprocal easement agreement, as provided, and include instruments affecting the transfer or sale of any interest in real property that prohibits the number, size, or location of residences that may be built on the property or restricts or prohibits the residential uses of the property. The bill would further provide that these provisions do not authorize any development that is not otherwise consistent with state housing laws. (Based on 10/10/2025 text)

Governor's Message: CHAPTERED: 10/10/2025 **PDF**

Priority: (5) Track/Watch

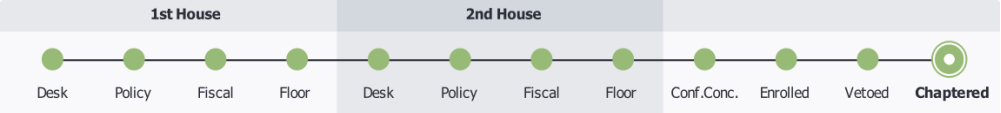
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 1061 (Quirk-Silva, D) Housing developments: urban lot splits: historical resources.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 505, Statutes of 2025.



Summary: Under the Planning and Zoning Law, the legislative body of a county or city may adopt ordinances that, among other things, regulate the use of buildings, structures, and land, as provided. The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps. Current law requires a local agency to consider ministerially a specified proposed housing development or to ministerially approve a parcel map for an urban lot split if the development or parcel meets specified requirements, including, that the development or parcel is not located within a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to city or county ordinance, as specified. Current law authorizes a local agency to impose specified objective standards on the development or parcel created by an urban lot split, except as specified. With respect to ministerial review of a proposed housing development under the above-described provisions, this bill would, if the other specified requirements are met, instead require a local agency to consider ministerially the development that is not located in either a contributing structure within a historic district included on the State Historical Resources Inventory or within a historic property or district pursuant to city or county ordinance or in a parcel individually listed as a historical resource included in the State Historical Resources Inventory or within a property individually designated or listed as a city or county landmark under a city or county ordinance. The bill would also authorize a local agency to adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources, as specified. (Based on 10/10/2025 text)

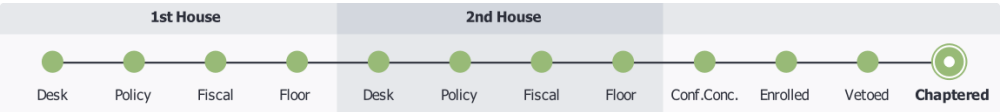
Priority: (5) Track/Watch

Subject: Planning, Land Use, Housing

AB 1154 (Carrillo, D) Junior accessory dwelling units.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 507, Statutes of 2025.



Summary: The Planning and Zoning Law, among other things, provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires an ordinance that provides for the creation of a junior accessory dwelling unit to, among other things, require owner-occupancy in the single-family residence in which the junior accessory dwelling unit is permitted. Under this bill, that owner-occupancy requirement would apply only if the junior accessory dwelling unit has shared sanitation facilities with the existing structure. The bill would require an ordinance that provides for the creation of a junior accessory dwelling unit to require that a rental of a junior accessory dwelling unit be for a term longer than 30 days. (Based on 10/10/2025 text)

Position: Oppose

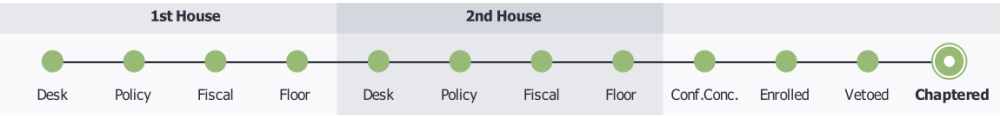
Priority: (4) Standard

Subject: Planning, Land Use, Housing

AB 1308 (Hoover, R) Residential building permits: inspections: Housing Accountability Act.

Current Text: 10/10/2025 - Chaptered **HTML PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 509, Statutes of 2025.



Summary: Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires a county's or city's building department to enforce the State Housing Law and the California Building Standards Code, and other rules and regulations promulgated pursuant to the State Housing Law pertaining to standards for buildings used for human habitation. Existing law requires a county or city, upon the applicant's request, to contract with or employ temporarily a private entity or person to check the plans and specifications submitted with an application for a residential building permit to comply with the State Housing Law or local ordinances adopted pursuant to the State Housing Law, when the building department takes more than 30 days, as specified, to complete the plan check. Existing law authorizes an enforcement agency to inspect any building to secure compliance with the State Housing Law and the California Building Standards Code, and other rules and regulations promulgated pursuant to the State Housing Law. This bill would require the building department to conduct an inspection of the permitted work for specified new residential constructions of a building and residential additions to an existing building within 10 business days of receiving a notice of the completion of the permitted work authorized by a building permit issued for those projects. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 10/10/2025 text)

Priority: (4) Standard

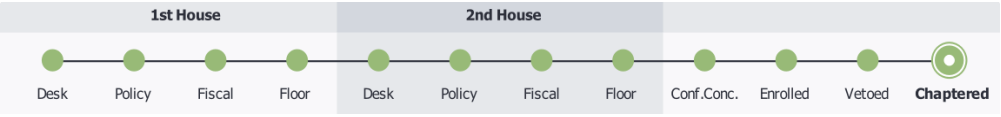
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

SB 9 (Arreguín, D) Accessory Dwelling Units: ordinances.

Current Text: 10/10/2025 - Chaptered **HTML PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 510, Statutes of 2025.



Summary: The Planning and Zoning Law requires a local agency to submit an accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption. The law authorizes the department to submit written findings to a local agency as to whether the ordinance complies with the standards. If the department finds that the ordinance does not comply with the standards, the law requires the department to provide a local agency reasonable time, no longer than 30 days, to respond to its findings. If the local agency does not amend its ordinance in response to those findings or does not adopt a resolution with findings explaining the reason the ordinance complies with the standards and addressing the department's findings, the law requires the department to notify the local agency and authorizes the department to notify the Attorney General that the local agency is in violation of state law. This bill would invalidate the ordinance if the local agency fails to submit a copy of the ordinance to the department within 60 days of adoption or fails to respond to the department's findings that the ordinance does not comply with the standards within 30 days, as described above. (Based on 10/10/2025 text)

Priority: (4) Standard

Subject: Planning, Land Use, Housing

SB 79 (Wiener, D) Housing development: transit-oriented development.

Current Text: 10/10/2025 - Chaptered **HTML PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 512, Statutes of 2025.

Summary: Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that

contains certain mandatory elements, including a housing element. Existing law requires that the housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing, as specified. Existing law requires that the housing element include, among other things, an assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs, including an inventory of land suitable for residential development, as provided. Existing law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified, and requires the appropriate council of local governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. Existing law requires the inventory of land to be used to identify sites throughout the community that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need. Existing law requires each local government to revise its housing element in accordance with a specified schedule. This bill would require that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified. Among these requirements, the bill would require a project to include at least 5 dwelling units and establish requirements concerning height limits, density, and residential floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided. The bill would provide that, for the purposes of the Housing Accountability Act, a proposed development consistent with the applicable standards of these provisions as well as applicable local objective general plan and zoning standards shall be deemed consistent, compliant, and in conformity with prescribed requirements, as specified. The bill would provide that a local government that denies a project meeting the requirements of these provisions located in a high-resource area, as defined, would be presumed in violation of the Housing Accountability Act, as specified, and immediately liable for penalties, beginning on January 1, 2027, as provided. These provisions would not apply to a local agency until July 1, 2026, except as specified, or within unincorporated areas of counties until the 7th regional housing needs allocation cycle. The bill would specify that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval pursuant to specified law, except that the bill would exempt a project under these provisions from specified requirements and would specify that the project is required to comply with certain affordability requirements, under that law. This bill contains other related provisions and other existing laws. (Based on 10/10/2025 text)

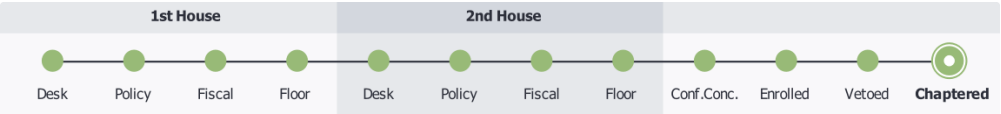
Governor's Message: CHAPTERED: 10/10/2025 **PDF**

Position: Oppose
Priority: (2) Priority
Subject: Planning, Land Use, Housing

SB 92 (Blakespear, D) Housing development: density bonuses.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 484, Statutes of 2025.



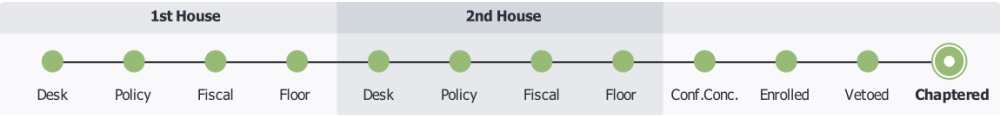
Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development, as defined, within the city or county with a density bonus, other incentives or concessions, and waivers or reductions of development standards, as specified, if the developer agrees to construct specified units and meets other requirements. This bill would specify that a concession and incentive shall not result in a proposed project, as prescribed, with a specified commercial floor area ratio. The bill would also specify that certain provisions of the Density Bonus Law do not require a city, county, or city and county to approve, grant a concession or incentive requiring approval of, or waive or reduce development standards otherwise applicable to, transient lodging as part of a housing development, except as specified. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing

SB 346 (Durazo, D) Local agencies: transient occupancy taxes: short-term rental facilitator.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 751, Statutes of 2025.

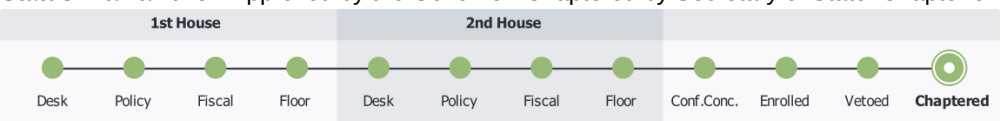


Summary: Current law authorizes a local authority, by ordinance or resolution, to regulate the occupancy of a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of less than 30 days. This bill would authorize a local agency, defined to mean a city, county, or city and county, to enact an ordinance to require a short-term rental facilitator, as defined, to report, in the form and manner prescribed by the local agency, the physical address, including 9-digit ZIP Code, of each short-term rental, as defined, during the reporting period. The bill would also authorize a local agency to request additional information, as provided, when the physical address is not sufficient for the local agency to identify a specific short-term rental. The bill would authorize the local agency to impose an administrative fine or penalty for failure to file the report, and would authorize the local agency to initiate an audit of a short-term rental facilitator, as described. The bill would require a short-term rental facilitator, in a jurisdiction that has adopted an ordinance, to include in the listing of a short-term rental any applicable local license number associated with the short-term rental and any transient occupancy tax certification issued by a local agency. (Based on 10/13/2025 text)

Position: Support
Priority: (4) Standard
Subject: Municipal Funding and Procurement, Planning, Land Use, Housing
Misc2: League of Cities Sponsored

SB 358 (Becker, D) Mitigation Fee Act: mitigating vehicular traffic impacts.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 515, Statutes of 2025.

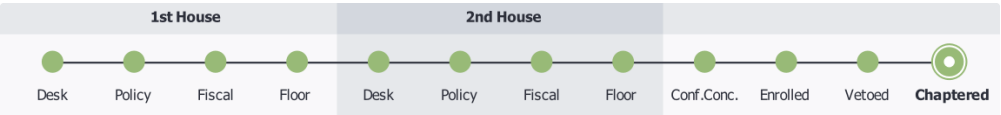


Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Current law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for that fee, if the housing development satisfies all of certain prescribed characteristics, to reflect a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without the prescribed characteristics, unless the local agency adopts findings after a public hearing establishing that the housing development, even with those characteristics, would not generate fewer automobile trips than a housing development without those characteristics. This bill would require those findings to be supported by substantial evidence in the record before or as part of the housing development project approval process. (Based on 10/10/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Planning, Land Use, Housing

SB 415 (Reyes, D) Planning and zoning: logistics use developments: truck routes.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 316, Statutes of 2025



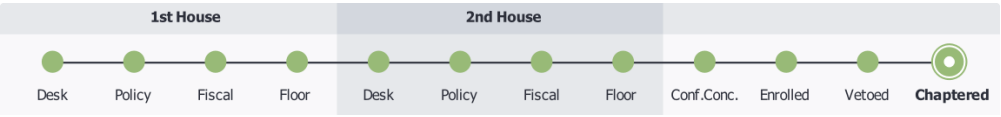
Summary: Current law, beginning January 1, 2026, prescribes various statewide warehouse design and build standards for any proposed new or expanded logistics use developments, as specified, including, among other things, standards for building design and location, parking, truck loading bays, landscaping buffers, entry gates, and signage. Current law defines various terms, including “21st century warehouse,” and “tier 1 21st century warehouse,” for purposes of those provisions as logistics uses that, among other things, comply with specified building and energy efficiency standards, including requirements related to the availability of conduits and electrical hookups to power climate control equipment at loading bays, as specified. Current law, subject to specified exceptions, defines “logistics use” for these purposes to mean a building in which cargo, goods, or products are moved or stored for later distribution to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and heavy-duty trucks are primarily involved in the movement of the cargo, goods, or products. This bill would clarify that a 21st century warehouse and a tier 1 21st century warehouse are required to comply with those standards as are in effect at the time that the building permit for a

development of a 21st century warehouse is issued and make other clarifying changes relating to permissibility of use of conduits and electrical hookups at loading bays at those locations. The bill would revise the definition of “logistics use” and instead define “logistics use development” for these purposes to mean a building that is primarily used as a warehouse for the movement or the storage of cargo, goods, or products that are moved to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and heavy-duty trucks are primarily involved in the movement of the cargo, goods, or products. (Based on 10/03/2025 text)

Priority: (2) Priority
Subject: Planning, Land Use, Housing

SB 456 (Ashby, D) Contractors: exemptions: muralists.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**
Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 758, Statutes of 2025.

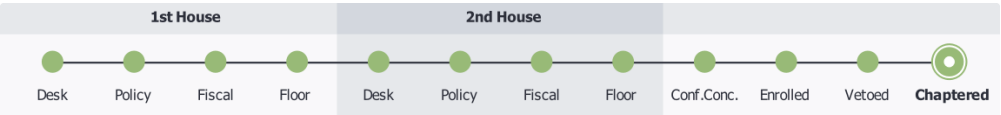


Summary: The Contractors State License Law establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Current law makes it a misdemeanor for a person to engage in the business, or act in the capacity, of a contractor without a license, unless exempted. Current law exempts from the Contractors State License Law a nonprofit corporation providing assistance to an owner, as specified. This bill would exempt from that law an artist who draws, paints, applies, executes, restores, or conserves a mural, as defined, pursuant to an agreement with a person who could legally authorize the work. (Based on 10/13/2025 text)

Position: Support
Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

SB 489 (Arreguín, D) Local agency formation commissions: written policies and procedures: Permit Streamlining Act: housing development projects.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 518, Statutes of 2025.

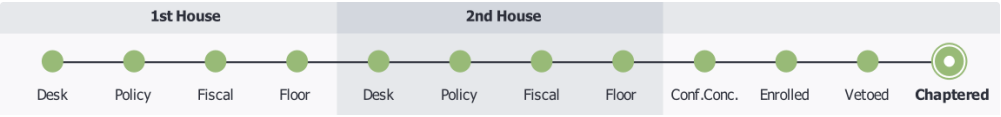


Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts and establishes a local agency formation commission in each county consisting of members appointed as provided. The act expresses the intent of the Legislature that each local agency formation commission, by January 1, 2002, establish written policies and procedures and exercise its powers in a way that encourages and provides planned, well-ordered, efficient urban development patterns, as specified. The act requires these written policies and procedures to include forms to be used for various submittals to the commission, as provided. The act requires each commission to provide access to notices and other information to the public on an internet website, as specified, including notice of all public hearings and commission meetings. This bill would require that each local agency formation commission establish the written policies and procedures described above. The bill would require that the written policies and procedures include any forms necessary for a complete application to the commission concerning a proposed change of organization or reorganization. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

SB 499 (Stern, D) Residential projects: fees and charges.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 543, Statutes of 2025.

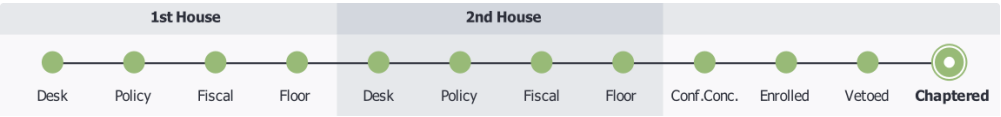


Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. If a local agency imposes any fees or charges on designated residential developments for the construction of public improvements or facilities, current law imposes various conditions on the fees and charges. Among these conditions, existing law prohibits the local agency from requiring the payment of those fees or charges until the date the first certificate of occupancy or first temporary certificate of occupancy is issued, whichever occurs first, except as specified. Current law, for designated residential development projects, authorizes the local agency to collect utility service fees related to connections at the time an application for service is received if those fees do not exceed the costs incurred by the utility provider resulting from the connection activities. This bill would additionally authorize a local agency to collect utility service charges related to connections at the time an application is received, as described above. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing, Public Safety

SB 710 (Blakespear, D) Property taxation: active solar energy systems.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 328, Statutes of 2025

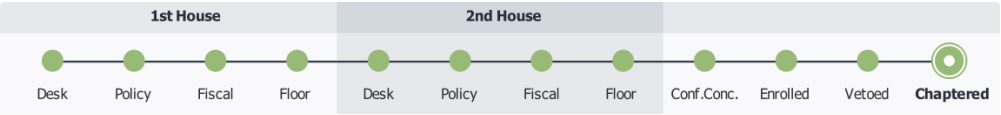


Summary: The California Constitution generally limits the maximum rate of ad valorem tax on real property to 1% of the full cash value of the property and defines “full cash value” for these purposes as the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Pursuant to constitutional authorization, existing property tax law excludes from the definition of “newly constructed” for these purposes the construction or addition of any active solar energy system, as defined, through the 2025–26 fiscal year. Under existing property tax law, this exclusion remains in effect only until there is a subsequent change in ownership, but an active solar energy system that qualifies for the exclusion before January 1, 2027, continues to receive the exclusion until there is a subsequent change in ownership. Existing law repeals these exclusion provisions on January 1, 2027. This bill would make a technical change to the existing active solar energy system exclusion by instead making the repeal date of January 1, 2027, the date the exclusion becomes inoperative. This bill contains other related provisions. (Based on 10/03/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Planning, Land Use, Housing

SB 786 (Arreguín, D) Planning and zoning: general plan: judicial challenges.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 526, Statutes of 2025.



Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of certain land outside its boundaries, and requires the general plan to contain specified mandatory elements. Current law specifies that these provisions generally do not apply to a charter city, but requires a charter city to adopt a general plan that contains the mandatory elements, among other things. Current law prescribes a process to challenge the validity of a general plan. Among other things, existing law requires a petitioner to request a hearing or trial, as specified. Current law requires a court to set a date for the hearing or trial to be heard no later than 120 days after the filing of the request, as specified. Current law authorizes a court to continue for a reasonable time the date of the hearing or trial upon written motion and finding of good cause. Current law requires a court to grant the petitioner temporary relief if the court grants a continuance to a respondent, as specified. This bill would apply to the above-described process to challenge the validity of a general plan to a charter city and state that this is declaratory of existing law. The bill would limit the period for which a court may continue a trial or hearing, as described above, to no more than 60 days and would additionally authorize a court to grant a continuance on the court’s own motion. The bill

would extend the requirement that a court grant temporary relief, as described above, in any instance in which the court orders a continuance, rather than only if the court grants a continuance to a respondent. (Based on 10/10/2025 text)

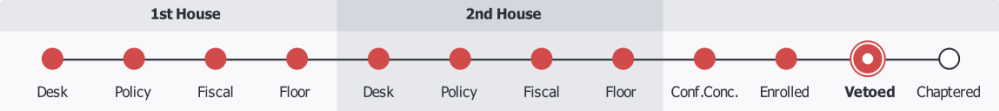
Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

Public Safety

AB 15 (Gipson, D) Open unsolved homicide: review and reinvestigation.

Current Text: 10/11/2025 - Vetoed **HTML** **PDF**

Status: 10/11/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Current law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law also defines manslaughter as the unlawful killing of a human being without malice, and establishes 3 kinds of manslaughter: voluntary, involuntary, and vehicular. This bill would require a law enforcement agency to review the casefile regarding an open unsolved homicide upon written application by certain persons to determine if a reinvestigation would result in probative investigative leads, as specified. The bill would define a homicide to include murder and manslaughter and an open unsolved homicide as a homicide committed after January 1, 1990, but no less than 3 years prior to the date of the application for case review, that was investigated by a law enforcement agency, for which all probative investigative leads have been exhausted and for which no suspect has been identified. If the review determines that a reinvestigation would result in probative investigative leads, this bill would require a reinvestigation, as specified. (Based on 09/11/2025 text)

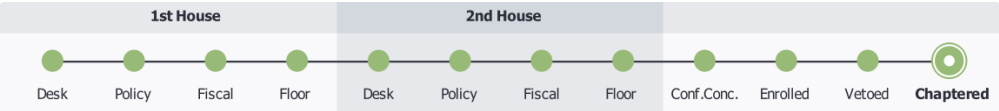
Governor's Message: VETOED: 10/11/2025 **PDF**

Priority: (5) Track/Watch
Subject: Public Safety

AB 339 (Ortega, D) Local public employee organizations: notice requirements.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 687, Statutes of 2025.



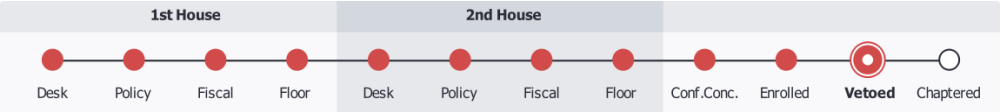
Summary: The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. Current law requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Current law requires the governing body of a public agency, and boards and commissions designated by law or by the governing body, to give reasonable written notice, except in cases of emergency, as specified, to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body or the designated boards and commissions. This bill would require the governing body of a public agency, and boards and commissions designated by law or by the governing body of a public agency, to give the recognized employee organization no less than 45 days' written notice before issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization, subject to certain exceptions. The bill would require the notice to include specified information, including the anticipated duration of the contract. (Based on 10/13/2025 text)

Position: Oppose
Priority: (3) Significant
Subject: Human Resources, Public Safety

AB 400 (Pacheco, D) Commission on Peace Officer Standards and Training: police canines.

Current Text: 10/01/2025 - Vetoed **HTML** **PDF**

Status: 10/01/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Would require, on or before July 1, 2028, the Commission on Peace Officer Standards and Training to study and issue recommendations to the Legislature on the use of canines by law enforcement. The bill would require the commission to consider in its recommendations, among other things, instances of appropriate patrol use with a canine, as specified, and instances of appropriate use with a canine for detection, as specified. The bill would repeal these provisions on July 1, 2031. (Based on 09/16/2025 text)

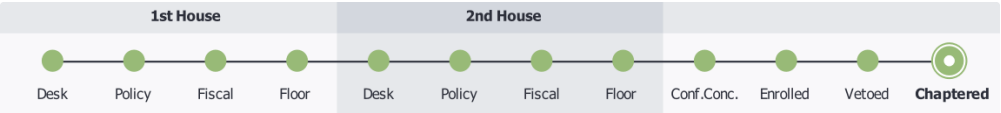
Governor's Message: VETOED: 10/1/2025 **PDF**

Position: Support
Priority: (4) Standard
Subject: Public Safety

AB 476 (González, Mark, D) Metal theft.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 694, Statutes of 2025.



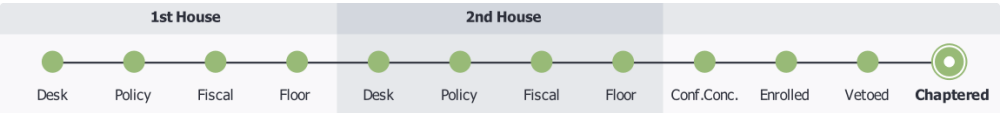
Summary: Current law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as “junk.” Current law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the place and date of each sale or purchase of junk and a description of the item or items, as specified. Existing law requires the written record to include a statement indicating either that the seller of the junk is the owner of it, or the name of the person they obtained the junk from, as shown on a signed transfer document. Current law prohibits a junk dealer or recycler from providing payment for nonferrous materials until the junk dealer or recycler obtains a copy of a valid driver’s license of the seller or other specified identification. Existing law requires a junk dealer or recycler to preserve the written record for at least 2 years. This bill would require junk dealers and recyclers to include additional information in the written record, including the time and amount paid for each sale or purchase of junk made, and the name of the employee handling the transaction. The bill would revise the type of information required to be included in the description of the item or items of junk purchased or sold, as specified. (Based on 10/13/2025 text)

Position: Support
Priority: (4) Standard
Subject: Public Safety, Transportation & Infrastructure
Misc2: League of Cities Sponsored

AB 992 (Irwin, D) Peace officers.

Current Text: 10/01/2025 - Chaptered **HTML** **PDF**

Status: 10/01/2025 - Chaptered by Secretary of State - Chapter 175, Statutes of 2025



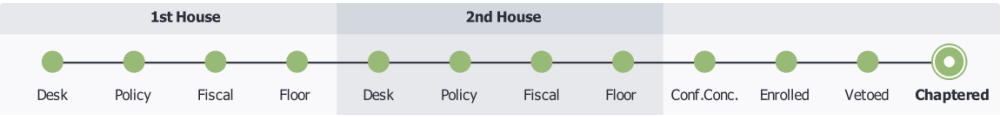
Summary: Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above. (Based on 10/01/2025 text)

Priority: (5) Track/Watch
Subject: Public Safety

AB 1263 (Gipson, D) Firearms: ghost guns.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**

Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 636, Statutes of 2025.



Summary: Would prohibit a person from knowingly or willfully causing another person to engage in the unlawful manufacture of firearms or knowingly or willfully aiding, abetting, prompting, or facilitating the unlawful manufacture of firearms, including the manufacture of assault weapons or .50 BMG rifles or the manufacture of any firearm using a three-dimensional printer or CNC milling machine, as specified. The bill would make a violation of these provisions a misdemeanor. (Based on 10/11/2025 text)

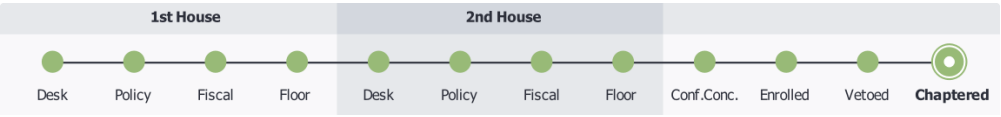
Priority: (5) Track/Watch

Subject: Public Safety

SB 19 (Rubio, D) Crimes: threats.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**

Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 594, Statutes of 2025.



Summary: Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat that, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby reasonably causes the threatened person to be in sustained fear for their own safety or the safety of their immediate family, as defined. Under existing law, this crime is punishable by imprisonment in a county jail for no more than one year for a misdemeanor, or by imprisonment in state prison for a felony. This bill would make it a crime for a person to willfully threaten, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime at specified locations, including a daycare and workplace, with specific intent that the statement is be taken as a threat, even if there is no intent of actually carrying it out, if the threat, on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if the threat causes a person or person to reasonably be in sustained fear for their own safety or the safety of others at the specified locations. This bill would make this crime, for a person 18 years of age or older, punishable as a wobbler by imprisonment in the county jail for not more than one year or by imprisonment in the county jail for 16 months or 2 or 3 years. If a person under 18 years of age commits this crime, the bill would require the person to be referred to specified services in lieu of being declared a ward of the court, if eligible. If the person is ineligible, the bill would require the offense to be punished as a misdemeanor. By creating a new crime and imposing additional duties on local governments, this bill would create a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason. With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above. (Based on 10/11/2025 text)

Position: Support

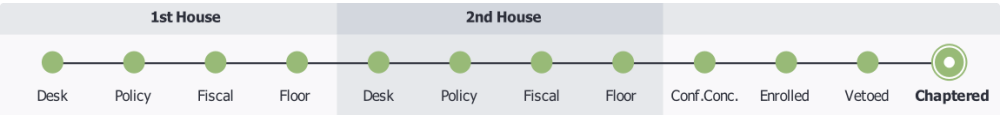
Priority: (2) Priority

Subject: Public Safety

SB 48 (Gonzalez, D) Educational equity: discrimination prevention coordinators.

Current Text: 10/07/2025 - Chaptered **HTML** **PDF**

Status: 10/07/2025 - Chaptered by Secretary of State - Chapter 429, Statutes of 2025



Summary: Current law states the policy of the State of California is to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. AB 715 of the

2025–26 Regular Session proposes to, among other things, (1) establish the Office of Civil Rights, under the administration of the Government Operations Agency, with the purpose of working directly with local educational agencies to prevent and address discrimination and bias, as specified, and (2) state the intent of the Legislature to enact future legislation to establish coordinators to be employed within the Office of Civil Rights to prevent and address discrimination and bias. This bill would require the Office of Civil Rights to employ a Religious Discrimination Prevention Coordinator, a Race and Ethnicity Discrimination Prevention Coordinator, a Gender Discrimination Prevention Coordinator, and an LGBTQ Discrimination Prevention Coordinator. (Based on 10/07/2025 text)

Governor's Message: CHAPTERED: 10/7/2025 **PDF**

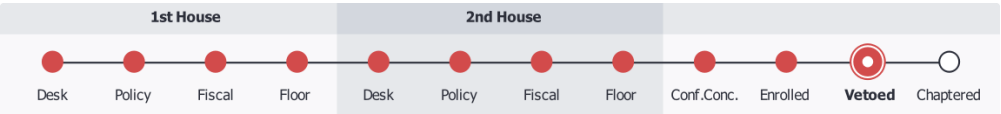
Priority: (5) Track/Watch

Subject: Public Safety

SB 274 (Cervantes, D) Automated license plate recognition systems.

Current Text: 10/01/2025 - Vetoed **HTML** **PDF**

Status: 10/01/2025 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.



Summary: Existing law prohibits a public agency, which includes the state, a city, a county, a city and county, or any agency or political subdivision of the state, a city, a county, or a city and county, including, but not limited to, a law enforcement agency, from selling, sharing, or transferring automated license plate recognition (ALPR) information, except to another public agency, and only as otherwise permitted by law. Existing law defines ALPR information as information or data collected through the use of an ALPR system. This bill would provide that “public agency” does not include a transportation agency, a public transit operator, or a local department of transportation or public works department, as specified. The bill would, beginning January 1, 2026, require new, updated, expansions of, or addendums of contractual agreements with ALPR vendors, manufacturers, or suppliers to mandate that no default access is provided to any national ALPR database and that an agency’s collected scans are by default not accessible to any other agency, and would impose new requirements on sharing between California state law enforcement agencies. The bill would authorize a law enforcement agency to use ALPR information only for purposes of locating vehicles or persons when either are reasonably suspected of being involved in the commission of a public offense. The bill would prohibit a public agency from retaining ALPR information for more than 60 days after the date of collection if it does not match information on an authorized hot list, as defined, and as of January 1, 2026, would require a public agency to delete all ALPR information that has been held for more than 60 days and does not match information on an authorized hot list within 14 days. By imposing new requirements on public agencies, which include local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 09/17/2025 text)

Governor's Message: VETOED: 10/1/2025 **PDF**

Position: Oppose

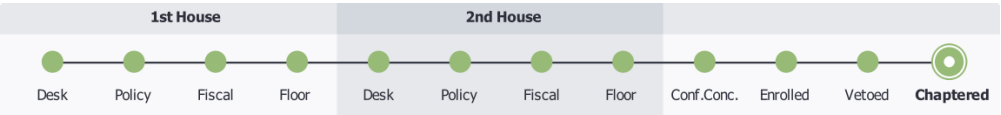
Priority: (3) Significant

Subject: Public Safety

SB 385 (Seyarto, R) Peace officers.

Current Text: 10/01/2025 - Chaptered **HTML** **PDF**

Status: 10/01/2025 - Chaptered by Secretary of State - Chapter 218, Statutes of 2025



Summary: Current law required the Chancellor of the California Community Colleges, on or before June 1, 2023, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission, within 2 years of the submission of the report, to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above. (Based on 10/01/2025 text)

Position: Support

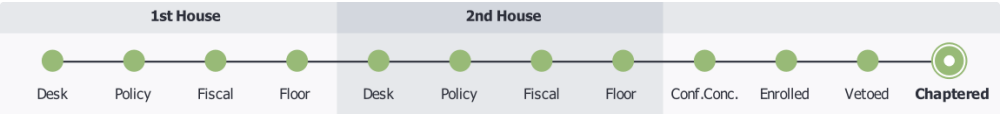
Priority: (4) Standard

Subject: Public Safety

SB 499 (Stern, D) Residential projects: fees and charges.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 543, Statutes of 2025.



Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. If a local agency imposes any fees or charges on designated residential developments for the construction of public improvements or facilities, current law imposes various conditions on the fees and charges. Among these conditions, existing law prohibits the local agency from requiring the payment of those fees or charges until the date the first certificate of occupancy or first temporary certificate of occupancy is issued, whichever occurs first, except as specified. Current law, for designated residential development projects, authorizes the local agency to collect utility service fees related to connections at the time an application for service is received if those fees do not exceed the costs incurred by the utility provider resulting from the connection activities. This bill would additionally authorize a local agency to collect utility service charges related to connections at the time an application is received, as described above. (Based on 10/10/2025 text)

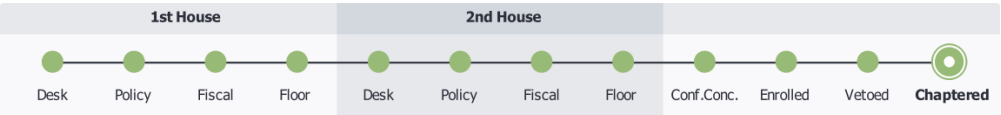
Priority: (4) Standard

Subject: Planning, Land Use, Housing, Public Safety

SB 634 (Pérez, D) Local government: homelessness.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 521, Statutes of 2025.



Summary: Current law establishes procedures for the enactment of ordinances by counties and cities and makes a violation of a county or city ordinance, as applicable, a misdemeanor unless by ordinance it is made an infraction. This bill would prohibit a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing support services, as specified, to a person who is homeless or assisting a person who is homeless with any act related to basic survival. The bill would define various terms for these purposes. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. (Based on 10/10/2025 text)

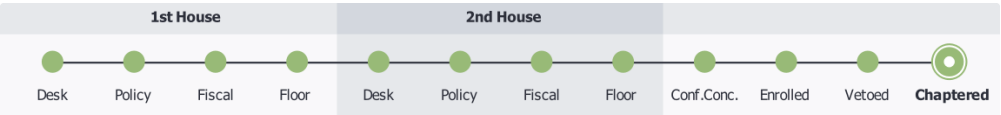
Priority: (5) Track/Watch

Subject: Governance, Human Services, Recreation, Quality of Life, Public Safety

SB 720 (Ashby, D) Automated traffic enforcement system programs.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 782, Statutes of 2025.



Summary: Current law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system if the governmental agency utilizing the system meets certain requirements, including identifying the system with signs and ensuring that the system meets specified criteria on minimum yellow light change intervals. Current law authorizes, until January 1, 2032, the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco to establish a speed safety system pilot program for speed enforcement that utilizes a speed safety system in specified areas, if the system meets specified requirements. Current law prescribes specified requirements for a notice of violation issued pursuant to these provisions, and requires a violation of a speed law that is recorded by a speed safety system to be subject only to a specified civil penalty. This bill would additionally authorize a city, county, or city and county to establish an automated traffic enforcement system program to use those systems to detect a violation of a traffic control signal, if the system meets specified requirements. The bill would require a violation of a traffic control signal that is recorded by an automated traffic enforcement system to be subject to escalating civil penalties, as specified. The bill would, among other things, provide for the issuance of a

notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under this program. (Based on 10/13/2025 text)

Governor's Message: CHAPTERED: 10/13/2025 **PDF**

Priority: (5) Track/Watch

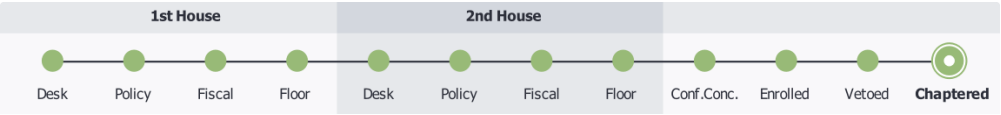
Subject: Public Safety

Transportation & Infrastructure

AB 476 (González, Mark, D) Metal theft.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 694, Statutes of 2025.



Summary: Current law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as “junk.” Current law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the place and date of each sale or purchase of junk and a description of the item or items, as specified. Existing law requires the written record to include a statement indicating either that the seller of the junk is the owner of it, or the name of the person they obtained the junk from, as shown on a signed transfer document. Current law prohibits a junk dealer or recycler from providing payment for nonferrous materials until the junk dealer or recycler obtains a copy of a valid driver’s license of the seller or other specified identification. Existing law requires a junk dealer or recycler to preserve the written record for at least 2 years. This bill would require junk dealers and recyclers to include additional information in the written record, including the time and amount paid for each sale or purchase of junk made, and the name of the employee handling the transaction. The bill would revise the type of information required to be included in the description of the item or items of junk purchased or sold, as specified. (Based on 10/13/2025 text)

Position: Support

Priority: (4) Standard

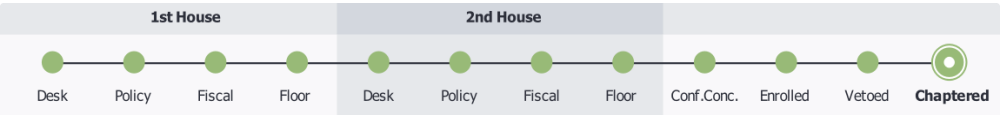
Subject: Public Safety, Transportation & Infrastructure

Misc2: League of Cities Sponsored

AB 978 (Hoover, R) Department of Transportation and local agencies: streets and highways: recycled materials.

Current Text: 10/07/2025 - Chaptered **HTML** **PDF**

Status: 10/07/2025 - Chaptered by Secretary of State - Chapter 443, Statutes of 2025



Summary: The California Integrated Waste Management Act of 1989 requires the Director of Transportation, upon consultation with the Department of Resources Recycling and Recovery, to review and modify all bid specifications relating to the purchase of paving materials and base, subbase, and pervious backfill materials using certain recycled materials. Current law requires the specifications to be based on standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials. Current law requires a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, except as provided. Current law requires, until January 1, 2027, those standard specifications to allow recycled materials at or above the level allowed in the department’s standard specifications that went into effect on October 22, 2018, for specified materials. This bill would indefinitely require a local agency’s standard specifications to allow recycled materials at a level no less than the level allowed in the department’s specifications for those specified materials. If a local agency’s standard specifications do not allow for the use of recycled materials at a level that is equal to or greater than the level allowed in the department’s standard specifications on the basis that the use of those recycled materials at those levels is not feasible, the bill would authorize a person bidding on a contract to supply materials subject to those specifications to request the local agency to provide the reason for that determination upon request and would require the local agency to respond to that request, as specified. (Based on 10/07/2025 text)

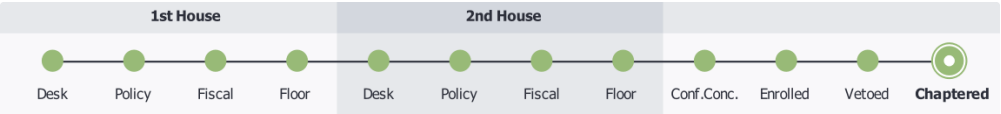
Priority: (5) Track/Watch

Subject: Transportation & Infrastructure

SB 71 (Wiener, D) California Environmental Quality Act: exemptions: transit projects.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 742, Statutes of 2025.



Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements active transportation plans, pedestrian plans, or bicycle transportation plans for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles. This bill would extend the operation of the above-mentioned exemption indefinitely. The bill would also exempt a transit comprehensive operational analysis, as defined, a transit route readjustment, or other transit agency route addition, elimination, or modification, from the requirements of CEQA. Because a lead agency would be required to determine whether a plan qualifies for this exemption, the bill would impose a state-mandated local program. (Based on 10/13/2025 text)

Priority: (3) Significant

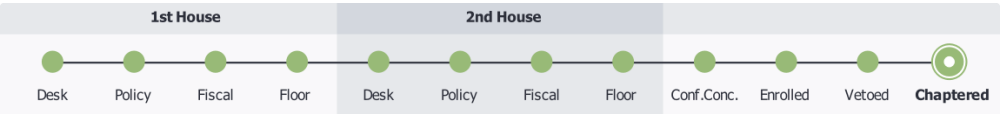
Subject: Transportation & Infrastructure

Trash, Recycling, Water, Resources

AB 1207 (Irwin, D) Climate change: market-based compliance mechanism: extension.

Current Text: 09/19/2025 - Chaptered **HTML** **PDF**

Status: 09/19/2025 - Chaptered by Secretary of State - Chapter 117, Statutes of 2025



Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations for greenhouse gas emissions limits and emissions reduction measures to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, as defined. The act authorizes the state board to revise regulations or adopt additional regulations to further the act. The act authorizes that state board to include in those regulations the use of a market-based compliance mechanism to comply with those regulations. This bill would require the state board to adopt regulations for greenhouse gas emissions limits and emissions reduction measures to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions to instead achieve certain emissions reductions goals and the purposes of the act. The bill would require the state board, in adopting regulations, to design the regulations in a manner that transitions support from gas corporations to electrical distribution utilities to minimize ratepayer impacts and meet the emissions reduction goals of the act. The bill would require the state board to consider the effects of the regulations on affordability, cost-effectiveness, minimization of leakage in California, and achieving the emissions reduction goals of the act. (Based on 09/19/2025 text)

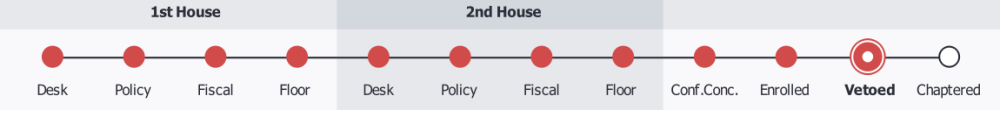
Priority: (6) Info only

Subject: Trash, Recycling, Water, Resources

SB 454 (McNerney, D) State Water Resources Control Board: PFAS Mitigation Program.

Current Text: 10/01/2025 - Vetoed **HTML** **PDF**

Status: 10/01/2025 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.



Summary: Current law designates the State Water Resources Control Board as the agency responsible for administering specific programs related to drinking water, including, among others, the California Safe Drinking Water Act and the Emerging Contaminants for Small or Disadvantaged Communities Funding Program. This bill, which would become operative upon an appropriation by the Legislature, would enact a perfluoroalkyl and polyfluoroalkyl substances (PFAS)

mitigation program. As part of that program, the bill would create the PFAS Mitigation Fund in the State Treasury and would authorize certain moneys in the fund to be expended by the state board, upon appropriation by the Legislature, for specified purposes. The bill would authorize the state board to seek out nonstate, federal, and private funds designated for PFAS remediation and treatment and deposit the funds into the PFAS Mitigation Fund. The bill would continuously appropriate these funds to the state board for specified purposes. The bill would authorize the state board to establish accounts within the PFAS Mitigation Fund. The bill would authorize the state board to expend moneys from the fund in the form of a grant, loan, or contract, or to provide assistance services to water suppliers and sewer system providers, as those terms are defined, for multiple purposes, including, among other things, to cover or reduce the costs for water suppliers associated with treating drinking water to meet the applicable state and federal maximum PFAS contaminant levels. (Based on 09/12/2025 text)

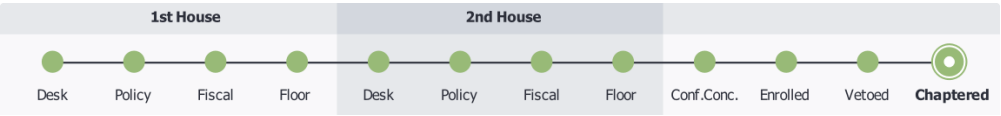
Governor's Message: VETOED: 10/1/2025 **PDF**

Position: Support
Priority: (4) Standard
Subject: Trash, Recycling, Water, Resources
Misc2: League of Cities Sponsored

SB 466 (Caballero, D) Drinking water: primary standard for hexavalent chromium: exemption.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**

Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 320, Statutes of 2025



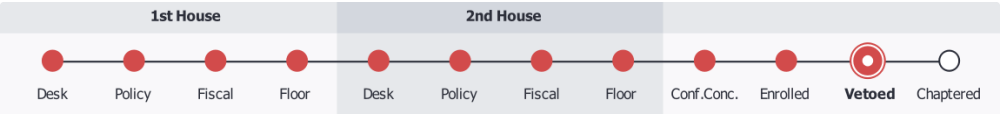
Summary: The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt primary drinking water standards for contaminants in drinking water based upon specified criteria and requires a primary drinking water standard to be established for hexavalent chromium. Current law authorizes the state board to grant a variance from primary drinking water standards to a public water system. This bill would prohibit a public water system that meets the total chromium maximum contaminant level (MCL) enforceable standard for drinking water in California from being determined, held, considered, or otherwise deemed in violation of the primary drinking water standard for hexavalent chromium while implementing a state board approved compliance plan or while state board action on the proposed and submitted compliance plan is pending, except as provided. (Based on 10/03/2025 text)

Position: Support
Priority: (3) Significant
Subject: Trash, Recycling, Water, Resources

SB 682 (Allen, D) Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances.

Current Text: 10/13/2025 - Vetoed **HTML** **PDF**

Status: 10/13/2025 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.



Summary: Would, on and after January 1, 2028, prohibit a person from distributing, selling, or offering for sale a cleaning product, dental floss, juvenile product, food packaging, or ski wax, as provided, that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined, except for previously used products and as otherwise preempted by federal law. The bill would, until January 1, 2031, exempt certain components of a cleaning product from this prohibition, as specified. The bill would clarify that, on and after January 1, 2028, a cleaning product is required to comply with certain regulations adopted by the California Air Resources Board regarding volatile organic compounds in consumer products and would prohibit the use of a regulatory variance to comply with those regulations, as specified. The bill would, on and after January 1, 2030, prohibit a person from distributing, selling, or offering for sale cookware that contains intentionally added PFAS, except for previously used products and as otherwise preempted by federal law. The bill would authorize the department, on or before January 1, 2029, to adopt regulations to carry out these provisions. (Based on 09/18/2025 text)

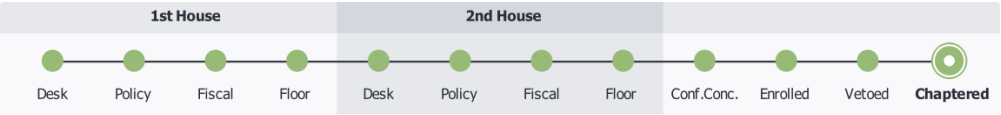
Governor's Message: VETOED: 10/13/2025 **PDF**

Priority: (5) Track/Watch
Subject: Trash, Recycling, Water, Resources

SB 840 (Limón, D) Greenhouse gases: Greenhouse Gas Reduction Fund: studies.

Current Text: 09/19/2025 - Chaptered **HTML** **PDF**

Status: 09/19/2025 - Chaptered by Secretary of State - Chapter 121, Statutes of 2025



Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations for greenhouse gas emissions limits and emissions reduction measures to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, as defined. The act authorizes the state board to revise regulations or adopt additional regulations to further the act. The act authorizes that state board to include in those regulations the use of a market-based compliance mechanism to comply with those regulations. Current law requires the state board, in regulations implementing the market-based compliance mechanism to, among other things, establish limits on the use of offset credits as a means for a covered entity to meet its compliance obligations. Current law requires moneys collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and continuously appropriates a portion of the moneys in the fund for various purposes. This bill would state the intent of the Legislature to direct specific percentages of the revenues deposited into the Greenhouse Gas Reduction Fund to individual funds dedicated to funding clean transportation, housing and community investment, clean air and water, wildfire prevention and resilience, agriculture, clean energy, and climate-focused innovation. (Based on 09/19/2025 text)

Priority: (6) Info only

Subject: Trash, Recycling, Water, Resources

Total Measures: 53
Total Tracking Forms: 53

City of Chino LEGISLATIVE UPDATE

13220 Central Avenue, Chino, CA 91710 | 909.334.3250 | www.cityofchino.org

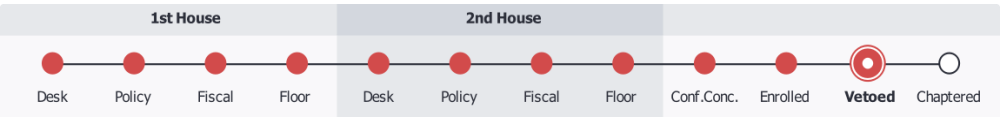
Wednesday, October 15, 2025

By Measure

AB 15 (Gipson, D) Open unsolved homicide: review and reinvestigation.

Current Text: 10/11/2025 - Vetoed **HTML** **PDF**

Status: 10/11/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Current law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law also defines manslaughter as the unlawful killing of a human being without malice, and establishes 3 kinds of manslaughter: voluntary, involuntary, and vehicular. This bill would require a law enforcement agency to review the casefile regarding an open unsolved homicide upon written application by certain persons to determine if a reinvestigation would result in probative investigative leads, as specified. The bill would define a homicide to include murder and manslaughter and an open unsolved homicide as a homicide committed after January 1, 1990, but no less than 3 years prior to the date of the application for case review, that was investigated by a law enforcement agency, for which all probative investigative leads have been exhausted and for which no suspect has been identified. If the review determines that a reinvestigation would result in probative investigative leads, this bill would require a reinvestigation, as specified. (Based on 09/11/2025 text)

Governor's Message: VETOED: 10/11/2025 **PDF**

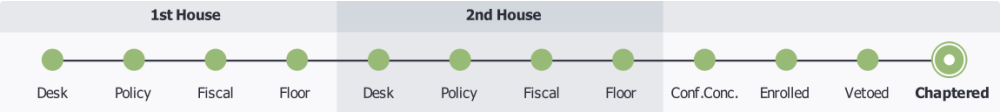
Priority: (5) Track/Watch

Subject: Public Safety

AB 39 (Zbur, D) General plans: Local Electrification Planning Act.

Current Text: 10/06/2025 - Chaptered **HTML** **PDF**

Status: 10/06/2025 - Chaptered by Secretary of State - Chapter 356, Statutes of 2025



Summary: The Planning and Zoning Law requires a city or county to adopt a comprehensive general plan for the city's or county's physical development that includes various elements, including, among others, a land use element that designates the proposed general distribution and general location and extent of the uses of the land in specified categories, and a circulation element that identifies the location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, as specified. This bill, the Local Electrification Planning Act, would require each city, county, or city and county, on or after January 1, 2027, but no later than January 1, 2030, to prepare and adopt a specified plan, or integrate a plan in the next adoption or revision of the general plan, that includes locally based goals, objectives, policies, and feasible implementation measures that include, among other things, the identification of opportunities to expand electric vehicle charging and other zero-emission vehicle fueling infrastructure, as specified, and includes policies and implementation measures that address the needs of disadvantaged communities, low-income households, and small businesses for equitable and prioritized investments in zero-emission technologies that directly benefit these groups. (Based on 10/06/2025 text)

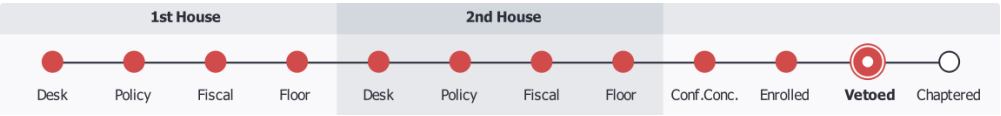
Priority: (5) Track/Watch

Subject: Planning, Land Use, Housing

AB 76 (Alvarez, D) Surplus land: exempt surplus land: sectional planning area.

Current Text: 10/13/2025 - Vetoed **HTML** **PDF**

Status: 10/13/2025 - Vetoed by Governor. Consideration of Governor's veto pending.

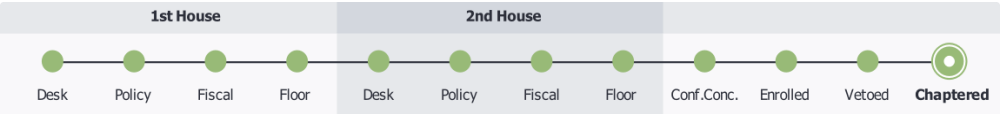


Summary: Current law prescribes requirements for the disposal of surplus land by a local agency and defines terms for these purposes, including, among others, “surplus land” to mean land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use. Current law defines “exempt surplus land” to mean land that is subject to a sectional planning area document, as described, and meets specified requirements, including that the land identified in the adopted sectional planning area document was dedicated prior to January 1, 2019, at least 25% of the units are dedicated to lower income households, as specified, and that the land is developed at an average density of at least 10 units per acre calculated with respect to the entire sectional planning area. This bill would change those requirements so that at a minimum, 25% of units that are proposed by the sectional planning area document as adopted prior to January 1, 2019, and are not designated for students, faculty, or staff of an academic institution, or 500 units, whichever is greater, must be dedicated to lower income households, as specified, and that the land must be developed at an average density of at least 10 units per acre, in accordance with certain requirements and calculated with respect to the entire sectional planning area and inclusive of housing designated for students, faculty, and staff of an academic institution. (Based on 09/12/2025 text)
Governor's Message: VETOED: 10/13/2025 **PDF**

Priority: (4) Standard
Subject: Planning, Land Use, Housing

AB 253 (Ward, D) California Residential Private Permitting Review Act: residential building permits.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 487, Statutes of 2025.

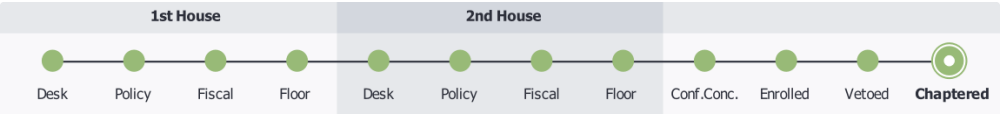


Summary: The State Housing Law establishes statewide construction and occupancy standards for buildings used for human habitation. Current law authorizes a county’s or city’s governing body to prescribe fees for permits, certificates, or other forms or documents required or authorized under the State Housing Law. This bill, the California Residential Private Permitting Review Act, would require a county or city to prepare a residential building permit fee schedule and post the schedule on the county’s or city’s internet website, if the county or city prescribes residential building permit fees. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing

AB 330 (Rogers, D) Local Prepaid Mobile Telephony Services Collection Act.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 553, Statutes of 2025.



Summary: The Local Prepaid Mobile Telephony Services Collection Act, until January 1, 2026, suspends the authority of a city, county, or city and county to impose a utility user tax on the consumption of prepaid communications service and any charge that applies to prepaid mobile telephony service, as defined, on access to communication services or access to local “911” emergency telephone systems, and instead requires those taxes and charges to be applied during the period beginning January 1, 2016, and ending January 1, 2026, under any local ordinance to be at specified rates. The act requires that these local charges imposed by a city, county, or a city and county on prepaid mobile telephony services be collected from the prepaid consumer by a seller at the time of sale, as specified. Current law requires that all local charges be collected and paid to the California Department of Tax and Fee Administration pursuant to the Fee Collection Procedures Law and be deposited into the Local Charges for Prepaid Mobile Telephony Services Fund, and be transmitted to the city, county, or city and county, as provided. This bill would extend operation of the act until January 1, 2031. (Based on 10/10/2025 text)

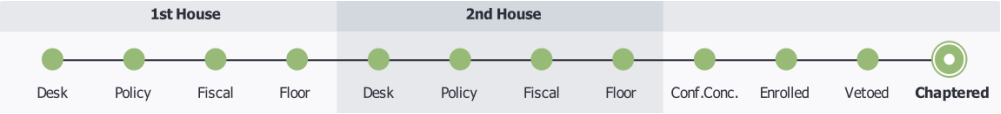
Position: Support
Priority: (5) Track/Watch

Subject: Municipal Funding and Procurement

AB 339 (Ortega, D) Local public employee organizations: notice requirements.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 687, Statutes of 2025.



Summary: The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. Current law requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Current law requires the governing body of a public agency, and boards and commissions designated by law or by the governing body, to give reasonable written notice, except in cases of emergency, as specified, to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body or the designated boards and commissions. This bill would require the governing body of a public agency, and boards and commissions designated by law or by the governing body of a public agency, to give the recognized employee organization no less than 45 days' written notice before issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization, subject to certain exceptions. The bill would require the notice to include specified information, including the anticipated duration of the contract. (Based on 10/13/2025 text)

Position: Oppose

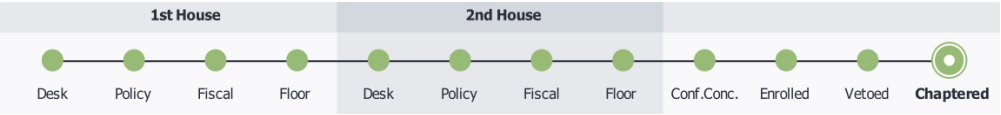
Priority: (3) Significant

Subject: Human Resources, Public Safety

AB 357 (Alvarez, D) Coastal resources: coastal development permit application: higher education housing project.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**

Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 256, Statutes of 2025



Summary: The Coastal Act of 1976, which is administered by the California Coastal Commission, requires a person wishing to perform or undertake any development in the coastal zone to obtain a coastal development permit. The act provides for the submission and approval of long-range land use development plans as an alternative to project-by-project review to promote greater efficiency for the planning of state university or college or private university development projects and provides for amendments to those plans. The act places limits on the conditions the commission may impose on projects contained in a plan that has been certified by the commission. The act authorizes the commission to, after a public hearing, by regulation, adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is de minimis, as specified. This bill would require the commission to defer to the state university or college or private university in determining the number of vehicle parking spaces necessary for residents of student, faculty, or staff housing facilities, as provided. The bill would authorize the executive director to determine that a proposed amendment to a public works plan or long-range development plan is de minimis and would provide the procedures for the determination and approval of amendments that are de minimis. (Based on 10/03/2025 text)

Priority: (6) Info only

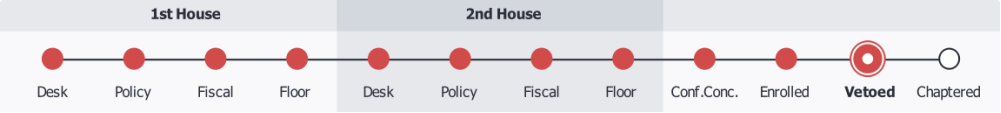
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 400 (Pacheco, D) Commission on Peace Officer Standards and Training: police canines.

Current Text: 10/01/2025 - Vetoed **HTML** **PDF**

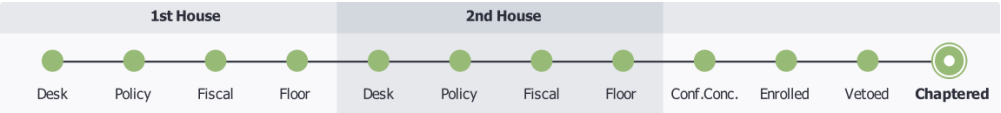
Status: 10/01/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Would require, on or before July 1, 2028, the Commission on Peace Officer Standards and Training to study and issue recommendations to the Legislature on the use of canines by law enforcement. The bill would require the commission to consider in its recommendations, among other things, instances of appropriate patrol use with a canine, as specified, and instances of appropriate use with a canine for detection, as specified. The bill would repeal these provisions on July 1, 2031. (Based on 09/16/2025 text)
Governor's Message: VETOED: 10/1/2025 **PDF**

Position: Support
Priority: (4) Standard
Subject: Public Safety

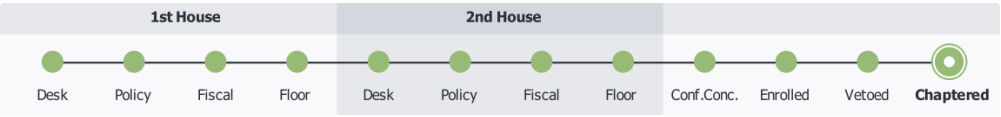
AB 424 (Davies, R) Alcohol and other drug programs: complaints.
Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 261, Statutes of 2025



Summary: Would, when the Department of Health Care Services receives a complaint against a licensed alcohol or other drug recovery or treatment facility, or a complaint alleging that a facility is unlawfully operating without a license, from a member of the public, require the department to provide, within 30 10 days of the date of the complaint, notice to the person filing the complaint that the complaint has been received and to provide, upon closing the complaint, notice to the person filing the complaint that the complaint has been closed and whether the department found the facility to be in violation of the provisions governing facility licensure and regulation. (Based on 10/03/2025 text)

Position: Support
Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

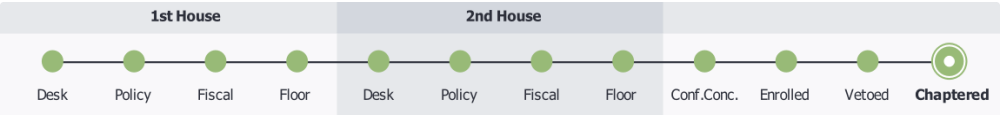
AB 476 (González, Mark, D) Metal theft.
Current Text: 10/13/2025 - Chaptered **HTML** **PDF**
Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 694, Statutes of 2025.



Summary: Current law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as “junk.” Current law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the place and date of each sale or purchase of junk and a description of the item or items, as specified. Existing law requires the written record to include a statement indicating either that the seller of the junk is the owner of it, or the name of the person they obtained the junk from, as shown on a signed transfer document. Current law prohibits a junk dealer or recycler from providing payment for nonferrous materials until the junk dealer or recycler obtains a copy of a valid driver’s license of the seller or other specified identification. Existing law requires a junk dealer or recycler to preserve the written record for at least 2 years. This bill would require junk dealers and recyclers to include additional information in the written record, including the time and amount paid for each sale or purchase of junk made, and the name of the employee handling the transaction. The bill would revise the type of information required to be included in the description of the item or items of junk purchased or sold, as specified. (Based on 10/13/2025 text)

Position: Support
Priority: (4) Standard
Subject: Public Safety, Transportation & Infrastructure
Misc2: League of Cities Sponsored

AB 492 (Valencia, D) Alcohol and drug programs: licensing.
Current Text: 10/06/2025 - Chaptered **HTML** **PDF**
Status: 10/06/2025 - Chaptered by Secretary of State - Chapter 368, Statutes of 2025

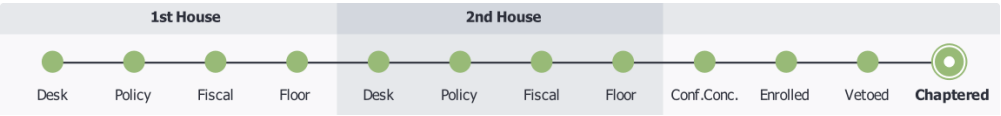


Summary: Would require the State Department of Health Care Services, whenever it issues a license to operate an alcohol or other drug recovery or treatment facility, to concurrently provide written notification of the issuance of the license to the city or county in which the facility is located. The bill would require the notice to include the name and mailing address of the licensee and the location of the facility. (Based on 10/06/2025 text)

Position: Support
Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

AB 507 (Haney, D) Adaptive reuse: streamlining: incentives.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 493, Statutes of 2025.

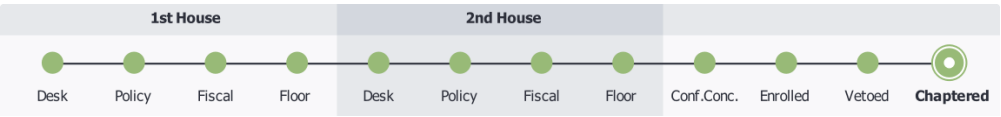


Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit, if the development satisfies certain objective planning standards, including that the development is a multifamily housing development that contains two or more residential units. This bill would deem an adaptive reuse project a use by right in all zones, regardless of the zoning of the site, and subject to a streamlined, ministerial review process if the project meets specified requirements, subject to specified exceptions. In this regard, an adaptive reuse project, in order to qualify for the streamlined, ministerial review process, would be required to be proposed for an existing building or structure that is less than 50 years old or meets certain requirements regarding the preservation of historic resources, including the signing of an affidavit declaring that the project will comply with the United States Secretary of the Interior's Standards for Rehabilitation for, among other things, the preservation of exterior facades of a building or structure that face a street, or receive federal or state historic rehabilitation tax credits, as specified. The bill would require an adaptive reuse project to meet specified affordability criteria. (Based on 10/10/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Planning, Land Use, Housing

AB 538 (Berman, D) Public works: payroll records.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**
Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 616, Statutes of 2025.



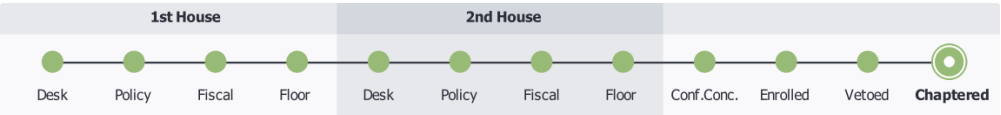
Summary: Current law requires the Labor Commissioner to investigate allegations that a contractor or subcontractor violated the law regulating public works projects, including the payment of prevailing wages. Current law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Current law requires certified copies of records to be available upon request by the public and sets forth a process for the public to request the records either through the awarding body or the Division of Labor Standards Enforcement. Current law makes any contractor, subcontractor, agent, or representative who neglects to comply with the requirements to keep accurate payroll records guilty of a misdemeanor. This bill would require the awarding body, if a request is made by the public through the awarding body and the body is not in possession of the certified records, to obtain those records from the relevant contractor and make them available to the requesting entity. The bill would authorize the Division of Labor Standards Enforcement to enforce certain penalties if a contractor fails to comply with the awarding body's request within 10 days of receipt of the notice. (Based on 10/11/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Legal and Records Management

AB 610 (Alvarez, D) Housing element: governmental constraints: disclosure statement.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 494, Statutes of 2025.



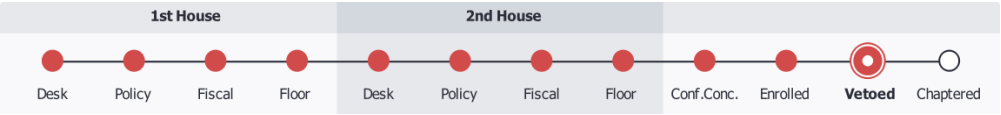
Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. Current law, commonly referred to as the Housing Element Law, prescribes requirements for a city's or county's preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. Current law requires the housing element to include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including, among others, locally adopted ordinances that directly impact the cost and supply of residential development. Current law also requires the analysis to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need. For adoption of the 7th and all subsequent revisions of the housing element, this bill would require the housing element to include, in addition to the above-described analysis, a potential and actual governmental constraints disclosure statement that contains, among other things, an identification of each new or amended potential or actual governmental constraint, or revision increasing the stringency of a governmental constraint, that was adopted after the due date of the previous housing element and before submittal of the current draft housing element to the department. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

AB 650 (Papan, D) Planning and zoning: housing element: regional housing needs allocation.

Current Text: 10/13/2025 - Vetoed **HTML** **PDF**

Status: 10/13/2025 - Vetoed by Governor. Consideration of Governor's veto pending.



Summary: Current law requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. Current law defines "affirmatively furthering fair housing," as provided. The Planning and Zoning Law requires that a housing element include, among other things, a program that sets forth a schedule of actions during the planning period. Current law requires the Department of Housing and Community Development to develop a standardized reporting format for programs and actions taken pursuant to the requirement to affirmatively further fair housing. This bill would require the department to develop the above-described standardized reporting format on or before December 31, 2026. (Based on 09/15/2025 text)

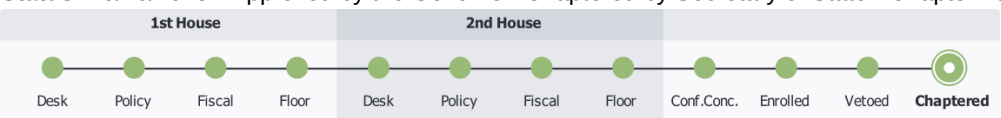
Governor's Message: VETOED: 10/13/2025 **PDF**

Position: Support
Priority: (2) Priority
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

AB 712 (Wicks, D) Housing reform laws: enforcement actions: fines and penalties.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 496, Statutes of 2025.



Summary: Current law within the Planning and Zoning Law describes various reforms and incentives enacted by the Legislature to facilitate and expedite the construction of affordable housing. Current law within the Planning and Zoning Law, in certain civil actions or proceedings against a public entity that has issued specified approvals for a housing development, authorizes a court to award all reasonably incurred costs of suit to a prevailing public entity or nonprofit housing corporation that is a real party in interest and the permit applicant of the low- or moderate-income housing if the court makes specified findings. This bill, where the applicant for a housing development is a prevailing party in an action brought by the applicant to enforce the public agency's compliance with a housing reform law as applied to the applicant's housing development project, would entitle an applicant for a housing development project to reasonable attorney's fees and costs and would require a court to impose fines on a local agency, as specified. The bill would extend any period of limitation for actions under any state law for a period of 60 days beginning on the date the applicant provides written notice to the local agency indicating its intent to commence an action. The bill would prohibit a public agency from requiring the applicant to indemnify, defend, or hold harmless the public agency in any action alleging the public agency violated the applicant's rights or deprived the applicant of the benefits or protection provide by a housing reform law. (Based on 10/10/2025 text)

Priority: (5) Track/Watch

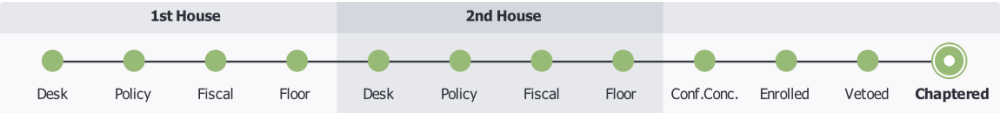
Subject: Legal and Records Management, Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 818 (Ávila Farías, D) Permit Streamlining Act: local emergencies.

Current Text: 10/10/2025 - Chaptered **HTML PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 534, Statutes of 2025.



Summary: The Permit Streamlining Act requires a public agency to determine whether an application for a development project is complete within specified time periods, as specified. The act requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Current law, the California Emergency Services Act, among other things, authorizes the governing body of a city, county, or city and county to proclaim a local emergency under certain circumstances, as specified, and grants political subdivisions various powers and authorities in periods of local emergency. This bill would require a city, county, or city and county to approve or deny a complete application, within 10 business days of receipt of the application, for a building permit or an equivalent permit for any of the specified structures intended to be used by a person until the rebuilding or repair of an affected property is complete. (Based on 10/10/2025 text)

Priority: (5) Track/Watch

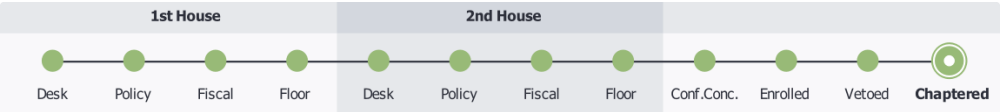
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 920 (Caloza, D) Permit Streamlining Act: housing development projects: centralized application portal.

Current Text: 10/10/2025 - Chaptered **HTML PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 501, Statutes of 2025.

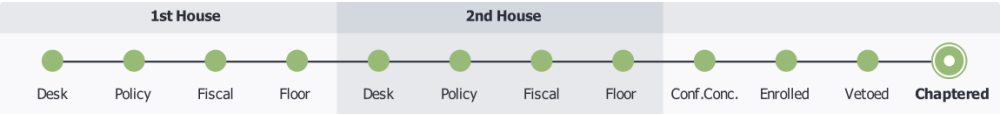


Summary: The Permit Streamlining Act requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Current law requires a city or county that has an internet website to, among other things, make a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development project available on its internet website. This bill would require a city or county with a population of 150,000 or more persons to make a centralized application portal available on its internet website to applicants for housing development projects, as prescribed. The bill would, notwithstanding that provision, authorize a city or county described above to make a centralized application portal available on its internet website no later than January 1, 2030, if the legislative body of the city or county, on or before January 1, 2028, takes certain action, including initiating a procurement process to make a centralized application portal available on its internet website. The bill would require the centralized application portal to allow for tracking of the status of an application. The bill would specify that a city or county is not required to provide the status of any permit or inspection required by another local agency, a state agency, or a utility provider. (Based on 10/10/2025 text)

Priority: (5) Track/Watch

Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

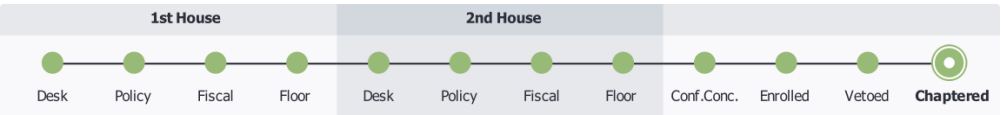
AB 961 (Ávila Farías, D) Hazardous materials: California Land Reuse and Revitalization Act of 2004.
Current Text: 10/01/2025 - Chaptered **HTML** **PDF**
Status: 10/01/2025 - Chaptered by Secretary of State - Chapter 173, Statutes of 2025



Summary: The California Land Reuse and Revitalization Act of 2004 provides, among other things, that an innocent landowner, bona fide purchaser, or contiguous property owner qualifies for immunity from liability from certain state statutory and common laws for pollution conditions caused by a release or threatened release of a hazardous material if specified conditions are met, including entering into an agreement for a specified site assessment and response plan. The act prohibits the Department of Toxic Substances Control, the State Water Resources Control Board, and a California regional water quality control board from requiring one of those persons to take a response action under certain state laws, except as specified. Current law repeals the act on January 1, 2027. Current law provides that a person who qualifies for immunity under the act before January 1, 2027, shall continue to have that immunity on and after January 1, 2027, if the person continues to be in compliance with the requirements of the former act. This bill would extend the repeal date of the act to January 1, 2037. (Based on 10/01/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

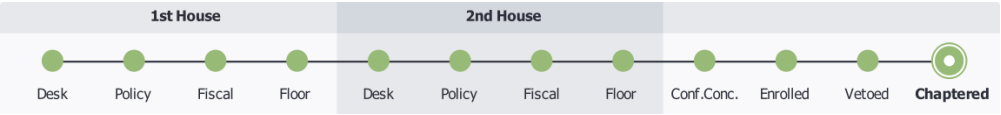
AB 978 (Hoover, R) Department of Transportation and local agencies: streets and highways: recycled materials.
Current Text: 10/07/2025 - Chaptered **HTML** **PDF**
Status: 10/07/2025 - Chaptered by Secretary of State - Chapter 443, Statutes of 2025



Summary: The California Integrated Waste Management Act of 1989 requires the Director of Transportation, upon consultation with the Department of Resources Recycling and Recovery, to review and modify all bid specifications relating to the purchase of paving materials and base, subbase, and pervious backfill materials using certain recycled materials. Current law requires the specifications to be based on standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials. Current law requires a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, except as provided. Current law requires, until January 1, 2027, those standard specifications to allow recycled materials at or above the level allowed in the department's standard specifications that went into effect on October 22, 2018, for specified materials. This bill would indefinitely require a local agency's standard specifications to allow recycled materials at a level no less than the level allowed in the department's specifications for those specified materials. If a local agency's standard specifications do not allow for the use of recycled materials at a level that is equal to or greater than the level allowed in the department's standard specifications on the basis that the use of those recycled materials at those levels is not feasible, the bill would authorize a person bidding on a contract to supply materials subject to those specifications to request the local agency to provide the reason for that determination upon request and would require the local agency to respond to that request, as specified. (Based on 10/07/2025 text)

Priority: (5) Track/Watch
Subject: Transportation & Infrastructure

AB 992 (Irwin, D) Peace officers.
Current Text: 10/01/2025 - Chaptered **HTML** **PDF**
Status: 10/01/2025 - Chaptered by Secretary of State - Chapter 175, Statutes of 2025

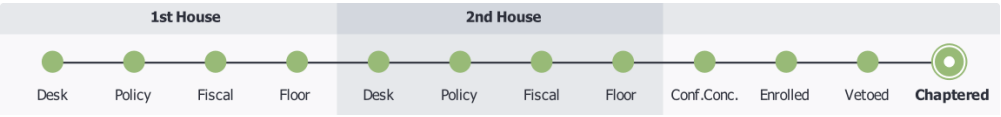


Summary: Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above. (Based on 10/01/2025 text)

Priority: (5) Track/Watch
Subject: Public Safety

AB 996 (Pellerin, D) Public Resources: sea level rise plans.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 286, Statutes of 2025

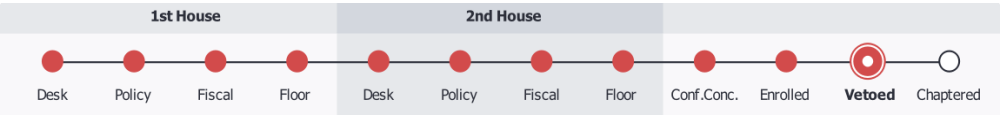


Summary: Current law requires local governments lying in whole or in part within the coastal zone or within the jurisdiction of the San Francisco Bay Conservation and Development Commission to, on or before January 1, 2034, develop a sea level rise plan with specified required content as part of a local coastal program that is subject to approval by the California Coastal Commission or the San Francisco Bay Conservation and Development Commission. This bill would authorize the applicable commission, when approving a local coastal plan or an amendment to a local coastal plan, to deem existing sea level rise information or plans prepared by a local government to satisfy the content requirements for a sea level rise plan. (Based on 10/03/2025 text)

Priority: (6) Info only
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

AB 1026 (Wilson, D) Public utilities: electrical corporations: energization.

Current Text: 10/03/2025 - Vetoed **HTML** **PDF**
Status: 10/03/2025 - Vetoed by Governor. Consideration of Governor's veto pending.

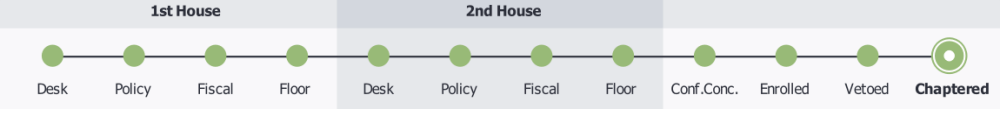


Summary: The Powering Up Californians Act requires the Public Utilities Commission, on or before September 30, 2024, to establish reasonable average and maximum target energization time periods, as defined, and a procedure for customers to report energization delays to the commission, as provided. The act requires the commission to require the electrical corporation to take remedial actions necessary to achieve the commission's targets and requires all reports to be publicly available. This bill would require the commission, in a new or existing proceeding, to require each large electrical corporation to compile a list of information needed to approve or deny an application for energization, to post an example of a complete, approved energization application and an example of a complete energization application for a housing development project, and to make those items available on its internet website by a date specified by the commission. The bill would also require the commission to require each large electrical corporation to determine if an application for energization is complete and provide notice or otherwise provide certain information under a specified procedure. (Based on 09/08/2025 text)
Governor's Message: VETOED: 10/3/2025 **PDF**

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

AB 1050 (Schultz, D) Unlawfully restrictive covenants: housing developments.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 504, Statutes of 2025.



Summary: Current law provides that recorded covenants, conditions, restrictions, or private limits on the use of land contained in instruments affecting the transfer or sale of any interest in real property that, among other things, restrict the number, size, or location of the residences that may be built on the property, are not enforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided. As part of this process, current law requires the owner to submit to the county recorder a copy of the original restrictive covenant and any documents the owner believes necessary to establish that the property qualifies as an affordable housing development and requires the county counsel to determine, among other things, if the property qualifies as an affordable housing development and if a modification document may be recorded. Current law provides that these provisions do not authorize any development that is not otherwise consistent with local general plans, zoning ordinances, and any applicable specific plan. This bill would extend those provisions to a housing development that is owned or controlled by an entity or individual that has submitted a development project application to redevelop an existing commercial property, and the development project includes residential uses permitted by state housing laws or local land use and zoning regulations and would make various conforming changes. The bill would additionally make these provisions applicable to covenants, conditions, restrictions, or private limits contained in a reciprocal easement agreement, as provided, and include instruments affecting the transfer or sale of any interest in real property that prohibits the number, size, or location of residences that may be built on the property or restricts or prohibits the residential uses of the property. The bill would further provide that these provisions do not authorize any development that is not otherwise consistent with state housing laws. (Based on 10/10/2025 text)

Governor's Message: CHAPTERED: 10/10/2025 **PDF**

Priority: (5) Track/Watch

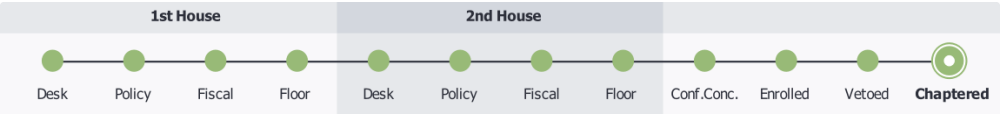
Subject: Planning, Land Use, Housing

Misc2: Fast Track Housing Package

AB 1061 (Quirk-Silva, D) Housing developments: urban lot splits: historical resources.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 505, Statutes of 2025.



Summary: Under the Planning and Zoning Law, the legislative body of a county or city may adopt ordinances that, among other things, regulate the use of buildings, structures, and land, as provided. The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps. Current law requires a local agency to consider ministerially a specified proposed housing development or to ministerially approve a parcel map for an urban lot split if the development or parcel meets specified requirements, including, that the development or parcel is not located within a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to city or county ordinance, as specified. Current law authorizes a local agency to impose specified objective standards on the development or parcel created by an urban lot split, except as specified. With respect to ministerial review of a proposed housing development under the above-described provisions, this bill would, if the other specified requirements are met, instead require a local agency to consider ministerially the development that is not located in either a contributing structure within a historic district included on the State Historical Resources Inventory or within a historic property or district pursuant to city or county ordinance or in a parcel individually listed as a historical resource included in the State Historical Resources Inventory or within a property individually designated or listed as a city or county landmark under a city or county ordinance. The bill would also authorize a local agency to adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources, as specified. (Based on 10/10/2025 text)

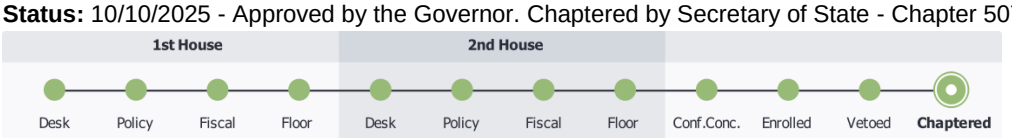
Priority: (5) Track/Watch

Subject: Planning, Land Use, Housing

AB 1154 (Carrillo, D) Junior accessory dwelling units.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 507, Statutes of 2025.

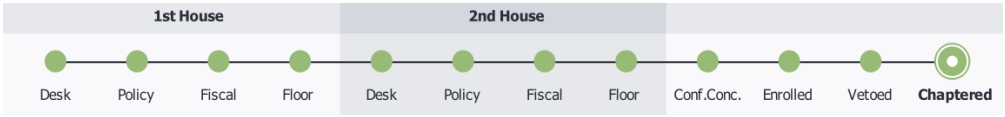


Summary: The Planning and Zoning Law, among other things, provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires an ordinance that provides for the creation of a junior accessory dwelling unit to, among other things, require owner-occupancy in the single-family residence in which the junior accessory dwelling unit is permitted. Under this bill, that owner-occupancy requirement would apply only if the junior accessory dwelling unit has shared sanitation facilities with the existing structure. The bill would require an ordinance that provides for the creation of a junior accessory dwelling unit to require that a rental of a junior accessory dwelling unit be for a term longer than 30 days. (Based on 10/10/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Planning, Land Use, Housing

AB 1207 (Irwin, D) Climate change: market-based compliance mechanism: extension.

Current Text: 09/19/2025 - Chaptered **HTML** **PDF**
Status: 09/19/2025 - Chaptered by Secretary of State - Chapter 117, Statutes of 2025

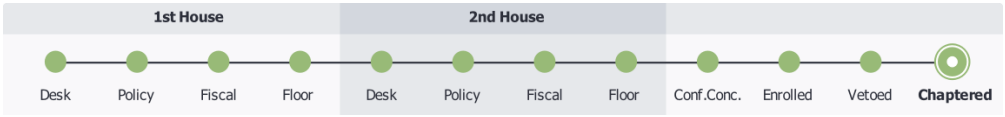


Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations for greenhouse gas emissions limits and emissions reduction measures to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, as defined. The act authorizes the state board to revise regulations or adopt additional regulations to further the act. The act authorizes that state board to include in those regulations the use of a market-based compliance mechanism to comply with those regulations. This bill would require the state board to adopt regulations for greenhouse gas emissions limits and emissions reduction measures to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions to instead achieve certain emissions reductions goals and the purposes of the act. The bill would require the state board, in adopting regulations, to design the regulations in a manner that transitions support from gas corporations to electrical distribution utilities to minimize ratepayer impacts and meet the emissions reduction goals of the act. The bill would require the state board to consider the effects of the regulations on affordability, cost-effectiveness, minimization of leakage in California, and achieving the emissions reduction goals of the act. (Based on 09/19/2025 text)

Priority: (6) Info only
Subject: Trash, Recycling, Water, Resources

AB 1263 (Gipson, D) Firearms: ghost guns.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**
Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 636, Statutes of 2025.

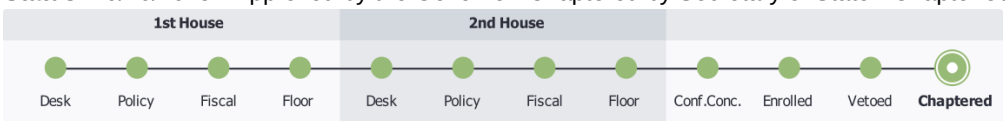


Summary: Would prohibit a person from knowingly or willfully causing another person to engage in the unlawful manufacture of firearms or knowingly or willfully aiding, abetting, prompting, or facilitating the unlawful manufacture of firearms, including the manufacture of assault weapons or .50 BMG rifles or the manufacture of any firearm using a three-dimensional printer or CNC milling machine, as specified. The bill would make a violation of these provisions a misdemeanor. (Based on 10/11/2025 text)

Priority: (5) Track/Watch
Subject: Public Safety

AB 1308 (Hoover, R) Residential building permits: inspections: Housing Accountability Act.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State - Chapter 509, Statutes of 2025.

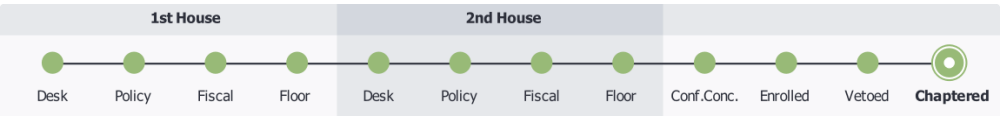


Summary: Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires a county's or city's building department to enforce the State Housing Law and the California Building Standards Code, and other rules and regulations promulgated pursuant to the State Housing Law pertaining to standards for buildings used for human habitation. Existing law requires a county or city, upon the applicant's request, to contract with or employ temporarily a private entity or person to check the plans and specifications submitted with an application for a residential building permit to comply with the State Housing Law or local ordinances adopted pursuant to the State Housing Law, when the building department takes more than 30 days, as specified, to complete the plan check. Existing law authorizes an enforcement agency to inspect any building to secure compliance with the State Housing Law and the California Building Standards Code, and other rules and regulations promulgated pursuant to the State Housing Law. This bill would require the building department to conduct an inspection of the permitted work for specified new residential constructions of a building and residential additions to an existing building within 10 business days of receiving a notice of the completion of the permitted work authorized by a building permit issued for those projects. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

SB 9 (Arreguín, D) Accessory Dwelling Units: ordinances.

Current Text: 10/10/2025 - Chaptered **HTML PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 510, Statutes of 2025.

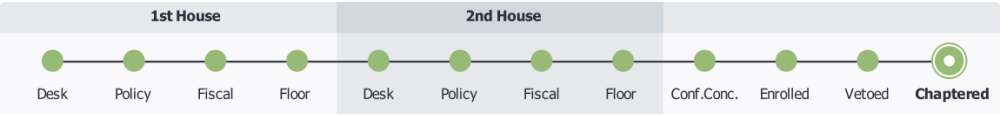


Summary: The Planning and Zoning Law requires a local agency to submit an accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption. The law authorizes the department to submit written findings to a local agency as to whether the ordinance complies with the standards. If the department finds that the ordinance does not comply with the standards, the law requires the department to provide a local agency reasonable time, no longer than 30 days, to respond to its findings. If the local agency does not amend its ordinance in response to those findings or does not adopt a resolution with findings explaining the reason the ordinance complies with the standards and addressing the department's findings, the law requires the department to notify the local agency and authorizes the department to notify the Attorney General that the local agency is in violation of state law. This bill would invalidate the ordinance if the local agency fails to submit a copy of the ordinance to the department within 60 days of adoption or fails to respond to the department's findings that the ordinance does not comply with the standards within 30 days, as described above. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing

SB 19 (Rubio, D) Crimes: threats.

Current Text: 10/11/2025 - Chaptered **HTML PDF**
Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 594, Statutes of 2025.



Summary: Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat that, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby reasonably causes the threatened person to be in sustained fear for their own safety or the safety of their immediate family, as defined. Under existing law, this crime is punishable by imprisonment in a county jail for no more than one year for a misdemeanor, or by imprisonment in state prison for a felony. This bill would make it a crime for a person to willfully threaten, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime at specified locations, including a daycare and workplace, with specific intent that the statement is be taken as a threat, even if there is no intent of actually carrying it out, if the threat, on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if the threat causes a person or person to reasonably be in sustained fear for their own safety or the safety of others at the specified locations. This bill would make this crime, for a

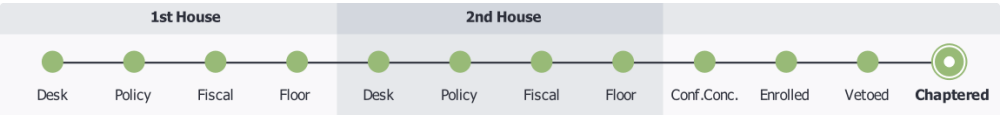
person 18 years of age or older, punishable as a wobbler by imprisonment in the county jail for not more than one year or by imprisonment in the county jail for 16 months or 2 or 3 years. If a person under 18 years of age commits this crime, the bill would require the person to be referred to specified services in lieu of being declared a ward of the court, if eligible. If the person is ineligible, the bill would require the offense to be punished as a misdemeanor. By creating a new crime and imposing additional duties on local governments, this bill would create a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason. With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above. (Based on 10/11/2025 text)

Position: Support
Priority: (2) Priority
Subject: Public Safety

SB 48 (Gonzalez, D) Educational equity: discrimination prevention coordinators.

Current Text: 10/07/2025 - Chaptered **HTML** **PDF**

Status: 10/07/2025 - Chaptered by Secretary of State - Chapter 429, Statutes of 2025



Summary: Current law states the policy of the State of California is to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. AB 715 of the 2025–26 Regular Session proposes to, among other things, (1) establish the Office of Civil Rights, under the administration of the Government Operations Agency, with the purpose of working directly with local educational agencies to prevent and address discrimination and bias, as specified, and (2) state the intent of the Legislature to enact future legislation to establish coordinators to be employed within the Office of Civil Rights to prevent and address discrimination and bias. This bill would require the Office of Civil Rights to employ a Religious Discrimination Prevention Coordinator, a Race and Ethnicity Discrimination Prevention Coordinator, a Gender Discrimination Prevention Coordinator, and an LGBTQ Discrimination Prevention Coordinator. (Based on 10/07/2025 text)

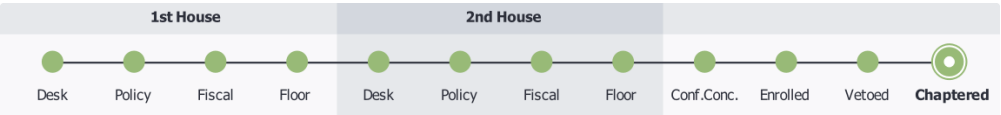
Governor's Message: CHAPTERED: 10/7/2025 **PDF**

Priority: (5) Track/Watch
Subject: Public Safety

SB 71 (Wiener, D) California Environmental Quality Act: exemptions: transit projects.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 742, Statutes of 2025.



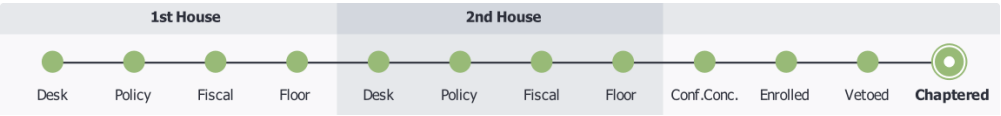
Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements active transportation plans, pedestrian plans, or bicycle transportation plans for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles. This bill would extend the operation of the above-mentioned exemption indefinitely. The bill would also exempt a transit comprehensive operational analysis, as defined, a transit route readjustment, or other transit agency route addition, elimination, or modification, from the requirements of CEQA. Because a lead agency would be required to determine whether a plan qualifies for this exemption, the bill would impose a state-mandated local program. (Based on 10/13/2025 text)

Priority: (3) Significant
Subject: Transportation & Infrastructure

SB 79 (Wiener, D) Housing development: transit-oriented development.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 512, Statutes of 2025.



Summary: Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that contains certain mandatory elements, including a housing element. Existing law requires that the housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing, as specified. Existing law requires that the housing element include, among other things, an assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs, including an inventory of land suitable for residential development, as provided. Existing law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified, and requires the appropriate council of local governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. Existing law requires the inventory of land to be used to identify sites throughout the community that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need. Existing law requires each local government to revise its housing element in accordance with a specified schedule. This bill would require that a housing development project, as defined, within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified. Among these requirements, the bill would require a project to include at least 5 dwelling units and establish requirements concerning height limits, density, and residential floor area ratio in accordance with a development's proximity to specified tiers of TOD stops, as provided. The bill would provide that, for the purposes of the Housing Accountability Act, a proposed development consistent with the applicable standards of these provisions as well as applicable local objective general plan and zoning standards shall be deemed consistent, compliant, and in conformity with prescribed requirements, as specified. The bill would provide that a local government that denies a project meeting the requirements of these provisions located in a high-resource area, as defined, would be presumed in violation of the Housing Accountability Act, as specified, and immediately liable for penalties, beginning on January 1, 2027, as provided. These provisions would not apply to a local agency until July 1, 2026, except as specified, or within unincorporated areas of counties until the 7th regional housing needs allocation cycle. The bill would specify that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval pursuant to specified law, except that the bill would exempt a project under these provisions from specified requirements and would specify that the project is required to comply with certain affordability requirements, under that law. This bill contains other related provisions and other existing laws. (Based on 10/10/2025 text)

Governor's Message: CHAPTERED: 10/10/2025 **PDF**

Position: Oppose

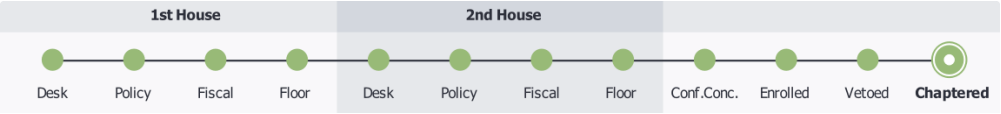
Priority: (2) Priority

Subject: Planning, Land Use, Housing

SB 92 (Blakespear, D) Housing development: density bonuses.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 484, Statutes of 2025.



Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development, as defined, within the city or county with a density bonus, other incentives or concessions, and waivers or reductions of development standards, as specified, if the developer agrees to construct specified units and meets other requirements. This bill would specify that a concession and incentive shall not result in a proposed project, as prescribed, with a specified commercial floor area ratio. The bill would also specify that certain provisions of the Density Bonus Law do not require a city, county, or city and county to approve, grant a concession or incentive requiring approval of, or waive or reduce development standards otherwise applicable to, transient lodging as part of a housing development, except as specified. (Based on 10/10/2025 text)

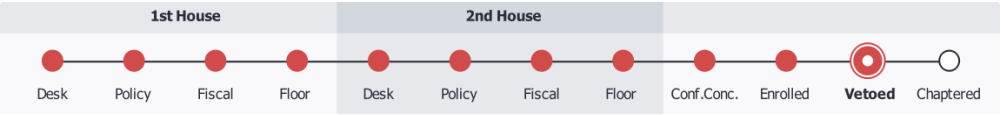
Priority: (5) Track/Watch

Subject: Planning, Land Use, Housing

SB 274 (Cervantes, D) Automated license plate recognition systems.

Current Text: 10/01/2025 - Vetoed **HTML** **PDF**

Status: 10/01/2025 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.



Summary: Existing law prohibits a public agency, which includes the state, a city, a county, a city and county, or any agency or political subdivision of the state, a city, a county, or a city and county, including, but not limited to, a law enforcement agency, from selling, sharing, or transferring automated license plate recognition (ALPR) information, except to another public agency, and only as otherwise permitted by law. Existing law defines ALPR information as information or data collected through the use of an ALPR system. This bill would provide that "public agency" does not include a transportation agency, a public transit operator, or a local department of transportation or public works department, as specified. The bill would, beginning January 1, 2026, require new, updated, expansions of, or addendums of contractual agreements with ALPR vendors, manufacturers, or suppliers to mandate that no default access is provided to any national ALPR database and that an agency's collected scans are by default not accessible to any other agency, and would impose new requirements on sharing between California state law enforcement agencies. The bill would authorize a law enforcement agency to use ALPR information only for purposes of locating vehicles or persons when either are reasonably suspected of being involved in the commission of a public offense. The bill would prohibit a public agency from retaining ALPR information for more than 60 days after the date of collection if it does not match information on an authorized hot list, as defined, and as of January 1, 2026, would require a public agency to delete all ALPR information that has been held for more than 60 days and does not match information on an authorized hot list within 14 days. By imposing new requirements on public agencies, which include local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 09/17/2025 text)

Governor's Message: VETOED: 10/1/2025 **PDF**

Position: Oppose

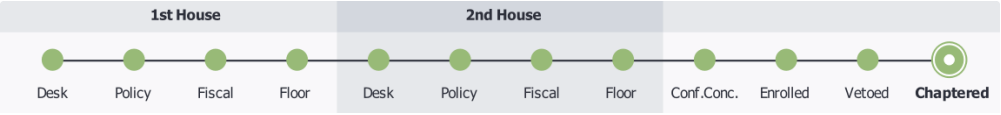
Priority: (3) Significant

Subject: Public Safety

SB 346 (Durazo, D) Local agencies: transient occupancy taxes: short-term rental facilitator.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 751, Statutes of 2025.



Summary: Current law authorizes a local authority, by ordinance or resolution, to regulate the occupancy of a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of less than 30 days. This bill would authorize a local agency, defined to mean a city, county, or city and county, to enact an ordinance to require a short-term rental facilitator, as defined, to report, in the form and manner prescribed by the local agency, the physical address, including 9-digit ZIP Code, of each short-term rental, as defined, during the reporting period. The bill would also authorize a local agency to request additional information, as provided, when the physical address is not sufficient for the local agency to identify a specific short-term rental. The bill would authorize the local agency to impose an administrative fine or penalty for failure to file the report, and would authorize the local agency to initiate an audit of a short-term rental facilitator, as described. The bill would require a short-term rental facilitator, in a jurisdiction that has adopted an ordinance, to include in the listing of a short-term rental any applicable local license number associated with the short-term rental and any transient occupancy tax certification issued by a local agency. (Based on 10/13/2025 text)

Position: Support

Priority: (4) Standard

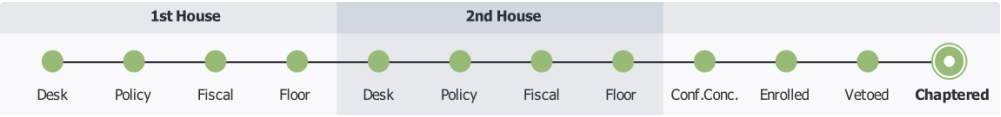
Subject: Municipal Funding and Procurement, Planning, Land Use, Housing

Misc2: League of Cities Sponsored

SB 358 (Becker, D) Mitigation Fee Act: mitigating vehicular traffic impacts.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 515, Statutes of 2025.

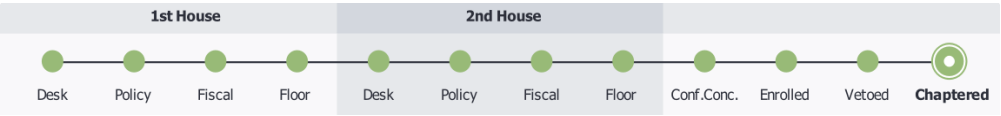


Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Current law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for that fee, if the housing development satisfies all of certain prescribed characteristics, to reflect a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without the prescribed characteristics, unless the local agency adopts findings after a public hearing establishing that the housing development, even with those characteristics, would not generate fewer automobile trips than a housing development without those characteristics. This bill would require those findings to be supported by substantial evidence in the record before or as part of the housing development project approval process. (Based on 10/10/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Planning, Land Use, Housing

SB 385 (Seyarto, R) Peace officers.

Current Text: 10/01/2025 - Chaptered **HTML** **PDF**
Status: 10/01/2025 - Chaptered by Secretary of State - Chapter 218, Statutes of 2025

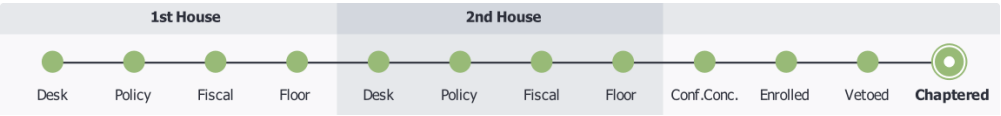


Summary: Current law required the Chancellor of the California Community Colleges, on or before June 1, 2023, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission, within 2 years of the submission of the report, to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above. (Based on 10/01/2025 text)

Position: Support
Priority: (4) Standard
Subject: Public Safety

SB 415 (Reyes, D) Planning and zoning: logistics use developments: truck routes.

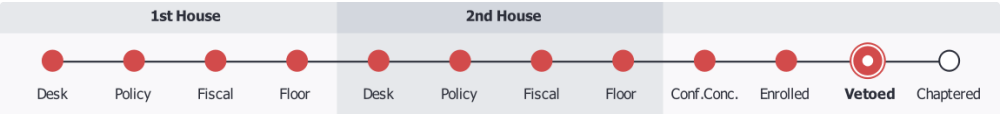
Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 316, Statutes of 2025



Summary: Current law, beginning January 1, 2026, prescribes various statewide warehouse design and build standards for any proposed new or expanded logistics use developments, as specified, including, among other things, standards for building design and location, parking, truck loading bays, landscaping buffers, entry gates, and signage. Current law defines various terms, including “21st century warehouse,” and “tier 1 21st century warehouse,” for purposes of those provisions as logistics uses that, among other things, comply with specified building and energy efficiency standards, including requirements related to the availability of conduits and electrical hookups to power climate control equipment at loading bays, as specified. Current law, subject to specified exceptions, defines “logistics use” for these purposes to mean a building in which cargo, goods, or products are moved or stored for later distribution to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and heavy-duty trucks are primarily involved in the movement of the cargo, goods, or products. This bill would clarify that a 21st century warehouse and a tier 1 21st century warehouse are required to comply with those standards as are in effect at the time that the building permit for a development of a 21st century warehouse is issued and make other clarifying changes relating to permissibility of use of conduits and electrical hookups at loading bays at those locations. The bill would revise the definition of “logistics use” and instead define “logistics use development” for these purposes to mean a building that is primarily used as a warehouse for the movement or the storage of cargo, goods, or products that are moved to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and heavy-duty trucks are primarily involved in the movement of the cargo, goods, or products. (Based on 10/03/2025 text)

Priority: (2) Priority
Subject: Planning, Land Use, Housing

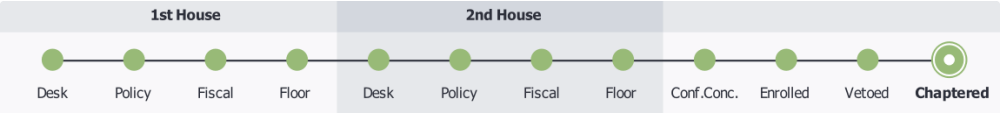
SB 454 (McNerney, D) State Water Resources Control Board: PFAS Mitigation Program.
Current Text: 10/01/2025 - Vetoed **HTML** **PDF**
Status: 10/01/2025 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.



Summary: Current law designates the State Water Resources Control Board as the agency responsible for administering specific programs related to drinking water, including, among others, the California Safe Drinking Water Act and the Emerging Contaminants for Small or Disadvantaged Communities Funding Program. This bill, which would become operative upon an appropriation by the Legislature, would enact a perfluoroalkyl and polyfluoroalkyl substances (PFAS) mitigation program. As part of that program, the bill would create the PFAS Mitigation Fund in the State Treasury and would authorize certain moneys in the fund to be expended by the state board, upon appropriation by the Legislature, for specified purposes. The bill would authorize the state board to seek out nonstate, federal, and private funds designated for PFAS remediation and treatment and deposit the funds into the PFAS Mitigation Fund. The bill would continuously appropriate these funds to the state board for specified purposes. The bill would authorize the state board to establish accounts within the PFAS Mitigation Fund. The bill would authorize the state board to expend moneys from the fund in the form of a grant, loan, or contract, or to provide assistance services to water suppliers and sewer system providers, as those terms are defined, for multiple purposes, including, among other things, to cover or reduce the costs for water suppliers associated with treating drinking water to meet the applicable state and federal maximum PFAS contaminant levels. (Based on 09/12/2025 text)
Governor's Message: VETOED: 10/1/2025 **PDF**

Position: Support
Priority: (4) Standard
Subject: Trash, Recycling, Water, Resources
Misc2: League of Cities Sponsored

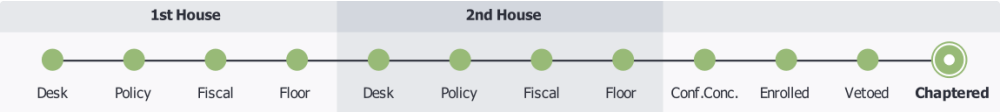
SB 456 (Ashby, D) Contractors: exemptions: muralists.
Current Text: 10/13/2025 - Chaptered **HTML** **PDF**
Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 758, Statutes of 2025.



Summary: The Contractors State License Law establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Current law makes it a misdemeanor for a person to engage in the business, or act in the capacity, of a contractor without a license, unless exempted. Current law exempts from the Contractors State License Law a nonprofit corporation providing assistance to an owner, as specified. This bill would exempt from that law an artist who draws, paints, applies, executes, restores, or conserves a mural, as defined, pursuant to an agreement with a person who could legally authorize the work. (Based on 10/13/2025 text)

Position: Support
Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: League of Cities Sponsored

SB 466 (Caballero, D) Drinking water: primary standard for hexavalent chromium: exemption.
Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 320, Statutes of 2025

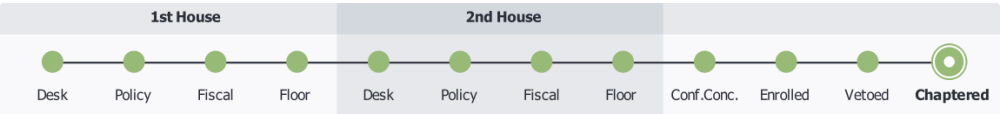


Summary: The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt primary drinking water standards for contaminants in drinking water based upon specified criteria and requires a primary drinking water standard to be established for hexavalent chromium. Current law authorizes the state board to grant a variance from primary drinking water standards to a public water system. This bill would prohibit a public water system that meets the total chromium maximum contaminant level (MCL) enforceable standard for drinking water in California from being determined, held, considered, or otherwise deemed in violation of the primary drinking water standard for hexavalent chromium while implementing a state board approved compliance plan or while state board action on the proposed and submitted compliance plan is pending, except as provided. (Based on 10/03/2025 text)

Position: Support
Priority: (3) Significant
Subject: Trash, Recycling, Water, Resources

SB 489 (Arreguín, D) Local agency formation commissions: written policies and procedures: Permit Streamlining Act: housing development projects.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 518, Statutes of 2025.

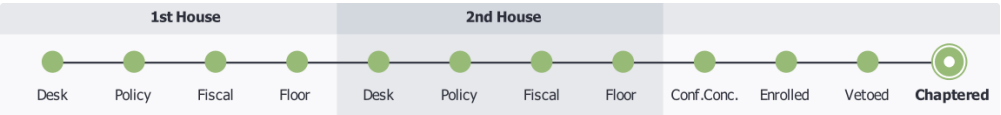


Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts and establishes a local agency formation commission in each county consisting of members appointed as provided. The act expresses the intent of the Legislature that each local agency formation commission, by January 1, 2002, establish written policies and procedures and exercise its powers in a way that encourages and provides planned, well-ordered, efficient urban development patterns, as specified. The act requires these written policies and procedures to include forms to be used for various submittals to the commission, as provided. The act requires each commission to provide access to notices and other information to the public on an internet website, as specified, including notice of all public hearings and commission meetings. This bill would require that each local agency formation commission establish the written policies and procedures described above. The bill would require that the written policies and procedures include any forms necessary for a complete application to the commission concerning a proposed change of organization or reorganization. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

SB 499 (Stern, D) Residential projects: fees and charges.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**
Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 543, Statutes of 2025.



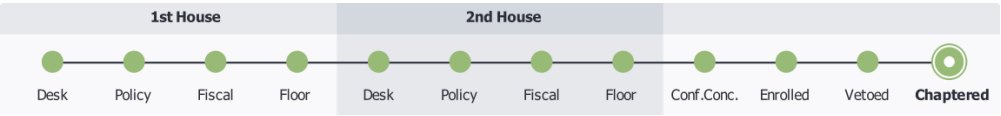
Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. If a local agency imposes any fees or charges on designated residential developments for the construction of public improvements or facilities, current law imposes various conditions on the fees and charges. Among these conditions, existing law prohibits the local agency from requiring the payment of those fees or charges until the date the first certificate of occupancy or first temporary certificate of occupancy is issued, whichever occurs first, except as specified. Current law, for designated residential development projects, authorizes the local agency to collect utility service fees related to connections at the time an application for service is received if those fees do not exceed the costs incurred by the utility provider resulting from the connection activities. This bill would additionally authorize a local agency to collect utility service charges related to connections at the time an application is received, as described above. (Based on 10/10/2025 text)

Priority: (4) Standard
Subject: Planning, Land Use, Housing, Public Safety

SB 634 (Pérez, D) Local government: homelessness.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 521, Statutes of 2025.

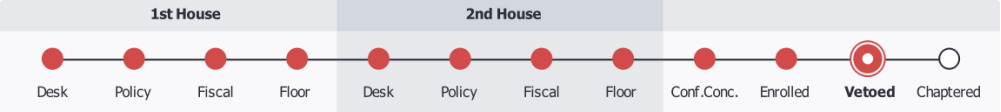


Summary: Current law establishes procedures for the enactment of ordinances by counties and cities and makes a violation of a county or city ordinance, as applicable, a misdemeanor unless by ordinance it is made an infraction. This bill would prohibit a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that prohibits a person or organization from providing support services, as specified, to a person who is homeless or assisting a person who is homeless with any act related to basic survival. The bill would define various terms for these purposes. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Governance, Human Services, Recreation, Quality of Life, Public Safety

SB 682 (Allen, D) Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances.

Current Text: 10/13/2025 - Vetoed **HTML** **PDF**
Status: 10/13/2025 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

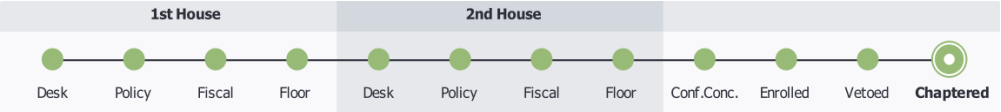


Summary: Would, on and after January 1, 2028, prohibit a person from distributing, selling, or offering for sale a cleaning product, dental floss, juvenile product, food packaging, or ski wax, as provided, that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined, except for previously used products and as otherwise preempted by federal law. The bill would, until January 1, 2031, exempt certain components of a cleaning product from this prohibition, as specified. The bill would clarify that, on and after January 1, 2028, a cleaning product is required to comply with certain regulations adopted by the California Air Resources Board regarding volatile organic compounds in consumer products and would prohibit the use of a regulatory variance to comply with those regulations, as specified. The bill would, on and after January 1, 2030, prohibit a person from distributing, selling, or offering for sale cookware that contains intentionally added PFAS, except for previously used products and as otherwise preempted by federal law. The bill would authorize the department, on or before January 1, 2029, to adopt regulations to carry out these provisions. (Based on 09/18/2025 text)
Governor's Message: VETOED: 10/13/2025 **PDF**

Priority: (5) Track/Watch
Subject: Trash, Recycling, Water, Resources

SB 707 (Durazo, D) Open meetings: meeting and teleconference requirements.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**
Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 327, Statutes of 2025



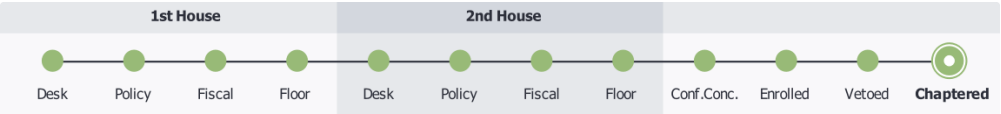
Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. This bill would, beginning July 1, 2026, and until January 1, 2030, require an eligible legislative body, as defined, to comply with additional meeting requirements, including that, except as specified, all open and public meetings include an opportunity for members of the public to attend via a 2-way telephonic service or a 2-way audiovisual platform, as defined, and that the eligible legislative body take specified actions to encourage residents to participate in public meetings, as specified. The bill would require an eligible legislative body, on or before July 1, 2026, to approve at a noticed public meeting in open session a policy regarding disruption of telephonic or internet services occurring during meetings subject to these provisions, as specified, and would require the eligible legislative body to comply with certain requirements relating to disruption, including for certain disruptions, recessing the open session for at least one hour and making a good faith attempt to restore the service, as specified. This bill contains other related provisions and other existing laws. (Based on 10/03/2025 text)

Position: Oppose
Priority: (4) Standard
Subject: Governance

SB 710 (Blakespear, D) Property taxation: active solar energy systems.

Current Text: 10/03/2025 - Chaptered **HTML** **PDF**

Status: 10/03/2025 - Chaptered by Secretary of State - Chapter 328, Statutes of 2025



Summary: The California Constitution generally limits the maximum rate of ad valorem tax on real property to 1% of the full cash value of the property and defines "full cash value" for these purposes as the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Pursuant to constitutional authorization, existing property tax law excludes from the definition of "newly constructed" for these purposes the construction or addition of any active solar energy system, as defined, through the 2025–26 fiscal year. Under existing property tax law, this exclusion remains in effect only until there is a subsequent change in ownership, but an active solar energy system that qualifies for the exclusion before January 1, 2027, continues to receive the exclusion until there is a subsequent change in ownership. Existing law repeals these exclusion provisions on January 1, 2027. This bill would make a technical change to the existing active solar energy system exclusion by instead making the repeal date of January 1, 2027, the date the exclusion becomes inoperative. This bill contains other related provisions. (Based on 10/03/2025 text)

Position: Oppose

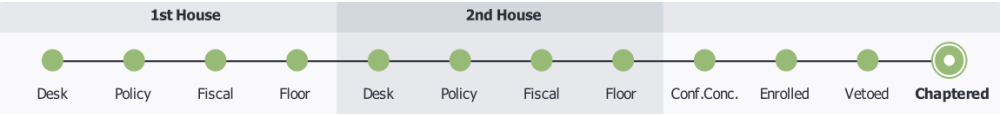
Priority: (4) Standard

Subject: Planning, Land Use, Housing

SB 720 (Ashby, D) Automated traffic enforcement system programs.

Current Text: 10/13/2025 - Chaptered **HTML** **PDF**

Status: 10/13/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 782, Statutes of 2025.



Summary: Current law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system if the governmental agency utilizing the system meets certain requirements, including identifying the system with signs and ensuring that the system meets specified criteria on minimum yellow light change intervals. Current law authorizes, until January 1, 2032, the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco to establish a speed safety system pilot program for speed enforcement that utilizes a speed safety system in specified areas, if the system meets specified requirements. Current law prescribes specified requirements for a notice of violation issued pursuant to these provisions, and requires a violation of a speed law that is recorded by a speed safety system to be subject only to a specified civil penalty. This bill would additionally authorize a city, county, or city and county to establish an automated traffic enforcement system program to use those systems to detect a violation of a traffic control signal, if the system meets specified requirements. The bill would require a violation of a traffic control signal that is recorded by an automated traffic enforcement system to be subject to escalating civil penalties, as specified. The bill would, among other things, provide for the issuance of a notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under this program. (Based on 10/13/2025 text)

Governor's Message: CHAPTERED: 10/13/2025 **PDF**

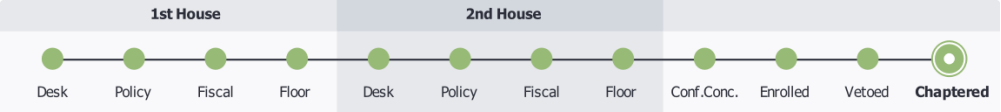
Priority: (5) Track/Watch

Subject: Public Safety

SB 786 (Arreguín, D) Planning and zoning: general plan: judicial challenges.

Current Text: 10/10/2025 - Chaptered **HTML** **PDF**

Status: 10/10/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 526, Statutes of 2025.



Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of certain land outside its boundaries, and requires the general plan to contain specified mandatory elements. Current law specifies that these provisions generally do not apply to a charter city,

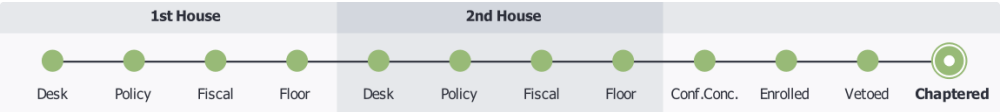
but requires a charter city to adopt a general plan that contains the mandatory elements, among other things. Current law prescribes a process to challenge the validity of a general plan. Among other things, existing law requires a petitioner to request a hearing or trial, as specified. Current law requires a court to set a date for the hearing or trial to be heard no later than 120 days after the filing of the request, as specified. Current law authorizes a court to continue for a reasonable time the date of the hearing or trial upon written motion and finding of good cause. Current law requires a court to grant the petitioner temporary relief if the court grants a continuance to a respondent, as specified. This bill would apply to the above-described process to challenge the validity of a general plan to a charter city and state that this is declaratory of existing law. The bill would limit the period for which a court may continue a trial or hearing, as described above, to no more than 60 days and would additionally authorize a court to grant a continuance on the court's own motion. The bill would extend the requirement that a court grant temporary relief, as described above, in any instance in which the court orders a continuance, rather than only if the court grants a continuance to a respondent. (Based on 10/10/2025 text)

Priority: (5) Track/Watch
Subject: Planning, Land Use, Housing
Misc2: Fast Track Housing Package

SB 827 (Gonzalez, D) Local agency officials: training.

Current Text: 10/11/2025 - Chaptered **HTML** **PDF**

Status: 10/11/2025 - Approved by the Governor. Chaptered by Secretary of State. Chapter 661, Statutes of 2025.



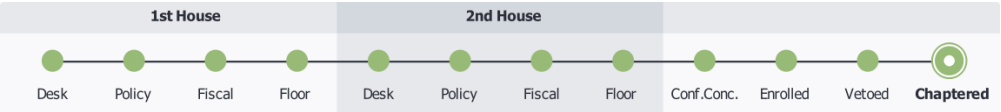
Summary: Current law imposes ethics training on specified local agency officials. Current law requires each training to be 2 hours and requires the officials to receive each training every 2 years, and as described otherwise, with the first training within one year of commencing service. Existing law requires the local agency to maintain records of the trainings, as prescribed. This bill would expand which local agency officials are required to complete the above-described ethics training to include department heads, or other similar administrative officers, as specified, and would instead require officials who commence service on or after January 1, 2026, to receive their initial training within 6 months of commencing service. The bill would require the local agency to publish post clear instructions and contact information for requesting the training records on its internet website, as specified. This bill would additionally require all local agency officials, as defined, to receive at least 2 hours of fiscal and financial training, as described. The bill would require the training to be received at least once every 2 years, as provided. The bill would exempt from these requirements specified local agency officials if they are in compliance with existing education requirements specific to their positions. This bill would authorize a local agency or an association of local agencies to contract with or otherwise collaborate with a provider of a training course to offer one or more training courses, or sets of self-study materials with tests, to its local agency officials to meet the training requirement, as described. The bill would require the training courses and materials to be developed in consultation with experts in local government finance. finance, as specified. (Based on 10/11/2025 text)

Position: Oppose
Priority: (5) Track/Watch
Subject: Governance

SB 840 (Limón, D) Greenhouse gases: Greenhouse Gas Reduction Fund: studies.

Current Text: 09/19/2025 - Chaptered **HTML** **PDF**

Status: 09/19/2025 - Chaptered by Secretary of State - Chapter 121, Statutes of 2025



Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations for greenhouse gas emissions limits and emissions reduction measures to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, as defined. The act authorizes the state board to revise regulations or adopt additional regulations to further the act. The act authorizes that state board to include in those regulations the use of a market-based compliance mechanism to comply with those regulations. Current law requires the state board, in regulations implementing the market-based compliance mechanism to, among other things, establish limits on the use of offset credits as a means for a covered entity to meet its compliance obligations. Current law requires moneys collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and continuously appropriates a portion of the moneys in the fund for various purposes. This bill would state the intent of the Legislature to direct specific percentages of the revenues deposited into the Greenhouse Gas Reduction Fund to

individual funds dedicated to funding clean transportation, housing and community investment, clean air and water, wildfire prevention and resilience, agriculture, clean energy, and climate-focused innovation. (Based on 09/19/2025 text)

Priority: (6) Info only

Subject: Trash, Recycling, Water, Resources

Total Measures: 53
Total Tracking Forms: 53

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: AB 339 (Ortega): Local Public Employee Organizations: Notice Requirements, As amended 8/29/25 – REQUEST FOR VETO

Dear Governor Newsom,

The City of Chino respectfully requests your Veto on AB 339 (Ortega), which would undermine cities' ability to partner with private and non-profit partners to provide necessary local programs and services. AB 339 would impose considerable costs to cities, including new notification requirements, unclear language that will undoubtedly result in increased conflict and eventual litigation with our labor partners, and significant delays in executing programs and delivering services.

AB 339 has an extremely broad reach and ignores existing employee protections. AB 339 applies to nearly any contract (outside of the public works exemption) that is within the scope of work of any job classification represented by a recognized employee organization; for local agencies with represented workforces, this essentially means most contracts would be subject to notice. An administrative remedy is already available to recognized employee organizations when they believe that a local agency has neglected to meet existing notification and meet-and-confer requirements regarding contracting. AB 339's redundant and impractical approach will expose local agencies to additional costs that result from a new and potentially significant workload increase.

The definition of "emergency" is inconsistent and vague. The lack of definition of emergency or exigent circumstances in AB 339 undermines existing emergency contracting authority. As first responders, local agencies rely on existing statutes that allow for considerable flexibility to ensure the safety and well-being of our communities. This language only adds another opportunity for disagreement with our labor partners when local agencies need to focus available resources on response and recovery during an emergency.

AB 339 could not come at a worse time. With state and local agencies grappling with a substantial and growing decline in federal government support for various programs and services, now is not the

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time to undermine local agencies' efforts to continue providing essential services to their communities. Partnership with local non-profit organizations, who are on the front lines of providing critical local services, is essential to assist local agencies in maximizing federal, state, and local resources to ensure that services reach those who need them most.

[Please include specific information about the impact of AB 339 on the programs/services your city provides. We suggest including the impact of delays and additional costs on both your agency and the community members you serve.]

For these reasons, the City of Chino respectfully requests your Veto on AB 339 (Ortega).

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 492 (Valencia) Alcohol and drug programs: licensing.
Request for SIGNATURE

Dear Governor Newsom,

The City of Chino respectfully requests your signature on AB 492 (Valencia), which would require the Department of Health Care Services (DHCS) to notify cities anytime a new alcohol and drug treatment facility is approved in their jurisdiction.

DHCS is not currently required to notify local governments when approving licenses, leaving cities in the dark about the operation of new facilities within their jurisdictions. This lack of communication can make it challenging to ensure that recovery and treatment programs are effectively integrated into local communities.

AB 492 would enable cities to better coordinate services and address gaps in the state's approach to treatment needs. Similar notification requirements are already in place for liquor licenses, cannabis businesses, and syringe exchange programs.

This measure is a critical step forward, keeping cities informed and enhancing their collaboration with the state to more effectively address substance use treatment needs. We respectfully request that you sign AB 492 .

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

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EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

CITY of CHINO

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 507 (Haney) Adaptive reuse: streamlining incentives.
Request for Veto

Dear Governor Newsom:

The City of Chino writes to request your veto of AB 507 (Haney), which would deem adaptive reuse projects by right in all zones, subject the projects to a ministerial review process, and exempt them from the California Environmental Quality Act (CEQA).

This bill seeks to streamline the process for adaptive reuse projects by deeming them a use-by-right in all zones, subject to a ministerial review process, and exempting them from certain impact fees. While the intentions behind the bill may be to encourage adaptive reuse and address housing needs, we believe that the potential consequences could ultimately harm California cities. Adaptive reuse projects are often seen as a means to revitalize existing structures and promote sustainable development. Proponents of AB 507 argue that by streamlining the approval process and providing incentives, the bill will encourage more adaptive reuse projects, thereby addressing housing shortages and promoting economic growth.

However, despite its purported benefits, AB 507 fails to adequately address the potential negative impacts on California cities. First, by deeming adaptive reuse projects a use-by-right in all zones, the bill undermines cities' ability to make decisions locally. It disregards the unique planning and zoning considerations of individual municipalities. This one-size-fits-all approach may not be suitable for all communities and could lead to incompatible development in sensitive areas.

Second, the exemption from certain impact fees could result in lost revenue for local governments. These fees play a crucial role in funding essential services and infrastructure improvements, such as transportation, parks, and public safety. Exempting adaptive reuse projects from these fees, unless they are reasonably related to the impacts resulting from the change of use of the site from

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nonresidential to residential or mixed-use development, will place an additional financial burden on cities already struggling to meet the needs of their residents.

We recognize the importance of promoting adaptive reuse and addressing housing challenges in California, but we believe that AB 507 is not the appropriate solution. Instead of imposing a one-size-fits-all approach that undermines local control and reduces vital revenue streams, we urge you to veto this measure again this year, until it balances the interests of all stakeholders and respects the autonomy of California cities.

For these reasons, the City of Chino respectfully requests your Veto of AB 507 (Haney)

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 650 (Papan) Planning and Zoning: Housing Element: Regional Housing Needs Allocation. Request for Signature

Dear Governor Newsom,

The City of Chino respectfully requests your Signature on AB 650 (Papan), which would allow local governments to begin updating their housing element six months early, provide greater certainty, and reduce ambiguity in the housing element review process.

Since 1969, California's local governments have planned and selected sites for housing at all income levels through the housing element portion of a local government's general plan. Every five to eight years, local governments are required to adopt a blueprint outlining where developers can or cannot build residential developments within their respective communities and obtain certification from the Department of Housing and Community Development (HCD). Local governments plan for their fair share of housing development as determined through the Regional Housing Needs Allocation (RHNA) process. As part of this complex process, local governments submit in their housing elements a variety of essential data, actions, and programs to promote fair, equitable, and affordable housing in their community. Currently, local jurisdictions are planning and zoning for nearly 2.5 million additional homes statewide.

During the 6th RHNA cycle, local governments experienced various challenges in obtaining certification from HCD. Some of the challenges include a short timeline for completing these complex documents and responding to HCD's feedback, a lack of clarity regarding what the state expects from local governments when reviewing additional housing element drafts, and the introduction of new requirements late in the housing element review process.

AB 650 would address these issues by allowing local governments to begin updating their housing element six months early. The bill would also require HCD to provide specific text and analysis that must be included in the housing element to remedy deficiencies, ensuring that local governments are

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not penalized when HCD identifies additional deficiencies not previously identified in prior review letters.

AB 650 would also provide greater clarity and certainty to the housing element process, helping to ensure that all jurisdictions adopt a certified housing element in a timely manner. Additionally, the measure will help local governments facilitate the creation of more housing by providing resources that enable cities to obtain state approval for their housing plans, thereby creating more certainty for developers hoping to build in California.

For these reasons, the City of Chino respectfully requests your Signature on AB 650 (Papan).

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 79 (Wiener) Housing development: transit-oriented development.
REQUEST FOR VETO

Dear Governor Newsom,

The City of Chino writes to request your Veto on SB 79 (Wiener), which would disregard state-certified housing elements and bestow land use authority to transit agencies without any requirement to align development standards with local general plan and zoning requirements.

SB 79 doubles down on the recent trend of the state overriding its own mandated local housing elements. This latest overreaching effort forces cities in urban transit counties defined as "a county with more than 15 rail stations" to approve transit-oriented development projects near specified transit stops — up to seven stories high and a density of 120 homes per acre — without regard to the community's needs, environmental review, or public input.

Most alarmingly, SB 79 defies cities' general plans and grants transit agencies land use authority on property they own that is adjacent to a transit stop, or if the agency owns land on or before January 1, 2026, within a half mile of a transit stop. Transit agencies would have the power to determine nearly all aspects of the development, including height, density, and design, without any regard to local zoning or planning. Transit agencies play a crucial role in planning transportation services, providing operations and logistics management, and ensuring that Californians have various options for commuting. By expanding their role to include housing developers and land-use authorities, this measure would continue to stretch already-thin agencies that are dealing with funding shortfalls and that lack expertise in land-use planning and development. It is fiscally unsound to assign new responsibilities in housing development to them when they are struggling to sustain core operations.

While the City of Chino appreciates the author's desire to include an alternative transit-oriented development plan, as currently drafted, the local government has the option to do this through an additional analysis in the local government's housing element or through the adoption of an

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ordinance with approval from the Department of Housing and Community Development (HCD). SB 79 would add additional requirements for state review, increasing workloads, and making it more likely that local governments will not get their housing elements or ordinances approved promptly.

Finally, the local flexibility provided in the measure is minimal at best. The bill does not provide exemptions for cities that have adopted plans to promote taller, denser residential development near transit in consultation with the community but fall short of the bill's rigid minimum requirements. The alternative plan would still be required to meet or exceed the required development near transit as determined by HCD across all transit-oriented development zones within the jurisdiction, without accounting for infrastructure constraints, environmental hazards, or community design goals unique to each jurisdiction. For example, a community may want to distribute density around the jurisdiction due to its infrastructure capacity. However, they must still meet the minimum requirements of the bill, regardless of whether they make sense for the community or the design of the jurisdiction. In short, the flexibility is about how to meet the state's requirements – not whether those requirements make sense for the community.

For these reasons, the City of Chino respectfully requests a veto of SB 79 (Wiener).

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 274 (Cervantes): Automated License Plate Recognition Systems
VETO REQUEST

Dear Governor Newsom:

The City of Chino requests that you veto SB 274 (Cervantes), which seeks to restrict the use and storage of Automated License Plate Reader (ALPR) technology by law enforcement. The bill poses significant challenges to law enforcement's ability to protect the public and effectively investigate criminal activity.

SB 274 would require agencies to associate every use of surveillance technology, including ALPRs and security footage, with a specific case number and impose a 60-day data retention limit unless the information is tied to an active investigation. While well-intentioned, this requirement does not reflect the realities of modern policing, particularly in complex investigations where patterns and suspects may not be identified within the limited timeframe.

In many cases, data such as ALPR hits or surveillance footage are instrumental in connecting the dots across jurisdictions and identifying suspects weeks or even months after a crime has occurred. Officers frequently request our Real Time Crime Center (RTCC) and Dispatch to run a suspect vehicle's license plate through our ALPR system while they respond to calls for service, often helping us quickly establish a possible route of travel. The Chino Police Department has consistently apprehended suspects shortly after crimes are committed using ALPR technology. However, many incidents have been reported more than 60 days after the fact. Our Patrol Officers and Criminal Investigations Bureau solve a high percentage of these cases by using ALPR data and other investigative tools to link suspects to vehicles and place those vehicles near crime scenes at the time of the incidents.

Requiring a case number at the point of data collection and mandating the deletion of data after 60 days will severely hinder both proactive and reactive investigations, particularly in cases involving organized retail theft, vehicle theft, or patterns of violent crime. Surveillance tools often capture

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suspicious activity not linked to a known crime at the time, but which later proves critical in solving major cases. Under SB 274, law enforcement risks losing potentially vital evidence simply because it was not immediately tied to a case file.

The bill will result in detrimental unintended consequences on law enforcement's ability to safeguard our communities. The balance between privacy and public safety is essential, but SB 274, as written, shifts too far from providing the tools law enforcement relies on to protect victims and hold offenders accountable.

For these reasons, the City of Chino respectfully requests that you veto SB 274.

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

CITY of CHINO

KAREN C. COMSTOCK
CHRISTOPHER FLORES
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Council Members

DR. LINDA REICH
City Manager

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 454 (McNerney): State Water Resources Control Board: PFAS mitigation program. REQUEST FOR SIGNATURE

Dear Governor Newsom:

The City of Chino respectfully requests your signature on SB 454 (McNerney), which would establish a statewide PFAS Mitigation Fund (fund) to help local public agencies, including cities, leverage funding to pay for PFAS remediation and treatment in drinking water and wastewater.

Public water agencies are responsible for delivering safe, clean, and affordable drinking water throughout California. To fulfill this responsibility, public water agencies must comply with federal and state drinking water standards, including those related to PFAS. Drinking water standards can have significant financial impacts on water affordability, which are passed on to ratepayers. This bill would create a much-needed funding tool intended to leverage a variety of funding sources, including future state, federal, and private funding, designated for PFAS remediation and treatment that the State Water Resources Control Board would administer to public water agencies. The fund would help fill a gap for much-needed infrastructure funding associated with treating for PFAS.

SB 454 includes provisions to ensure that the establishment of the fund does not add any additional cost pressures on the state. First, the bill states that the State Water Resources Control Board costs should be covered from any deposits into the fund, up to 5 percent of the total monies. Additionally, SB 454, which would become operative only upon appropriation by the Legislature, aligns with budget trailer bill, SB 105 (Committee on Budget). SB 105 would allocate $180 million in safe drinking water funding and specifically allows a portion of this funding to be directed to PFAS remediation projects, which could serve as the initial funding for the proposed fund under SB 454.

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To ensure the availability of safe and affordable drinking water supplies for communities from these forever chemicals, the City of Chino respectfully requests your signature on SB 454.

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 707 (Durazo) Open Meetings: Meeting and Teleconference Requirements – REQUEST FOR VETO

Dear Governor Newsom,

The City of Chino respectfully requests a veto of SB 707 (Durazo). Our city strongly supports public transparency and accessibility; however, SB 707, as currently drafted, would impose costly and inequitable new mandates on cities like ours without providing the necessary resources or flexibility for implementation.

SB 707 would create significant fiscal and operational challenges for our city, including:

- Providing two-way telephonic or audiovisual access for council meetings, halting proceedings during any service disruption.
- Translating agendas into all "applicable languages" spoken jointly by 20 percent or more of the applicable population, provided that 20 percent or more of the population that speaks that language in that city speaks English less than "very well."
- Designating a public space for community-submitted translations, even if inaccurate or misleading.
- Creating and maintaining multi-language webpages for agendas, instructions, and meeting procedures.
- Expanding outreach efforts and electronic systems for agenda access.

Our existing staff is already beyond capacity to implement the myriad of requirements already mandated. The additional requirements imposed by SB 707 must be weighed against the benefits to the public and constituents, who must bear the costs of providing additional resources to meet the barrage of mandates imposed by the state.

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For the City of Chino, these obligations would involve hiring additional staff to manage the required technology at the extra meetings, updating and posting the additional agenda items, and contracting for additional translation services. Because of Proposition 42 (2014), none of these requirements would be reimbursable, forcing our city to absorb all costs.

Additionally, the bill applies unevenly across California, treating cities of similar size differently based solely on county population, while the State itself is exempt from these rules.

Although the recent amendment moved the implementation deadline to July 1, 2026, this deadline still does not provide sufficient time for cities to fully budget, procure, and train for compliance. Additional time is necessary to ensure responsible and effective implementation.

For these reasons, the City of Chino respectfully requests your Veto of SB 707 (Durazo).

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

CITY of CHINO

September 19, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: SB 827 (Gonzalez) – Local Agency Officials: Training.
VETO REQUEST

Dear Governor Newsom,

The City of Chino respectfully requests that you veto SB 827 (Gonzalez), which would expand existing ethics training requirements to include management-level employees of local agencies and require certain local agency officials to receive at least two hours of fiscal and financial training at least once every two years.

Our City believes in conducting the business of government with transparency, openness, respect, and civility. The spirit of honest public service is what builds communities. However, the City of Chino believes that state officials and agencies should adhere to the same level of transparency and ethical behavior as is expected of local officials and agencies.

We oppose this legislation applying solely to California cities and local officials, unless such law or regulation also applies equally to the state of California and state officials. While we acknowledge that local governments and state governments may have unique needs and understand that training for local officials and state officials may involve different standards, the requirements of this bill, which expands ethics and fiscal training, should impose similar requirements on the State. For these reasons, we ask that you veto SB 827.

Sincerely,

Linda Reich
City Manager

cc: cityletters@cacities.org

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EUNICE M. ULLOA
Mayor

CURTIS BURTON
Mayor Pro Tem

CITY of CHINO

KAREN C. COMSTOCK
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

October 10, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: Request to Revise DIR's 2021 Determination Misclassifying Municipal Street Sweeping as Public Works

Dear Governor Newsom,

The City of Chino respectfully urges your office to direct the Department of Industrial Relations (DIR) to revise its October 4, 2021, opinion letter that reclassified municipal street sweeping as a public works activity subject to prevailing wage requirements.

For more than 15 years, California cities operated under clear precedent. In 2005, DIR determined that municipal street sweeping was not considered public works, and this decision was reaffirmed in 2006—even after an appeal by a labor organization. Municipal sweeping has never been classified as a union job nor treated as public works. However, the 2021 DIR opinion reversed course without legislative authority, imposing a costly and unsustainable burden on cities across the state, including ours.

Importantly, the Legislature has already considered—and rejected—this change. AB 1886 (Cooper, 2022), which sought to codify the reclassification, failed passage. Yet, despite that clear legislative record, DIR's 2021 opinion remains in effect.

Difference Between Municipal and Construction Sweeping

Municipal street sweeping is an environmental compliance service required under the Clean Water Act, National Pollutant Discharge Elimination System permits, and state pollution prevention programs. Cities use specialized regenerative air sweepers designed to remove fine particulates and pollutants before they enter storm drains and waterways. This is fundamentally different from construction sweeping, which utilizes mechanical broom sweepers to clear heavy debris and has always been appropriately classified as a public works project. Cities fully support prevailing wage standards for construction sweeping. However, applying the same standard to municipal sweeping ignores the regulatory purpose, specialized equipment, and day-to-day operations of this essential environmental service

13220 Central Avenue, Chino, California 91710
Mailing Address: P.O. Box 667, Chino, California 91708-0667
(909) 334-3250 • (909) 334-3720 Fax
Web Site: www.cityofchino.org

Financial and Service Impacts

The reclassification more than triples the cost of sweeping contracts. Average wages for municipal sweeping currently range from $25–$30 per hour, but DIR's prevailing wage determination requires payment of more than $96 per hour. This could mean that a street sweeper operator earns approximately $200,000 annually—exceeding the salaries of engineers, attorneys, and department heads.

Cities simply cannot absorb this increase without slashing other essential services such as public safety, homelessness programs, and park maintenance. Many cities are already considering reducing service levels in upcoming RFPs to protect budgets. This situation also sets a dangerous precedent, creating the risk that other basic municipal maintenance services could be misclassified as public works.

Request for Action

We respectfully ask that your office:

1. Direct DIR to rescind or revise its 2021 opinion letter and reinstate the 2005 determination excluding municipal sweeping from prevailing wage; and
2. Establish a clear exemption to prevent future misclassification of this environmental compliance service.

This issue is urgent. Cities across California, including ours, are facing untenable financial pressure and reduced service capacity due to an unfunded mandate that conflicts with legislative intent. We strongly support prevailing wages for construction-related work, but municipal street sweeping is not construction—it is an environmental mandate.

For these reasons, the City of Chino urges your leadership to restore precedent, protect city budgets, and ensure that Californians continue to receive the essential services they rely upon.

Sincerely,

Linda Reich
City Manager

cc: Jennifer Osborn, Director, Department of Industrial Relations
Brady Borcherding, Deputy Legislative Secretary, Governor's Office
lvarela@calcities.org
League of California Cities (via email: cityletters@calcities.org)

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **FRED GALANTE, CITY ATTORNEY**

SUBJECT

Second Amendment to City Manager's Employment Agreement.

RECOMMENDATION

Approve the Second Amendment to the City Manager's Employment Agreement.

FISCAL IMPACT

Funds have been appropriated in the fiscal year 2025/26, adopted budget to cover this anticipated cost of $13,104.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Superior Customer Service
- Financial Stability
- Responsible Long-Range Planning
- Exemplary Leadership
- Public Service Excellence through Internal and External Partnerships

Revenue: Click or tap here to enter text.	Expenditure: General Fund 100
Transfer In: Click or tap here to enter text.	Transfer Out: Click or tap here to enter text.

BACKGROUND

On August 8, 2022, Dr. Linda Reich commenced services as the City Manager of the City of Chino, pursuant to the terms and conditions of the City of Chino's At-Will City Manager Employment Agreement ("Agreement"). The term of the Agreement is for five years, from August 8, 2022 through August 7, 2027.

The City Council approved the First Amendment to the Agreement ("First Amendment") on September 17, 2024.

On September 16, 2025, the City Council held a closed session to consider the City Manager's performance review and labor negotiations related to her contract in accordance with the closed session agenda. Following the City Council's deliberations in closed session, the City Council directed the City Attorney to prepare a Second Amendment to the Agreement ("Second Amendment"). The terms of the Second Amendment are summarized below and attached to this staff report.

ISSUES/ANALYSIS

Consistent with City Council's direction, the Second Amendment incorporates the following:

i) Increase Employee's automobile allowance from $533.33 per month to $600.00 per month

ii) Provide that Employee's accrued and unused vacation leave that would otherwise exceed the maximum accrual limit of 400 hours to be paid out to the employee by the following pay period, such that accrued leave on the books does not exceed 400 hours;

iii) Allow Employee to cash out up to 90 hours of Management Leave per fiscal year (rather than up to 70 hours as provided in the "Summary of Benefits - Executive Management" and resolutions referenced therein);

iv) Provide Employee a one-time addition of 30 hours to her Management Leave bank, to be cashed out; and v) provide that the City will make $350 monthly contributions to Employee's 457(b) deferred compensation plan, with the monthly City contribution increasing by $175 per month each full year to a maximum of $700 per month.

With this action, the City Council will approve the Second Amendment to the City Managers employment agreement that includes the terms approved by the City Council on September 16, 2025.

Attachment – Second Amendment to the City Managers Employment Agreement

SECOND AMENDMENT TO THE
AT-WILL CITY MANAGER EMPLOYMENT AGREEMENT

This SECOND AMENDMENT TO THE AT-WILL CITY MANAGER EMPLOYMENT AGREEMENT (the "Second Amendment") is made and entered into the 21st day of October 2025, by and between the CITY OF CHINO, a general law city and municipal corporation (the "City") and Dr. Linda Reich, an individual ("Employee").

RECITALS

WHEREAS, on August 8, 2022, Employee commenced service as the City Manager pursuant to the terms and conditions of the City of Chino's At-Will City Manager Employment Agreement ("Agreement") between the City and Employee; and

WHEREAS, the term of the Agreement is for five years, from August 8, 2022, through August 7, 2027; and

WHEREAS, Section 9.2 of the Agreement provides that the "Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing, which amendment shall require approval by the affirmative vote of three (3) members of the Council [;]" and

WHEREAS, on September 17, 2024, the City and Employee entered into the First Amendment to the Agreement ("First Amendment") to: i) reflect that Employee generally receives a standard lunch break and reflect Employee's 9/80 work schedule; ii) increase Employee's salary by fifteen percent (15%) to $348,160 effective August 8, 2024; iii) revise the severance due to Employee from 6 months to 7.5 months in the event of termination without cause prior to August 8, 2025, and to 9 months in the event of termination without cause on or after August 8, 2025; and iv) provide for a "Holiday Leave Bank" of 155 hours each fiscal year in lieu of Employee being provided designated holidays and floating holidays; and

WHEREAS, the City's City Council recognizes that it has established a benchmark for Employee's total compensation to be at least 5% above the chief of police's total compensation, and as of the date of this Second Amendment, Employee's salary satisfies this benchmark; and

WHEREAS, the City and Employee now desire to enter into the Second Amendment to: i) increase Employee's automobile allowance from $533.33 per month to $600.00 per month; ii) provide that Employee's accrued and unused vacation leave that would otherwise exceed the maximum accrual limit of 400 hours will be cashed out in the pay period following accrual, such that accrued leave on the books does not exceed 400 hours; iii) allow Employee to cash out up to 90 hours of Management Leave per fiscal year (rather than up to 70 hours as provided in the "Summary of Benefits - Executive Management" and resolutions referenced therein); iv) provide

Employee a one-time addition of 30 hours to her Management Leave bank; and v) provide that the City will make $350 monthly contributions to Employee's 457(b) deferred compensation plan, with the monthly City contribution increasing by $175 per month each full year to a maximum of $700 per month.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, City and Employee hereby agree as follows:

AGREEMENT

SECTION 1. The above recitals are incorporated by reference as if set forth in full herein.

SECTION 2. The first section of Section 6.1 is hereby amended to read as follows (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

> "6.1 Automobile Allowance. The City shall reimburse Employee ***$600.00*** ~~$533.33~~ per month for the use of her personal automobile for official City business, with such allowance paid out to Employee in a prorated amount each pay period."

SECTION 3. Section 6.2 of the Agreement is hereby amended to read, in its entirety as follows (additions in ***bold italics***):

> "6.2 Leaves. Upon appointment to the position of City Manager, Employee retained on the books all previously accrued Vacation, Sick, Management and Floating Holiday Leave. During the term of this Agreement, Employee shall accrue Vacation, Sick, and Management Leave at the same rates as provided to the City's Executive Management Employees other than the Chief of Police, as stated in the then-current "Summary of Benefits - Executive Management" and resolutions referenced therein, and subject to the same applicable terms and conditions ***except as modified by subsections (a), (b) and (c) below of this Section 6.2***.
>
> ***(a) In the event that in any given pay period Employee's accrued and unused Vacation Leave hours would exceed the maximum accrual limit of 400 hours, such hours that would otherwise exceed the Vacation Leave accrual limit will be paid out to Employee by the following pay period, such that Employee's accrued Vacation Leave on the books does not exceed 400 hours.***
>
> ***(b) Employee may cash out up to 90 hours of Management Leave per fiscal year at her current base rate of pay at any time throughout the fiscal year by making notification of request to cash out to the Finance Department. Any unused Management Leave on record at the ending date of the second payroll in June will be cashed out, up to 90 hours maximum.***

(c) Effective the first full pay period following October 21, 2025, Employee shall be provided a one-time addition of 30 hours to her Management Leave bank, which may be cashed out by making notification of request to cash out to the Finance Department. In subsequent fiscal years, the City Council will consider whether to provide Employee any additional Management Leave beyond the amount to which Employee is entitled for that fiscal year under the then-current "Summary of Benefits - Executive Management" and resolutions referenced therein."

SECTION 4. Section 6.5 of the Agreement (re-numbered from 6.4 to 6.5 pursuant to the First Amendment) is hereby amended, in its entirety, to read as follows (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

"***6.5*** ~~6.4~~ 401(a) ***and 457(b)*** Account Contribution. The City shall make contributions to a 401(a) account for Employee in the amount of seven percent (7%) of base salary each pay period. However, such contributions shall not exceed IRS annual contribution limits. ***Additionally, effective the first payroll period following October 21, 2025, the City shall make a $350 per month contribution to Employee's 457(b) deferred compensation plan. In the first full pay period following each full year thereafter beginning October 21, 2026, the City's monthly contribution to Employee's 457(b) deferred compensation plan shall be increased by $175 per month, not to exceed a maximum monthly contribution of $700 per month.***

Except as provided in ***this Section and the City's mandatory CalPERS employer contribution***, ~~Section 6.3 above,~~ Employee shall not be eligible for any other retirement account contributions or deferred compensation contributions from the City~~, including the $450 per month City contribution provided to Executive Management Employees~~."

SECTION 5. Except as expressly amended by this Second Amendment and the First Amendment, the underlying terms, conditions, and compensation of Employee by City as and for her employment as city manager shall be as set forth in the Agreement.

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, the CITY OF CHINO has caused this Second Amendment to be signed and executed on its behalf by its Mayor, and duly attested by its officers thereunto duly authorized, and EMPLOYEE has signed and executed this Second Amendment, both in duplicate.

CITY OF CHINO

_____
Eunice M. Ulloa, Mayor

ATTEST:

_____
Natalie Gonzaga, City Clerk

APPROVED AS TO FORM:

_____
Fred Galante, City Attorney

CITY MANAGER

_____
Dr. Linda Reich

Dated:_____

[END OF SIGNATURES]

MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **WARREN MORELION, AICP, DIRECTOR OF DEVELOPMENT SERVICES**

SUBJECT

Project Update - Solar Power Purchase Agreement (PPA).

RECOMMENDATION

Receive and file an update to the Solar Power Purchase Agreement (PPA) from SiteLogIQ to BP Solar Chino LLC as the contracting entity.

FISCAL IMPACT

None.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Financial Stability

Revenue: Click or tap here to enter text.	Expenditure:
Transfer In: Click or tap here to enter text.	Transfer Out: Click or tap here to enter text.

BACKGROUND

In October 2024, the City released a Request for Proposals (RFP) seeking proposals from qualified firms for the development, operation, and maintenance of solar photovoltaic carports at the City-owned property located at 5450 Guardian Way (Chino Police Department). Eight proposals were received, and the proposal submitted by SiteLogIQ was deemed to be the most responsive to the City's requirements.

In its proposal, SiteLogIQ identified its key business partners and affiliates, including BluePath Financial, which was slated to act as the project financier. In effecting financing for the project, BluePath Financial created a special purpose limited liability company (LLC) named BP Solar Chino LLC. The creation of LLC's is a common business practice to facilitate a single project or transaction while isolating financial risk and assets.

On June 3, 2025, the City Council approved a Power Purchase Agreement with BP Solar Chino LLC. While the agreement correctly named BP Solar Chino LLC as the contracting entity, the accompanying staff report referenced SiteLogIQ as the other party to the agreement. As outlined in SiteLogIQ's original proposal, SiteLogIQ will serve as the project developer and contractor, while the project will be financed by BluePath Financial through BP Solar Chino LLC.

ISSUES/ANALYSIS

The Power Purchase Agreement has been executed, but to ensure full transparency, staff is providing these additional details regarding the deal structure with the City Council to receive and file.

MEMORANDUM
CITY OF CHINO
FINANCE DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **KIM SAO, DIRECTOR OF FINANCE**

SUBJECT

Approve Contract Amendment No. 4 to the Professional Services Agreement with MV Cheng & Associates.

RECOMMENDATION

Approve a contract amendment with MV Cheng & Associates increasing the not-to-exceed amount from $150,000 to $300,000 to provide interim financial consulting services; and authorize
the City Manager to execute all necessary documents on behalf of the City.

FISCAL IMPACT

Sufficient funds are included in the Fiscal Year 2025-26 Finance Operating Budget.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Responsible Long-Range Planning

Revenue: Click or tap here to enter text.	Expenditure: 1003000-41030
Transfer In: Click or tap here to enter text.	Transfer Out: Click or tap here to enter text.

BACKGROUND

In October 2024, the City entered into a Professional Services Agreement with MV Cheng & Associates to provide interim financial consulting services to support the Finance Department during the Director of Finance vacancy. The firm provided experienced municipal finance professionals to assist with higher-level departmental oversight and maintain operational continuity during the recruitment period.

The department has continued to experience staffing challenges due to vacancies in key positions, including the Finance Manager and Payroll Supervisor. These vacancies have created an ongoing need for technical and managerial support to maintain daily operations, financial reporting, and payroll processing, which has resulted in additional amendments to the original agreement.

ISSUES/ANALYSIS

MV Cheng & Associates has continued to provide highly qualified professionals who are familiar with the City's financial systems, processes, and procedures. Their consultants have supported several critical functions, including audit preparation, budget development, payroll reconciliation, and overall financial management.

Given the current vacancies and workload demands, extending the existing agreement through Amendment No. 4 will allow MV Cheng & Associates to continue providing essential interim support while recruitment for permanent staff is completed. Maintaining these services ensures that the Finance Department continues to meet operational deadlines, comply with regulatory requirements, and deliver high-quality financial services to the organization and community.

Approval of Amendment No. 4 will ensure the continued stability and efficiency of Finance Department operations during this period of transition. MV Cheng & Associates brings specialized expertise and continuity that are essential to supporting the department until key positions are filled.

Attachment: MV Cheng & Associates Amendment 4

AMENDMENT NO. 4

TO AGREEMENT FOR SERVICES

THIS AMENDMENT TO THE AGREEMENT FOR SERVICES ("Amendment") by and between the CITY OF CHINO, a California municipal corporation ("City") and **MV CHENG & ASSOCIATES** ("MVC") is effective as of the 21st day of October 2025.

RECITALS

A. City and MVC entered into that certain Agreement for Contractual Services dated October 16, 2024 ("Agreement") whereby MVC agreed to provide consulting services.

B. On November 20, 2024, the City and MVC entered into a first amendment to the Agreement to increase compensation by $50,000.00 to equal a total not-to-exceed amount of $100,000.00.

C. On May 15, 2025, the City and MVC entered into a second amendment to the Agreement to increase compensation by $50,000.00 to equal a total not-to-exceed amount of $150,000.00

D. On July 1, 2025, the City and MVC entered into a third amendment to the Agreement to extend the term for one additional year ending on June 30, 2026.

E. City and MVC now desire to amend the Agreement to increase the contract sum to allow for the provision of additional services by MVC during the extended term, as may be requested by City.

TERMS

1. **Contract Changes**. The Agreement is amended as provided herein.

   Contract Sum. The Contract Sum is revised to read in its entirety as follows:

   For the services rendered according to this Agreement, MVC will be compensated at a not-to-exceed maximum contract amount of Three Hundred Thousand Dollars and Zero Cents ($300,000).

2. **Continuing Effect of Agreement.** Except as amended by this Amendment, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by this Amendment to the Agreement.

3. **Affirmation of Agreement; Warranty Re Absence of Defaults.** City and MVC each ratify and reaffirm each and every one of the respective rights and obligations arising under

the Agreement. Each party represents and warrants to the other that there have been no written or oral modifications to the Agreement other than as provided herein. Each party represents and warrants to the other that the Agreement is currently an effective, valid, and binding obligation.

MVC represents and warrants to City that, as of the date of this Amendment, City is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

City represents and warrants to MVC that, as of the date of this Amendment, MVC is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

4. **Adequate Consideration.** The parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

5. **Authority.** The persons executing this Amendment on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment on behalf of said party, (iii) by so executing this Amendment, such party is formally bound to the provisions of this Amendment, and (iv) the entering into this Amendment does not violate any provision of any other agreement to which said party is bound.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date and year first-above written.

CITY:

CITY OF CHINO, a municipal corporation

_____
Linda Reich, City Manager

ATTEST:

_____
Natalie Gonzaga, City Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

_____
Fred Galante, City Attorney

APPROVED AS TO CONTENT:

_____
Kim Sao, Department Director

MVC:

MV Cheng & Associates

By:_____
Name: Misty Cheng
Title: Owner

Two corporate officer signatures required when MVC is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer.

MEMORANDUM
CITY OF CHINO
PUBLIC WORKS DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **HYE JIN LEE, PE, DIRECTOR OF PUBLIC WORKS**

SUBJECT

Award a Professional Services Agreement with CT&T Concrete Paving, Inc., Diamond Bar, CA.

RECOMMENDATION

Award a Professional Services Agreement to CT&T Concrete Paving, Inc. for a three-year term, with an option to extend for two additional years, for as-needed concrete repair services at an annual amount not to exceed $580,000, and authorize the City Manager to execute all necessary documents on behalf of the City.

FISCAL IMPACT

There are sufficient funds in the FY 2025-26 Operating Budget to award the contract to CT&T.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Superior Customer Service
- Responsible Long-Range Planning

Revenue: Click or tap here to enter text.	Expenditure: 3207150-43580
Transfer In: Click or tap here to enter text.	Transfer Out: Click or tap here to enter text.

BACKGROUND

As part of the City's ongoing efforts to preserve and enhance public infrastructure, the Public Works Department oversees a Citywide Concrete Repair and Maintenance Program focused on maintaining the extensive network of concrete improvements located within the public right-of-way. These improvements include sidewalks, curbs, gutters, driveway approaches, cross gutters, sidewalk ramps, curb drains, and other related elements. Over time, these assets deteriorate due to age, weather, tree root intrusion, and wear from pedestrian and vehicular use. Without timely repairs, damaged or uneven concrete can create trip hazards, impede proper stormwater drainage, and negatively impact the overall aesthetics and functionality of public spaces.

Having a contractor available as needed allows the City to complete large-scale concrete repairs in areas that have been surveyed and identified as needing attention. This includes the replacement of damaged sidewalks, curbs, gutters, and the installation or improvement of accessible sidewalk ramps to ensure compliance with City of Chino Policy on Accessible Pedestrian Facilities and Americans with Disabilities Act (ADA) requirements. By addressing multiple hazards at once, the program enhances public safety, restores accessibility, and improves the overall appearance of the community.

ISSUES/ANALYSIS

On July 25, 2025, the City issued Request for Proposals (RFP No. 2025-0020) for *As-Needed Concrete Repair Services* through PlanetBids, in accordance with City procurement policies. The RFP included bid items encompassing the full range of potential concrete repair services that may be required throughout the year. As a result, the total bid amount appears unusually high, as it reflects a comprehensive list of all possible services rather than anticipated expenditures. This approach enables the City to competitively bid and secure the most favorable unit prices for any repair needs that may arise. In practice, not all bid items are utilized each year. Therefore, staff analyzed historical spending patterns for these services and is recommending that the Council approve a contract amount reflecting a reasonable average of expected annual costs.

The City received fourteen (14) proposals by the closing date of August 21, 2025. A review committee, consisting of City staff, evaluated proposals separately to maintain confidentiality and fairness. Staff then scored these proposals using the following weighted criteria:

- Experience/Qualifications: 20%
- Past Performance/References: 15%
- Plan Methodology/Project Approach: 30%
- Quality and Responsiveness of Proposal: 15%
- Cost Evaluation: 20%

Following evaluation, CT&T Concrete Paving, Inc., received the highest average score and is recommended for contract award.

Evaluation Results:

RANKING	CONTRACTOR
1	CT&T Concrete Paving, Inc.
2	S&H Civilworks

3	We R Builders, Inc.
4	Garcon Construction
5	Grigolla & Sons Const., Co., Inc.
6	Towo Enterprise, Inc.
7	Paveco Construction, Inc.
8	PUB Construction, Inc.
9	Estate Design & Construction
10	Access General Contracting, Inc.
11	Metrocell Construction, Inc.
12	Nieves General Engineering, Inc.
13	G.M. Sager Construction Co., Inc.
14	TSR Construction

Staff recommends that the City Council award a three-year agreement to CT&T Concrete Paving, Inc. for *As-Needed Concrete Repair Services*, with the option to extend the agreement for up to two additional years. The total cost for the initial three-year term shall not exceed **$580,000 per year**, exclusive of any potential future extensions.

Attachment: New Agreement – CT&T Concrete Paving, Inc.

AGREEMENT FOR SERVICES
BETWEEN THE CITY OF CHINO AND
CT&T CONCRETE PAVING, INC.

THIS AGREEMENT FOR SERVICES (herein "Agreement") is made and entered into this 21st day of October 2025 ("Effective Date") by and between the City of Chino, a California municipal corporation ("City") and CT&T Concrete Paving, Inc., a California Corporation ("Contractor"). City and Contractor may be referred to individually as "Party" or collectively as "Parties."

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.

B. Contractor, following submission of a proposal or bid for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Chino's Municipal Code, City has authority to enter into and execute this Agreement.

D. The Parties desire to formalize the selection of Contractor for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONTRACTOR

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Contractor shall provide those services specified in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by this reference, which may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Contractor represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the work and services contemplated herein. Contractor shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Contractor covenants that it shall

follow the highest professional standards in performing the work and services required hereunder and that all materials will be both of good quality as well as fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contractor's Proposal.

The Scope of Services shall include the scope of work included in Contractor's proposal, which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Contractor shall keep itself informed concerning, and shall render all services hereunder in accordance with, all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 California Labor Law.

If the Scope of Services includes any "public work" or "maintenance work," as those terms are defined in California Labor Code Section 1720 *et seq.* and California Code of Regulations, Title 8, Section 16000 *et seq.*, and if the total compensation is $1,000 or more, Contractor shall pay prevailing wages for such work and comply with the requirements in California Labor Code section 1770 *et seq.* and 1810 *et seq*., and all other applicable laws, as they pertain to such work, including the following requirements:

(a) DIR Monitoring and Enforcement. The public work and/or maintenance work performed under this Agreement shall be subject to compliance monitoring and enforcement by the Department of Industrial Relations ("DIR"). Contractor shall post job site notices, as prescribed by regulation.

(b) Prevailing Wages. Contractor shall pay prevailing wages to the extent required by Labor Code Section 1771. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages are on file at City Hall and will be made available to any interested party on request. By initiating any work under this Agreement, Contractor acknowledges receipt of a copy of the DIR determination of the prevailing rate of per diem wages, and Contractor shall post a copy of the same at each job site where work is performed under this Agreement.

(c) Penalty for Failure to Pay Prevailing Wages. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Contractor shall, as a penalty to the City, forfeit two hundred dollars ($200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined

by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Contractor or by any subcontractor.

(d) Payroll Records. Contractor shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Contractor and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform the City of the location of the records.

(e) Apprentices. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6, and 1777.7 and California Code of Regulations Title 8, Section 200 *et seq.* concerning the employment of apprentices on public works projects. Contractor shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Contractor shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within sixty (60) days after concluding work pursuant to this Agreement, Contractor and each of its subcontractors shall submit to the City a verified statement of the journeyman and apprentice hours performed under this Agreement.

(f) Eight-Hour Work Day. Contractor acknowledges that eight (8) hours labor constitutes a legal day's work. Contractor shall comply with and be bound by Labor Code Section 1810.

(g) Penalties for Excess Hours. Contractor shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Contractor shall, as a penalty to the City, forfeit twenty-five dollars ($25) for each worker employed in the performance of this Agreement by the Contractor or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Contractor in excess of eight (8) hours per day, and forty (40) hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half (1½) times the basic rate of pay.

(h) Workers' Compensation. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees if it has employees. By executing this Agreement, and in accordance with the provisions of California Labor Code Section 1861, Contractor certifies as follows:

> "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(i) Contractor's Responsibility for Subcontractors. For every subcontractor who will perform work under this Agreement, Contractor shall be responsible for such subcontractor's compliance with Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code, and shall make such compliance a requirement in any contract with any subcontractor for work under this Agreement. Contractor shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including without limitation, conducting a review of the certified payroll records of the subcontractor on a periodic basis or upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Contractor shall diligently take corrective action to halt or rectify any such failure by any subcontractor.

1.5 Licenses, Permits, Fees and Assessments.

Contractor shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.6 Familiarity with Work.

By executing this Agreement, Contractor warrants that Contractor (i) has thoroughly investigated and considered the scope of services to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Contractor warrants that Contractor has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Contractor discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Contractor shall immediately inform the City of such fact and shall not proceed except at Contractor's risk until written instructions are received from the Project Manager.

1.7 Software and Computer Services.

If the Scope of Services includes the provision and/or installation of any software, computer system, or other computer technology, Contractor represents and warrants that it has inspected the City's current infrastructure, equipment, computer system and software and that the software, computer system, or other computer technology provided and/or installed by Contractor under this Agreement is compatible, and shall be fully functional, with such infrastructure, equipment, computer system and software of the City. Contractor acknowledges that the City is relying on the representation by Contractor as a material consideration in entering into this Agreement.

1.8 Care of Work.

The Contractor shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.

1.9 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.10 Additional Services.

City shall have the right, subject to state law and the City's Municipal Code, at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Project Manager to the Contractor, incorporating therein any adjustment in (i) the Contract Sum for the actual costs of the extra work, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor. Any increase in compensation for extra work shall require the approval of City Council unless the City Council has previously authorized the City Manager to approve an increase in compensation and the amount of the increase does not exceed such authorization. It is expressly understood by Contractor that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services. Contractor hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Contractor anticipates and that Contractor shall not be entitled to additional compensation therefor. City may in its sole and absolute discretion have similar work done by other contractors. No claims for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

1.11 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Contractor the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and

incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed **Five Hundred Eighty Thousand Dollars and Zero Cents (<u>$580,000.00</u>)** for services rendered per each fiscal year, for a total contract amount not-to-exceed **One Million Seven Hundred Forty Thousand Dollars and Zero Cents (<u>$1,740,000.00</u>)** (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 <u>Method of Compensation.</u>

The method of compensation may include: (i) a lump sum payment upon completion; (ii) payment in accordance with specified tasks or the percentage of completion of the services, less contract retention; (iii) payment for time and materials based upon the Contractor's rates as specified in the Schedule of Compensation, provided that (a) time estimates are provided for the performance of sub tasks, (b) contract retention is maintained, and (c) the Contract Sum is not exceeded; or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 <u>Reimbursable Expenses.</u>

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Project Manager in advance, or actual subcontractor expenses of an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Contractor at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Contractor is required to attend additional meetings to facilitate such coordination, Contractor shall not be entitled to any additional compensation for attending said meetings.

2.4 <u>Invoices.</u>

Each month Contractor shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Contractor is certifying compliance with all provisions of the Agreement. Contractor shall not invoice City for any duplicate services performed by more than one person.

All invoices shall be submitted by email to **<u>ap@cityofchino.org</u>**. Each invoice is to include:

(a) Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.

(b) Line items for all materials and equipment properly charged to the Services.

(c) Line items for all other approved reimbursable expenses claimed, with supporting documentation.

(d) Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

(e) If this Agreement requires prevailing wages, per Section 1.4 of the Agreement, all invoices shall include a copy of Contractor's Certified Payroll and proof that Certified Payroll has been submitted to the DIR. Contractor shall also submit a list of the prevailing wage rates for all employees and subcontractors providing services under this Agreement, as applicable, with Contractor's first invoice. If these rates change at any time during the term of the Agreement, Contractor shall submit a new list of rates to the City with its first invoice following the effective date of the rate change.

City shall independently review each invoice submitted by the Contractor to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Contractor which are disputed by City, or as provided in Section 7.3, City will use its best efforts to cause Contractor to be paid within forty-five (45) days of receipt of Contractor's correct and undisputed invoice; however, Contractor acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Contractor for correction and resubmission. Review and payment by City for any invoice provided by the Contractor shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.5 Waiver.

Payment to Contractor for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Contractor.

2.6 Contingency of Funds.

Contractor acknowledges that funding or portions of funding for this Agreement may be contingent upon State budget approval; receipt of funds from, and/or obligation of funds by the State of California to City; or inclusion of sufficient funding for the services hereunder in the budget approved by Chino City Council for each fiscal year covered by this Agreement. If such approval, funding or appropriations are not forthcoming, or are otherwise limited, City may immediately terminate or modify this Agreement without penalty.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Contractor shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this

reference. When requested by the Contractor, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Project Manager but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Contractor shall within ten (10) days of the commencement of such delay notify the Project Manager in writing of the causes of the delay. The Project Manager shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Project Manager such delay is justified. The Project Manager's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Contractor be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services, which shall be no later than June 30, 2028, except as otherwise provided in the Schedule of Performance (Exhibit "D"). This Agreement may be renewed by a written amendment for up to an additional two (2) year(s) at the option of the City if the City is satisfied with the quality of services performed by Contractor under this Agreement.

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Contractor.

The following principals of Contractor ("Principals") are hereby designated as being the principals and representatives of Contractor authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

(Name)	(Title)
(Name)	(Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principals were a substantial inducement for City to enter into this Agreement.

Therefore, the foregoing principals shall be responsible during the term of this Agreement for directing all activities of Contractor and devoting sufficient time to personally supervise the services hereunder. All personnel of Contractor, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the foregoing Principals may not be replaced nor may their responsibilities be substantially reduced by Contractor without the express written approval of City. Additionally, Contractor shall utilize only competent personnel to perform services pursuant to this Agreement. Contractor shall make every reasonable effort to maintain the stability and continuity of Contractor's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Contractor shall notify City of any changes in Contractor's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

4.2 Status of Contractor.

Contractor shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Contractor shall not at any time or in any manner represent that Contractor or any of Contractor's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Contractor, nor any of Contractor's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Contractor expressly waives any claim Contractor may have to any such rights.

4.3 Project Manager.

The Project Manager shall be the Public Works Services Manager or any other person as may be designated by the Project Manager. It shall be the Contractor's responsibility to assure that the Project Manager is kept informed of the progress of the performance of the services and the Contractor shall refer any decisions which must be made by City to the Project Manager. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Project Manager. The Project Manager shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Contractor.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Contractor shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed

to be a partner of Contractor in its business or otherwise or a joint venturer or a member of any joint enterprise with Contractor.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages.

Without limiting Contractor's indemnification of City, and prior to commencement of any services under this Agreement, Contractor shall obtain, provide and maintain at its own expense during the term of this Agreement, policies of insurance of the type and amounts described below and in a form satisfactory to City.

(a) General liability insurance. Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than $1,000,000 per occurrence, $2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

(b) Automobile liability insurance. Contractor shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Contractor arising out of or in connection with Services to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than $1,000,000 combined single limit for each accident.

(c) Professional liability (errors & omissions) insurance. Contractor shall maintain professional liability insurance that covers the Services to be performed in connection with this Agreement, in the minimum amount of $1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement and Contractor agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this Agreement.

(d) Workers' compensation insurance. Contractor shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least $1,000,000).

(e) Subcontractors. Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall include all of the requirements stated herein.

(f) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements in Exhibit "B".

5.2 General Insurance Requirements.

(a) Proof of insurance. Contractor shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Agreement. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

(b) Duration of coverage. Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Services hereunder by Contractor, its agents, representatives, employees or subcontractors.

(c) Primary/noncontributing. Coverage provided by Contractor shall be primary and any insurance or self-insurance procured or maintained by City shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

(d) City's rights of enforcement. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Contractor or City will withhold amounts sufficient to pay premium from Contractor payments. In the alternative, City may cancel this Agreement.

(e) Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or that is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

(f) Waiver of subrogation. All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against City, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

(g) Enforcement of contract provisions (non-estoppel). Contractor acknowledges and agrees that any actual or alleged failure on the part of the City to inform Contractor of non-compliance with any requirement imposes no additional obligations on the City nor does it waive any rights hereunder.

(h) Requirements not limiting. Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

(i) Notice of cancellation. Contractor agrees to oblige its insurance agent or broker and insurers to provide to City with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

(j) Additional insured status. General liability policies shall provide or be endorsed to provide that City and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

(k) Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.

(l) Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

(m) Pass through clause. Contractor agrees to ensure that its subcontractors, subcontractors, and any other party involved with the project who is brought onto or involved in the project by Contractor, provide the same minimum insurance coverage and endorsements required of Contractor. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements

of this section. Contractor agrees that upon request, all agreements with contractors, subcontractors, and others engaged in the project will be submitted to City for review.

(n) Agency's right to revise specifications. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Contractor ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Contractor, the City and Contractor may renegotiate Contractor's compensation.

(o) Self-insured retentions. Any self-insured retentions must be declared to and approved by City. City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by City.

(p) Timely notice of claims. Contractor shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Contractor's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

(q) Additional insurance. Contractor shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

5.3 Indemnification.

To the full extent permitted by law, Contractor agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Contractor, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Contractor is legally liable ("indemnitors"), or arising from Contractor's or indemnitors' reckless or willful misconduct, or arising from Contractor's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Contractor will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Contractor will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Contractor hereunder; and Contractor agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Contractor hereunder, Contractor agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Contractor shall incorporate similar indemnity agreements with its subcontractors and if it fails to do so Contractor shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Contractor in the performance of professional services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Contractor and shall survive termination of this Agreement.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Contractor shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Project Manager to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Project Manager shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Contractor's business, custody of the books and records may be given to City, and access shall be provided by Contractor's successor in interest. Notwithstanding the above, the Contractor shall fully cooperate with the City in providing access to the books and records if a public records request is made and disclosure is required by law including but not limited to the California Public Records Act.

6.2 Reports.

Contractor shall periodically prepare and submit to the Project Manager such reports concerning the performance of the services required by this Agreement as the Project Manager shall require. Contractor hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Contractor

agrees that if Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Contractor is providing design services, the cost of the project being designed, Contractor shall promptly notify the Project Manager of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Contractor, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Project Manager or upon the termination of this Agreement, and Contractor shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted documents without specific written authorization by the Contractor will be at the City's sole risk and without liability to Contractor, and Contractor's guarantee and warranties shall not extend to such use, reuse or assignment. Contractor may retain copies of such documents for its own use. Contractor shall have the right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Contractor fails to secure such assignment, Contractor shall indemnify City for all damages resulting therefrom. Moreover, Contractor with respect to any documents and materials that may qualify as "works made for hire" as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed "works made for hire" for the City.

6.4 Confidentiality and Release of Information.

(a) All information gained or work product produced by Contractor in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Contractor. Contractor shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Project Manager.

(b) Contractor, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Project Manager or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Contractor gives City notice of such court order or subpoena.

(c) If Contractor, or any officer, employee, agent or subcontractor of Contractor, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Contractor for any damages, costs and fees, including attorney's fees, caused by or incurred as a result of Contractor's conduct.

(d) Contractor shall promptly notify City should Contractor, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Contractor or be present at any deposition, hearing or similar proceeding. Contractor agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Contractor. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of San Bernardino, State of California, or any other appropriate court in such county, and Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of San Bernardino, State of California.

7.2 Disputes; Default.

In the event that Contractor is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Contractor for any work performed after the date of default. Instead, the City may give notice to Contractor of the default and the reasons for the default. The notice shall include the timeframe in which Contractor may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Contractor is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Contractor does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Contractor's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Contractor hereby authorizes City to deduct from any amount payable to Contractor (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Contractor's acts or omissions in performing or failing to perform Contractor's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Contractor, or any indebtedness shall exist which shall appear

to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Contractor to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Contractor shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Contractor shall file a statutory claim pursuant to Government Code Sections 905 *et seq.* and 910 *et seq.*, in order to pursue a legal action under this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Contractor and its sureties shall be liable for and shall pay to the City the sum of Zero Dollars ($0) as liquidated damages for each working day of delay in the performance of any service required hereunder. The City may withhold from any monies payable on account of services performed by the Contractor any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this

Contract at any time, with or without cause, upon thirty (30) days' written notice to Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the Project Manager. In addition, the Contractor reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Contractor may determine. Upon receipt of any notice of termination, Contractor shall immediately cease all services hereunder except such as may be specifically approved by the Project Manager. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Project Manager thereafter in accordance with the Schedule of Compensation or such as may be approved by the Project Manager, except as provided in Section 7.3. In the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Contractor.

If termination is due to the failure of the Contractor to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Contractor, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Contractor or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Contractor covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Contractor's performance of services under this Agreement. Contractor further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Project Manager. Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which affects her/his financial interest or the financial interest of any corporation, partnership or association in which (s)he is, directly or indirectly, interested, in violation of any State statute or regulation. The Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Contractor covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry or other protected class in the performance of this Agreement. Contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry or other protected class.

8.4 Unauthorized Aliens.

Contractor hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Contractor so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any liability or sanctions be imposed against City for such use of unauthorized aliens, Contractor hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City

Manager and to the attention of the Project Manager (with her/his name and City title), City of Chino, 13220 Central Avenue, Chino, California 91710 and in the case of the Contractor, to the person(s) at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Contractor and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Warranty & Representation of Non-Collusion.

No official, officer, or employee of City has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of City participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of

"financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Contractor warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any City official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Contractor further warrants and represents that (s)he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any City official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Contractor is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

Contractor's Authorized Initials _____

9.7 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) that entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF CHINO, a municipal corporation

_____

Linda Reich, City Manager

ATTEST:

_____

Natalie Gonzaga, City Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

_____

Fred Galante, City Attorney

APPROVED AS TO CONTENT:

_____

Hye Jin Lee, Director of Public Works

CONTRACTOR:
CT&T CONCRETE PAVING, INC.

By:_____

Name: _____
Title:_____

By:_____

Name: _____
Title:_____

Address: 324 S. Diamond Bar Blvd. PMB 275
Diamond Bar, California 91765

Two corporate officer signatures required when Contractor is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer.

EXHIBIT "A"

SCOPE OF SERVICES

I. Contractor will perform the Services described in Contractor's Proposal, attached hereto as Exhibit A-1.

II. All work product is subject to review and acceptance by the City, and must be revised by the Contractor without additional charge to the City until found satisfactory and accepted by City.

EXHIBIT "A-1"

SCOPE OF SERVICES

Plan Methodology/ Project Approach

As a firm, we understand that the City of Chino is requesting the services of a contractor for as-needed concrete repair services. Previously, we have worked with various agencies in removing and replacing concrete sidewalks, curb and gutters, cross gutters and spandrels, driveway approaches, aprons, and ADA ramps – and are highly aware of the level of work and detail that accompanies an on-call citywide project. Furthermore, we understand the City's budgetary constraints and will work to provide a service that meets the City's needs.

Prior to beginning a project, the assigned project manager and pertinent CT&T employees will meet with the City's public works department to review the scope of work and gather a detailed understanding of the City's needs. Next, CT&T will follow up with a survey of the city addresses in need of repairs. Our company will utilize a city map to identify locations; marking each location of work on the ground and on paper. CT&T will use the data to create an Excel spreadsheet to manage and keep track of all work locations. The field crew and office staff work hand-in-hand to complete each work order per City Standard.

CT&T staff will create and maintain a schedule and two-week lookahead to be submitted to the City of Chino during the construction period. Required submittals, including Mix Designs, project notifications, and traffic control standards shall be submitted for City approval prior to mobilization.

Once the scope of work and project locations have been determined, we begin each project by marking each location and calling 811 – Dig Alert to identify any underground utility conflicts. Next, we proceed by notifying affected residents and businesses of upcoming construction in their area – 5 working days prior to the start of construction- via a written letter (approved by the City). Next, we will install 48Hrs No Parking Signs to meet city code.

Foremen will be on-site to supervise and implement traffic control per the city standards and MUTCD Manual. Safety for residents will be a top priority.

CT&T will use a walk behind sawcut machine and skid steer to remove all concrete.

Next, we will install full depth forms for concrete following the standard detail for the City of Chino concrete construction specifications. The concrete shall be installed by skilled cement mason crews. Finish is to be smooth, uniform finish with light to medium broom. The forms will be removed and backfilled. All irrigation systems will be checked in locations adjacent to work area.

All communication between the City of Chino and CT&T Concrete Paving will be kept at an open and professional level. The City of Chino shall approve all completed work prior to CT&T's demobilization from the project area.

EXHIBIT "B"

SPECIAL REQUIREMENTS

(Superseding Contract Boilerplate)

EXHIBIT "C"

SCHEDULE OF COMPENSATION

I. Contractor shall be compensated for the services provided under this Agreement in accordance with the budget and rates provided in Exhibit "C-1".

II. Within the budgeted amounts for each Task, and with the approval of the Project Manager, funds may be shifted from one Task subbudget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.10.

III. The City will compensate Contractorfor the Services performed upon submission of a valid invoice, as described in Section 2.4.

IV. The total compensation for the Services shall not exceed the Contract Sum, as provided in Section 2.1 of this Agreement.

EXHIBIT "C-1"

SCHEDULE OF COMPENSATION

In accordance with the Request For Proposal for this Work in the City of Chino, California, Proposer offers to furnish all necessary labor, tools, materials, appliances and equipment for and to perform all Work mentioned in the Request For Proposal, in full compliance with all documents, including plans, specifications, attachments and exhibits at the prices listed below. **If night work is approved by the City, the Proposer shall not receive any additional compensation.**

Proposer understands that these quantities are estimates only and are given solely for the purpose of facilitating the comparison of proposals, and that the Proposer's compensation will be computed on the basis of the actual quantities on an as-needed basis upon request.

BID SCHEDULE

AS-NEEDED CONCRETE REPAIR SERVICES

(JULY 1 TO JUNE 30). AS NEEDED REQUESTS MAY INCLUDE THE FOLLOWING QUANTITY OF WORK FOR A SINGLE YEAR:

BID SCHEDULE						
ITEM	**DESCRIPTION**	**REFERENCE SPEC**	**QTY**	**UNIT**	**UNIT PRICE**	**TOTAL COST**
1	**Mobilization, Demobilization, Clearing & Grubbing.** Assume 2 Move-ins Per Fiscal Year and Each Move-in to be Completed Within 25 Working Days.	**7-3.4,300-1**	2	EA	$12,000.00	$12,000.00
2	**Traffic Control.** Layout of Traffic Control Devices Per WATCH Book. Approval by the City of Chino Traffic Division is Required for Each Layout Proposed, Prior to Placement. Implement and Maintain the Traffic Control Devices for the Duration of the Project.	**3-8.8, 302-4.8, 600-7.1.2, PART 6**	1	LS	$18,000.00	$18,000.00
3	**Erosion Control & BMP Implementation**	**3-12, 3-12.6.2, 3-12.6.5**	1	LS	$7,000.00	$7,000.00
4	**Remove, Dispose, and Construct 4" Thick PCC Sidewalk** Per City Standard 230 [Quantity 4,999 SF or less]	**300-2, 300-2.8, 300-2.9, 301, 303, 303-5.5.3**	4,999	SF	$12.00	$59,988.00
5	**Remove, Dispose, and Construct 4" Thick PCC Sidewalk** Per City Standard 230 [Quantity 5,000 SF to 9,999 SF]	**300-2, 300-2.8, 300-2.9, 301, 303, 303-5.5.3**	5,000	SF	$11.00	$55,000.00

BID SCHEDULE (CONTINUED)						
ITEM	**DESCRIPTION**	**REFERENCE SPEC**	**QTY**	**UNIT**	**UNIT PRICE**	**TOTAL COST**
6	**Remove, Dispose, and Construct 4" Thick PCC Sidewalk** Per City Standard 230 [Quantity 10,000 SF or more]	**300-2, 300-2.8, 300-2.9, 301, 303, 303-5.5.3**	10,000	SF	$10.50	$105,000.00
7	**Remove, Dispose, and Construct 6" Thick PCC Driveway** Per City Standard 240 including Asphalt Pavement Slot Patch	**300-2, 300-2.8, 300-2.9, 301, 303,303-5.1.3**	3,000	SF	$14.00	$42,000.00
8	**Remove, Dispose, and Construct 8" Thick PCC Driveway** Per City Standard 255 including Asphalt Pavement Slot Patch	**300-2, 300-2.8, 300-2.9, 301, 303,303-5.1.3**	300	SF	$16.00	$4,800.00
9	**Remove, Dispose, and Construct Type A PCC Curb Without Aggregate Base** Per City Standard 205 including Asphalt Pavement Slot Patch	**300-2, 300-2.8, 300-2.9, 301, 303, 303-5.5.4**	100	LF	$45.00	$4,500.00
10	**Remove, Dispose, and Construct Type B PCC Curb and Gutter Without Aggregate Base** Per City Standard 210 including Asphalt Pavement Slot Patch	**300-2, 300-2.8, 300-2.9, 301, 303, 303-5.5.4**	500	LF	$49.00	$24,500.00
11	**Remove, Dispose and Construct PCC Spandrel and Cross Gutter** per SPPWC Standard 122-3 (8" Thick) including Asphalt Pavement Slot Patch	**300-2, 300-2.8, 300-2.9, 301, 303, 303-5.5.4**	300	SF	$18.00	$5,400.00
12	**Remove, Dispose and Construct Face Plate Assembly of Catch Basin** including rebar, dowel per SPPWC Standard Plan 300-4 and Curb Marker City Standard 341	**201-2, 300-2, 300-2.8, 300-2.9, 301, 303**	100	LF	$90.00	$9,000.00
TOTAL SCHEDULE BID PRICE (ITEMS 1 – 12)				$359,188.00		

TOTAL BID PRICE IN WORDS:

THREE HUNDRED FIFTY-NINE THOUSAND ONE HUNDRED EIGHTY-EIGHT DOLLARS & ZERO CENTS

TOTAL SCHEDULE BID PRICE IN NUMBERS:

$359,188.00

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

I. Contractor shall perform all services and deliver all work products timely in accordance with the schedule established by the Project Manager.

Finalized deadline dates will be contingent upon actualized project schedules, which shall be approved by the Project Manager. Contractor will coordinate with City and Project staff to ensure timely completion of services and adherence to approved task schedules.

II . The Project Manager may approve extensions for performance of the services in accordance with Section 3.2.

MEMORANDUM
CITY OF CHINO
PUBLIC WORKS DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **HYE JIN LEE, PE, DIRECTOR OF PUBLIC WORKS**

SUBJECT

Notice of Completion for the Water Service Lateral Replacement in Hampshire Village Project (WA255) with G&A Nelos Construction, Inc.

RECOMMENDATION

1) Accept the Water Service Lateral Replacement in Hampshire Village Project (WA255) with G&A Nelos Construction, Inc., Contract No. 2025-282 as complete; 2) authorize the Director of Public Works to file the Notice of Completion on behalf of the City of Chino; and 3) authorize the release of retention funds following the 35-day lien period.

FISCAL IMPACT

The project was completed within the City Council approved project budget for WA255. All unused project funds will be returned to the Water Fund 520.

As a result of fees collected for a License Agreement, Contract No. 2026-073 between the City and G&A Nelos Construction, Inc. for temporary use of a City owned vacant lot, there was a revenue of $2,000 that will be deposited to the General Fund, account 1001000-59355

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Superior Customer Service
- Financial Stability
- Responsible Long-Range Planning

Revenue: 1001000-59355	Expenditure: 5207310 – 48009 – WA255
Transfer In: Click or tap here to enter text.	Transfer Out: Click or tap here to enter text.

BACKGROUND

The City of Chino encompasses approximately 30 square-miles, with a water service area of 29 square miles. According to the U.S. Census Bureau, Chino has a population of 93,114 (2023) and a projected 2040 population of 113,333 (SCAG) for the City. The City water service area serves a population of approximately 84,560 and primarily follows the City boundary and includes approximately 23,000 service connections.

In recent years, the water service lines in the condominium neighborhood of Hampshire Village, near San Antonio Avenue and Riverside Drive, have significantly deteriorated. Aging materials have led to an increased frequency of leaks. The Water Service Lateral Replacement in Hampshire Village Project (WA255) included replacing the water service lines within existing public utility easements. Upgrading this infrastructure helps ensure continued access to clean, reliable, and resilient water while minimizing the City's maintenance and operational costs to address leaks and water loss.

On June 3, 2025, the City Council awarded Construction Contract No. 2025-282 to G&A Nelos Construction, Inc. (G&A) for the Water Service Lateral Replacement in Hampshire Village Project (WA255) in the amount of $629,295.44, with an additional $62,929.54 authorized for construction contingency.

On August 13, 2025, City staff approved Change Order No. 1 with G&A in the amount of $55,318.36 to install 1" water services in lieu of the originally planned manifold connections and to add four additional 2" water services. On September 27, 2025, City staff approved Change Order No. 2 with G&A in the amount of $3,918.39 for time and material costs incurred by the contractor to locate and track mismarked water utilities in the field.

ISSUES/ANALYSIS

All work has been completed per the terms of the original construction contract and approved change orders, with the vendor G & A Nelos Construction Inc. The following is a summary of the final accounting of construction costs.

WA255 – Hampshire Village Water Line Replacement	Contract	Contingency
Original Contract & Contingency	**$629,295.44**	**$62,929.54**
Contract Change Order No. 1	$55,318.36	- ($55,318.36)
Contract Change Order No. 2	$3,918.39	- ($3,918.39)
Final Contract Amount & Unused Contingency:	**$688,532.19**	**$3,692.79**

G&A Nelos Construction, Inc. has complied with the terms of the contract, and the required warranty bond is on file with the City. A Notice of Completion has been prepared for filing with the San Bernardino County Recorder's Office. The retention funds will be released following a 35-day lien period. Additionally, staff requests to release the Faithful Performance and Labor and Material Bonds following the 35-day lien period and accept a one-year Maintenance Guarantee Bond. At the end of the one-year maintenance period, if the improvements remain free from defects in the materials and workmanship, the Maintenance Bond may be released upon approval of the Director of Public Works.

Attachments: Exhibit A – Project Vicinity Map (WA255)
Exhibit B – Notice of Completion (G&A Nelos Construction, Inc.)

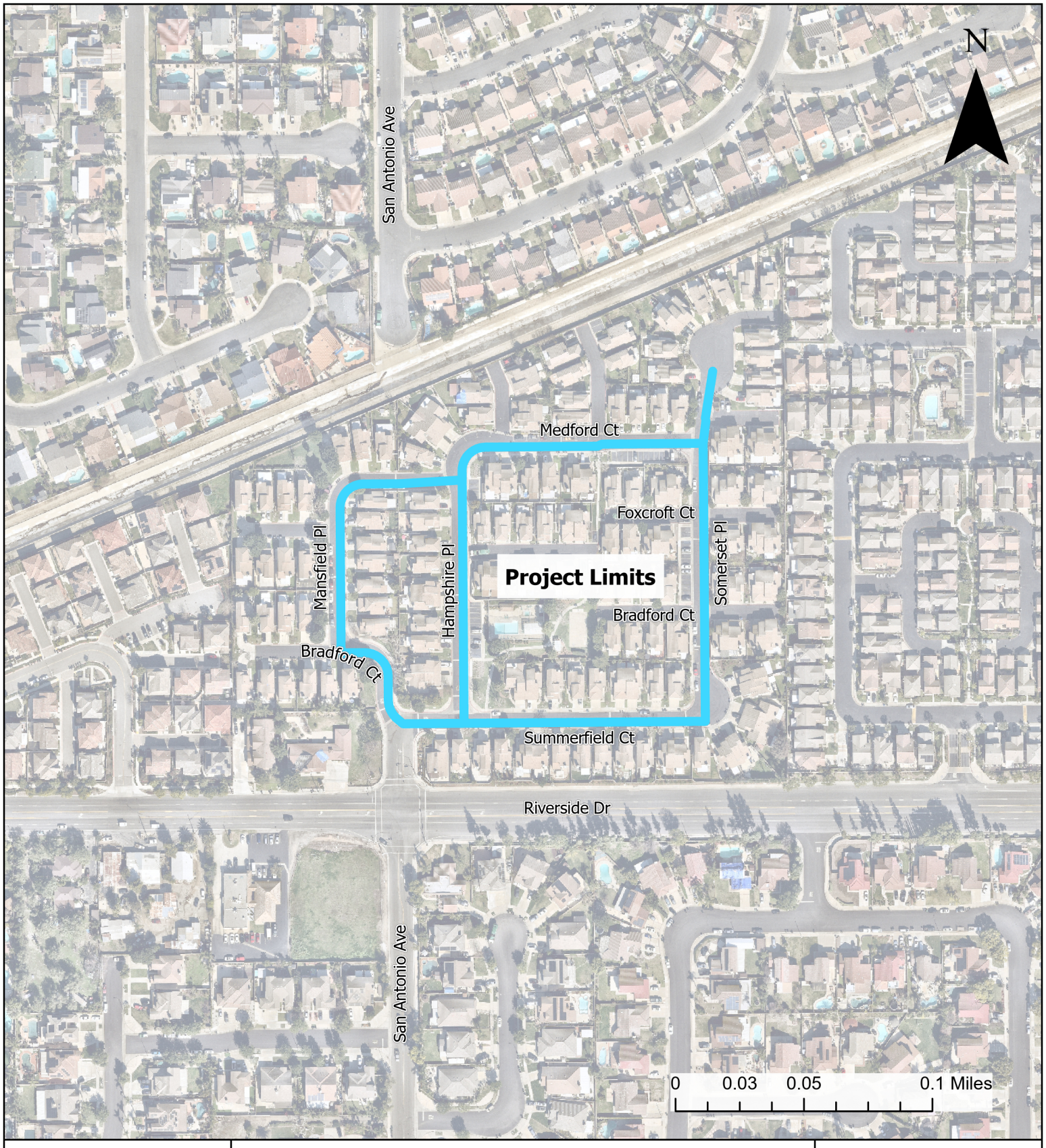

Exhibit A - Vicinity Map

WA255 - Hampshire Village Water Service Line Replacements

RECORDING REQUESTED BY
City of Chino
Public Works Department
P.O. Box 667
Chino, CA 91708

AND WHEN RECORDED MAIL TO
City Clerk
City of Chino
P.O. Box 667
Chino, CA 91708-0667

TITLE ORDER NO. ESCROW NO. **SPACE ABOVE THIS LINE FOR RECORDER'S USE**

APN#:_____

NOTICE OF COMPLETION

CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

Notice is hereby given that:

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is City of Chino
3. The full address of the undersigned is 13220 Central Avenue, Chino, CA 91710
4. The nature of the title of the undersigned is: In fee
   (If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase" or "lessee")
5. The full names and full addresses of all persons, if any, who hold title with the undersigned are:

Names	Addresses

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

Names	Addresses
None	None

(**If no transfer made, insert "none"**)

7. A work of improvement on the property hereinafter described was completed on **September 11, 2025**
8. The name of the contractor, if any, for such work of improvement was:
   G&A Nelos Construction, Inc.
   (**If no contractor for work of improvement as a whole, insert "none"**)
9. The property on which said work of improvement was completed is in the City of Chino, County of San Bernardino, State of California, and is described as follows:
   Water Service Lateral Replacement in Hampshire Village Project (WA255): All public utility easements within the boundaries of Contract No. 2025-282.
10. The street address of said property is **none**
    (If no street address has been officially assigned, insert "none")

SIGNATURE OF OWNER NAMED IN PARAGRAPH 2: _____ **DATE:**
Alberto Espinoza, Deputy Director of Public Works / City Engineer

CERTIFICATION FOR NOTICE OF COMPLETION

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

I HEREBY CERTIFY that I am the Director of Public Works for the City of Chino. 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 October 21, 2025, at City of Chino, California

_____
Hye Jin Lee
Director of Public Works

MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **WARREN MORELION, AICP, DIRECTOR OF DEVELOPMENT SERVICES**

SUBJECT

Appeal of Planning Commission action approving the Chino Gateway Terminal Project.

RECOMMENDATION

1) Conduct a Public Hearing; and 2) Adopt Resolution No. 2025-058, denying the appeal and thereby upholding the approval of PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit), based upon the findings and subject to the departmental conditions of approval.

FISCAL IMPACT

If the project is developed, the City will receive one-time revenues in the form of permit and development impact fees. Ongoing revenues through property and sales taxes will also be generated in the future.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Responsible Long-Range Planning

Revenue:	Expenditure:
Transfer In:	Transfer Out:

BACKGROUND

On August 15, 2024, Gateway Terminal LLC (the "Applicant") submitted a Site Approval (SA) (PL24-0098) and two Special Conditional Use Permit (SCUP) (PL24-0097 and PL24-0120) applications to construct the Chino Gateway Terminal Project ("the Project) consisting of a 158,548 square foot industrial warehouse building and a 3,540 square foot food and beverage building with an outdoor dining area, located on 7.35 acres of land within the Light Industrial (M1) zoning district at the southwest corner of Schaefer Avenue and Oaks Avenue. The site is the current location of Gateway Karis Church that will be relocated to the College Park community once their new church building is constructed at the northwest corner of Eucalyptus Avenue and Satterfield Avenue. In compliance with the California Environmental Quality Act (CEQA), an Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Project was prepared by LSA Associates, Inc.

On July 16, 2025, the Planning Commission held a public hearing to consider the Project. Prior to the meeting, staff received a letter from Supporters Alliance for Environmental Responsibility ("SAFER"), claiming the Addendum prepared for the Project does not fall within the scope of the 2010 General Plan Environmental Impact Report (GPEIR) and that new significant impacts or mitigation measures have emerged. Therefore, SAFER claims a new Environmental Impact Report (EIR) or Negative Declaration should have been prepared for the Project. Since the letter was received after the staff report publication, staff introduced the letter at the Planning Commission meeting, which SAFER did not attend. During the deliberation, the Commission asked staff if the EIR Addendum is sufficient for the Project. Staff explained that the EIR Addendum is the appropriate environmental document for this type of project pursuant to CEQA. Following deliberation, the Planning Commission adopted Planning Commission Resolution No. PC2025-012, approving the Project subject to departmental conditions of approval, with the addition of a condition requiring the applicant to reinforce the outdoor dining area with protective bollards. The full Planning Commission staff report packet is included as Exhibit A and Planning Commission Resolution No. PC2025-012, including the condition added by the Planning Commission is attached as Exhibit B.

On July 23, 2025, SAFER (the "Appellant"), filed an appeal of the Planning Commission's decision, reiterating the same objections to the EIR Addendum and claiming that new significant impacts or mitigation measures require the preparation of a new EIR or Negative Declaration. SAFER provided no additional evidence or supporting documentation with the appeal other than what was originally submitted in the letter received prior to the Planning Commission meeting. A copy of the appeal application is included as Exhibit C.

On September 16, 2025, prior to the scheduled City Council hearing on the appeal, SAFER submitted additional materials that were not included in their original appeal (see Exhibit D). These materials expanded upon their prior assertions and argued that the City's reliance on the Addendum to the City of Chino GPEIR was insufficient under CEQA. At the City Council hearing, the Applicant requested a continuance of the item to the October 21, 2025, City Council meeting to allow time to respond to the issues raised in SAFER's supplemental letter. The City Council voted unanimously to approve the request.

ISSUES/ANALYSIS

Environmental Review and CEQA Compliance

On July 6, 2010, the City of Chino (the "City) certified the 2010 GPEIR to guide future development within the City's planning area in accordance with the goals and policies of the

General Plan. The project site was included in the planning area analyzed in the GPEIR and was evaluated at full build out under the current zoning designation of M1, which allows for a variety of less intensive industrial uses.

As mentioned, an Addendum to the City of Chino GPEIR was prepared for the Project in accordance with CEQA. The purpose of the Addendum is to determine whether the Project would result in any new or substantially more severe environmental impacts than those identified in the GPEIR. As the lead agency under CEQA, the City of Chino is responsible for conducting this evaluation and determining the appropriate environmental document. As part of the process, the applicant submitted numerous technical studies including a Health Risk Assessment, Biology Report, Arborist Report, Cultural Resources and Historical Significance Assessment, Geotechnical Study, Phase 1 Environmental Site Assessment, Preliminary Water Quality Management Plan and Drainage Study, Noise Survey, Traffic Impact Analysis, Water Demand Analysis, and Sewer Capacity Analysis. Based on the review of the technical studies submitted by the applicant, the City concluded that the Project would not have any new significant impacts or increase the severity of impacts previously disclosed in the GPEIR. As a result, the Addendum was determined to be the appropriate CEQA document for the Project, and no further environmental review is required under CEQA Guidelines.

SAFER's Appeal

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, under CEQA Guidelines, Section 15162, additional environmental documentation is only required if the Project would result in: 1) new significant impacts; 2) substantially increase the severity of the previously identified significant impacts; or 3) new information of substantial importance that was not known at the time the GPEIR certification.

The Addendum and the Planning Commission's decision were based on comprehensive technical analysis that evaluated the Project's environmental impacts. 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. 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. In conclusion, SAFER's appeal fails to present any substantial evidence or justification to support its claims or to warrant further CEQA review.

The Addendum and all supporting technical studies are available for public review on the City's website at: https://www.cityofchino.org/591/Environmental-Documents.

SAFER'S Supplemental Letter

On September 16, 2025, the City received a supplemental letter from SAFER identifying four main areas of concern, accompanied by supporting documents. In this letter, SAFER repeats its objection to the City's use of an Addendum to the GPEIR as the environmental review document for the Project. SAFER claims that new information has become available since certification of the GPEIR that discloses new significant environmental impacts and identifies new feasible mitigation measures not previously analyzed. Staff, in consultation with LSA Associates, Inc., thoroughly reviewed all claims and supporting evidence brought forth by SAFER. The supplemental information provided does not offer substantial evidence of new significant environmental impacts, changed conditions, or feasible mitigation measures that were not previously considered in the GPEIR. Therefore, in accordance with CEQA Guidelines Sections 15162 and 15164, no additional environmental review document is required, and the Addendum remains the appropriate CEQA document for this Project. Based on SAFER's supplemental letter, LSA Associates, Inc. has updated the Addendum to include updated technical studies as part of the appendices to the Addendum. Errata changes to the Addendum are located in Appendix N.

The analysis below covers the four main areas of concern identified by SAFER in the supplemental letter, followed by a staff response.

CEQA Procedural Concerns

SAFER questions the legal standards used to review the Project, the use of tiering under CEQA, and whether an Addendum to the City's GPEIR is the appropriate environmental document. The Addendum was prepared under the City's program-level GPEIR, consistent with Sections 15162 and 15164 of the CEQA Guidelines. This means it is reviewed under a highly deferential standard based on substantial evidence and is not a tiered EIR under Section 15152 of the Guidelines. As stated earlier, the purpose of the Addendum is to determine whether the Project would result in any new or substantially more severe environmental impacts than those identified in the GPEIR. A series of technical studies were prepared and reviewed by staff. The technical studies concluded the Project would not have any new significant impacts or increase the severity of impacts previously disclosed in the GPEIR. After thorough review, the concerns raised do not present new information that would require further CEQA review beyond what was already provided in the Addendum and its supporting studies. Therefore, these concerns do not justify preparing a new EIR or Negative Declaration.

Biological Resources

SAFER raises concerns over a range of biological resources but primarily focuses on the Project's potential impacts to special-status wildlife species, wildlife movement corridors, and the adequacy of the biological studies conducted. SAFER asserts that the Biological Resources Assessment included in the Addendum is either lacking and does not fully disclose, analyze, or mitigate significant impacts to special-status species and therefore requires the preparation of a new EIR or Negative Declaration. Staff and LSA Associates Inc. have reviewed these concerns in detail and determined that the issues raised do not constitute new information requiring additional CEQA review beyond that provided in the Addendum and supporting Biological Resources Assessment. While the comments provided by SAFER appear to be credible, the analysis provided in the Addendum meets industry standards, and SAFER's comments tend to overstate potential impacts or misrepresent the existing evaluation. SAFER has not submitted reliable evidence to

support their claims. LSA Associates, Inc has prepared detailed, point-by-point responses to SAFER's biological resource concerns, which are included as Exhibit E – LSA Response to SAFER Supplemental Letter, the response letter has also been incorporated Appendix M of the Addendum document. Additional technical information supporting the Addendum has been prepared as part of an update to the Biological Resources Assessment dated March 25, 2025, and is included in Appendix D4 of the Addendum.

Air Quality and Health Risk

SAFER expresses concern over cumulative air quality and health risks, specifically, focusing on cumulative air quality and health risk impacts due to the proximity of the project to existing warehouses and assert that residents in the surrounding communities already experience higher than average cancer rates due to long term exposure to air pollution. SAFER also raises concern regarding Valley Fever and emissions from equipment such as fire pumps, emergency generators, and battery storage systems. The Air Quality/Health Risk Assessment included in the Addendum adequately evaluates the potential impacts of the Project, including the concerns brought forth in the supplemental letter from SAFER. Staff and LSA Associates, Inc. have determined that SAFER's comments do not identify any new or previously unaddressed impacts. Therefore, no further CEQA review is required beyond the Addendum and supporting technical studies. A detailed response letter has been prepared by LSA Associates, Inc. and is included as Exhibit E – LSA Response to SAFER Supplemental Letter.

Noise

SAFER raises concerns over construction and operational noise impacts, focusing primarily on construction noise, noise generated by trucks during project operation, HVAC noise, and characterization of the ambient noise environment and its use as a baseline condition for noise impacts. In response, LSA Associates, Inc. has prepared a supplemental noise analysis to the Addendum, which provides further noise modeling information including: 1) comparison of construction noise levels to existing ambient conditions, 2) analysis of operational noise at the project driveway closest to sensitive receptors; and 3) evaluation of nighttime truck operations and HVAC related noise. This supplemental analysis is included as Exhibit E – LSA Response to SAFER Supplemental Letter. Additional technical information supporting the Addendum has been prepared and incorporated into the Addendum. This information includes a sound plan for day and night noise (Appendix L2), construction noise calculations (Appendix L3), and a traffic noise analysis (Appendix L4). Based on this analysis, staff and LSA Associates, Inc. conclude that the noise concerns raised do not represent new significant environmental information requiring further CEQA review or the preparation of a new EIR or Negative Declaration.

Based on the additional technical analysis prepared, staff recommends that the City Council deny the appeal and uphold the Planning Commission's original decision to approve the Project.

Public Noticing

A 10-day notice for the appeal was mailed to all property owners within a 300-foot radius of the project site. In addition, a notice was published in the *Chino Champion* on September 6, 2025. A total of two freestanding signs were posted along each of the project's street frontages with project information in accordance with Section 20.23.140.D.1 of the City's Zoning Code. As the

Project was continued from the September 16, 2025 City Council Meeting to the October 21, 2025 City Council meeting, project noticing requirements have been complied with. In response to the public notice, no comments have been received. The notice exceeds legal noticing requirements.

Attachments:

Exhibit A – Planning Commission Staff Report Packet
Exhibit B – Planning Commission Resolution No. 2025-012
Exhibit C – Appeal Application
Exhibit D – SAFER Supplemental Letter
Exhibit E – LSA Response to SAFER Supplemental Letter
Resolution No. 2025-058

EXHIBIT A

MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT

PLANNING COMMISSION MEETING DATE: JULY 16, 2025

PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit)

LOCATION MAP

PROJECT NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit)

APPLICANT: Gateway Terminal LLC

REQUEST: A request for approval for the Chino Gateway Terminal Project located on approximately 7.35 acres of land within the Light Industrial (M1) zoning district. The project includes the following applications:

- PL24-0097 (Special Conditional Use Permit) – A request to allow an industrial building greater than 50,000 square feet in the M1 zoning district for warehousing, wholesaling and distribution use.
- PL24-0098 (Site Approval) – A request to construct a mixed-use project consisting of a 158,548 square foot industrial warehouse building, and a 3,540 square restaurant building with an outdoor dining area.
- PL24-0120 (Special Conditional Use Permit) – A request to allow restaurants in the M1 zoning district.

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APNs: 1021-052-04, -06, -09 and -11)

RECOMMENDATION

Adopt Planning Commission Resolution No. PC2025-012, approving PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit), based upon the findings and subject to the departmental conditions of approval.

SURROUNDING ZONING AND LAND USE:

	Existing Land Use	*General Plan*	*Zoning District*
Project Site -	Gateway Karis Church, Vacant	Light Industrial (LI)	Light Industrial (M1)
North -	Single-Family Residential	RD 4.5 (4.5 dwelling units/acre)	RD 4.5 (4.5 dwelling units/acre)
East -	Industrial	Light Industrial (LI)	Light Industrial (M1)
South -	Industrial	General Industrial (GI)	General Industrial (M2)
West -	Industrial	Light Industrial (LI)	Light Industrial (M1)

BACKGROUND

Gateway Terminal LLC, the applicant, acquired the project site in 2020 through a land exchange agreement with Gateway Karis Church, the former property owner and current occupant with the intent to develop the site with a mixed-use project. The project consists of a mixed-use development which includes a 158,548 square foot industrial building and a 3,540 square foot food and beverage building with an outdoor dining area. As part of the agreement, the applicant is constructing a new 27,000 square foot church facility at The Campus in College Park, located north of Eucalyptus Avenue, west of Satterfield, south of Notre Dame Avenue, and east of Oaks Avenue. The Campus entitlements were approved on September 6, 2022, and construction is currently underway. Once the facility is complete, the church will relocate to the location in College Park.

ISSUES/ANALYSIS

Site Design

The proposed project consists of a mixed-use development which includes a 3,540 square foot food and beverage building with an outdoor dining area as well as a 158,548 square foot speculative industrial building. Each building will be located on a separate lot which will be established by a lot line adjustment processed through the Public Works Department.

The 3,540 square foot food and beverage building, located at the northeast corner of the project site along Schaefer Avenue, includes four tenant spaces, shared restrooms, storage areas, and an outdoor seating area. Each tenant space is designed to accommodate individual restaurant operators, with service provided at the counter and outdoor dining available to patrons. Parking is provided along the west and south sides of the building. The proposed food and beverage building is required to provide 36 parking spaces and provides a total of 40 parking spaces dedicated to the building.

The industrial building is primarily plotted behind the food and beverage building, with the office portion fronting Schaefer Avenue. The building has a total footprint of 153,548 square feet, comprised of 150,048 square feet of warehouse space, 3,500 square feet of office space and 5,000 square feet of mezzanine space above the office area. At the rear of the building, twenty dock high loading doors and 10 truck trailer parking spaces are located within a secured private yard area. The yard area is screened from public view by a 10-foot-high solid tilt-up wall and metal gate, designed to match the architectural style of the building. The proposed industrial building provides a total of 92 spaces, which meets the minimum parking requirements. Parking is provided along the west and south sides of the building, as well as within the secured yard area.

Each building has dedicated site access with one driveway from Schaefer Avenue and one from Oaks Avenue, allowing separate and efficient circulation for customers and industrial operations.

Project statistics are as follows:

Item	
Project Area	7.35 acres
No. Lots	2
Lot Area	Parcel 1 – 285,640 square feet Parcel 2 – 34,683 square feet
No. of Buildings	2
Building Area	158,548 square feet (warehouse industrial) 3,520 square feet (food & beverage)
Lot Coverage (proposed/maximum)	49% proposed/50% maximum
Floor Area Ratio (proposed/maximum)	0.51 proposed /0.6 maximum
Landscape Coverage (proposed/required)	10.2% proposed/10% required
Parking (proposed/required)	132 parking spaces proposed/128 parking space required

Landscaping

The project provides a landscape coverage of 10.2%, satisfying the minimum landscape coverage requirement of 10% for properties in the M1 zoning district. Drought tolerant landscape design is provided throughout the development that is comprised of trees, shrubs and groundcover, primarily concentrated along the Schaefer Avenue and Oaks Avenue street frontages. Additional landscape features are provided near the outdoor seating areas for the food and beverage building. In addition, an outdoor employee break area is proposed at the northwest corner of the project site, located in front of the industrial building. This area features enhanced landscaping, decorative paving, wall seating, steal planter boxes, and decorative hardscape and is designed to serve the industrial building.

Architecture

The food and beverage building is designed with a modern industrial architectural style that draws inspiration from cargo shipping containers. This design is achieved through the use of steel wall panels that replicate the appearance of shipping containers, complemented by flat steel panels, and metal screens to adequately screen roof top equipment. The outdoor dining area is enclosed by corrugated steel panels, steel planter boxes, and rebar fencing, and is enhanced by curved steel light fixtures that provide illumination and reinforce the industrial design theme. In addition, climbing plant material will be integrated into the outdoor seating area along the fence and light fixtures to add warmth and soften the industrial aesthetic.

The warehouse industrial building features a concrete tilt-up design with smooth painted finish varying in shades of gray. Steel wall panels, designed to mimic the appearance of shipping containers, along with flat steel panels, are primarily concentrated at the office area facing Schaefer Avenue. These steel elements complement the architectural style of the food and beverage building, creating a cohesive site design. In addition, horizontal and vertical reveals enhance the elevations with reflective glass in clear anodized aluminum frames, which is concentrated at the corners of the building, enhancing the office area, and at the center of the building facing Schaefer Avenue. Architectural articulation is further achieved through four-foot insets and offsets along the street frontages and at the office area. Breaks in the roofline are provided as well, primarily where the insets and offsets occur.

Special Conditional Use Permit

The applicant has applied for two Special Conditional Use Permits (SCUP), one to allow restaurant uses within the food and beverage building, and a second to permit the industrial building to exceed 50,000 square feet in size.

A SCUP is required to be approved by the Planning Commission to establish a restaurant use in the M1 zoning district. The proposed food and beverage building has been designed to accommodate up to four tenant spaces, which would all be covered under the SCUP. A license through the Alcohol Beverage Control (ABC) is not currently requested in conjunction with the food uses. In the future, if an ABC license is requested by a tenant, an Administrative Approval would be required.

The second SCUP being requested is to allow the industrial building to exceed 50,000 square feet in size. The size of the building is generally consistent with other industrial buildings located on the east side of Oaks Avenue, along Schaefer Avenue. These buildings are all located on larger lots and designed for a single-tenant user. The proposed building has been designed with loading doors on the southern side of the building to minimize impacts to the existing residential neighborhood on the north side of Schaefer Avenue. Additionally, Schaefer

Avenue is designated as a City truck route. The proposed building is speculative, meaning that a tenant is not known at this time. Potential tenants would need to comply with the M1 zoning district, which allows for lighter industrial uses ranging from warehousing and distribution to light manufacturing.

Public Noticing

A 10-day notice was mailed to all property owners within a 300-foot radius of the project site. In addition, a notice was published in the *Chino Champion* on July 5, 2025, and the City sent information out on the City's social media platforms. A total of two freestanding signs were posted along each of the project's street frontages with project information in accordance with Section 20.23.140.D.1 of the City's Zoning Code. In response to the public notice, no comments have been received. The notice exceeds legal noticing requirements.

ENVIRONMENTAL REVIEW

An Addendum to the City of Chino General Plan Environmental Impact Report (EIR) (SCH# 2008091064) for the Chino Gateway Terminal Project, dated June 2025, has been prepared for this project by LSA Associates, Inc. As outlined in CEQA Guidelines Section 15164, an Addendum is the appropriate environmental document if some changes or additions to the previously certified EIR are necessary, but the proposed project does not constitute new information and would not change the assumptions, analysis, conclusions, or mitigation measures of the EIR to a significant degree. The analysis concluded that the proposed project would not create any new significant impacts or impacts significantly different than those identified in the City of Chino's General Plan EIR. In addition, the proposed project would not increase the severity of any previously identified significant impacts. Therefore, the proposed project is within the scope of the previous EIR.

Link to EIR Addendum: Environmental Documents | Chino, CA

RESOLUTION NO. PC2025-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO, CALIFORNIA, APPROVING PL24-0097 (SPECIAL CONDITIONAL USE PERMIT), PL24-0098 (SITE APPROVAL), AND PL24-0120 (SPECIAL CONDITIONAL USE PERMIT) FOR APPROVAL TO CONSTRUCT THE CHINO GATEWAY TERMINAL PROJECT CONSISTING OF A 158,548 SQUARE FEET INDUSTRIAL WAREHOUSE 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).

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 City of Chino 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, the Planning Commission of the City of Chino has completed its study of the proposed Project; and

WHEREAS**,** on July 16, 2025, the Planning Commission held a duly noticed public hearing for the Project in compliance with law, including compliance with the relevant provisions of the California Government Code and Chino Municipal Code, entertained the written and oral report of staff, and took public testimony on the Project.

NOW, THEREFORE, the Planning Commission 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 Planning Commission makes the following findings and takes the following actions 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 has 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 Planning Commission has considered the Addendum and Environmental Impact Report as part of its decision on this Project pursuant to Section 15164. The Planning Commission hereby finds that the Project is within the scope of the EIR, which adequately describes the activity for the purposes of CEQA. The Planning Commission 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. *Approval of PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit).* The Planning

Commission hereby 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 Planning Commission Secretary.* The Planning Commission Secretary 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 16TH DAY OF JULY 2025.

_____
PLANNING COMMISSION CHAIRPERSON

ATTEST:

_____
SECRETARY, PLANNING COMMISSION

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

I hereby certify the foregoing Resolution was duly adopted by the Chino Planning Commission at a meeting held on the 16th day of July 2025 and entered in the minutes of said Commission.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

_____
SECRETARY, PLANNING COMMISSION

Attachment: Exhibit "A" – Conditions of Approval

EXHIBIT A

DEPARTMENTAL
CONDITIONS OF APPROVAL

DATE: July 16, 2025

PROJECT FILE NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit)

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09 and -11)

APPLICANT: Gateway Terminal LLC

The departments listed below have reviewed the above referenced application. Those departments marked with an "X" have required conditions of approval to be imposed on the project.

Development Services Department –
- [X] Planning Division
- [ ] ADA Accessibility Division

Public Works Department –
- [X] Engineering Division
- [ ] Traffic Division

[X] Chino Valley Independent Fire District

[ ] Police Department

[ ] Finance Department

[ ] Community Services, Parks & Recreation Department

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION CONDITIONS OF APPROVAL

DATE: July 16, 2025

PROJECT FILE NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit)

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09 and -11)

APPLICANT: Gateway Terminal LLC

1.0 TIME LIMITS:

1.1. The above referenced Site Approval and Special Conditional Use Permits shall expire on July 16, 2026, if building permits are not obtained and/or the approved uses have not commenced. The expiration date may be extended upon written request by the applicant on a City application form. The request must be received by the Director of Development Services at least 30 days prior to expiration of the application.

1.2. Should any of the special conditionally permitted uses cease to exist for 180 or more consecutive days, then the permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS:

2.1. Failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the Planning Commission and/or City Council.

2.2. The project shall proceed only in accordance with the approved plans on file with the Development Services Department, and with the conditions contained herein and the Chino Municipal Code.

2.3. The Director of Development Services shall have the authority to approve minor deviations in the site plan, architecture and/or landscape providing the total approved building area is not exceeded. If it is determined that the changes will be substantial, approval from the Planning Commission will be required.

2.4. Approval of this request shall not waive compliance with any section of the Chino Municipal Code, or any other applicable City ordinances, or applicable specific plan provision.

2.5. Pursuant to Government Code Section 66020, upon approval of the project, the applicant has a 90-day period in which to protest the fees, dedications, reservation or other exaction imposed on this project through the conditions of approval.

2.6. In the event that any condition contained herein is determined to be invalid or legally unenforceable, all remaining conditions shall remain in force.

2.7. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the applicant and/or other parties in an action filed in a court of law, which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the applicable section of the entire project shall be reviewed by the City and substitute conditions may be imposed.

2.8. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, claims, liabilities, losses, damages, penalties, obligations and expenses, including but not limited to attorneys' fees and costs, (collectively "claims") against the City for any such claims and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City, including for the City's required participation in defense of the claims. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant.

2.9. The City of Chino has an executive contract with Waste Management for all solid waste collection and hauling services within the City. The applicant shall be responsible for making arrangements with Waste Management for disposal of any/all construction debris or trash generated

as a result of this permit. Waste Management can be reached at 1-800 423-9986.

2.10. Any change in the project shall be reviewed by the Development Services Department for compliance with CEQA.

2.11. All proposed signs shall be designed to conform with the City's Sign Code (Chino Municipal Code, Title 16 – Signs) and shall require separate application and approval by the Director of Development Services prior to installation.

2.12. Pursuant to Public Resources Code Section 21089 and Fish and Wildlife Code Section 711.4, the developer shall provide those fees marked [X] below in the form of a check made payable to the ***San Bernardino County Clerk of the Board of Supervisors*** within 5 days of Planning Commission approval. **Project approval shall not be complete until the required fee(s) is (are) paid:**

[X] $50 for the Notice of Determination filing fee.

3.0 PRIOR TO THE ISSUANCE OF A BUILDING AND/OR GRADING PERMIT:

3.1. The applicant/developer shall pay development impact fees at the established rate. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, building permit and plan check fees.

3.2. Revised plans, incorporating all conditions of approval, shall be submitted and approved by the Director of Development Services.

3.3. All plans shall be coordinated for consistency.

3.4. The applicant/developer shall submit two sets of structural plans/construction documents. The plans shall include one set of structural calculations, one set of Title 24 energy calculations, and one soils report. The applicant/developer shall also submit the above documents in digital format to the Building Division once approved.

3.5. A construction management plan shall be submitted and approved by the Director of Development Services. The plan shall coordinate and address construction activities that may impact residents and/or surrounding businesses in adjacent areas. Elements of the plan shall contain, but not be limited to, the following:

a. Routing of construction equipment
b. Hours of operation

c. Dust control
d. Vector control
e. Vehicle, equipment, and personnel staging
f. Pre-construction meetings
g. Contractor/subcontractor acknowledgement, obligations, and penalties
h. Traffic control and coordination
i. Security and interim fencing
j. Signs posted on the site with a contact number for the job site construction manager and the City's Code Enforcement Division. Signs shall measure at least four feet by eight feet and shall be posted along every street frontage. The developer shall contact the City immediately upon any change in contact numbers.
k. Building and landscape phasing. This plan shall show which buildings and landscaping will be completed in which phases, and how each completed phase will be closed off from phases under construction so as to minimize conflict between construction vehicles, construction equipment, employees, and residents, as applicable.

3.6. A precise wall plan identifying the design, location and construction details of all walls and fences shall be submitted and approved by the Planning and Building Divisions. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature.

3.7. Prior to the issuance of any grading permit, detailed on-site landscaping and irrigation construction drawings along with a copy of the Planning Commission approved conceptual landscape plans and a copy of the conditions of approval shall be submitted for review and approval by the Director of Development Services. A grading permit will not be issued until the City's outside plan checker has completed one review of detailed landscape and irrigation plans for the development. Payment of the Landscape & Irrigation Plan Review Fee shall be due at the time of submittal. Plans shall be prepared to comply with the City's Water Efficient Landscape Ordinance, adopted on October 6, 2015, Ordinance No. 2015-008, meet the requirements for a Landscape Documentation Package in accordance with Section 20.19.030 of the Landscape Ordinance, and shall bear the seal of a landscape architect registered with the state of California. If the site includes areas proposed to be placed within a City-maintained Landscape Maintenance District, then the plans shall be prepared on City of Chino, Engineering Division base sheets, and shall bear the seal of a landscape architect registered with the state of California. Original mylars shall be submitted to the City upon approval of plans by the City Engineer.

3.7.1. To minimize damage to paved areas due to tree root growth, trees located within five (5) feet of any paved surface area, shall be

provided with root barriers unless it can be demonstrated, to the satisfaction of the Planning Division, that the root growth characteristics of the type of tree proposed does not warrant their installation.

3.8. Approval of the conceptual landscape plan by the Planning Commission does not constitute final approval. The final landscape approval (during the plan check process and/or following installation) shall be subject to the review and approval of the City's Landscape Architect Consultant and the Director of Development Services. The City Landscape Architect or Director of Development Services may require additional/fewer trees, shrubs, vines, and ground cover as necessary, based on final site conditions during the landscape plan check process or field review process in order to mitigate any site conditions that were not apparent during either the Planning Commission review or plan check review process.

3.9. All new ground-mounted utilities, including but not limited to cable television facilities, and telephone/fiber optic facilities, shall be undergrounded. Equipment that is not placed underground such as SCE transformers, backflow prevention devices, irrigation valves and controllers used for common landscape areas shall be placed in areas out of public view and sufficiently screened. The location and method of screening shall be reflected in a plan and shall be subject to the review and approval by the Director of Development Services.

3.10. All electrical panels and cabinets shall be completely screened. All electrical panels and cabinets shall be fully enclosed and integrated into and architecturally compatible with the building to the satisfaction of the Director of Development Services. The locations of the electrical panels and cabinets shall be reflected on a site plan and elevation(s) to be reviewed and approved by the Director of Development Services.

3.11. Prior to the issuance of a building permit, the approved grading plans shall be attached to the construction plan set. The project shall be built according to the plans approved by the Planning Commission on July 16, 2025, as prepared by Gateway Terminal LLC, O.C. Design & Engineering, Phil May Landscape Architecture and Pacific Consulting Group, Inc. Any substantial modification to the project shall require Planning Commission review and approval. If minor in nature, the modification may be reviewed and approved by the Development Services Director.

3.12. A detailed on-site exterior lighting plan shall be submitted and approved by the Director of Development Services. Plans shall be designed pursuant to Chino Municipal Code Section 20.10.090 *(Outdoor Lighting)*

and shall identify fixture design, illumination (photometric), location, height and method of shielding, so as not to adversely affect adjacent properties.

3.13. Upon submittal of construction drawings to the Building Division for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. The condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.

3.14. The applicant is required to contact the West Valley Mosquito and Vector Control District to determine if an inspection or field survey of potential vectors and their ectoparasites is necessary. If the District so determines, an inspection or field survey shall be conducted by the District, at the applicant's expense, prior to demolition or grading in order to protect the health of and reduce the risk of neighboring residents to vector-borne diseases. Based on the inspection or survey results, the applicant shall take appropriate vector control methods as recommended by the District.

3.15. A Water Quality Management Plan shall be prepared in accordance with County of San Bernardino requirements and submitted and approved by the City.

3.16. No grading permits shall be issued until all applicable biological resource mitigation measures, identified in the Addendum to the City of Chino General Plan Certified Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project, prepared by LSA Associates, Inc., dated June 2025, as they apply to the project area, have been complied with to the satisfaction of the Director of Development Services.

4.0 PRIOR TO START OF CONSTRUCTION:

4.1. A pre-construction meeting, scheduled with the Building Division, shall be held with all applicable City staff members, developer, contractor, superintendent, and all applicable subcontractors.

4.2. The final landscape and irrigation plans for the development shall be approved by the Director of Development Services.

4.3. The approved construction management plan shall be distributed to all contractors and subcontractors and shall be maintained on-site through the duration of construction.

5.0 PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

5.1. All conditions of approval shall be completed to the satisfaction of the Director of Development Services.

5.2. The fee for review of the landscaping and irrigation plans by both the City and the City's landscape architect shall be paid by the developer.

5.3. All landscaping and irrigation shall be installed in accordance with the approved Planning Commission plans on file with the Development Services Department, and irrigation systems fully operational. In addition, all hardscaped and landscaped areas shall be free of trash and debris.

5.4. A licensed landscape architect or contractor, or other licensed certified professional in a related field shall conduct a final field inspection and shall prepare a certificate of completion, which shall be filed with the Director of Development Services. The certificate of completion shall be prepared in accordance with Section 20.19.030.J of the Landscape Ordinance, and shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed. All landscape and irrigation audits shall be conducted by a landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

5.5. A landscape maintenance program for the entire project site shall be reviewed and approved by the Director of Development Services. The maintenance program shall include general landscape maintenance provisions for pruning, trimming, the replacement of any dead, decayed, or diseased vegetation, ongoing weed abatement, and replacement/repair of the irrigation system, when necessary. The landscape maintenance program shall be included with the contract with the landscape maintenance company to ensure they implement the maintenance program. In addition, the maintenance program should include provisions for periodic inspections to ensure the irrigation system is working properly, and all landscaping is being properly maintained.

5.6. Prior to issuance of a certificate of occupancy for the final unit, any temporary sales and/or construction office buildings/trailers shall be removed from the site.

5.7. The project site shall be clean and free of trash and construction debris, and all construction equipment shall be removed from the site.

6.0 ENVIRONMENTAL REQUIREMENTS & MITIGATION MEASURES:

6.1. Comply with all mitigation measures identified in the attached *Mitigation Monitoring and Reporting Program* contained within the Addendum to the City of Chino General Plan Certified Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project and attached as Exhibit "A" to the conditions of approval, which identifies each environmental mitigation measure, the time in which it will be implemented and the responsible party for monitoring its implementation.

7.0 OTHER REQUIREMENTS:

7.1. The applicant shall disclose to all potential tenants or owners of units or buildings that the businesses/uses must be consistent with the standards of the land use designation/zoning district in which the project site is located.

7.2. All existing buildings or structures on the project site that are proposed to be demolished shall be removed or razed within 90 days of the existing church vacating the site or issuance of a grading permit, whichever occurs first. The Director of Development Services may approve an extension of time to complete the demolition, based on evidence that the applicant has exercised reasonable progress. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time periods.

7.3. The project site shall be cleared of all trash, debris, weeds, and other discarded items within two weeks of Planning Commission approval. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time period.

7.4. A coating that will facilitate the removal of graffiti shall be applied over the complete height of one side/both sides of walls and/or fences, and to a height of eight feet on building walls. If a coating is not provided, the owner of the property shall paint the buildings and/or walls to remove graffiti within 72 hours of notice.

7.5. All signs, including subdivision and/or realty signs proposed for this development shall be designed to conform to the Sign Ordinance and shall require separate application and approval by the Planning and Building Divisions prior to installation.

7.6. Building and Site Design:

7.6.1. Exterior building color shall be reviewed and approved by the Director of Development Services. Colors shall be coordinated between structures, utilizing compatible hues and intensities. Final review and approval of paint colors utilizing a color test may be required prior to painting any structure, if determined necessary in the field by the Director of Development Services.

7.6.2. All building drainage gutters, downspouts, vents, etc., located on the exterior walls shall be architecturally compatible with the exterior building design and color, to the satisfaction of the Director of Development Services, or shall be completely concealed from view. They shall not be located on the exterior of building walls near office areas or other prominent locations on the building(s).

7.6.3. All new mechanical equipment and appurtenances of any type (including, but not limited to, electrical cabinets, HVAC equipment, skylights, stack vents or fans) whether located on rooftops, ground level or anywhere on the building structure, shall be completely screened so as not to be visible from any public street and/or adjacent property, subject to review and approval by the Director of Development Services. The parapet wall should serve as the primary method of screening, or the facilities shall be enclosed within the structure of the building. Such enclosure of facilities shall be of compatible design related to building structure for which such facilities are intended to serve.

7.6.4. Returns for parapet walls shall not be visible from public view and shall be evaluated in the field during construction, and modified if necessary so as not to be visible. All parapet returns shall be a minimum of 4 feet deep.

7.6.5. New ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from view for commercial and industrial projects.

7.6.6. All new overhead doors, mechanical doors and/or man doors shall be color coordinated with the building.

7.6.7. An outdoor employee break area shall be provided at the northwest corner of the project site, in front of the industrial warehouse building. This area shall be provided with seating, tables, enhanced paving treatments, hose bibs, decorative trash

receptacles, a shade trellis structure, and shade trees, to the satisfaction of the Director of Development Services.

7.6.8. All landscaping shall be designed and installed in accordance with Section 20.19 of the Chino Municipal Code.

7.7. Parking and Lighting:

7.7.1. All exterior lighting fixtures shall be installed in accordance with plans on file with the Development Services Department and shall be fully operational prior to occupancy.

7.7.2. All building-mounted light fixtures within public areas shall be decorative in nature and architecturally compatible with the building. Building-mounted light fixtures shall be reviewed and approved by the Director of Development Services prior to installation. “Wall-paks” or other standardized exterior lighting shall not be permitted within public areas.

7.7.3. All parking and loading areas shall be paved and double-striped in accordance with plans on file with the Development Services Department, Chino Municipal Code Chapter 20.18 *(Parking)* and the disabled parking and accessibility requirements of state law (see the CalDAG—California Disabled Accessibility Guidebook).

7.7.4. Drive surfaces contiguous with planter areas shall have a 6-inch raised curb separation.

7.7.5. All parking spaces, aisles, entrances and exits shall be double-striped per City standards.

7.7.6. All parking spaces for compact cars shall be clearly identified as "Compact Car Only" on the pavement, at the opening of the space. Compact parking spaces shall be reasonably distributed throughout the parking area, subject to review and approval by the Director of Development Services.

7.8. Refuse and Recycling:

7.8.1. Separate receptacles (bins) for the collection of refuse, recyclable, and organics materials shall be provided. An adequate number of bins to allow for the collection of refuse recyclable, and organic materials generated by the development shall be provided.

7.8.2. Refuse, recyclable, and organics materials bins shall be enclosed by a 6-foot-high (1.83 m) wall with a solid roof that is designed to be architecturally compatible with the building(s), with solid view obstructing gates fitted with self-closing door devices and be designed with cane bolts in front of the block walls to secure the gates when in the open position. The gates should also be equipped with rod locks and corresponding rod holes in both the open and closed gate positions. Bins containing recyclable materials shall be provided protection from adverse environmental conditions that might render the collection materials unmarketable.

7.8.3. No refuse/recycling/organic enclosure shall be located within any required setback area.

7.8.4. All refuse, recyclable and organic material bin enclosures not located in private yard areas shall be screened with landscaping on all sides, with the exception of the gate area. All sides of the enclosure, with the exception of the gate area, shall be surrounded by a minimum 18” wide planter area for the purpose of providing landscape material.

7.8.5. Refuse storage, recycling and organic areas shall not be used for the storage of materials other than that for which it is designed (refuse, recyclable and organic materials). The premises shall be kept in a neat and orderly condition, and in good repair and appearance at all times.

7.9. Phased Projects:

7.9.1. All required street improvements and a minimum of 10 feet of landscaping on private property shall be installed in conjunction with the construction of Phase 1 of the proposed project. The landscaping within this area shall be included in the landscape maintenance program.

7.9.2. Prior to the first occupancy permit, all undeveloped building pads shall be improved according to the following requirements:

7.9.3. For an undeveloped building pad located adjacent to the street or main drive aisle of the site, the area shall be landscaped with a planting scheme consisting of a low-maintenance drought tolerant erosion control mix of Cucamonga brome (20 lbs/acre), tomcat clover (4 lbs/acre and small fescue (8 lbs/acre) at a minimum of 85% PLS (pure live seed). The irrigation system shall consist of

low precipitation sprinkler heads and/or drip system. In addition, shrubs may be required to provide screening from the street, if determined needed by the Director of Development Services. Said treatment shall be incorporated into the required landscape and irrigation plans.

7.9.4. For a larger phased area located on the interior of the site, a construction fence/green screen may be provided in lieu of the landscape treatment. The fence shall be maintained in good condition at all times.

7.10. Chino Climate Action Plan:

7.10.1. Per Section 15.45.070 of the Chino Municipal Code, demonstrate consistency with the Chino Climate Action Plan by implementing one of the following three options:

a) Exceed the mandatory California Energy Code Title 24, Part 6 standards in effect at the time of application submittal by 5%; or
b) Achieve an equivalent reduction through voluntary measures in the California Green Building Standards Code, Title 24, Part 11 (CALGreen) in effect at the time of application submittal; or
c) Provide other equivalent greenhouse gas (GHG) reductions through measures including but not limited to, non-vehicle transportation infrastructure, transit, ZEV (zero emission vehicle) infrastructure or other incentives, waste diversion, water conservation, tree planting, renewable energy option packages, or any combination of these or other measures such that GHG emissions are reduced by 0.74 MT CO2e per residential dwelling unit per year and/or per TSF of commercial/industrial use per year.

Applicants that choose Option a described above will be required to verify that their project meets the 5% improvement above the mandatory standards through the appropriate certificate of compliance form for residential construction (CF-1R) or for commercial/industrial construction (PERF-1C). Applicants that choose Options b or c described above will be required to utilize the GHG Performance Standard Checklist developed by the City, or provide other valid documentation, such as CalEEMod or other methodologies, as verified by the Director of Development Services to demonstrate the required GHG reductions consistent with the City's CAP.

8.0 CONSTRUCTION SITE SECURITY:

8.1. Each site shall be completely encircled by a minimum 6' tall security-quality chain link fence once precise grading has been completed or as determined by the Deputy Director of Development Services.

8.2. Tennis court or similar screening material shall be securely attached for the length of the fence, excluding gates and 10' on either side of gates.

8.3. Each site shall have only one entry/exit gate, or as approved by the Planning Division.

8.4. Gate hinge pins shall be spot-welded or altered in such a way as to prevent easy removal.

8.5. Each gate shall have a casehardened lock and chain, or other equivalent security hardware.

8.6. “No Trespassing” signs shall be attached to the exterior of the fence at a minimum distance of a third of a mile and at all entrances.

8.7. On or near the exterior of each gate will be a sign with the address of the site in no less than 6" letters. Both the number and street name will be listed on the sign. The address posted will be used for the entire site until the fence is removed and individual addresses assigned.

8.8. Office trailers and tool bins shall be placed adjacent to gates inside the property to allow observation from outside.

8.9. Lighting on trailers and bins is desirable but shall be directed into the property so as not to impede outside observation or endanger nearby traffic with glare.

8.10. Tool bins shall be secured with casehardened locks, preferably with lock guards.

8.11. A sign stating that theft is not acceptable on the site and will be reported to the police, or wording to that effect, will be displayed prominently near each entrance.

8.12. Each site will have an assigned Crime Prevention Manager who is responsible for the following:

a. Providing his/her name and 24-hour telephone access number to the Chino Police Department.

b. Have available at all times the names and 24-hour contact numbers for all subcontractors.
c. Have the authority to speak for the development/owners on matters concerning trespassing and other criminal matters.
d. Complete routine fence inspections and arrange for prompt repairs or removal of any damage, graffiti, or loose screening.
e. Ensure that no work or maintenance of construction equipment is being performed on the site between 8 PM and 7 AM.
f. Ensure that all above security requirements are complied with, and that all security hardware, fencing, and lighting are maintained in working order.
g. Ensure that thefts are immediately reported to the police department and that reasonable steps are taken, if evident, to prevent future similar incidents.

9.0 THE APPROVED USES SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:

9.1. All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.

9.2. The operation or activity shall not cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution that can cause damage to human health, vegetation, or other forms of air pollution that can cause excessive soiling on any other parcel. No emission shall be permitted which exceeds the requirements of the South Coast Air Quality Management District or the requirements of any Air Quality Plan adopted by the City of Chino.

9.3. The operation or activity shall not emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable with or without the aid of instruments at or beyond the project site boundary.

9.4. The operation shall not discharge, at any point, into any public or private street, public sewer, storm drain, private stream, body of water, or into the ground, any material which can contaminate any water supply, interfere with bacteriological processes in sewerage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with the standards approved by the California Department of Public Health, or any other federal, state or local government agency.

9.5. No operation or activity shall emit heat or cold that would cause a temperature increase or decrease on any adjacent parcel in excess of 10^0F (5.56^0C).

9.6. No operation or activity shall cause any impermissible source of electronic disturbance that adversely affects persons or the operation of any equipment on any other parcel that is not in conformance with the regulations of the Federal Communications Commission (FCC). Impermissible interference for the purposes of this document shall mean any interference that violates the rules and regulations of the FCC and/or the Communications Act of 1934, as amended.

9.7. No operation or activity shall be permitted to cause a steady state, earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute beyond the project site. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from this requirement.

9.8. Noise emanating from the project site, and which is received by adjacent land uses, shall not exceed the levels specified below, except that loudspeakers, bells, gongs, buzzers or other noise attention or attracting devices shall not exceed a maximum daytime dBA level of 60 and nighttime dBA of 40, measured anywhere beyond the boundaries of the property within which the noise is created.

Maximum Time of Exposure	Noise Metric	Noise Level Not To Be Exceeded	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
30 Minutes/Hour	L50	55 dBA	50 dBA
15 Minutes/Hour	L25	60 dBA	55 dBA
5 Minutes/Hour	L8.3	65 dBA	60 dBA
One Minute/Hour	L1.7	70 dBA	65 dBA
Any Period of Time	Lmax	75 Dba	70 dBA

Attachment:

Exhibit “A” – Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation for the:

Chino Gateway Terminal Project
Special Conditional Use Permits (PL24-0097 and PL24-0120), Site Approval (PL24-0098)

The program has been prepared in compliance with State law and Addendum to The City of Chino General Plan Environmental Impact Report (State Clearinghouse No. 2008091064) prepared for the project by the City of Chino (City).

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant effects on the environment (Public Resource Code Section 21081.6). The law states the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in The City of Chino General Plan Environmental Impact Report (State Clearinghouse No. 2008091064).

MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City shall monitor and report on all mitigation activities. Mitigation measures shall be implemented at different stages of development throughout the project site. In this regard, the responsibilities for implementation have been assigned to the Applicant, City, Contractor, or a combination thereof. If, during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City shall then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, shall then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

REGULATORY COMPLIANCE MEASURES

Regulatory Compliance Measures are presented in instances where the proposed project would not create a significant impact but would be required to adhere to regulatory requirements in order to ensure impacts do not become significant. Regulatory Compliance Measures outline compliance with various federal, State, and/or local acts, laws, rules, regulations, municipal codes, policies, etc.

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MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 13, 2025

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.1. AESTHETICS					
Since there are no significant impacts related to aesthetics as a result of the project, no mitigation measures are required.					
V.2. AGRICULTURAL RESOURCES					
Since there are no significant impacts related to agricultural resources as a result of the project, no mitigation measures are required.					
V.3. AIR QUALITY AND GREENHOUS EGAS EMISSIONS					
Since there are no significant impacts related to air quality and greenhouse gas emissions as a result of the project, no mitigation measures are required.					
V.4. BIOLOGICAL RESOURCES					
Since there are no significant impacts related to biological resources as a result of the project, no mitigation measures are required.					
V.5. CULTURAL RESOURCES					
Since there are no significant impacts related to cultural resources as a result of the project, no mitigation measures are required.					
V.6. GEOLOGY/SOILS and MINERAL RESOURCES					
Since there are no significant impacts related to geology/soils and mineral resources as a result of the project, no mitigation measures are required.					
V.7. HAZARDS & HAZARDOUS MATERIALS					
Since there are no significant impacts related to hazards and hazardous materials as a result of the project, no mitigation measures are required.					
V.8. HYDROLOGY/WATER QUALITY					
Since there are no significant impacts related to hydrology/water quality as a result of the project, no mitigation measures are required.					
V.9. LAND USE and PLANNING					
Since there are no significant impacts related to land use and planning as a result of the project, no mitigation measures are required.					

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 13, 2025

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.10. NOISE					
Since there are no significant impacts related to noise as a result of the project, no mitigation measures are required.					
V.11. POPULATION/HOUSING					
Since there are no significant impacts related to population/housing as a result of the project, no mitigation measures are required.					
V.12. PARKS and PUBLIC SERVICES					
Since there are no significant impacts related to parks and public services as a result of the project, no mitigation measures are required.					
V.13. TRANSPORTATION/TRAFFIC					
Since there are no significant impacts related to transportation/traffic as a result of the project, no mitigation measures are required.					
V.14. UTILITY SYSTEMS and INFRASTRUCTURE					
Since there are no significant impacts related to utility systems and infrastructure as a result of the project, no mitigation measures are required.					
V.15. ENERGY					
Since there are no significant impacts related to energy as a result of the project, no mitigation measures are required.					
V.16. VEHICLE MILES TRAVELED					
Since there are no significant impacts related to vehicle miles traveled as a result of the project, no mitigation measures are required.					
V.17. TRIBAL CULTURAL RESOURCES					
Since there are no significant impacts related to tribal cultural resources as a result of the project, no mitigation measures are required.					
V.18. WILDFIRE					
Since there are no significant impacts related to wildfire as a result of the project, no mitigation measures are required.					

MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

REGULATORY COMPLIANCE MEASURES

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 16, 2025

Regulatory Compliance Measure / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.4. BIOLOGICAL RESOURCES					
REGUATORY COMPLIANCE MEASURE BIO-1: A preconstruction survey for burrowing will be conducted within 30 days prior to initial ground disturbance. If burrowing owl is found on the site, the developer will consult with California Department of Fish and Wildlife (CDFW) and relocate the owls in accordance with CDFW burrowing owl relocation protocols, including the creation of artificial burrows.	City of Chino Director of Development Services, or designee.	Within 30 days prior to initial ground disturbance and during construction.	Evidence to the City a qualified biologist is retained, the required pre-construction survey has been completed, and, if necessary, appropriate consultation with the CDFW and relocation of owls in accordance with CDFW burrowing owl relocation protocols, including the creation of artificial burrows, has occurred.		Withhold grading permit and/or issuance of a stop work order.
REGUATORY COMPLIANCE MEASURE BIO-2: If tree removal is to be conducted during the nesting season (February through August), a preconstruction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests would not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial clearing of vegetation. The nesting bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriately sized non-disturbance	City of Chino Director of Development Services, or designee.	No more than three days prior to initial clearing of vegetation if tree removal is to be conducted during the nesting season (February through August).	Evidence to the City a qualified avian biologist is retained, the required pre-construction survey has been completed, and, if necessary, appropriate buffers have been implemented and enforced until the nest is deemed inactive by the qualified avian biologist.		Withhold grading permit and/or issuance of a stop work order.

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 16, 2025

Regulatory Compliance Measure / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
buffer between 100 and 300 feet (500 feet for raptors) around the nest, depending on bird species, behavior, and level of construction activity, using flagging or staking. Construction activities shall not occur within any non-disturbance buffer zones until the nest is deemed inactive by the qualified avian biologist.					

PUBLIC WORKS CONDITIONS OF APPROVAL
PROJECT NO. PL24-0097 (SCUP)/-0098 (SA)/-0120(SCUP)

DATE: July 1, 2025 PC MEETING DATE: July 16, 2025

PROJECT DESCRIPTION: Proposal for a new mixed use development of two buildings: a building with 158,548 sq ft of industrial warehouse uses and 3,520 sq ft of food and beverage use building. Existing structures, totaling 17,716 SF, are to be demolished. Four (4) lots will be merged into two (2) lots.

PROJECT LOCATION: 5849 Schaefer Avenue

APPLICANT: Gateway Terminal LLC PROJECT ENGINEER: Daniel Aguirre

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PRIOR TO THE THREE MAJOR DEVELOPMENT EVENTS, THE APPLICANT SHALL SATISFY AND FULFILL ALL CONDITIONS OUTLINED BELOW. FAILURE TO COMPLY WITH ANY CONDITIONS OF APPROVAL SHALL BE DEEMED JUST CAUSE FOR REVOCATION OF PROJECT APPROVAL BY THE PLANNING COMMISSION. HOWEVER, THE PUBLIC WORKS DIRECTOR SHALL HAVE THE AUTHORITY TO APPROVE MINOR DEVIATIONS IN THE CONDITIONS OF APPROVAL, AND ALL PLANS INCLUDING THE CONSTRUCTION DRAWINGS.

1.0 **PRIOR TO ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS:**

1.1. All required plans and studies shall be prepared by a Registered Professional Engineer and submitted to the Project Engineer for review and approval. All project plans must be approved by the City Engineer's office before a Building Permit will be issued. All maps, studies, calculation sheets, reports, etc. must be on and/or folded in an 11-inch by 8½-inch standard format.

1.2. Make the following dedications:

Street Name	Distance	Direction From C/L
Oaks Ave	33-ft total from CL to ROW (3-ft dedication)	West

1.2a Dedicate to the City of Chino, a corner cutoff dedication at the southwest corner of Schaefer Ave. and Oaks Ave., per the City's Municipal Code.

1.2b Prepare and record necessary drainage easements to implement the project in accordance with drainage law.

1.3. Apply for and record a Lot Merger (LM) prior to the issuance of building permits. Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the LM to conform the new legal description. Submit a copy of the recorded Conforming Deed to the Public Works Department.

1.4. Prepare and submit a drainage study, including supporting hydraulic and hydrological data to the project engineer for approval. The study shall confirm or recommend changes to the City's adopted Master Drainage Plan by identifying off-site and on-site storm water runoff impact resulting from build-out of permitted General Plan land uses. In addition, the study shall identify the project's contribution and shall provide locations and sizes of catchments and system connection points and all downstream drainage mitigation measures.

1.5. Prepare and submit a final grading plan showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements and other pertinent information in accordance with Appendix J of the California Building Code, latest edition.

1.6. Provide a certificate, from a Registered Civil Engineer, certifying that the finished grading has been completed in accordance with the City approved grading plan.

1.7. Submit a soils/geology report in accordance with Appendix J of the California Building Code, latest edition to the project engineer for review and approval.

1.8. Design per City Standards and construct full public improvements for all impacted and interior streets/facilities in accordance with City Code, Standards and Specifications. Such public improvements shall include, but not be limited to, the following [1]:

	Street Names			
	Schaefer Ave	Oaks Ave		
Curb & Gutter (Offset from Centerline)	36’	22’		
Sidewalk (Width)	5’ [2]	5’ [2]		
Asphalt Concrete Pavement on Aggregate Base (Width from Centerline)				
Asphalt Concrete Overlay [3]	X	X		
Street Lights [4]	X	X		
Median Island and Landscaping				
Parkway Landscaping [5]	X	X		
Striping and Traffic Controls [6]	X	X		
Traffic Signal Interconnect				
Conduit System for CATV				
Sewer [7]		X		
Storm Drain		X		
Domestic Water [8]	X	X		
Recycled Water				
Fire Hydrants as required by CVIFD [9]	X	X		
Driveways approaches [10]	X	X		

1. The public improvements listed above are required along the south side of Schaefer Avenue and the west side of Oaks Avenue as specified in our municipal code and per the City of Chino’s General Plan. All required street improvements should follow the new City standard for street trenching backfill and repair. Repair all damage to existing public improvements due to the proposed construction activities and as requested by the Public Works Inspector.
2. The sidewalk shall be extended along the project frontage on Schaefer Ave to the existing catch basin located near the northwesterly corner of the project site. ADA ramps shall be constructed at the southwest and southeast corners of Schaefer and Oaks to align with ADA standards.
3. Grind and overlay a minimum of 2 inches of the existing asphalt pavement along the project frontage in accordance with City of Chino standards. The limits of work shall extend to the street centerline along Oaks Avenue. The extent of asphalt pavement along Schaefer Avenue shall be determined based on the limits shown on the approved precise grading plan, including any areas impacted by new driveway installation, utility connections, or accessibility improvements.
4. Streetlights shall be installed per City of Chino standards and shall utilize an unmetered service pedestal.
5. The parkway maintenance shall be the responsibility of the property owner.
6. Extent of the signing & striping plan shall be dictated by the City Traffic Engineer.
7. Abandon unused sewer service(s) where applicable, per City standards.

8. Provide new water meters and services and abandon unused water meters and services where applicable, per City standards.
9. All existing fire hydrants that require relocation will need to be upgraded to the latest model per City of Chino standards.
10. All proposed driveway approaches shall be constructed per City Std. No. 250 with 5-ft sidewalks. Minimum width shall be 30-ft. Minimum radii per City and Chino Valley Independent Fire District (CVIFD) requirements.

1.9. All improvements shall comply with federal, state, and local accessibility regulations and standards.

a. The review or approval of plans and specifications by the City does not permit the violation of any section of the federal law, state law, building code, or local ordinance.

b. Where accessibility standards are contradictory, the provision that provides the most accessible (restrictive) condition shall apply.

c. Where the project's conditions of approval conflict with accessibility regulations and standards, the prevailing provision shall be determined by City's Accessibility Coordinator and City Engineer.

Pedestrian facilities (privately or publicly owned) that are open to the public shall comply with the City's Policy on Accessible Pedestrian Facilities, accessibility standards in the CBC, and ADA regulations at Part 36 of Title 28, which include the 2010 (ADA) Standards.

Accessibility of existing and proposed building improvements will be evaluated by the City's building department. Those comments and requests are in addition to those provided herein.

1.10. Design and install a monitoring manhole (per City Standard No. 530) on each domestic sewer lateral connection from any industrial building into the City's main sewer or into a private sewer main that is tributary to the City's main sewer. In addition, design and install a sampling Wye on a stubbed-out sewer lateral connection into the main sewer for each industrial building in this development.

1.11. Execute a Public Improvement Agreement and submit security in an amount acceptable to the City Engineer to guarantee construction of the public improvements listed in 1.8. All security must be accessible to the City at any time and in a form acceptable to the City Engineer, pursuant to Government Code, Section 66499.

1.12. Complete and file the petition for annexation of your project property to the City's Landscape and Street Lighting Maintenance District MD 2002-01.

1.13. Annex into the current services special tax community facilities district of the City (the "City Services CFD") through the submission of an application to the City's Finance Department along with the payment of $11,000.00 plus the per parcel fee, for the City's outside costs of the annexation process, or (II) form a new City community facilities district with a services special tax component commensurate with the City Services CFD, or (III) provide a lump sum payment to the City which, based on current interest rate conditions, is projected to finance in perpetuity the same services projected to be provided through annexation into the City Services CFD. Upon completion of the annexation, an annual special tax will be assessed on the property tax bill to each Assessor Parcel at an established rate set by the City Services CFD document entitled "Rate and Method of Apportionment" available for review in the CFD Annual Report located at:

https://www.cityofchino.org/222/Community-Facilities-District-Mello-Roos

This annual tax is used to fund Police, Fire and other municipal services provided to residents and businesses in the general City.

1.14. Obtain design and plan approval from appropriate utility companies for undergrounding all utility lines adjoining and interior to the project, including power lines of 34.5kV or less in accordance with City Code, Chapter 13.32.

1.15. Comply with all applicable requirements of the City Code.

1.16. The project must ensure that all pedestrian facilities (private or publicly owned) that are open to the public shall comply with accessibility standards in the City's Policy on Accessible Pedestrian Facilities, the current edition of the CBC in effect at the time of building permit issuance or, if no permit, the date construction commences, and Part 36 of Title 28 of the Americans with Disabilities Act (ADA) regulations, which include the 2010 ADA Standards. This includes the following structures and facilities:

a. Sidewalks and walks (public right of way sidewalk, walks within the development);
b. Curb ramps (should be directional with one curb ramp provided for each pedestrian crossing and shall comply with the City' Policy on Accessible Pedestrian Facilities);
c. Pedestrian crossings at driveways; and
d. Crosswalks (marked, unmarked, signalized)

1.17. Existing pedestrian facilities on the frontage of the development, open to the public within the development, shall be evaluated for accessibility. The street frontage includes all adjacent pedestrian facilities, created by, extended from, or connected to any required or provided sidewalks improvements. The frontage may include sidewalks, curb ramps, connecting crosswalks (marked and unmarked), and other associated pedestrian facilities (on-street parking space, etc.).

a. The following existing improvements shall be made compliant with accessibility regulations as a part of this project:
   i. sidewalks/walks
   ii. curb ramps near the southwest and southeast corners of Schaefer Ave and Oaks Ave
   iii. crosswalk pavement and associated pedestrian facilities (pedestrian push buttons, maneuvering space, clear space)
   iv. driveway approaches crossings
   v. parking space

b. Improvements that are non-compliant with the accessibility standards in effect at the time of construction or alteration, shall be brought up to current accessibility standards. This work shall be incorporated into the scope of this project and shall be completed prior to acceptance by the City.

c. Improvements that are compliant with the accessibility standards in effect at the time of construction, shall be documented on a separate construction plan with detailed specifications (running and cross slopes of all pedestrian walking surfaces, locations, dimensions and slopes of maneuvering spaces and landings, width of sidewalk, clear width and vertical clearance from obstructions). The accessibility of existing improvements will be verified by City inspection staff upon completion of the project. Discrepancies between documented existing conditions and existing conditions as measured by City staff shall be remediated and brought up to accessibility standards as part of the project.

1.18. Pay all applicable fees pursuant to City Code including, but not limited to, the Development Impact Fees (DIF) and Sewage Facilities Development Fee (SFDF). The actual amount of fees due to the City will be based on the fee schedule in place on the date that the fees are due, or the date that they are paid, whichever occurs last. The fee amount stated in this notice is subject to change based on (1) annual adjustments for inflation, pursuant to Chino Municipal Code Section 3.40.100

or 3.45.100, (2) revisions to the Chino Municipal Code, and (3) updates to the fee studies and nexus reports adopted by the City.

Developer is solely responsible for remaining informed about changes in the fee amounts. City shall have no obligation to inform Developer of changes in the fee amounts unless Developer requests notice of such changes, pursuant to Government Code Section 66019(b) and Chino Municipal Code Section 3.40.080(B) or 3.45.080(B).

1.19. All projects developing one (1) acre or more of total land area, or which are part of a larger phased development that will disturb one acre of land, are required to obtain coverage under the State Water Resources Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required. A copy of the Waste Discharger's Identification Number (WDID), issued by the SWRCB, must be submitted to the Project Engineer prior to issuance of grading permits. More detailed information regarding this General Permit, applicable fee information and the necessary forms to complete the NOI are available by calling (916) 341-5537 or on the SWRCB web site at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

1.20. Pursuant to Santa Ana Regional Water Quality Control Board Order Number R8-2010-0036, NPDES Permit No. CAS618036, prepare a project-specific Water Quality Management Plan (WQMP) and submit to the project engineer for review and approval. To address NPDES Permit requirements to the maximum extent practicable, the project shall be designed to specify preferential use of Low Impact Development Best Management Practices that reduce pollutants and runoff volume through structural measures (e.g., infiltration, harvesting, and bio-treatment) and non-structural measures (e.g., preserving natural areas, clustering development, and reducing impervious areas). The WQMP shall conform to the requirements of the San Bernardino County Stormwater Program, 2013 WQMP Technical Guidance Document and include the Trash Order Implementation Plan requirements.

1.21. Any future maintenance and repair of sewer laterals, except for the portion of lateral located within the public right-of-way or public easement, and domestic water or fire service laterals to the project site shall be the sole responsibility of the applicant/property owner in accordance with City Code, Chapter 13.04.175 and 13.12.150.

1.22. City staff shall determine the type of water (potable or recycled) to be used for grading operations, dust control activities, and common area/public landscape irrigation at the time of permit issuance.

1.23. All public street corners shall have a minimum curb radii per City Code, Chapter 19.06 and City Standards and Specifications.

1.24. Provide adequate sight distance per City Standard No. 865 for each project driveway and at all intersections. Landscaping type and height shall be maintained to ensure sight distance requirements are perpetuated.

1.25. Comply with all requirements of the Traffic Impact Analysis (TIA) dated May 21, 2025 including participation in fair share contributions (if applicable) and construction of required improvements.

1.26. If the design of the proposed curb ramps requires modifications to the existing traffic signal at the intersection of Schaefer Avenue and Oaks Avenue, the developer shall be responsible for implementing those modifications. During construction, the developer shall be responsible for any damages attributed to the construction of related public improvements and shall coordinate with the Transportation Division and the City's designated traffic signal maintenance company for technical support of the traffic signal during construction until such time as the improvements are accepted by the City to the satisfaction of the City Engineer.

1.27. Submit to the City electronic files, in Adobe Acrobat PDF format, of all submittals, including reports, studies, improvement plans and City redlines of previous submittals. Include AutoCAD and Esri GIS shape files as an e-transmitted zip file of all approved improvement plans.

1.28. The Developer may coordinate with the City to identify any eligible development impact fee (DIF) credits in accordance with the Chino Municipal Code. If any credits are identified, the Developer shall enter into a mutually agreed-upon DIF credit agreement with the City, which shall be subject to City Council approval.

2.0 PRIOR TO REQUEST FOR AND RELEASE OF OCCUPANCY PERMITS/ACCEPTANCE OF PUBLIC IMPROVEMENTS:

2.1. Construct and secure Public Works Department approval of all public facilities enumerated under Section 1.0 above (per Resolution No. 88-23).

2.2. Underground all utility lines adjoining and interior to the project, including power lines of 34.5kV or less in accordance with City Code, Chapter 13.32

2.3. Distribute for signature of all buyers, the information and disclosure notice announcing that the development will be annexed to the City's Landscape and Street Lighting Maintenance Assessment District before transfer of property title and completion and acceptance of all public improvements.

2.4. The applicant's Civil Engineer shall field verify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP. BMPs shall also be inspected by Public Works Environmental staff. Coordinate inspection with staff and submit a completed City of Chino BMP field verification form for review and approval.

2.5. Provide and record a reciprocal use and maintenance agreement to assure common ingress and egress and joint maintenance of all common access, parking areas and drives.

2.6. Pay all remaining applicable fees pursuant to City Code.

2.7. Rehabilitate all street pavement impacted by utility trench repairs as directed by City staff. Install signing and striping per approved plans.

2.8. Submit to the City, electronic files of Tract/Parcel Map and "as-built" improvement plans in AUTOCAD, Esri GIS shape and Adobe Acrobat PDF formats. AUTOCAD files shall be submitted as an etransmitted zip file of the CAD drawings with all base files attached. Scanned resolution of PDF shall be a minimum of 360 dpi.

3.0 PRIOR TO FINAL ACCEPTANCE/PROJECT CLOSEOUT:

3.1 Complete all Conditions of Approval listed under Sections 1-3 above.

3.2 Submit to the City, electronic files of "as-built" improvement plans in AUTOCAD, Esri GIS shape and Adobe Acrobat PDF formats. AUTOCAD files shall be submitted as an etransmitted zip file of the CAD drawings with all base files attached. Scanned resolution of PDF shall be a minimum of 360 dpi.

Attachment

CITY OF CHINO
PUBLIC WORKS DEPARTMENT
DEVELOPMENT ENGINEERING DIVISION

PROJECT NO. PL24-0097(SCUP)/-0098 (SA)/-0120 (SCUP)

PROJECT ENGINEER: Daniel Aguirre
DATE: 7/1/2025

A COPY OF THIS CHECK LIST MUST BE PROVIDED ALONG WITH A COMPLETED PLAN CHECK REVIEW APPLICATION TO THE ENGINEERING TECHNICIAN WHEN MAKING AN APPOINTMENT FOR FIRST PLAN CHECK SUBMITTAL

- ☒ Copy of Development Engineering Division Conditions of Approval
- ☒ Plan Check Fee Calculation Form
- ☐ Maps (Subdivision Only)
- ☒ Preliminary Title Report (no older than six months) (Subdivision Only)
- ☐ Closure Calculations (Subdivision Only)
- ☐ Referenced Maps (Subdivision Only)
- ☒ Preliminary Soils Report (no older than sixty days)
- ☐ Lot line adjustment certificate
- ☒ Lot merger
- ☒ Right-of-way dedication
- ☐ Rough Grading Plans
- ☒ Precise Grading Plans
- ☐ Storm Drain Plans
- ☒ Hydrology and Hydraulic Calculations with Backup Data (Signed and Sealed by a Registered Civil Engineer)
- ☒ Engineering Cost Estimate (On City Forms) with Engineer's Wet Signature and Stamp
- ☐ Street Improvements Plans
- ☐ Cross-Sections (if street plans are required) at 50' intervals and extended a minimum of 100' beyond limits of improvements
- ☒ Sewer Plans (Delta revisions for proposed connections)
- ☒ Domestic Water Plans (Delta revisions for proposed connections)
- ☐ Recycled Water Plans
- ☒ Street Light Plans
- ☒ Voltage Drop Calculations (Signed and Sealed by a Registered Engineer)
- ☒ Signing and Striping Plans
- ☐ Traffic Signal Interconnect Plans
- ☒ Traffic Signal Plans (dependent on curb ramp design)
- ☒ Water Quality Management Plan
- ☐ Construction Management Plan

Chino Valley Fire District

14011 City Center Drive
Chino Hills, CA 91709
(909) 902-5260 Administration
(909) 902-5250 Fax
Chinovalleyfire.org

Board of Directors

Sarah-Ramos Evinger
President
Mike Kreeger
Vice President
Tom Haughey
Harvey Luth
Andrew Romaine

Fire Chief
Dave Williams

June 25, 2025

2024-00002066

GATEWAY TERMINAL LLC 13925 CITY CENTER DR STE 200 CHINO HILLS, CA - California 91709	Project Name: GATEWAY TERMINAL, PL24-0097(SCUP), PL24-0098 (SA), PL24-0120 Project Address: 5835 & 5885 Schaefer Ave. Chino, CA. 91710

It is a recommendation of the Fire District that the developer of every new construction project facilitate a preconstruction meeting. The meeting is to be scheduled with the Fire District Inspector for said project.

The following are the conditions of the above referenced permit/project. All conditions shall be adhered to, failure to comply with said conditions may result in the revocation of said permit and/or punitive fines as outlined in the Fire District fee schedule.

We look forward to a cooperative working relationship throughout the project. Should you have any questions regarding the project, including the conditions as set forth herein, please feel free to contact our office at (909) 902-5280.

Fire Protection Requirements

1.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO RECORDATION:

1.1 Fire access roads shall be designed and plans submitted to the Fire District for approval. Fire access roads shall be constructed of an all-weather hard surface, such as, asphalt or concrete, and be a minimum unobstructed width of 26 feet and minimum clear height of 13'6". The road grade shall not exceed twelve percent (12%) maximum. An approved turn around shall be provided at the end of each roadway in excess of 150 feet in length. Aerial access shall be provided for any buildings 30' ft. and higher per 2019 CFC. Appendix D. A 26' ft. wide access road shall be a minimum of 15' ft. to the building and a maximum of 30' ft. from the building. Access roads shall comply with Fire District Standard No. 111.

1.2 The development and each phase shall have two (2) points of vehicular access during construction. Fire District Standard No. 111 shall be complied with.

1.3 Water systems shall be designed to meet the required fire flow of this development and be approved by the Community Risk Reduction Division. Buildings in excess of 100,000 square feet shall have a minimum of two (2) connections to a public main. The developer shall furnish the Community Risk Reduction Division with three (3) copies of the water system working plans done by the installing contractor for approval, along with the Fire Flow Availability Form completed by the water purveyor prior to recordation. The required fire flow shall be determined by using the California Fire Code, current adopted edition. For all private systems, the water systems shall comply with Fire District Standard Nos. 101, 102, and 103. In areas without water-serving utilities, fire protection water systems shall be based on NFPA Pamphlet 1231. For water connections and work conducted in the public right of way, please refer to separate plans reviewed and approved by the water purveyor.

1.4 Fire hydrants shall be six-inch (6") diameter with a minimum one four-inch (4") and one two and one-half inch (2-1/2") connections. All fire hydrants shall be spaced a maximum of three hundred feet (300') apart. Private water systems shall comply with Fire District Standard Nos. 101, 102, and 114. All hydrants shall be installed with pavement markers to identify their locations.

1.5 Access drives which cross property lines shall be provided with CC & R's, access easements or reciprocating agreements and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

1.6 Underground fire mains which cross property lines shall be provided with CC & R's, easements, or reciprocating agreements addressing the use and maintenance of the mains and hydrants and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

2.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMIT:

2.1 Fire access roads shall be constructed and approved by the Community Risk Reduction Division prior to combustibles being brought onto the site.

2.2 Approved street signs shall be installed prior to issuance of building permits, as well as a job site address.

2.3 Fire Protection water systems shall be tested, operational, and approved by the Community Risk Reduction Division prior to combustible materials being brought to the site.

2.4 All flammable vegetation shall be removed from each building site for a minimum distance of thirty feet (30') from any flammable building material including all structures.

2.5 A detailed site plan of the development is required to be submitted in electronic (pdf.) format. The plan must show and be limited to: locations of property lines, buildings, and equipment and hazards for emergency response purposes. Please refer to Fire District Standard No. 143. Additional or revised files may be required during construction and/or prior to final signoff.

2.6 The Developer shall submit, as an electronic file, a drawing of the new streets in pdf format to the Fire District with the building construction plans. Format must contain and be restricted to the following layers: A. Right of way; B. Parcel Lines; C. Street Names; D. Address numbers; E. Fire Hydrants. Additional or revised files may be required during construction and/or prior to final signoff.

3.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO OCCUPANCY:

3.1 An automatic protection fire sprinkler system is required for all buildings 5,000 sq. ft or greater. and/or when used for allowable area increase, if applicable. This system shall comply with NFPA Standard No. 13 and Fire District Standard No. 110. An electronic/PDF set of detailed plans along with hydraulic calculations and material specifications shall be submitted to the Community Risk Reduction Division. The system shall be installed, tested and approved prior to system final. Fire sprinkler systems shall be installed by a licensed C-16 contractor and the contractor is required to submit a report to The Compliance Engine (TCE).

3.2 An automatic fire alarm system is required. An electronic/PDF set of detailed plans shall be submitted showing the design, system components, signaling devices, fire alarm power supply, control panel and auxiliary devices and functions of the alarm system. Please refer to Fire District Standard No. 133 and current adopted editions of the California Building Code, as well as NFPA Standard 72. The contractor is required to submit a report to The Compliance Engine (TCE).

3.3 Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings, if ERRC evaluation determines the need for installation of system. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. System shall comply with current adopted edition of the California Fire Code, NFPA 70, 72 & 1221 and the contractor is required to submit a report to The Compliance Engine (TCE).

3.4 An automatic fixed fire extinguishing system may be required. An electronic/PDF set of detailed plans shall be submitted to the Community Risk Reduction Division for approval. System shall comply with current adopted edition of the California Fire Code, NFPA Standard 17-A, and UL 300. Please refer to Fire District Standard No. 112. The contractor is required to submit a report to The Compliance Engine (TCE).

3.5 Insulated liquid carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide used in beverage dispensing applications shall comply with CFC, Section 5307.3.1., and shall be provided with mechanical ventilation or a gas detection system. The contractor is required to submit a report to The Compliance Engine (TCE).

3.6 A maximum occupant load sign shall be posted in a conspicuous location neat the main entrance/exit of the room, if occupant load is greater than 49 people. Such sign shall be legible.

3.7 Hand-held portable fire extinguishers are required to be installed. The location, type and cabinet design shall be approved by the Community Risk Reduction Division.

3.8 Exits, doors, signs and approved path marking shall be installed in accordance with the current adopted edition of the California Building Code, Section 1007

3.9 "No Parking - Fire Lane" signs shall be installed in interior access drives at locations designated by the Community Risk Reduction Division. Curbs shall be painted red at locations designated by the Community Risk Reduction Division. Please refer to Fire District Standard No. 121.

3.10 An approved recessed Fire Department "KNOX" brand key box is required. The key box shall be located at or near the main entrance(s), and shall be provided with a tamper switch and shall be monitored by an approved central station monitoring service. Please refer to Fire District Standard No. 117.

3.11 An approved Knox key switch and/or Knox lock is required on each automatic electric or manual gate that crosses an EVA. All automatic gates shall be provided with a manual override. Fire District Standard No. 116 & 117 shall be complied with.

3.12 Commercial, industrial, and multi-family building addresses shall be posted with a minimum eight inch (8") numbers, visible from the street and during the hours of darkness they shall be internally or externally electrically illuminated. Posted numbers shall contrast with the background used and be legible from the street.

Where building set back exceeds 100 feet from the roadway, additional non-illuminated six inch (6") numbers shall be displayed at the property access entrance. These numbers shall also contrast with the background used. Fire District Standard No. 122 must be complied with.

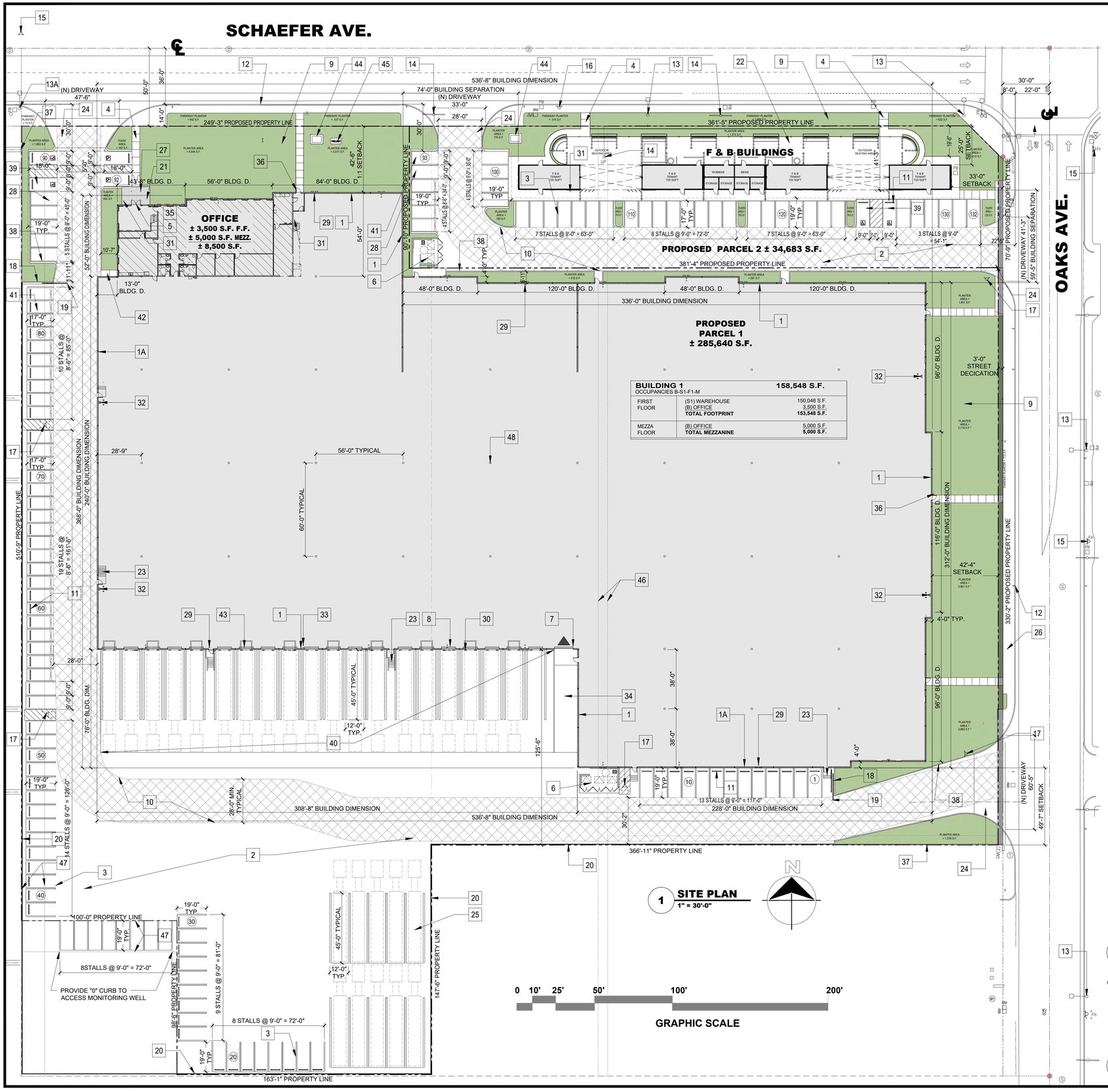
3.13 An electronic/PDF set of plans shall be submitted separately for each of the following listed items to the Fire District for review, approval and permit prior to any installation or work being done. Approved plans must be maintained at the worksite during construction. Fees are due at the time of submittal.

a) Building Construction, includes tenant improvement work
b) Private (onsite) Underground Fire Protection Water Systems, if applicable
c) Fire Sprinkler Systems, designed by C16 contractor or registered engineer
d) Fire Alarm Systems or Sprinkler Monitoring Systems designed by a C7, C10 contractor or registered engineer.
e) Knox box and/or security gate locations.
f) Gas detection systems
g) Emergency Responder Radio Coverage Systems

Applicable Standards:

101, 102, 103, 110, 111, 114, 117, 121, 122, 133, 141, 143

CVFD Standards available online at http://www.chinovalleyfire.org


SCHAEFER AVE.
OAKS AVE.
(N) DRIVEWAY
47'-6"
74'-0" BUILDING SEPARATION
(N) DRIVEWAY
536'-8" BUILDING DIMENSION
249'-3" PROPOSED PROPERTY LINE
361'-5" PROPOSED PROPERTY LINE
381'-4" PROPOSED PROPERTY LINE
F & B BUILDINGS
OFFICE
± 3,500 S.F. F.F.
± 5,000 S.F. MEZZ.
± 8,500 S.F.
PROPOSED PARCEL 2 ± 34,683 S.F.
PROPOSED
PARCEL 1
± 285,640 S.F.
BUILDING 1
OCCUPANCIES B-S1-F1-M
158,548 S.F.
FIRST FLOOR
(S1) WAREHOUSE 150,048 S.F.
(B) OFFICE 3,500 S.F.
TOTAL FOOTPRINT 153,548 S.F.
MEZZA FLOOR
(B) OFFICE 5,000 S.F.
TOTAL MEZZANINE 5,000 S.F.
43'-6" BLDG. D.
56'-0" BLDG. D.
84'-0" BLDG. D.
48'-0" BLDG. D.
120'-0" BLDG. D.
336'-0" BUILDING DIMENSION
96'-0" BLDG. D.
116'-0" BLDG. D.
312'-0" BUILDING DIMENSION
3'-0" STREET DECICATION
42'-4" SETBACK
33'-0" SETBACK
25'-0" SETBACK
30'-0"
8'-0"
22'-0"
70'-0" PROPOSED PROPERTY LINE
(N) DRIVEWAY 41'-3"
59'-5" BUILDING SEPARATION
(N) DRIVEWAY 60'-5"
49'-7" SETBACK
330'-2" PROPOSED PROPERTY LINE
7 STALLS @ 9'-0" = 63'-0"
8 STALLS @ 9'-0" = 72'-0"
3 STALLS @ 9'-0" = 54'-0"
13 STALLS @ 9'-0" = 117'-0"
228'-0" BUILDING DIMENSION
308'-8" BUILDING DIMENSION
536'-8" BUILDING DIMENSION
366'-11" PROPERTY LINE
147'-6" PROPERTY LINE
163'-1" PROPERTY LINE
98'-6" PROPERTY LINE
100'-0" PROPERTY LINE
5'10"-9" PROPERTY LINE
OFFICE ENTRY
OUTDOOR SEATING AREA
UP
DN
19'-0" TYP
17'-0" TYP
10'-0" TYP
28'-0"
56'-0" TYPICAL
60'-0" TYPICAL
45'-0" TYPICAL
12'-0" TYP.
4'-0" TYP.
4'-0"
38'-0"
125'-6"
54'-0"
52'-0" BUILDING DIMENSION
368'-0" BUILDING DIMENSION
240'-0" BUILDING DIMENSION
76'-0" BLDG. DIM.
10'-7"
13'-0" BLDG. D.
41'-3"
19 STALLS @ 9'-0" = 161'-6"
14 STALLS @ 9'-0" = 126'-0"
10 STALLS @ 9'-0" = 85'-0"
5 STALLS @ 9'-0" = 45'-0"
8STALLS @ 9'-0" = 72'-0"
9 STALLS @ 9'-0" = 81'-0"
8 STALLS @ 9'-0" = 72'-0"
PROVIDE "0" CURB TO ACCESS MONITORING WELL
28'-0" MIN. TYPICAL
1:1
1:1
1:1

1 **SITE UTILIZATION**
1" = 100'-0"

N

0 20' 50' 100' 250' 500'

GRAPHIC SCALE

architecture
O.C. DESIGN & ENGINEERING
7001 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT
LOUIS O. CIRESPO
C-34696
10/31/2015
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:

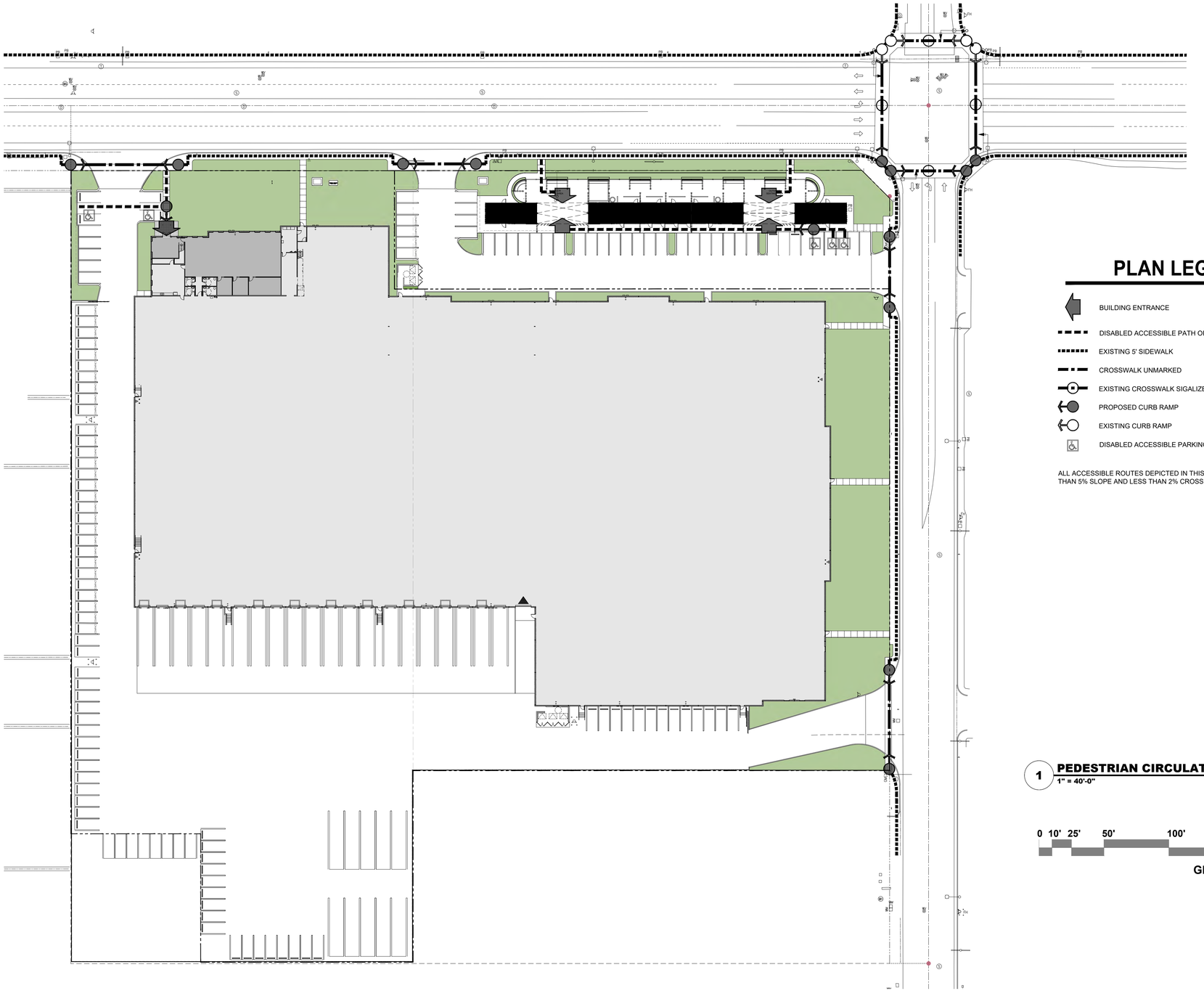
CLIENT:
GATEWAY TERMINAL LLC
10805 STATE CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: SITE UTILIZATION
SCALE: INDICATED
PROJECT NO. A-24-007
DATE: 07-23-2024
DRAWN: I.C.

SHEET A101 OF 2 SHEETS

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONCRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



PLAN LEGEND

- BUILDING ENTRANCE
- DISABLED ACCESSIBLE PATH OF TRAVEL MIN. 5' WIDE
- EXISTING 5' SIDEWALK
- CROSSWALK UNMARKED
- EXISTING CROSSWALK SIGALIZED
- PROPOSED CURB RAMP
- EXISTING CURB RAMP
- DISABLED ACCESSIBLE PARKING

ALL ACCESSIBLE ROUTES DEPICTED IN THIS PLAN SHALL HAVE LESS THAN 5% SLOPE AND LESS THAN 2% CROSS SLOPE

1 PEDESTRIAN CIRCULATION PLAN
1" = 40'-0"

N

0 10' 25' 50' 100' 200'

GRAPHIC SCALE

O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT ★ STATE OF CALIFORNIA ★ LICENSE NO. C-34696 RENEWAL DATE 10/31/2015

REVISIONS:

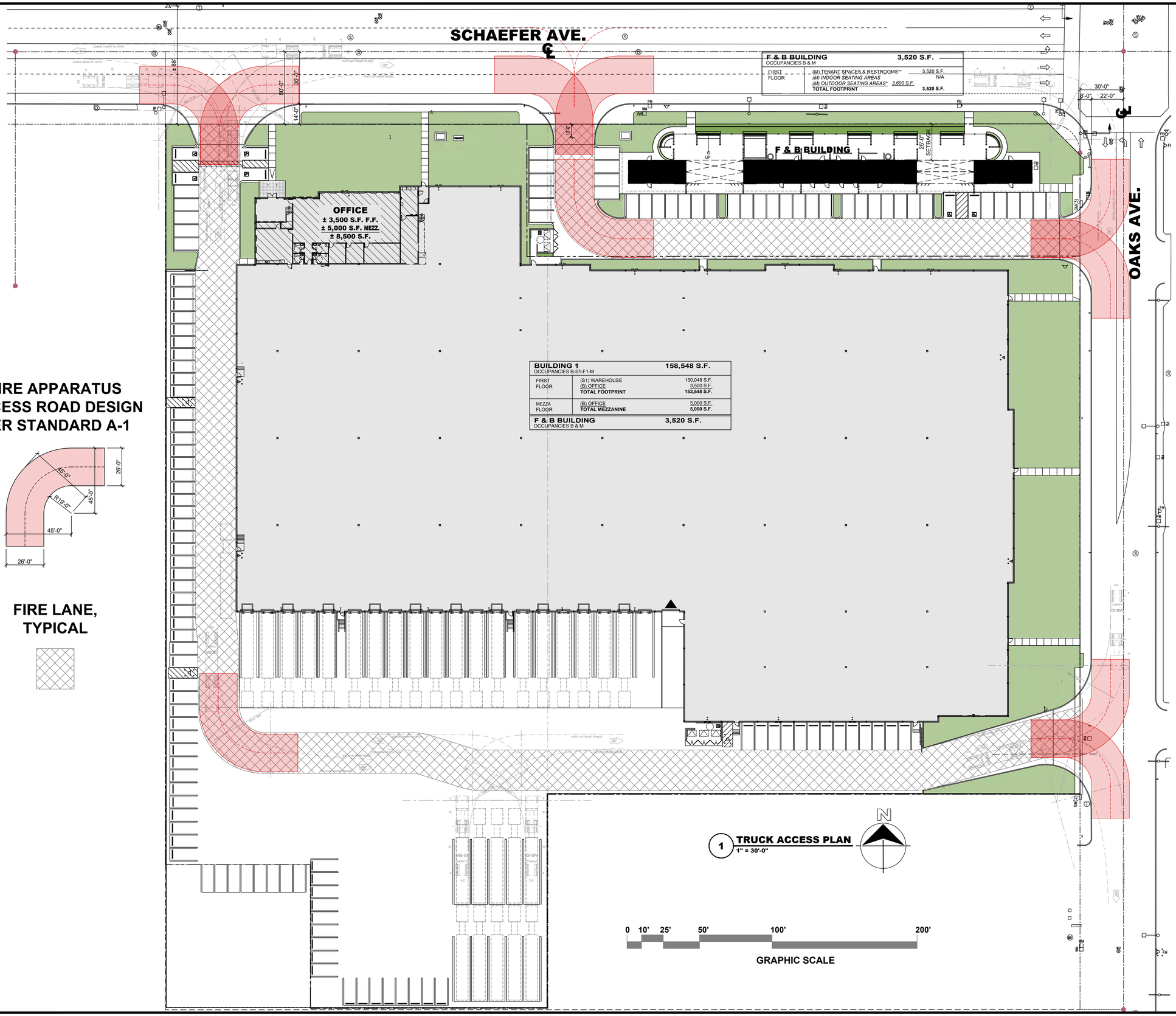
CLIENT:
GATEWAY TERMINAL LLC
15505 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: PEDESTRIAN CIRCULATION PLAN
SCALE: INDICATED
PROJECT NO. A-24-007
DATE: 07-23-2024
DRAWN: I.C.

SHEET A102 OF - SHEETS

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



1 **TRUCK ACCESS PLAN**
1" = 30'-0"

FIRE APPARATUS ACCESS ROAD DESIGN PER STANDARD A-1

FIRE LANE, TYPICAL

PROJECT DATA

DESCRIPTION	AREAS
ZONING	M1- LIGHT INDUSTRIAL
PROJECT DESCRIPTION	• (1) NEW CONCRETE TILT UP WAREHOUSE / OFFICE BUILDING AS DESCRIBED BELOW • (1) NEW SHIPPING CONTAINER FOOD AND BEVERAGE BUILDING AS DESCRIBED BELOW
ASSESSOR'S PARCEL NO:	1021-052-04-0-000 1021-052-06-0-000 1021-052-09-0-000 1021-052-11-0-000
BUILDING CODE	CBC 2022
BLDG. OCCUPANCY	B - OFFICE F1: MANUFACTURING S1 : WAREHOUSE M : MERCANTILE
BUILDING TYPE	III-B, FULLY SPRINKLERED
LAND AREA :	PARCEL SIZE GROSS ±320,139 S.F.
COVERAGE :	49.0% FAR: 0.51
ALLOWABLE LOT COVERAGE:	50.0% ALLOWABLE FAR: 0.60
RATIO OF IMPERVIOUS SURFACE:	EXISTING 30 % PROPOSED 88%
LANDSCAPED AREA REQUIRED 10% OF PARCEL 32,014 S.F.	LANDSCAPED AREA PROVIDED = 32,727 S.F. AGGREGATE PLANTER AREAS
CONSTRUCTION TYPE	III-B WITH FULLY SUPERVISED AUTOMATIC FIRE SPRINKLER SYSTEMS
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT PER 504.3 = 75'
NUMBER OF STORIES	ALLOWABLE STORIES PER 504.4 = 3
AREA JUSTIFICATION	UNLIMITED AREA WITH 60' YARDS ALL AROUND, THE YARDS CAN BE REDUCED TO 40' IN NO MORE THAN 75% OF THE PERIMETER

*HEIGHT, NUMBER OF STORIES AND ALLOWABLE AREA CALCULATED BASED ON THE MOST RESTRICTIVE OCCUPANCY ALLOWANCE PER § 508.3, IN THIS CASE F1-S

ALL BUILDINGS TOTAL AREA		**162,068 S.F.**
BUILDING 1 OCCUPANCIES B-S1-F1-M		**158,548 S.F.**
FIRST FLOOR	(S1) WAREHOUSE	150,048 S.F.
	(B) OFFICE	3,500 S.F.
	TOTAL FOOTPRINT	**153,548 S.F.**
MEZZA FLOOR	(B) OFFICE	5,000 S.F.
	TOTAL MEZZANINE	**5,000 S.F.**
F & B BUILDING OCCUPANCIES B & M		**3,520 S.F.**
FIRST FLOOR	(M) TENANT SPACES & RESTROOMS**	3,520 S.F.
	(M) INDOOR SEATING AREAS	N/A
	*(M) OUTDOOR SEATING AREAS** *3,600 S.F.*	
	TOTAL FOOTPRINT	**3,520 S.F.**

PARKING REQUIRED :

BUILDING 1

OFFICE PARKING 1/250	8,500/ 250 =	34 STALLS
WAREHOUSE PARKING 1/1000 FIRST 20,000	20,000/ 1000 =	20 STALLS
WAREHOUSE PARKING 1/2000 SECOND 20,000	20,000/ 2000 =	10 STALLS
WAREHOUSE PARKING 1/4000 EXCESS	110,048/ 4000 =	28 STALLS
TOTAL PARKING REQUIRED		92 STALLS

F & B BUILDINGS

RESTAURANT SEATING AREAS 1/100	3,600 / 100 =	36 STALLS

TOTAL PARKING REQUIRED 128

PARKING PROVIDED:

ACCESSIBLE (STANDARD)	14' X 20'	2 - STALLS
ACCESSIBLE (F RAMP)	17' X 20'	4 - STALLS
STANDARD STALLS	9' X 19'	67 - STALLS
COMPACT STALLS (25%MAX)	8'-6" X 17'	33 - STALLS
CLEAN AIR STALLS	9' X 19'	13 - STALLS
CLEAN AIR STALL EVSE	9' X 19'	13 - STALLS
TOTAL		132 - STALLS

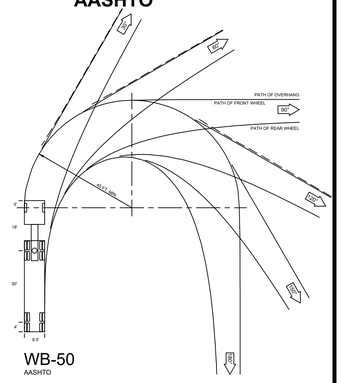
BICYCLE RACK @ 5% OF PARKING 7 SPACES

TRUCK LOADING REQUIRED	2 SPACES
TRUCK LOADING PROVIDED	20 SPACES
TRUCK PARKING REQUIRED (1 PER EA 2 LOADING)	10 SPACES
TRUCK PARKING PROVIDED	10 SPACES
TRASH ENCL. AREA PROVIDED	430 S.F.

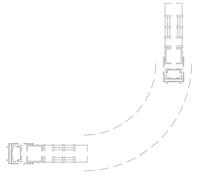
CONTRIBUTES TO PARKING CALCULATIONS BUT NOT TO BUILDING AREA
CONTRIBUTES TO BUILDING AREA BUT NOT TO PARKING CALCULATIONS**

TRUCK TURNING TEMPLATES

- **SEMI TRAILER WB-50 AASHTO**



- **TRASH / RECYCLING**



O.C. DESIGN & ENGINEERING
7501 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT ★ VINCENT O. CIRESPO ★ C-34696 10/31/2015 RENEWAL DATE ★ STATE OF CALIFORNIA

REVISIONS:

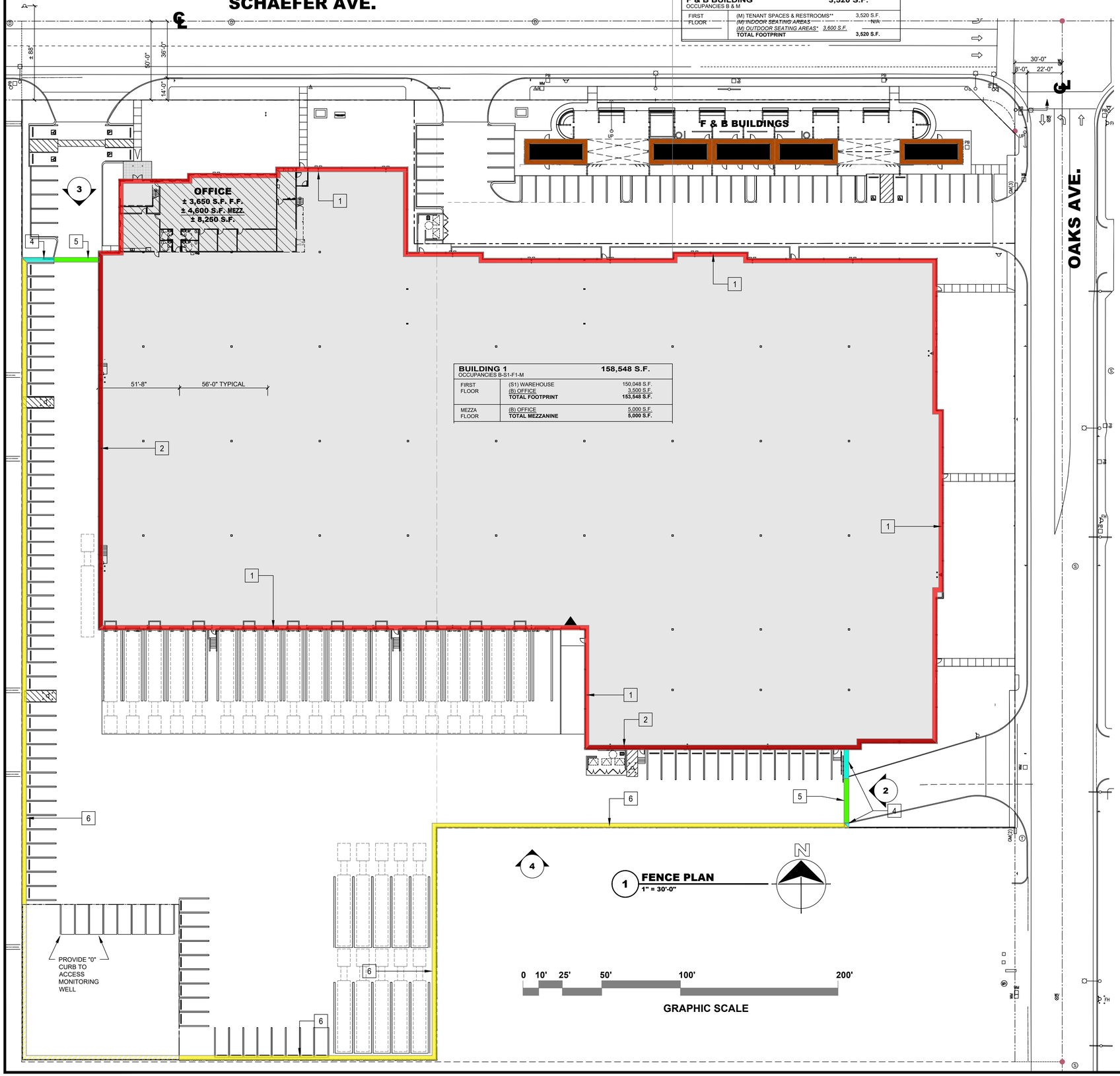
CLIENT:
GATEWAY TERMINAL LLC
15825 CHESTNUT DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: TRUCK ACCESS PLAN
SCALE: INDICATED
PROJECT NO. A-24-007
DATE: 07-23-2024
DRAWN: I.C.

SHEET A103 OF 1 SHEETS

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



PROJECT DATA

DESCRIPTION	AREAS
ZONING	M1- LIGHT INDUSTRIAL
PROJECT DESCRIPTION	• (1) NEW CONCRETE TILT UP WAREHOUSE / OFFICE BUILDING AS DESCRIBED BELOW • (1) NEW SHIPPING CONTAINER FOOD AND BEVERAGE BUILDING AS DESCRIBED BELOW
ASSESSOR'S PARCEL NO:	1021-052-04-0-000 1021-052-06-0-000 1021-052-09-0-000 1021-052-11-0-000
BUILDING CODE	CBC 2022
BLDG. OCCUPANCY	B - OFFICE F1: MANUFACTURING S1: WAREHOUSE M: MERCANTILE
BUILDING TYPE	III-B, FULLY SPRINKLERED
LAND AREA :	PARCEL SIZE GROSS ±320,139 S.F.
COVERAGE :	49.0% FAR: 0.51
ALLOWABLE LOT COVERAGE:	50.0% ALLOWABLE FAR: 0.60
RATIO OF IMPERVIOUS SURFACE:	EXISTING 30 % PROPOSED 88%
LANDSCAPED AREA REQUIRED 10% OF PARCEL 32,014 S.F.	LANDSCAPED AREA PROVIDED = 32,727 S.F. AGGREGATE PLANTER AREAS
CONSTRUCTION TYPE	III-B WITH FULLY SUPERVISED AUTOMATIC FIRE SPRINKLER SYSTEMS
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT PER 504.3 = 75'
NUMBER OF STORIES	ALLOWABLE STORIES PER 504.4 = 3
AREA JUSTIFICATION	UNLIMITED AREA WITH 60' YARDS ALL AROUND. THE YARDS CAN BE REDUCED TO 40' IN NO MORE THAN 75% OF THE PERIMETER

*HEIGHT, NUMBER OF STORIES AND ALLOWABLE AREA CALCULATED BASED ON THE MOST RESTRICTIVE OCCUPANCY ALLOWANCE PER § 508.3, IN THIS CASE F1-S

ALL BUILDINGS TOTAL AREA **162,068 S.F.**

BUILDING 1 OCCUPANCIES B-S1-F1-M **158,548 S.F.**

FIRST FLOOR	(S1) WAREHOUSE	150,048 S.F.
	(B) OFFICE	3,500 S.F.
	TOTAL FOOTPRINT	**153,548 S.F.**
MEZZA FLOOR	(B) OFFICE	5,000 S.F.
	TOTAL MEZZANINE	**5,000 S.F.**

F & B BUILDING OCCUPANCIES B & M **3,520 S.F.**

FIRST FLOOR	(M) TENANT SPACES & RESTROOMS**	3,520 S.F.
	(M) INDOOR SEATING AREAS	N/A
	*(M) OUTDOOR SEATING AREAS**	*3,600 S.F.*
	TOTAL FOOTPRINT	**3,520 S.F.**

PARKING REQUIRED :

BUILDING 1

OFFICE PARKING 1/250	8,500/ 250 =	34 STALLS
WAREHOUSE PARKING 1/1000 FIRST 20,000	20,000/ 1000 =	20 STALLS
WAREHOUSE PARKING 1/2000 SECOND 20,000	20,000/ 2000 =	10 STALLS
WAREHOUSE PARKING 1/4000 EXCESS	110,048/ 4000 =	28 STALLS
TOTAL PARKING REQUIRED		92 STALLS

F & B BUILDINGS

RESTAURANT SEATING AREAS 1/100	3,600 / 100 =	36 STALLS

TOTAL PARKING REQUIRED 128

PARKING PROVIDED:

ACCESSIBLE (STANDARD) 14' X 20'	2 - STALLS
ACCESSIBLE (8' RAMP) 17' X 20'	4 - STALLS
STANDARD STALLS 9' X 19'	67 - STALLS
COMPACT STALLS (25%MAX) 8'-6" X 17'	33 - STALLS
CLEAN AIR STALLS 9' X 19'	13 - STALLS
CLEAN AIR STALL EVSE 9' X 19'	13 - STALLS
TOTAL	132 - STALLS
BICYCLE RACK @ 5% OF PARKING	7 SPACES

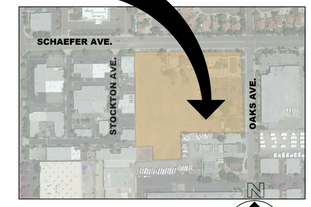
TRUCK LOADING REQUIRED	2 SPACES
TRUCK LOADING PROVIDED	20 SPACES
TRUCK PARKING REQUIRED (1 PER EA 2 LOADING)	10 SPACES
TRUCK PARKING PROVIDED	10 SPACES
TRASH ENCL. AREA PROVIDED	430 S.F.

CONTRIBUTES TO PARKING CALCULATIONS BUT NOT TO BUILDING AREA
CONTRIBUTES TO BUILDING AREA BUT NOT TO PARKING CALCULATIONS**

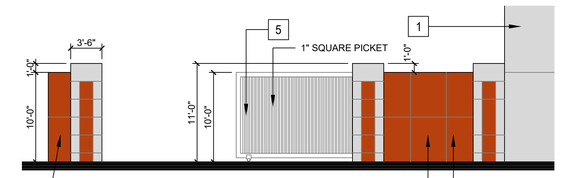
KEY NOTES:

1. CONCRETE TILT UP WALL, TYPICAL
2. 3HR FR CONCRETE TILT UP WALL @ REDUCED YARD
3. STUD WALL / CONTAINER WALL, TYPICAL
4. 10'-0 HIGH CONCRETE TILT UP SCREEN WALL, COLOR AND REVEALS TO MATCH THE BUILDING, SEE ELEVATIONS.
5. 10'-0 WROUGHT IRON SLIDING GATE, WITH 1" SQUARE TUBE STEEL PICKETS SPACED AT 6" O.C., PROVIDE PERFORATED SHEET METAL AFFIXED TO THE INSIDE SURFACE PROVIDING MINIMUM 50% SCREEN. PROVIDE FIRE DEPARTMENT KNOX BRAND KEY SWITCH COMPLIANT WITH ONTARIO FD STANDARDS #B-003, #B-004 & #H-001 PROVIDE ELECTRICAL CONDUIT FOR GATE OPENER FUTURE USE
6. (N) 8'-0 WROUGHT IRON FENCE
7. (E) 8'-0 WROUGHT IRON FENCE

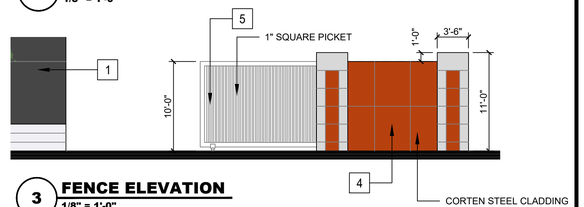
SITE



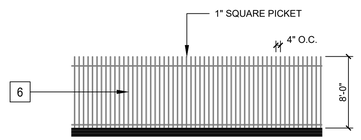
VICINITY MAP
NOT TO SCALE



2 **FENCE ELEVATION**
1/8" = 1'-0"



3 **FENCE ELEVATION**
1/8" = 1'-0"



4 **W.I. FENCE ELEVATION, TYP.**
1/8" = 1'-0"

O.C. DESIGN & ENGINEERING
7501 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.6804

LICENSED ARCHITECT — CHRISTOPHER J. CRISPO — C-34696 — 10/31/2015 RENEWAL DATE — STATE OF CALIFORNIA

REVISIONS:

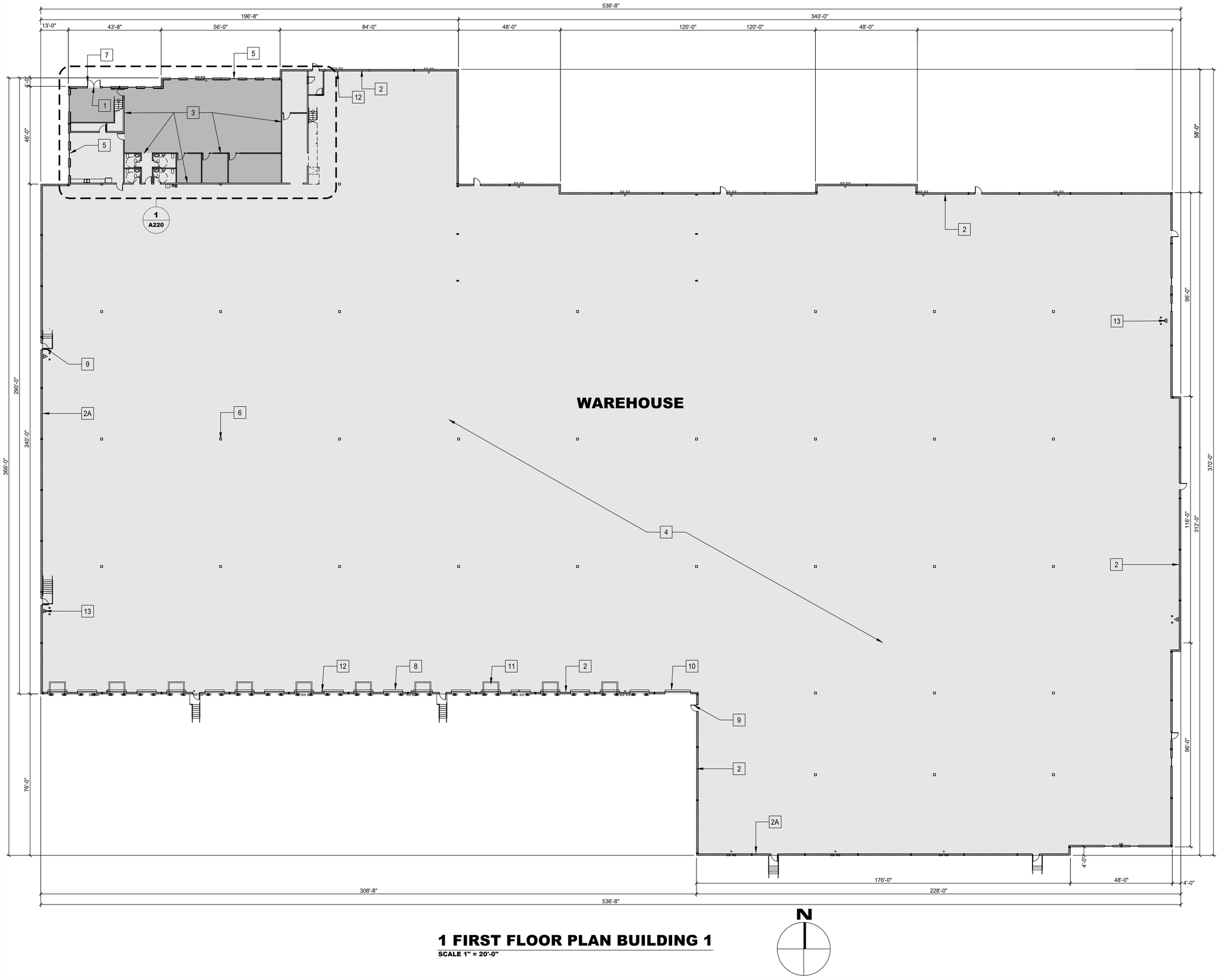
CLIENT:
GATEWAY TERMINAL LLC
15925 A TRANSIT DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: FENCE PLAN
SCALE: INDICATED
DATE: 07-23-2024
PROJECT NO. A-24-007
DRAWN: I.C.

SHEET A104 OF - SHEETS 1

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



KEY NOTES:

1	BUILDING ENTRANCE.
2	CONCRETE TILT UP WALL, TYPICAL
2A	3HR FR CONCRETE TILT UP WALL, @ REDUCED YARD
3	STUD WALL, TYPICAL
4	CONCRETE SLAB PER STRUCTURAL
5	GLAZING, TYPICAL
6	STEEL COLUMN (TYP.)
7	6' X 7' FULL LITE DOUBLE DOORS, TYPICAL
8	9' X 10' DOCK HIGH DOOR, TYPICAL
9	3' X 7' HOLLOW METAL PAINTED TO MATCH THE BUILDING, TYPICAL
10	12' X14' TRUCK DOOR (GRADE LEVEL)
11	DOCK LEVELER, TYPICAL
12	ROOF DRAIN, TYPICAL
13	FIRE RISER, TYPICAL

1 FIRST FLOOR PLAN BUILDING 1

SCALE 1" = 20'-0"

architecture

O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT
CHRISTOPHER J. CRESPO
C-34996
10/31/2015
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:

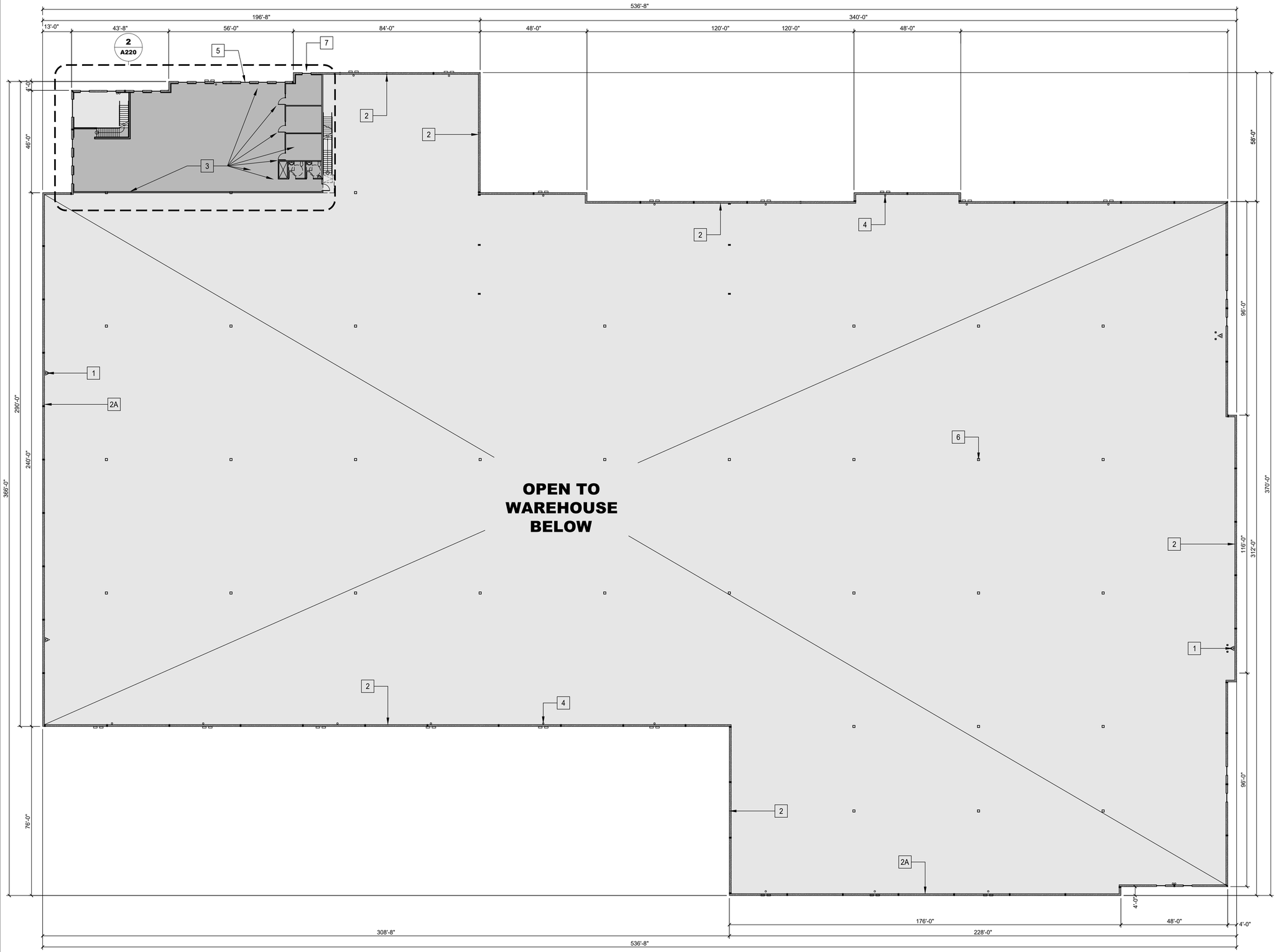
CLIENT:
GATEWAY TERMINAL LLC
15825 ITT CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: FIRST FLOOR PLAN
SCALE: INDICATED
PROJECT NO.: A-24-007
DATE: 07-23-2024
DRAWN: I.C.

SHEET A200 OF 4 - SHEETS

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



KEY NOTES:

1	FIRE RISER, TYPICAL
2	CONCRETE TILT UP WALL, TYPICAL
2A	3HR FR CONCRETE TILT UP WALL @ REDUCED YARD
3	STUD WALL, TYPICAL
4	ROOF DRAIN, TYPICAL
5	GLAZING, TYPICAL
6	STEEL COLUMN (TYP.)
7	CLERESTORY WINDOW AT WAREHOUSE, TYPICAL

1 MEZZANINE PLAN BUILDING 1

SCALE 1" = 20'-0"

architecture

O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT
LICENSE C-34996
10/31/2015
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:

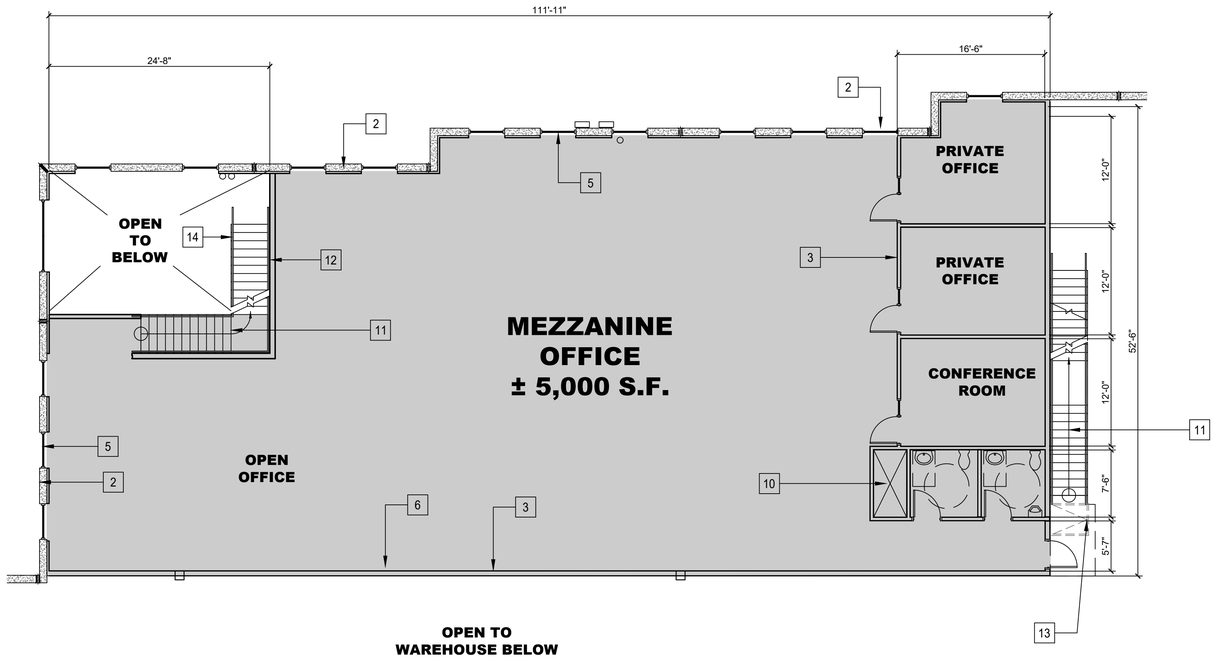
CLIENT:
GATEWAY TERMINAL LLC
15062 CITY CENTER DR.
SUITE: 200
CHINO HILLS, CA 91709

CONTENTS: MEZZANINE PLAN
SCALE: INDICATED
PROJECT NO. A-24-007
DATE: 07-23-2024
DRAWN: I.C.

SHEET **A210** OF 5 - SHEETS

CHINO GATEWAY INDUSTRIAL

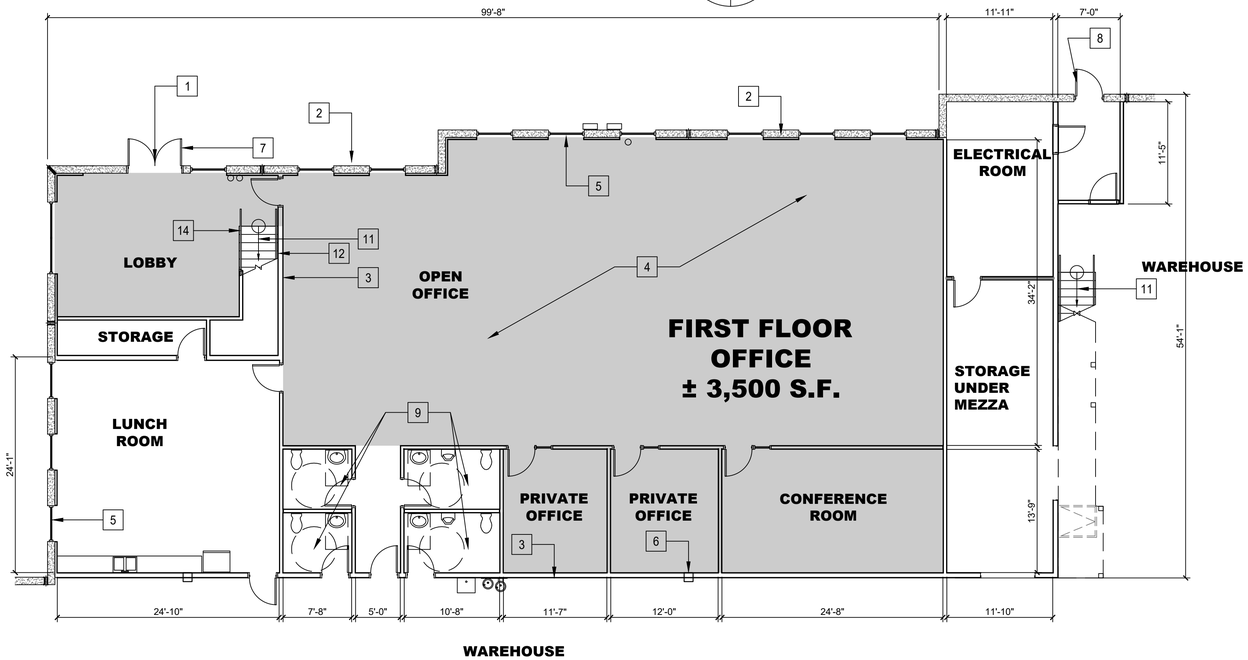
5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



OPEN TO WAREHOUSE BELOW

2 MEZZANINE FLOOR PLAN

SCALE 1/8" = 1'-0"



WAREHOUSE

1 FIRST FLOOR OFFICE PLAN

SCALE 1/8" = 1'-0"

KEY NOTES:

1	BUILDING ENTRANCE.
2	CONCRETE TILT UP WALL, TYPICAL
3	STUD WALL, TYPICAL
4	CONCRETE SLAB PER STRUCTURAL
5	GLAZING, TYPICAL
6	STEEL COLUMN (TYP.)
7	6' X 7' FULL LITE DOUBLE DOORS, TYPICAL
8	3' X 7' HOLLOW METAL PAINTED TO MATCH THE BUILDING, TYPICAL
9	DISABLED ACCESSIBLE RESTROOMS, TYPICAL
10	HVAC SHAFT
11	STAIRS TO MEZZANINE
12	42" HIGH GUARD, TYPICAL
13	ROOF ACCESS HATCH ABOVE
14	GLASS GUARDRAIL WITH HANDRAIL

architecture
O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT ★ CALIFORNIA ★ LICENSE RENEWAL DATE 10/31/2015 C-34696 STATE OF CALIFORNIA

REVISIONS:
1. -

CLIENT:
GATEWAY TERMINAL LLC
15825 CHESTNUT DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: ENLARGED OFFICE PLAN
SCALE: INDICATED
DATE: 07-23-2024
PROJECT NO. A-24-007
DRAWN: I.C.

SHEET A220 OF 6 - SHEETS

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER

(PUBLIC STREET)

SCHAEFER AVENUE

MA1.2
1

1 2 3 4 5 6 7 8

02
MA1.6

PARKWAY PLANTER = 314 S.F.

PARKWAY PLANTER = 1585 S.F.

PARKWAY PLANTER = 632 S.F.

PLANTER AREA = 929 S.F.

PLANTER AREA = 1275 S.F.

PLANTER AREA = 1907 S.F.

Concrete pad
for transformer

OUTDOOR WALKWAY

OUTSIDE
SEATING
3600 SF

A

B

C

F & B TENANT
720 SF

F & B TENANT
720 SF

WOMENS
160 SF

MENS
160 SF

STORAGE
80 SF

STORAGE
80 SF

STORAGE
80 SF

STORAGE
80 SF

F & B TENANT
720 SF

7' - 4 1/4"

F & B TENANT
720 SF

1
MA1.5

2
MA1.4

PLANTER
AREA = 86 S.F.

PLANTER
AREA =
79 S.F.

PLANTER
AREA =
79 S.F.

PLANTER
AREA =
79 S.F.

2
MA1.3

PLANTER AREA = 512 S.F.

PLNATER AREA = 581 S.F.

PLANTER AREA = 1651 S.F.

PLANTER AREA = 5719 S.F.

03
MA1.6

GROUND MATERIAL LEGEND

- CONCRETE WITH EXPANSION JOINS EVERY 8'
- DECOMPOSED GRANITE WITH BINDING AGENT

N

1 FLOOR PLAN
1" = 10'-0"

architecture

7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.9804

LICENSED ARCHITECT
EDWARD O. CRESPO
C-34696
10/31/2019
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:

CLIENT:
GATEWAY TERMINAL
1925 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS:

SCALE: –
DATE: April 15, 2025
PROJECT NO: A-24-007
DRAWN: I.C.

SHEET FLOOR PLAN

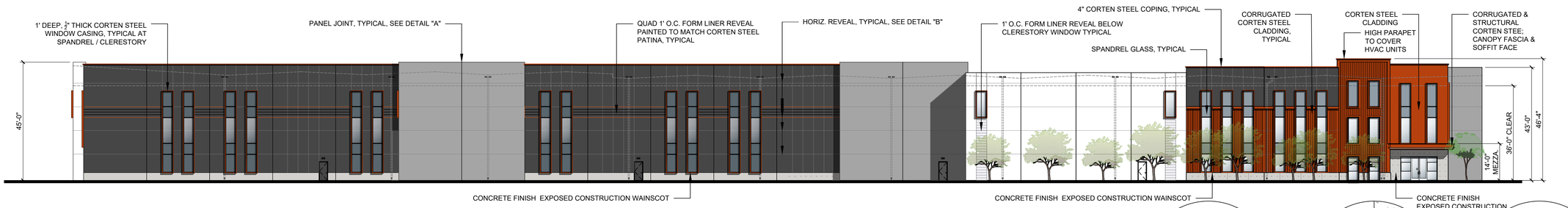
SHEETS

MA1.1 OF

CHINO GETAWAY INDUSTRIAL

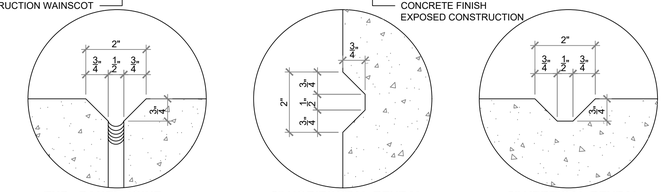
5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER

BLANK PAGE INSERTED FOR
ELIMINATED ADDITIONAL
FLOOR PLAN



1 - NORTH ELEVATION @ SCHAEFER AVE.

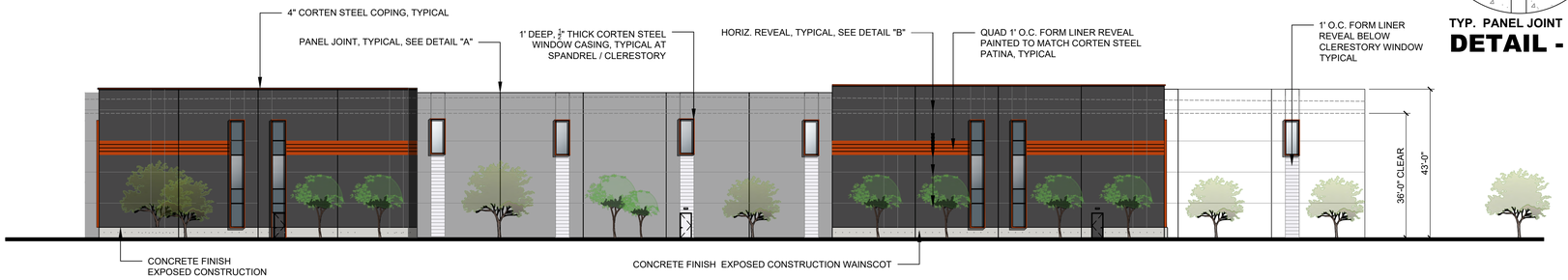
SCALE 1= 20'-0"



TYP. PANEL JOINT
DETAIL - A

2" HORIZONTAL REVEAL
DETAIL - B

2" VERTICAL REVEAL
DETAIL - C

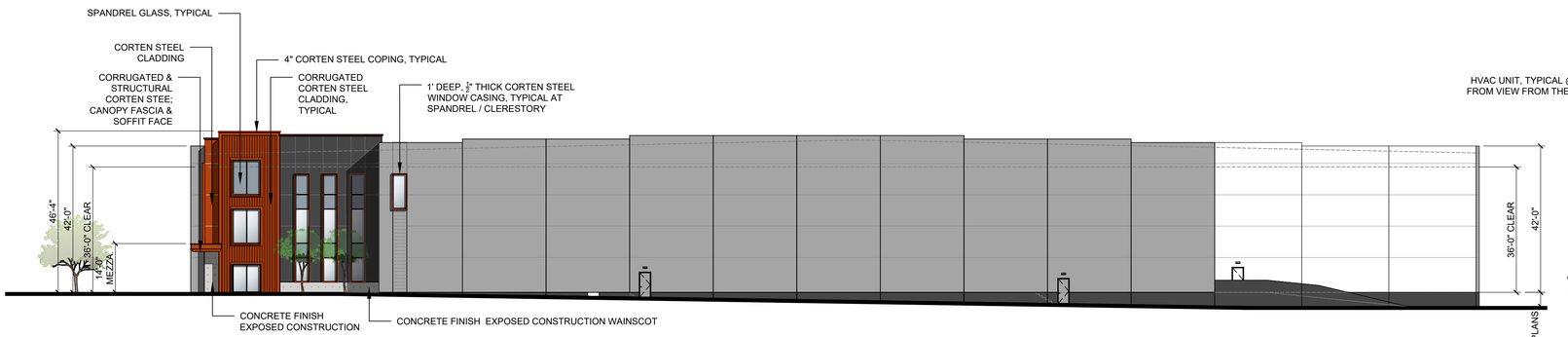


2 - EAST ELEVATION @ OAKS AVE.

SCALE 1= 20'-0"

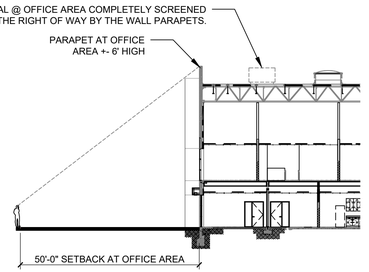
3 - SOUTH ELEVATION

SCALE 1= 20'-0"



4 - WEST ELEVATION

SCALE 1= 20'-0"



5 - LINE OF SIGHT

SCALE 1= 20'-0"

architecture
O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT ★ LICENSE NO. C-34696 ★ STATE OF CALIFORNIA
CHRISTOPHER J. CRISPO
10/31/2015 RENEWAL DATE

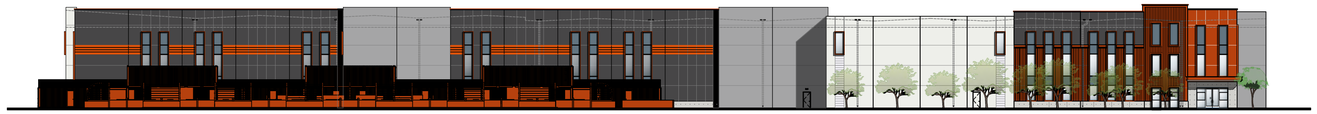
REVISIONS:
1 -

CLIENT:
GATEWAY TERMINAL LLC
15505 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: ELEVATIONS
SCALE: INDICATED
DATE: 07-23-2024
PROJECT NO.: A-24-007
DRAWN: I.C.

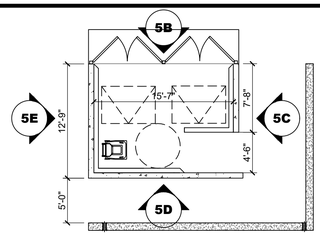
SHEET A300 OF SHEETS

CHINO GATEWAY INDUSTRIAL
5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER

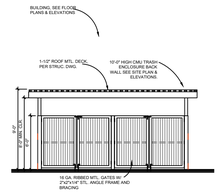


1 - CITY SCAPE NORTH ELEVATION @ SCHAEFER AVE.

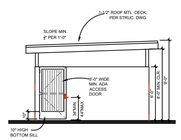
SCALE 1/32" = 1'-0"



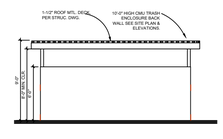
5A - T.E. FLOOR PLAN



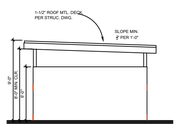
5B - T.E. ELEVATION



5C - T.E. ELEVATION



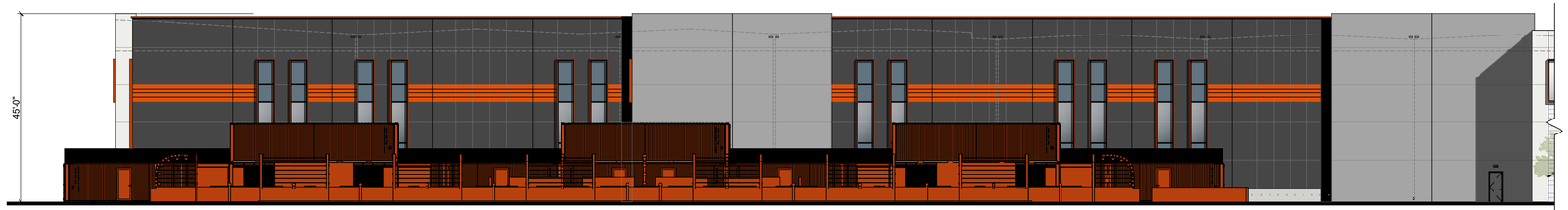
5D - T.E. ELEVATION



5E - T.E. ELEVATION

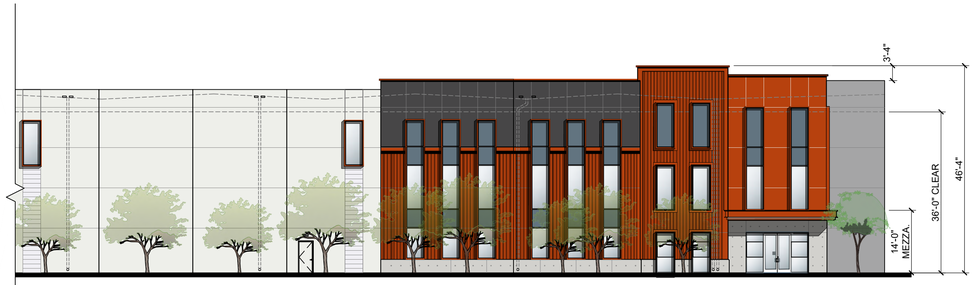
5 - TRASH ENCLOSURE PLAN & ELEVATIONS

SCALE 1/16" = 1'-0"



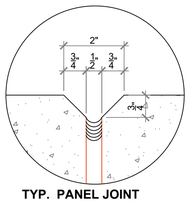
2 - CITY SCAPE PARTIAL NORTH ELEVATION @ SCHAEFER AVE.

SCALE 1/16" = 1'-0"



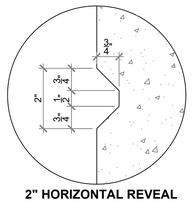
3 - CITY SCAPE PARTIAL NORTH ELEVATION @ SCHAEFER AVE.

SCALE 1/16" = 1'-0"



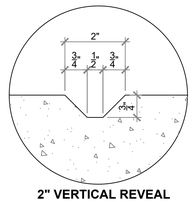
TYP. PANEL JOINT

DETAIL - A



2" HORIZONTAL REVEAL

DETAIL - B



2" VERTICAL REVEAL

DETAIL - C

4 - CITY SCAPE EAST ELEVATION @ OAKS AVE.

SCALE 1/16" = 1'-0"

architecture

O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804

LICENSED ARCHITECT ★ LICENSE 1 O. CRESPO C-34996 10/31/2015 RENEWAL DATE ★ STATE OF CALIFORNIA

REVISIONS:

CLIENT:
GATEWAY TERMINAL LLC
15505 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

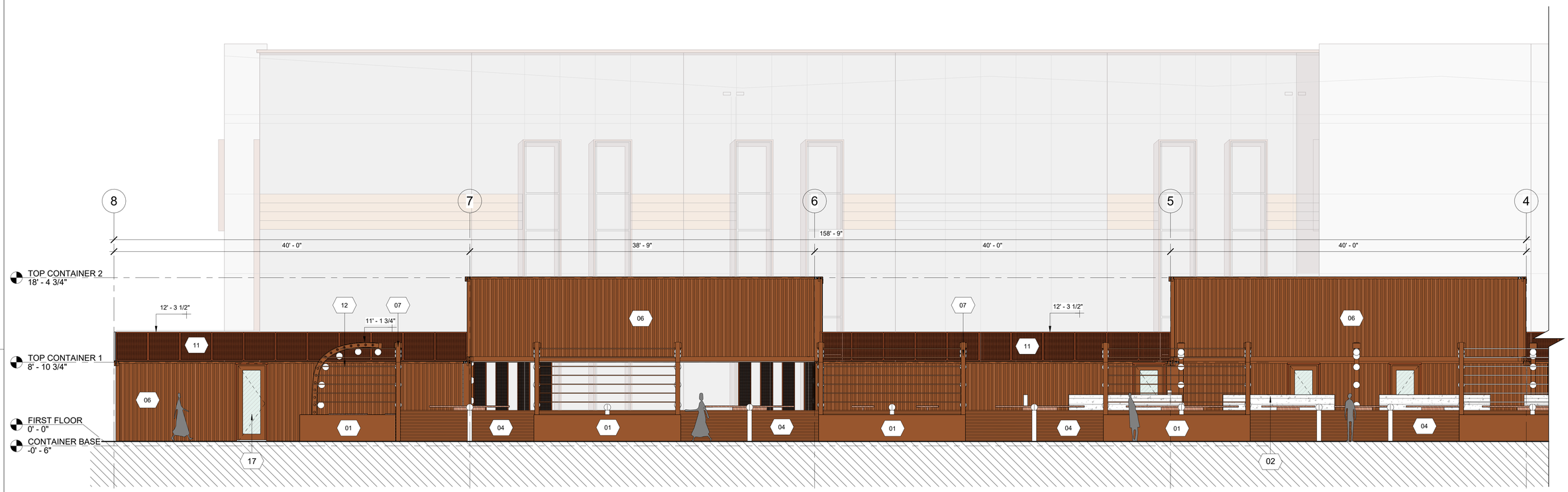
CONTENTS: ELEVATIONS
SCALE: INDICATED
DATE: 07-23-2024
PROJECT NO. A-24-007
DRAWN: I.C.

SHEET A301 OF SHEETS

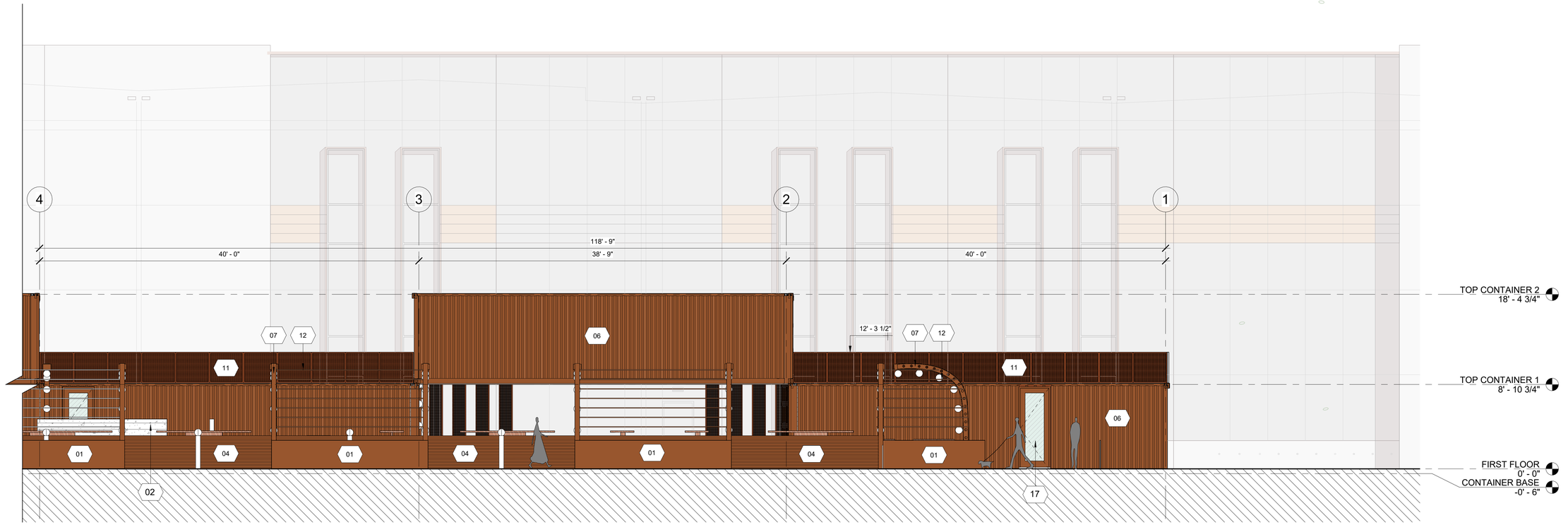
CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER

4/14/2025 3:53 PM - Y:\2024\A-24-007-Oaks & Shaefer Chino\OAKS-PLANNING\OAKS-A300.dwg



1 NORTH ELEVATION
3/16" = 1'-0"



2 NORTH ELEVATION B
3/16" = 1'-0"

SEE MATERIALS DETAILS IN NEXT PAGE

architecture

7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.9804

LICENSED ARCHITECT
RAMON O. GRIEGO
C-34996
10/31/2019
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:

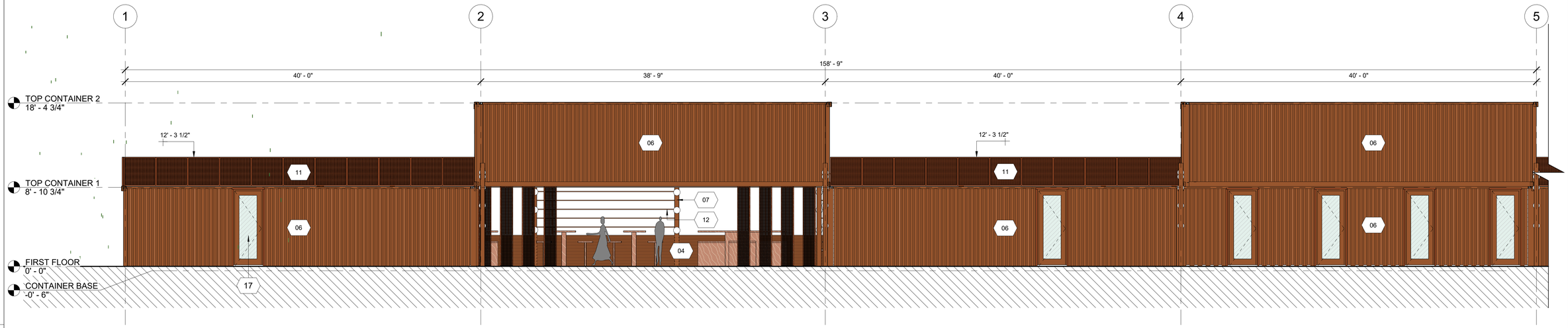
CLIENT:
GATEWAY TERMINAL
13305 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS:

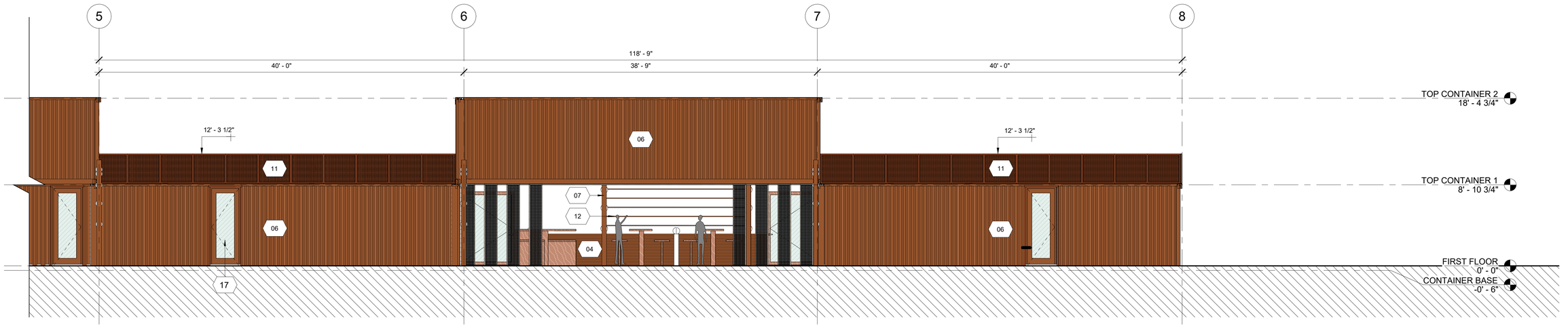
SCALE:
DATE: April 15, 2025
PROJECT NO. A-24-007
DRAWN: I.C.

SHEET ELEVATIONS
- SHEETS
MA1.2 OF

CHINO GETAWAY INDUSTRIAL
5585 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING -



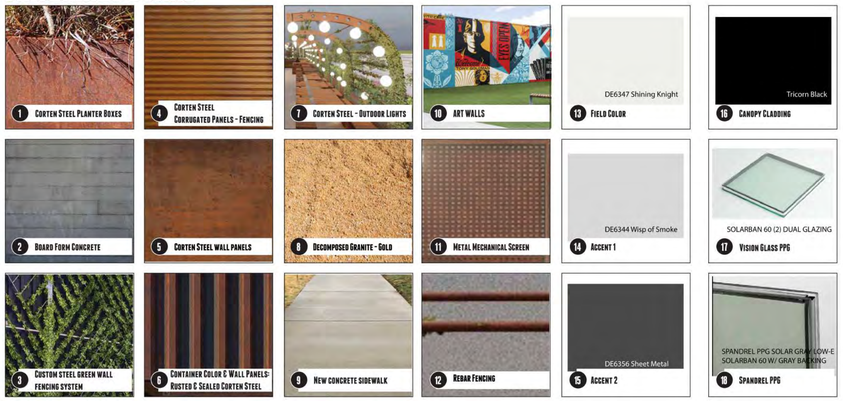
2 SOUTH ELEVATION B
3/16" = 1'-0"



1 SOUTH ELEVATION
3/16" = 1'-0"

MATERIAL BOARD		
Material	Description	Comments
01	Corten Steel Planter Boxes	Containers are Corten Steel - Rusted, Sealed and Clear Coated
02	Board Form Concrete	
03	Custom steel green wall fencing system	
04	Corten Steel Corrugated Panels - Fencing	Corrugated Metal Fencing, Horizontal Corten Steel - Rusted, Sealed and Clear Coated
05	Corten Steel wall panels	
06	Rusted and sealed corten steel	Containers are Corten Steel - Rusted, Sealed and Clear Coated
07	Corten Steel	Custom Outdoor Lighting - Corten Steel - Rusted, Sealed and Clear Coated
08	Decomposed Granite Gold	
09	New concrete sidewalk	
10	Art walls	
11	Metal Mechanical Screen	Metal Mechanical Screen Corten Steel - Rusted, Sealed and Clear Coated, holes not to exceed .25"
12	Rebar Fencing	Rebar Fencing, Horizontal - Rusted, Sealed and Clear Coated
13	Field Color	DE6347 Shining Knight
14	Accent 1	DE6344 Wisp of Smoke
15	Accent 2	DE6356 Sheet Metal
16	Canopy Cladding	Tricorn Black
17	Vision Glass PPG	SOLARBAN 60 (2) DUAL GLAZING
18	Spandrel PPG	SPANDREL PPG SOLAR GRAY LOW-E SOLARBAN 60 W/ GRAY BACKING

MATERIALS BOARD



architecture
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.9804

LICENSED ARCHITECT
CHRISTOPHER O. CREEPO
C-34696
10/31/2019
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:

CLIENT:
GATEWAY TERMINAL
1925 CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

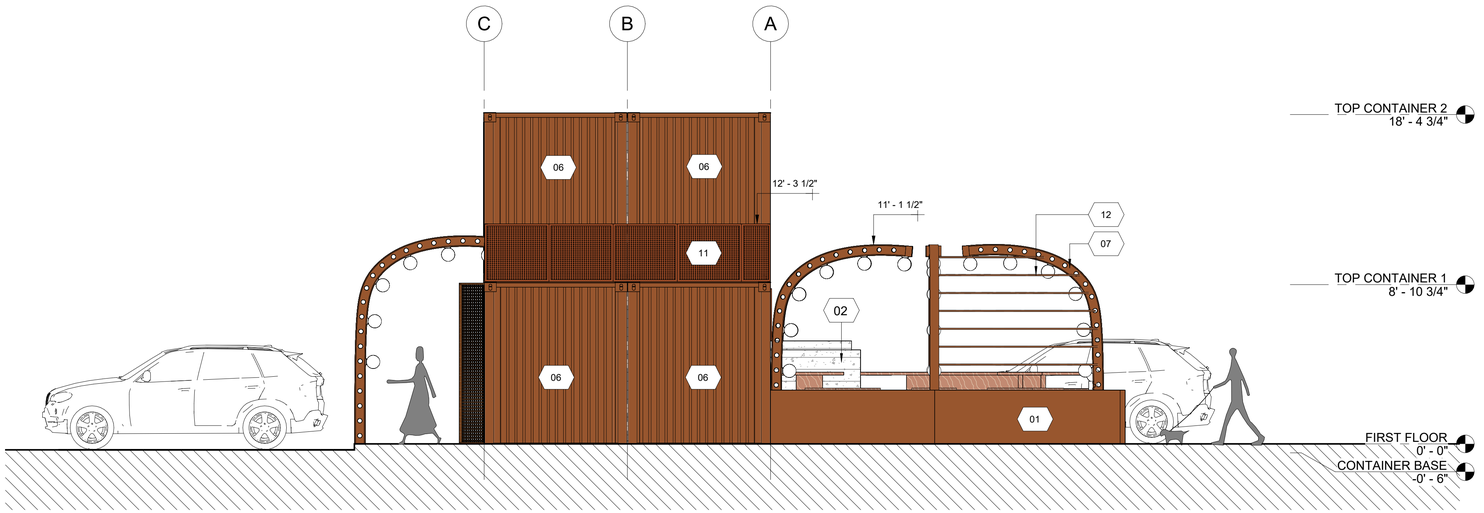
CONTENTS:

SCALE:
DATE: April 15, 2025
PROJECT NO. A-24-007
DRAWN: I.C.

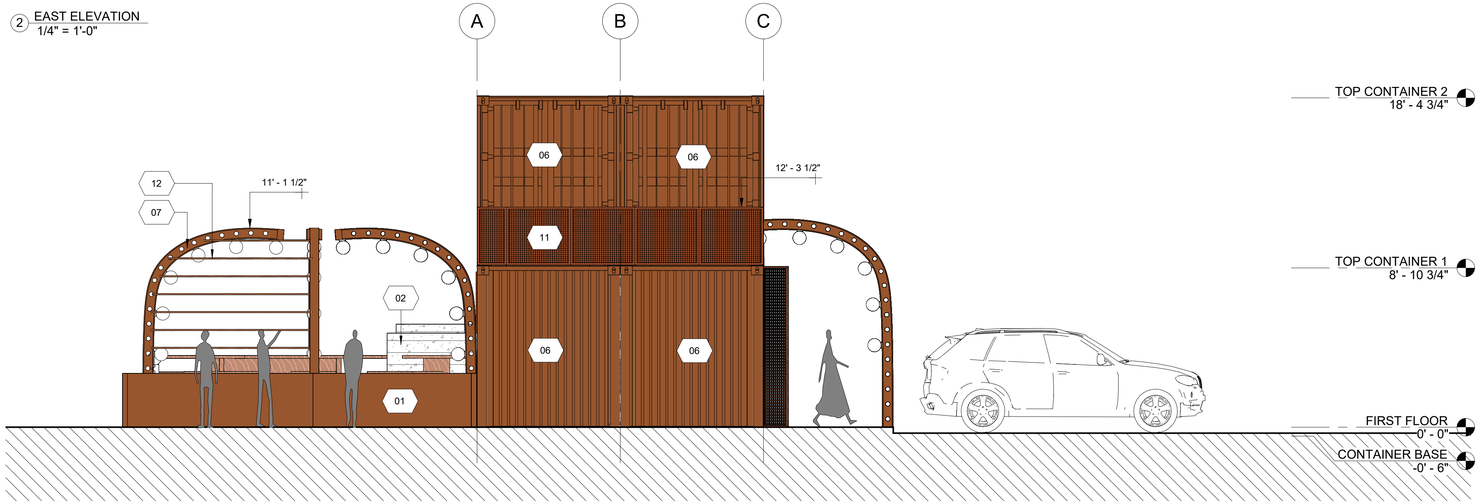
SHEET ELEVATIONS
MA1.3 OF - SHEETS

CHINO GETAWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER



2 EAST ELEVATION
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

MATERIAL BOARD		
Material	Description	Comments
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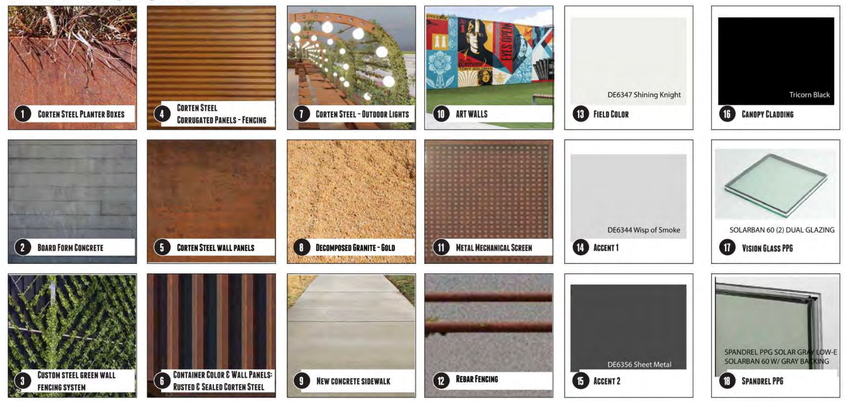
MATERIALS BOARD



architecture

7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.9804

LICENSED ARCHITECT
EDWARD O. GRIEGO
C-34996
10/31/2019
RENEWAL DATE
STATE OF CALIFORNIA

REVISIONS:
1 -

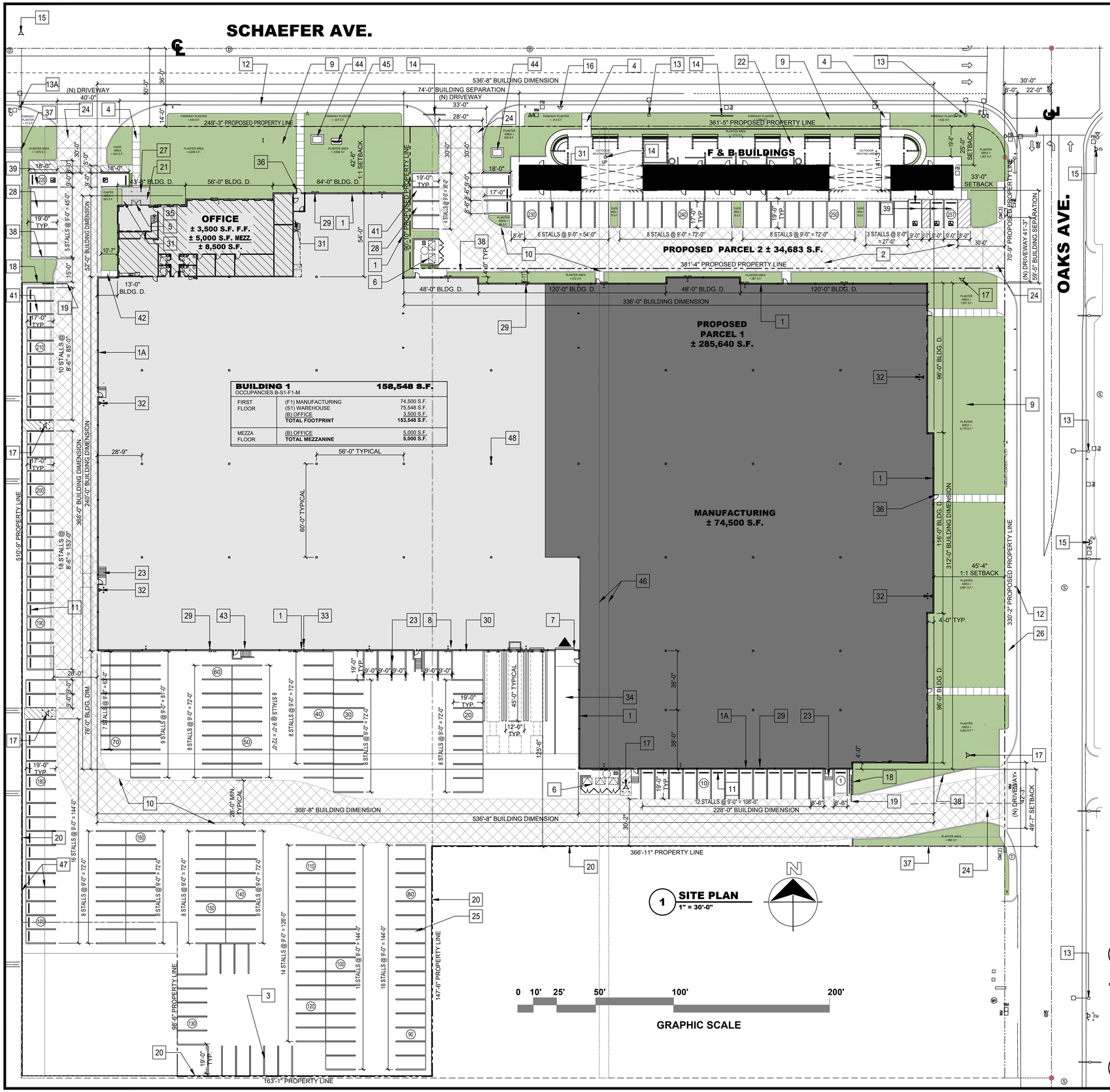
CLIENT:
GATEWAY TERMINAL
18305 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS:

SCALE:
DATE: April 15, 2025
PROJECT NO. A-24-007
DRAWN: I.C.

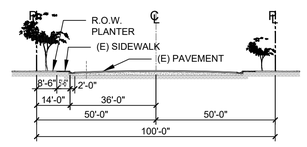
SHEET ELEVATIONS
MA1.4 OF - SHEETS

CHINO GETAWAY INDUSTRIAL
5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER

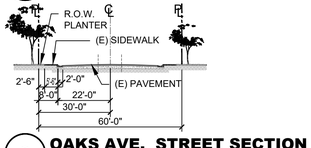


1 **SITE PLAN**
1" = 30'-0"

VICINITY MAP
NOT TO SCALE



2 **SCHAEFFER AVE. STREET SECTION**
1" = 30'-0"



3 **OAKS AVE. STREET SECTION**
1" = 30'-0"

PROJECT DATA

DESCRIPTION	AREAS
ZONING	M1- LIGHT INDUSTRIAL
PROJECT DESCRIPTION	• (1) NEW CONCRETE TILT UP WAREHOUSE / OFFICE BUILDING AS DESCRIBED BELOW • (1) NEW SHIPPING CONTAINER FOOD AND BEVERAGE BUILDING AS DESCRIBED BELOW
ASSESSOR'S PARCEL NO:	1021-052-04-0-000 1021-052-06-0-000 1021-052-09-0-000 1021-052-11-0-000
BUILDING CODE	CBC 2022
BLDG. OCCUPANCY	B - OFFICE F1: MANUFACTURING S1: WAREHOUSE M: MERCANTILE
BUILDING TYPE	III-B, FULLY SPRINKLERED
LAND AREA :	PARCEL SIZE GROSS ±320,139 S.F.
COVERAGE :	49.0% FAR: 0.51
ALLOWABLE LOT COVERAGE:	50.0% ALLOWABLE FAR: 0.60
RATIO OF IMPERVIOUS SURFACE:	EXISTING 30 % PROPOSED 88%
LANDSCAPED AREA REQUIRED 10% OF PARCEL 32,014 S.F.	LANDSCAPED AREA PROVIDED = 33,733 S.F. AGGREGATE PLANTER AREAS
CONSTRUCTION TYPE	III-B WITH FULLY SUPERVISED AUTOMATIC FIRE SPRINKLER SYSTEMS
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT PER 504.3 = 75'
NUMBER OF STORIES	ALLOWABLE STORIES PER 504.4 = 3
AREA JUSTIFICATION	UNLIMITED AREA WITH 60' YARDS ALL AROUND. THE YARDS CAN BE REDUCED TO 40' IN NO MORE THAN 75% OF THE PERIMETER

*HEIGHT, NUMBER OF STORIES AND ALLOWABLE AREA CALCULATED BASED ON THE MOST RESTRICTIVE OCCUPANCY ALLOWANCE PER § 508.3, IN THIS CASE F1-S

ALL BUILDINGS 162,068 S.F.
TOTAL AREA

BUILDING 1 158,548 S.F.
OCCUPANCIES B-S1-F1-M

FIRST FLOOR	(F1) MANUFACTURING	74,500 S.F.
	(S1) WAREHOUSE	75,548 S.F.
	(B) OFFICE	3,500 S.F.
	TOTAL FOOTPRINT	**153,548 S.F.**
MEZZA FLOOR	(B) OFFICE	5,000 S.F.
	TOTAL MEZZANINE	**5,000 S.F.**

F & B BUILDING 3,520 S.F.
OCCUPANCIES B & M

FIRST FLOOR	(M) TENANT SPACES & RESTROOMS**	3,520 S.F.
	(M) INDOOR SEATING AREAS	N/A
	*(M) OUTDOOR SEATING AREAS** 3,600 S.F.*	
	TOTAL FOOTPRINT	**3,520 S.F.**

PARKING REQUIRED :

BUILDING 1

OFFICE PARKING 1/250	8,500/ 250 =	34 STALLS
WAREHOUSE PARKING 1/1000 FIRST 20,000	20,000/ 1000 =	20 STALLS
WAREHOUSE PARKING 1/2000 SECOND 20,000	20,000/ 2000 =	10 STALLS
WAREHOUSE PARKING 1/4000 EXCESS	31,048/ 4000 =	8 STALLS
MANUFACTURING PARKING 1/500	74,500 / 500 =	149 STALLS
TOTAL PARKING REQUIRED		221 STALLS

F & B BUILDINGS

RESTAURANT SEATING AREAS 1/100	3,600 / 100 =	36 STALLS

TOTAL PARKING REQUIRED 257

PARKING PROVIDED:

ACCESSIBLE (STANDARD) 14' X 20'	4 - STALLS
ACCESSIBLE (8' RAMP) 17' X 20'	4 - STALLS
STANDARD STALLS 9' X 19'	165 - STALLS
COMPACT STALLS (25%MAX) 8'-6" X 17'	32 - STALLS
CLEAN AIR STALLS 9' X 19'	26 - STALLS
CLEAN AIR STALL EVSE 9' X 19'	26 - STALLS
TOTAL	257 - STALLS
BICYCLE RACK @ 5% OF PARKING	13 SPACES

TRUCK LOADING REQUIRED	2 SPACES
TRUCK LOADING PROVIDED	2 SPACES
TRUCK PARKING REQUIRED (1 PER EA 2 LOADING)	1 SPACES
TRUCK PARKING PROVIDED	1 SPACES
TRASH ENCL. AREA PROVIDED	430 S.F.

*CONTRIBUTES TO PARKING CALCULATIONS BUT NOT TO BUILDING AREA**
CONTRIBUTES TO BUILDING AREA BUT NOT TO PARKING CALCULATIONS***

SITE

SITE PLAN KEYNOTES

1 CONCRETE TILT UP WALL
1A 3 HOUR CONCRETE TILT UP WALL W/ 3 HOUR JOINTS
2 CONCRETE PAVING, PER CIVIL DRAWINGS
3 PARKING STALL DOUBLE STRIPPING (PER CITY OF CHINO STDS.) TYPICAL
4 ACCESSIBLE PATH OF TRAVEL. 60" WIDE (MIN.)
5 BUILDING ENTRANCE. AFFIX A 4" SQ. INTERNATIONAL ACCESSIBILITY SYMBOL PER CBC 11B-216.6 & FIRE DEPARTMENT KNOX BOX
6 TRASH ENCLOSURE, MIN. 6' HIGH SCREEN WALLS WITH METAL DOORS (2-TRASH / RECYCLE BINS + 1 96 GALLON ORGANICS RECYCLING BIN) PER CITY OF CHINO STANDARDS SEE
7 12' X14' TRUCK DOOR (GRADE LEVEL)
8 9' X10' TRUCK DOOR (DOCK HIGH) TYPICAL
9 DROUGHT TOLERANT LANDSCAPE W/AUTOMATIC IRRIGATION SYSTEM SEE LANDSCAPING DWGS. MOUND LANDSCAPE WHERE PATH OF TRAVEL OCCURS TO PROVIDE 3" MAX. GRADE ELEVATION DIFFERENCE, TYPICAL
10 28'-0" WIDE MIN. & CLEAR TO THE SKY FIRE LANE PER THE CITY OF CHINO'S FIRE DEPARTMENT STANDARDS
11 PREFABRICATED CONCRETE BUMPER, TYPICAL
12 (E) CURB AND GUTTER, TYP.
13 (E) LIGHT POLE, TYP.
13A (E) LIGHT POLE TO BE RELOCATED
14 (E) POWER POLE, TO BE RELOCATED
15 (E) PUBLIC FIRE HYDRANT
16 (N) PUBLIC FIRE HYDRANT
17 (N) PRIVATE FIRE HYDRANT
18 10'-0 HIGH CONCRETE TILT UP SCREEN WALL, COLOR AND REVEALS TO MATCH THE BUILDING, SEE ELEVATIONS.
19 10'-0 WROUGHT IRON SLIDING GATE, WITH 1" SQUARE TUBE STEEL PICKETS SPACED AT 6" O.C., PROVIDE PERFORATED SHEET METAL AFFIXED TO THE INSIDE SURFACE PROVIDING MINIMUM 50% SCREEN. PROVIDE FIRE DEPARTMENT KNOX BRAND KEY SWITCH COMPLIANT WITH ONTARIO FD STANDARDS #B-003, #B-004 & #H-001 PROVIDE ELECTRICAL CONDUIT FOR GATE OPENER FUTURE USE
20 8'-0 WROUGHT IRON FENCE
21 ENHANCED PEDESTRIAN ACCESS, TOP CAST ACID WASH CONCRETE GRAPHITE COLOR WITH SCORE LINES PER DESIGN.
22 EXTERIOR PATIO "BY OTHERS" SEE RAD PLANS.
23 CONCRETE STAIRS, MEDIUM BROOM FINISH TYPICAL. SEE GRADING PLANS FOR ELEVATIONS.
24 ENHANCED DRIVEWAY APPROACH, 6" MIN. THICK, 3500 PSI
25 TRACTOR TRAILER PARKING STALL, TYPICAL
26 EXISTING SIDEWALK.
27 LITHONIA KBC8 LED WHITE, LIGHTED BOLLARD AT ENTRY
28 FUTURE EVSE LOCATION COMPLIANT TO CGBSC § 5.106.5.3.2 SEE ELECTRICAL PLANS
29 LOCATION OF INTERIOR ROOF DRAIN, SEE CIVIL PLANS, TYP.
30 RUBBER BUMPER BY OTHERS, TYPICAL., PROVIDE EDGE OF DOCK LEVELERS WHERE NO PIT LEVELER IS PROVIDED.
31 BICYCLE RACK
32 PROPOSED LOCATION OF FIRE SPRINKLER RISER
33 6" DIAM. CONCRETE FILLED PIPE BOLLARD, TYPICAL.
34 FORKLIFT RAMP, SEE CIVIL DRAWINGS
35 NO SMOKING SIGNAGE WITHIN 25'-0" OF BUILDING ENTRIES, OUTDOOR AIR INTAKES, OPERABLE WINDOWS, AND WITHIN THE BUILDING.
36 3'X7' HOLLOW METAL MAN DOOR (TYPICAL)WITH 60"x60" LANDING.
37 6" WIDE MOWSTRIP @ PROPERTY LINE, TYPICAL
38 6" WIDE, 6" MIN. HIGH CONCRETE CURB, TYPICAL. CURB TO BE 1' WIDE WHEN ADJACENT TO PARKING STALLS, SEE GRADING PLANS
39 ACCESSIBLE PARKING, TYP
40 CONCRETE APRON: 6" THICK CONCRETE PAVING OVER 4" CLASS 2 AGREGATE OVER 12" (90%) COMPACTED SUBGRADE, 3,000 PSI W/ #3 REBAR @ 18" O.C. EACH WAY, 4" SLUMP CONTROL JOINTS AT 20'-0" O.C. EACH WAY, HEAVY BROOM FINISH, SEE CIVIL PLANS
41 PARKING SPACES FOR CLEAN AIR VEHICLE / CARPOOL PARKING
42 DESIGNATED SMOKING AREA FURTHER THAN 25' AWAY FROM BUILDING DOORS AND VENTILATION OPENINGS.
43 PIT STYLE DOCK LEVELER, TYPICAL EVERY OTHER TRUCK DOOR
44 TRANSFORMER PAD, SCREENED WITH LANDSCAPING MATERIAL, COORDINATE WITH THE UTILITY EXACT LOCATION.
45 PROPOSED LOCATION OF PIV VALVE COMPLETELY SCREENED
46 UTILITY EASEMENT TO BE QUITCLAIMED
47 INGRESS / EGRESS & PARKING EASEMENT
48 BUILDING COLUMN PER STRUCTURAL, TYPICAL

architecture
O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
TEL 562.942.8804
LICENSED ARCHITECT ★ CALIFORNIA ★ STATE OF CALIFORNIA
CHRISTOPHER J. CRESPO
C-34696
10/31/2015
RENEWAL DATE

REVISIONS:
1 -

CLIENT:
GATEWAY TERMINAL LLC
15925 LA CANADA DR.
SUITE 200
CHINO HILLS, CA 91709

CONTENTS: SITE PLAN
SCALE: INDICATED
PROJECT NO. A-24-007
DATE: 07-23-2024
DRAWN: I.C.

SHEET: A100ALT
1 OF 1 SHEETS

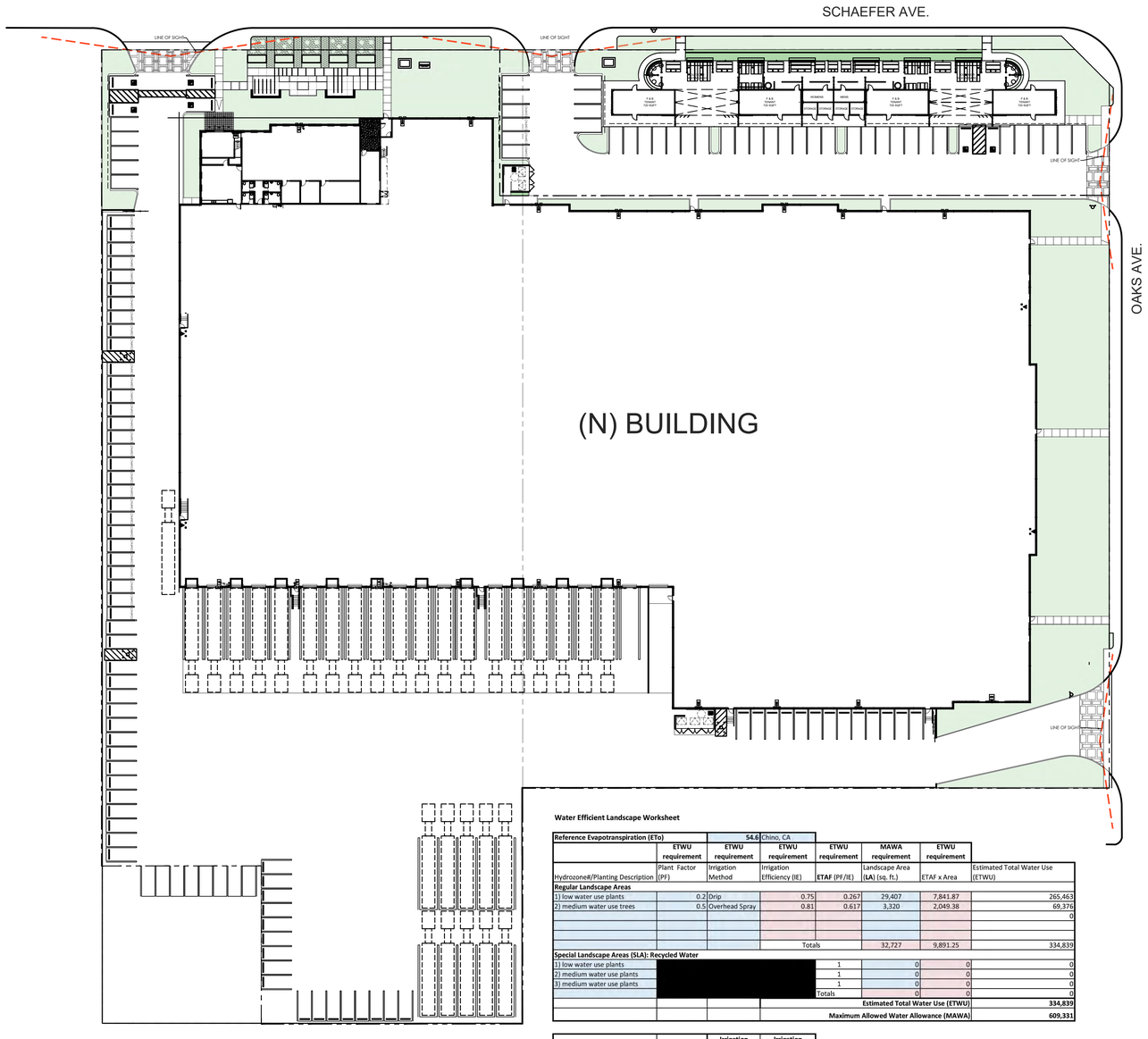
CHINO GATEWAY INDUSTRIAL

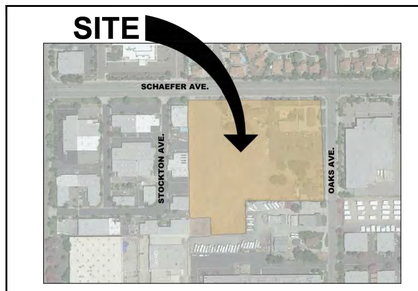
5885 SCHAEFER AVE., CHINO, CA - CONRETE TILT UP WAREHOUSE / OFFICE BUILDING - UTR # 0180SCHAEFER

ARCHITECTURAL LANDSCAPE PLANS

CHINO GATEWAY INDUSTRIAL

5885 SCHAEFER AVE., CHINO, CA





	SHEET INDEX
L-1	COVER SHEET
L-2	PRELIMINARY LANDSCAPE PLAN
L-3	PRELIMINARY LANDSCAPE PLAN-2
L-4	PLANT PICTURES PLAN—1
L-5	PLANT PICTURES PLAN—2
L-6	PLANT PICTURES PLAN—3
L-7	COLOR LANDSCAPE PLAN

CONSULTANTS

OWNER / DEVELOPER
GATEWAY TERMINAL LLC
13925 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA91709

ARCHITECT
O.C. DESIGN & ENGINEERING
7901 CROSSWAY DRIVE
PICO RIVERA, CA 90660
562-942-9804

LANDSCAPE ARCHITECT
PHIL MAY LANDSCAPE ARCHITECTURE
2532 WALLACE AVE.
FULLERTON, CA 92831
909-373-1959

Water Efficient Landscape Worksheet

Reference Evapotranspiration (ETo)		54.6 Chino, CA					
	ETWU requirement	ETWU requirement	ETWU requirement	ETWU requirement	MAWA requirement	ETWU requirement	
Hydrozone#/Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (LA) (sq. ft.)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Areas							
1) low water use plants	0.2	Drip	0.75	0.267	29,407	7,841.87	265,463
2) medium water use trees	0.5	Overhead Spray	0.81	0.617	3,320	2,049.38	69,376
							0
				Totals	32,727	9,891.25	334,839
Special Landscape Areas (SLA): Recycled Water							
1) low water use plants				1	0	0	0
2) medium water use plants				1	0	0	0
3) medium water use plants				1	0	0	0
				Totals	0	0	0
						Estimated Total Water Use (ETWU)	**334,839**
						Maximum Allowed Water Allowance (MAWA)	**609,331**

Plant Water Use Type	Plant Factor	Irrigation method	Irrigation Efficiency
very low	0-0.1	overhead spray	0.75
low	0.1-0.3	drip	0.81
medium	0.4-0.6		
high	0.7-1.0		

MAWA (annual gallons allowed)= (Eto) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)]

where 0.62 is a conversion factor that converts acre-inches per acre/year to gallons per sq. ft./year. LA is the total landsape area in sq. ft, SLA is the total special landscape area in sq. ft., and ETAF is .55 for residential areas and 0.45 for non residential areas.

ETAF Calculations

Regular Landscape Areas

Total ETAF x Area	9,891
Total Area	32,727
Average ETAF	**0.30**

Average ETAF for regular landscape areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

All Landscape Areas

Total ETAF x Area	9,891
Total Area	32,727
Sitewide ETAF	**0.30**

LANDSCAPE AREA = 32,727 s.f.

NOTE:
ALL PROPOSED LANDSCAPE AREAS WILL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION CONTROLLER SYSTEM

CERTIFICATION OF LANDSCAPE DESIGN

I hereby certify that:

(1) I am a professional appropriately licensed in the State of California to provide professional landscape design services.
(2) The landscape design and water use calculations for the property located at _ REDLANDS INDUSTRIAL 2810 REDLANDS AVE, PERRIS, CA
(3) (provide street address or parcel number(s)) were prepared by me or under my supervision.
(4) The landscape design and water use calculations for the identified property comply with the requirements of the City of Chino, CA, Water Efficient Landscape Ordinance (Municipal Code Chapter 13.18) and the City of Chino, CA, Water Efficient Landscape Guidelines.
(5) The information I have provided in this Certificate of Landscape Design is true and correct and is hereby submitted in compliance with the City of Chino, CA, Water Efficient Landscape Guidelines.

PHIL MAY — Print Name
05-28-2025 — Date
Phil May — Signature
3104 — License Number
2532 WALLACE AVE., FULLERTON CA 92831 — Address
(909) 373-1959 — Telephone
pmay@philmaydesign.com — E-mail Address
Landscape Design Professional's Stamp

REGISTERED LANDSCAPE ARCHITECT — PHILIP S. MAY — EXPIRATION DATE 05-31-2027 — RENEWAL DATE 05-28-2025 — DATE — STATE OF CALIFORNIA

NORTH

0 20' 40' 80'

SCALE: 1" = 40'-0"

REVISIONS	BY

PHIL MAY LANDSCAPE ARCHITECTURE
2532 Wallace Ave.
Fullerton,CA 92831
Phone:(909)373-1959
pmay@philmaydesign.com
www.philmaydesign.com

REGISTERED LANDSCAPE ARCHITECT — PHILIP S. MAY — EXPIRATION DATE 05-31-2027 — RENEWAL DATE 05-28-2025 — DATE — STATE OF CALIFORNIA

COVER SHEET

CHINO GATEWAY INDUSTRIAL
5885 SCHAEFER AVE.,
CHINO, CA

DRAWN R.S.
CHECKED R.S.
DATE 05-28-2025
SHEET L-1
OF 7 SHEETS
JOB NO. 24049

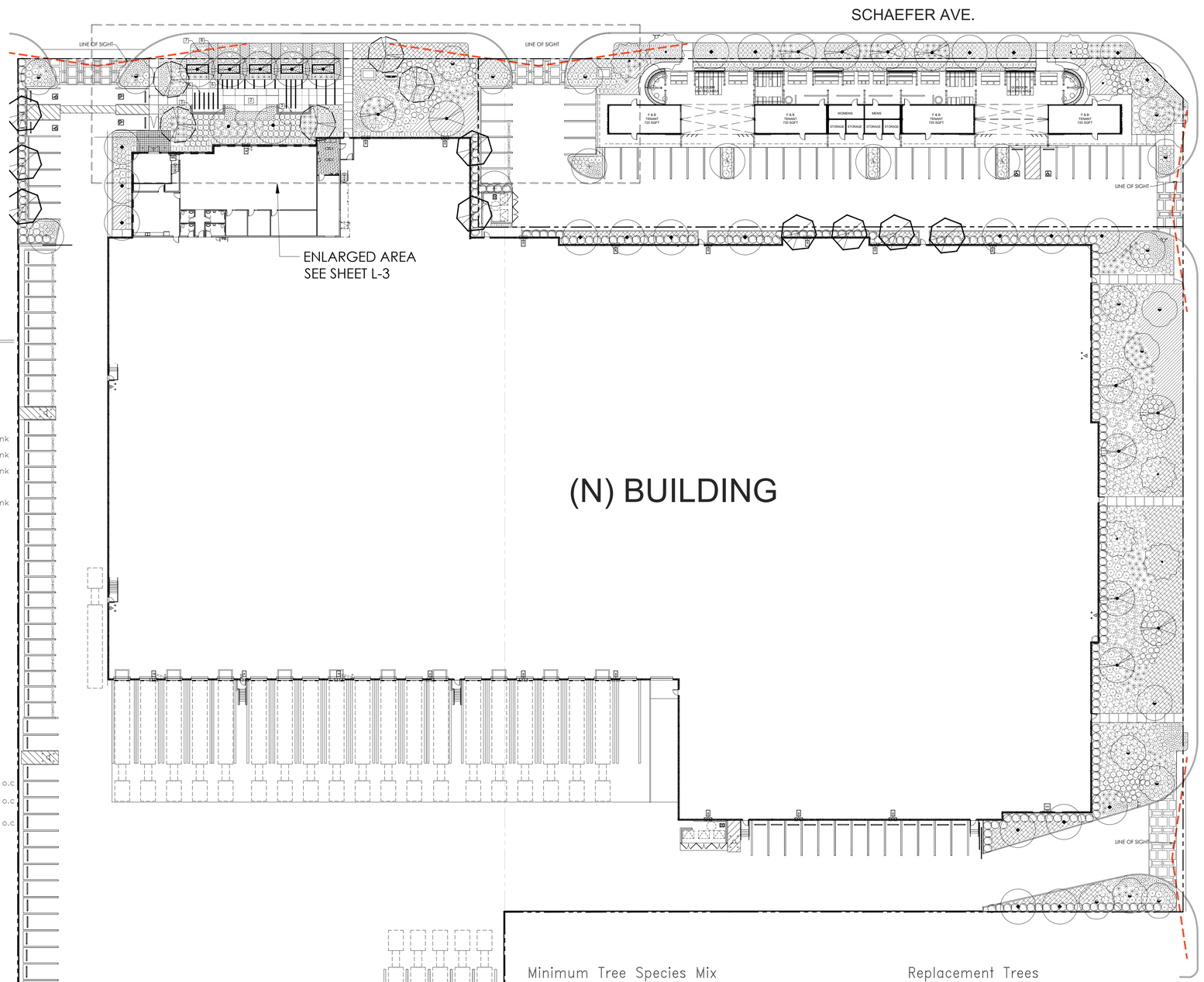
THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE PROPERTY OF PHIL MAY LANDSCAPE ARCHITECTURE. ALL DESIGNS AND OTHER INFORMATION ON THE DRAWINGS ARE FOR THE USE ON THE SPECIFIED PROJECT AND SHALL NOT BE USED OTHERWISE WITHOUT THE EXPRESS WRITTEN PERMISSION OF PHIL MAY LANDSCAPE ARCHITECTURE. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. COPYRIGHTED ©

PROPOSED LANDSCAPE ELEMENTS

1. PORCELAIN STONE BY BELGARD (QUARZITI– MANTLE)
2. CONCRETE PAVING NATURAL COLOR, WASHED FINISH
3. 18" HIGH CAST IN PLACE SEAT WALL NATURAL COLOR, WASHED FINISH
4. CONCRETE MOW CURB
5. 4'x4' CUT–OUT FOR PALM TREES
6. 18" HIGH CORTEN STEEL PLANTERS
7. DECOMPOSED GRANITE, PALM SPRINGS GOLD
8. 3/4" CRUSHED ROCK, PALM SPRINGS GOLD

PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY	SIZE	WUCOLS PLANT FACTOR	REMARKS
	TREES					
	Arbutus 'Marina'	NCN	5	36" box	L	Multi–trunk
	Olea europea 'Swan Hill'	Fruitless Olive Tree	2	48" box	L	Multi–trunk
	Olea europea 'Swan Hill'	Fruitless Olive Tree	17	24" box	L	Multi–trunk
	Cercis o. 'Forest Pansy'	Forest Pansy	21	24" box	M	Standard trunk
	Lagestroemia i. 'Tuscarora'	Crape Myrtle	17	24" box	M	Standard trunk
	Lophostemon confertus	Brisbane box	9	24" box	M	Standard trunk
	Parkinsonia 'Desert Museum'	Palo Verde	7	48" box	L	Multi–trunk
	Geijera parvifolia	Australian Willow	6	24" box	L	Standard trunk
	SHRUBS					
	Agave attenuata	Foxtail Agave	79	5 gal	L	
	Agave 'Blue Glow'	Blue Glow Agave	10	5 gal	L	
	Chondropetalum tectorum	Small Cape Rush	300	1 gal	L	
	Echinocactus grusonii	Golden Barrel Cactus	12	5 gal	L	
	Ligustrum j.'Texanum'	Texas Privet	219	5 gal	M	
	Leucophyllum f. 'Compacta'	Compact Texas Ranger	9	5 gal	L	
	Bougainvillea 'Raspberry Ice'	Raspberry Ice Bougainvillea	90	5 gal	L	
	Callistemon 'Little John'	Dwarf Bottlebrush	67	5 gal	M	
	Westringia fruticosa 'Smokey'	Dwarf Coastal Rosemary	242	5 gal	L	
	Westringia fruticosa	Coast Rosemary	216	5 gal	L	
	PERENNIALS					
	Verbena peruviana	Verbena	128	1 gal	L	
	Dianella 'Little Rev'	Little Rev Flax Lily	412	1 gal	L	
	Sesleria autumnalis	Moor Grass	381	1 gal	L	
	Juncus tenuis 'Blue Dart'	Blue Dart Rush	50	1 gal	L	
	Senecio serpens	Blue Chalksticks	103	1 gal	L	
	GROUNDCOVER					
	Baccharis p. 'Coyote Bush'	Dwarf Coyote Bush	157	1 gal	L	plant @ 48" o.c
	Carissa m. 'Emerald Blanket'	Emerald Blanket	282	1 gal	L	plant @ 36" o.c
	Rosmarinus officinalis 'Irene'	Irene Trailing Rosemary	323	1 gal	L	plant @ 48" o.c
	3/4" crushed rock, Palm Springs Gold					
	Decomposed granite, Palm Springs Gold					



ALL LANDSCAPE INSTALLATION SHALL BE PERMANENTLY MAINTAINED.

ALL LANDSCAPE AREAS SHALL RECEIVE AUTOMATIC IRRIGATION SYSTEM.

ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL ADHERE TO CITY OF CHINO DESIGN GUIDELINES, CODES AND REGULATIONS.

COMPLIANCE STATEMENT

REGISTERED LANDSCAPE ARCHITECT PHILIP S. MAY 3104 — SIGNATURE 05-31-2025 — RENEWAL DATE 05-28-2025 — DATE — STATE OF CALIFORNIA

I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE WATER EFFICIENT LANDSCAPE REGULATIONS OF THE CITY OF CHINO. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS, I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER.

Minimum Tree Species Mix

TREES PROPOSED = 117, NUMBER OF TREE SPECIES = 7
MINIMUM # OF TREE SPECIES REQUIRED = 5

Shade Analysis

PARKING AREA: 29,885 S.F. = 177 PARKING STALLS
PARKING AREA TO BE SHADED = 15,231 S.F. = 51% AREA TO BE SHADED

Interior Parking Lot Landscape Requirements

PARKING AREA: 21,888 S.F.
PARKING AREA TO BE LANDSCAPED = 12,358 S.F. = 39%

Replacement Trees

MITIGATED TREES PROPOSED TO BE REMOVED = 4, Coast Live Oak
REPLACEMENT TREES REQUIRED = 11

REPLACEMENT TREES

BOTANICAL NAME	COMMON NAME	QTY	SIZE
Arbutus 'Marina'	NCN	2	36" box
Olea europea 'Swan Hill'	Fruitless Olive Tree	2	48" box
Parkinsonia 'Desert Museum'	Palo Verde	7	48" box

NORTH

0 15' 30' 60'

SCALE: 1" = 30'-0"

REVISIONS	BY

PHIL MAY LANDSCAPE ARCHITECTURE
2532 Wallace Ave.
Fullerton,CA 92831
Phone:(909)373-1959
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www.philmaydesign.com

REGISTERED LANDSCAPE ARCHITECT PHILIP S. MAY 3104 — SIGNATURE 05-31-2027 — RENEWAL DATE 05-28-2025 — DATE — STATE OF CALIFORNIA

PRELIMINARY LANDSCAPE PLAN

CHINO GATEWAY INDUSTRIAL
5885 SCHAEFER AVE.,
CHINO, CA

DRAWN R.S.
CHECKED R.S.
DATE 05-28-2025
SHEET L-2
OF 7 SHEETS
JOB NO. 24049

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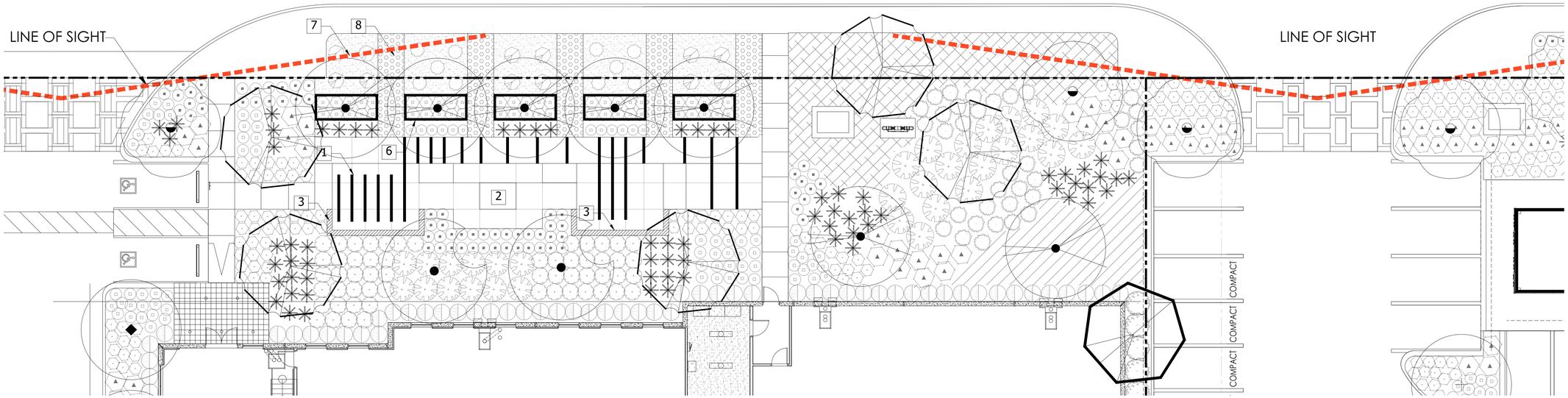

PROPOSED LANDSCAPE ELEMENTS

1	PORCELAIN STONE BY BELGARD (QUARZITI– MANTLE)
2	CONCRETE PAVING NATURAL COLOR, WASHED FINISH
3	18" HIGH CAST IN PLACE SEAT WALL NATURAL COLOR, WASHED FINISH
4	CONCRETE MOW CURB
5	4'x4' CUT–OUT FOR PALM TREES
6	18" HIGH CORTEN STEEL PLANTERS
7	DECOMPOSED GRANITE, PALM SPRINGS GOLD
8	3/4" CRUSHED ROCK, PALM SPRINGS GOLD

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COMPLIANCE STATEMENT

REGISTERED LANDSCAPE ARCHITECT · PHILIP S. May · SIGNATURE 05-31-2026 · RENEWAL DATE 05-28-2025 · DATE · STATE OF CALIFORNIA

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PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME
	TREES	
	Arbutus 'Marina'	NCN
	Olea europea 'Swan Hill'	Fruitless Olive Tree
	Olea europea 'Swan Hill'	Fruitless Olive Tree
	Cercis o. 'Forest Pansy'	Forest Pansy
	Lagestroemia i. 'Tuscarora'	Crape Myrtle
	Lophostemon confertus	Brisbane box
	Parkinsonia 'Desert Museum'	Palo Verde
	Geijera parvifolia	Australian Willow
	Existing trees to remain in place, see "Tree Report"	
	SHRUBS	
	Agave attenuata	Foxtail Agave
	Agave 'Blue Glow'	Blue Glow Agave
	Chondropetalum tectorum	Small Cape Rush
	Echinocactus grusonii	Golden Barrel Cactus
	Ligustrum j.'Texanum'	Texas Privet
	Leucophyllum f. 'Compacta'	Compact Texas Ranger
	Bougainvillea 'Raspberry Ice'	Raspberry Ice Bougainvillea
	Callistemon 'Little John'	Dwarf Bottlebrush
	Westringia fruticosa 'Smokey'	Dwarf Coastal Rosemary
	Westringia fruticosa	Coast Rosemary
	PERENNIALS	
	Verbena peruviana	Verbena
	Dianella 'Little Rev'	Little Rev Flax Lily
	Sesleria autumnalis	Moor Grass
	Juncus tenuis 'Blue Dart'	Blue Dart Rush
	Senecio serpens	Blue Chalksticks
	GROUNDCOVER	
	Baccharis p. 'Coyote Bush'	Dwarf Coyote Bush
	Carissa m. 'Emerald Blanket'	Emerald Blanket
	Rosmarinus officinalis 'Irene'	Irene Trailing Rosemary
	3/4" crushed rock, Palm Springs Gold	
	Decomposed granite, Palm Springs Gold	

NORTH

0 5' 10' 20'

SCALE: 1" = 10'-0"

REVISIONS	BY

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PRELIMINARY LANDSCAPE PLAN-2

CHINO GATEWAY INDUSTRIAL
5885 SCHAEFER AVE.,
CHINO, CA

DRAWN R.S.
CHECKED R.S.
DATE 05-28-2025
SHEET L-3
OF 7 SHEETS
JOB NO. 24049

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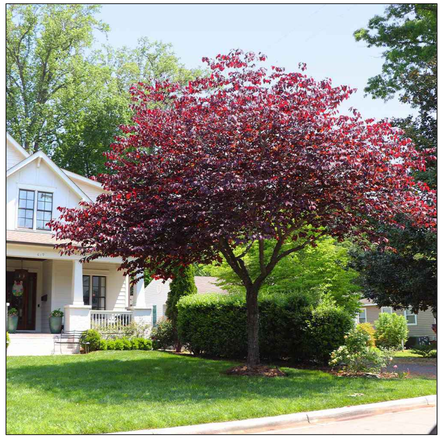
TREES

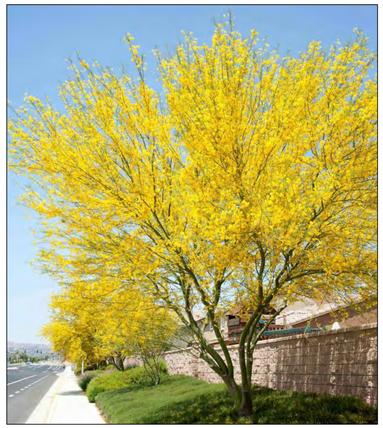
Olea europea 'Swan Hill'

Geijera parvifolia

Lophostemon confertus



Cercis o. 'Forest Pansy'



Parkinsonia 'Desert Museum'

Arbutus marina

Lagestroemia i. 'Tuscarora'

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PHILIP S. MAY
EXPIRATION DATE
05-31-2027
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PLANT
PICTURES - 1

CHINO GATEWAY
INDUSTRIAL
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JOB NO.
24049

SHRUBS

Westringia fruticosa

Callistemon 'Little John'

Bougainvillea 'Raspberry Ice'

Echinocactus grusonii

Leucophyllum f. 'Compacta'

Agave attenuata

Ligustrum j.'Texanum'

Westringia fruticosa 'Smokey'

Agave 'Blue Glow'

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PLANT
PICTURES -2

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PERENNIALS

Dianella 'Little Rev'

Verbena peruviana

Sesleria autumnalis

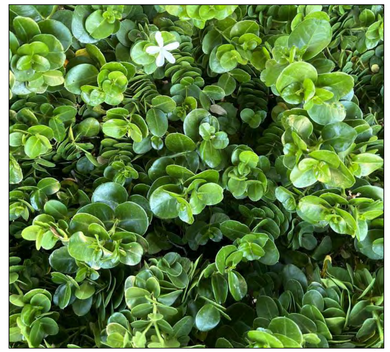
Senecio serpens

Juncus tenuis 'Blue Dart'

GROUND COVERS

Rosmarinus officinalis 'Irene'

Decomposed Granite



Carissa m. 'Emerald Blanket'

3/4" Crushed Stone

Baccharis p. 'Coyote Bush'

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PLANT PICTURES - 3

CHINO GATEWAY
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PROPOSED LANDSCAPE ELEMENTS

1. PORCELAIN STONE BY BELGARD (QUARZITI– MANTLE)
2. CONCRETE PAVING NATURAL COLOR, WASHED FINISH
3. 18" HIGH CAST IN PLACE SEAT WALL NATURAL COLOR, WASHED FINISH
4. CONCRETE MOW CURB
5. 4'x4' CUT–OUT FOR PALM TREES
6. 18" HIGH CORTEN STEEL PLANTERS
7. DECOMPOSED GRANITE, PALM SPRINGS GOLD
8. 3/4" CRUSHED ROCK, PALM SPRINGS GOLD

PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY	SIZE	WUCOLS PLANT FACTOR	R
	TREES					
	Arbutus 'Marina'	NCN	5	36" box	L	M
	Olea europea 'Swan Hill'	Fruitless Olive Tree	2	48" box	L	M
	Olea europea 'Swan Hill'	Fruitless Olive Tree	17	24" box	L	M
	Cercis o. 'Forest Pansy'	Forest Pansy	21	24" box	M	St
	Lagestroemia i. 'Tuscarora'	Crape Myrtle	17	24" box	M	St
	Lophostemon confertus	Brisbane box	9	24" box	M	St
	Parkinsonia 'Desert Museum'	Palo Verde	7	48" box	L	M
	Geijera parvifolia	Australian Willow	6	24" box	L	St
	SHRUBS					
	Agave attenuata	Foxtail Agave	79	5 gal	L	
	Agave 'Blue Glow'	Blue Glow Agave	10	5 gal	L	
	Chondropetalum tectorum	Small Cape Rush	300	1 gal	L	
	Echinocactus grusonii	Golden Barrel Cactus	12	5 gal	L	
	Ligustrum j.'Texanum'	Texas Privet	219	5 gal	M	
	Leucophyllum f. 'Compacta'	Compact Texas Ranger	9	5 gal	L	
	Bougainvillea 'Raspberry Ice'	Raspberry Ice Bougainvillea	90	5 gal	L	
	Callistemon 'Little John'	Dwarf Bottlebrush	67	5 gal	M	
	Westringia fruticosa 'Smokey'	Dwarf Coastal Rosemary	242	5 gal	L	
	Westringia fruticosa	Coast Rosemary	216	5 gal	L	
	PERENNIALS					
	Verbena peruviana	Verbena	128	1 gal	L	
	Dianella 'Little Rev'	Little Rev Flax Lily	412	1 gal	L	
	Sesleria autumnalis	Moor Grass	381	1 gal	L	
	Juncus tenuis 'Blue Dart'	Blue Dart Rush	50	1 gal	L	
	Senecio serpens	Blue Chalksticks	103	1 gal	L	
	GROUNDCOVER					
	Baccharis p. 'Coyote Bush'	Dwarf Coyote Bush	157	1 gal	L	plc
	Carissa m. 'Emerald Blanket'	Emerald Blanket	282	1 gal	L	plc
	Rosmarinus officinalis 'Irene'	Irene Trailing Rosemary	323	1 gal	L	plc
	3/4" crushed rock, Palm Springs Gold					
	Decomposed granite, Palm Springs Gold					

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REVISIONS	BY

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PRELIMINARY LANDSCAPE PLAN

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5885 SCHAEFER AVE.,
CHINO, CA

DRAWN R.S.
CHECKED R.S.
DATE 05-27-2025
SHEET L-3
OF 7 SHEETS
JOB NO. 24049

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PRECISE GRADING PLANS

5885 SCHAEFER AVE

GENERAL NOTES FOR GRADING PLANS:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE APPROVED GRADING PLAN, MUNICIPAL CODE SECTIONS 15.05.192, 19.07.140, AND 19.09.030, APPENDIX J OF THE CALIFORNIA BUILDING CODE, LATEST EDITION, AND PRELIMINARY SOILS REPORT DATED _____ DONE UNDER THE DIRECTION AND SUPERVISION OF A LICENSED SOILS ENGINEER. DEVIATION FROM THE APPROVED GRADING PLAN SHALL BE APPROVED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION
2. SURVEY MONUMENTS SHALL BE PROTECTED AND PERPETUATED IN PLACE. ANY DISTURBED PR COVERED MONUMENTS SHALL BE RESET BY A REGISTERED CIVIL ENGINEER OR A LICENSED LAND SURVEYOR.
3. HOURS OF OPERATION FOR ON-SITE WORK SHALL BE FROM 7:00 AM TO 8:00 PM, MONDAY THROUGH FRIDAY. OTHER HOURS SHALL REQUIRE WRITTEN AUTHORIZATION FROM THE CITY ENGINEER OR THE BUILDING OFFICIAL. ROAD/LANE CLOSURES SHALL BE LIMITED TO THE HOURS 8:30 AM TO 3:30 PM ON WEEKDAYS.
4. PRIOR TO CONSTRUCTION WORK, ALL CONTRACTORS, INCLUDING SUBCONTRACTORS, SHALL OBTAIN A CITY BUSINESS LICENSE AND AN ENCROACHMENT PERMIT.
5. NO WORK SHALL BY UNDERTAKEN WITHOUT OBTAINING A PERMIT FROM THE CITY. THE CITY INSPECTOR SHALL BE NOTIFIED AT (909) 334-6250 AT LEAST 24 HOURS IN ADVANCE OF REQUIRED INSPECTIONS.
6. THE CONTRACTOR SHALL REPAIR OR REPLACE ALL EXISTING DAMAGED OR ALTERED PUBLIC IMPROVEMENTS AS REQUIRED BY THE CITY ENGINEER.
7. ANY MATERIAL INCORPORATED AS PART OF THE COMPACTED FILL SHALL BE APPROVED BY A SOILS ENGINEER. INSPECTION AND CERTIFICATION OF FILL PLACEMENT SHALL BE PROVIDED BY A SOILS ENGINEER DURING THE PROCESS OF GRADING. NO ROCK OR SIMILAR MATERIAL GREATER THAN EIGHT INCHES IN DIAMETER SHALL BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY A SOILS ENGINEER IN ADVANCE AND APPROVED BY THE CITY ENGINEER.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES OR STRUCTURES, ABOVE OR BELOW GROUND, SHOWN OR NOT SHOWN ON THESE PLANS. HE SHALL BE HELD RESPONSIBLE FOR DAMAGE CAUSED BY HIS OPERATIONS. THE CITY ENGINEER SHALL BE NOTIFIED OF ANY CONFLICTS. CONSTRUCTION SHALL BE TERMINATED, AND STREETS RESTORED UNTIL CORRECTIVE MEASURES HAVE BEEN APPROVED BY THE CITY ENGINEER.
9. ANY UNKNOWN SUB-SURFACE STRUCTURES ENCOUNTERED DURING CONSTRUCTION SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF A SOILS ENGINEER AND THE CITY ENGINEER PRIOR TO PROCEEDING WITH GRADING OPTIONS.
10. ALL AREAS SHALL SLOPE A MINIMUM OF 1.0% TO STREET, DRIVE OR SWALE UNLESS SHOWN OTHERWISE
11. MAXIMUM FILL SLOPE SHALL NOT EXCEED 2:1 UNLESS APPROVED BY A SOILS ENGINEER. FILL SLOPES SHALL HAVE NOT LESS THAN 90% RELATIVE COMPACTION AS DETERMINED BY ASTM D 1557-70 AND CERTIFIED BY A SOILS ENGINEER. TOES OF SLOPES SHALL BE LOCATED PER APPENDIX J OF THE CALIFORNIA BUILDING CODE.
12. SEPARATE PERMITS SHALL BE REQUIRED FOR ANY IMPROVEMENT WORK IN THE PUBLIC RIGHT-OF-WAY.
13. BACKFILL OF TRENCHES SHALL BE CERTIFIED BY A SOILS ENGINEER (90% MINIMUM COMPACTION) PER CITY STANDARDS AND SPECIFICATIONS. EXCAVATIONS, CONSTRUCTION AND INSTALLATIONS IN THE PUBLIC RIGHT-OF-WAY SHALL REQUIRE INSPECTION BY THE CITY INSPECTOR. FAILURE TO HAVE INSPECTION MAY REQUIRE RE-EXCAVATION OF THE CONSTRUCTION.
14. THE CONTRACTOR SHALL SWEEP DAILY AND CLEAN UP ALL VISIBLE DIRT, SILT, SAND OR OTHER SUBSTANCES DEPOSITED IN PUBLIC STREETS BY CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE PROJECT.
15. EARTHWORK QUANTITIES FOR STREET AND SITE GRADING ARE ESTIMATED TO BE:

    CUT: FILL: IMPORT:

    THESE QUANTITIES ARE BASED ON THE ASSUMPTION THAT A SUBSIDENCE WILL OCCUR OVER THE ENTIRE SITE.

    THE UNDERSIGNED CIVIL ENGINEER CERTIFIES THAT THIS GRADING WORK WILL BE SUPERVISED IN ACCORDANCE WITH SECTION J AND SECTION 1705.6 OF THE CALIFORNIA BUILDING CODE.

    SIGNATURE R.C.E. NO. DATE

16. AN "AS-BUILT" OR RECORD DRAWING OF THE GRADING PLAN SHALL BE SUBMITTED BY THE DEVELOPER ALONG WITH A FINAL GRADE CERTIFICATION PRIOR TO AN ISSUANCE OF OCCUPANCY.
17. NO WATER SHALL BE TAKEN FROM CITY FIRE HYDRANTS WITHOUT AN AUTHORIZED HYDRANT METER.
18. THE CITY ENGINEER MAY REQUIRE PROTECTIVE MEASURES AND/OR TEMPORARY DRAINAGE PROVISIONS TO PROTECT ADJOINING PROPERTIES DURING GRADING OPERATIONS AND PERIODS OF HEAVY RAINFALL. EROSION CONTROL PLANS SHALL BE APPROVED FOR THE PROJECT PRIOR TO ISSUANCE OF A GRADING PERMIT.
19. UTILITY LINES ADJOINING AND INTERIOR TO THE PROJECT, INCLUDING POWER LINES OF 34.5KV OR LESS, SHALL BE UNDERGROUNDED IN ACCORDANCE WITH CHAPTER 13.32 OF THE CITY CODE.
20. THESE PLANS ARE APPROVED FOR GRADING ONLY. RETAINING WALLS AND NON-RETAINING WALLS SHALL REQUIRE SEPARATE PERMITS AND INSPECTION.
21. APPROVAL OF THESE PLANS BY THE CITY OF ITS AGENTS SHALL NOT RELIEVE THE CONTRACTOR OF THE APPLICANT OF THE RESPONSIBILITY FOR THE CORRECTION OF ERRORS OR OMISSIONS DISCOVERED DURING CONSTRUCTION. UPON REQUEST, THE APPROPRIATE PLAN REVISIONS SHALL BE PROMPTLY SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
22. ALL EARTH MOVING OPERATIONS SHALL CEASE IF WIND VELOCITIES EXCEED 25 M.P.H. THE SITE SHALL BE KEPT REGULARLY WATERED TO MITIGATE BLOWING DUST FOR THE DURATION OF THE HIGH WINDS.
23. THE DEVELOPER SHALL BE RESPONSIBLE FOR SUBMITTING TO THE CITY PROOF THAT A NOTICE OF INTENT (NOI) FOR THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY HAS BEEN FILED WITH AND APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD (SWRCB). CONSTRUCTION SHALL NOT COMMENCE WITHOUT THIS APPROVAL. THE DEVELOPER SHALL BE RESPONSIBLE TO COMPLY WITH THE GENERAL CONSTRUCTION ACTIVITY STORM WATER PERMIT BY IMPLEMENTING THEIR STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE DURATION OF THE PROJECT.
24. THE CONTRACTOR SHALL WATER ALL ACTIVE CONSTRUCTION SITES AND UNPAVED ROAD SURFACES AS NECESSARY TO CONTROL BLOWING DUST.
25. THE CONTRACTOR SHALL WATER OR COVER ANY STORED OR STOCKPILED SOIL, SAND, OR OTHER FINE PARTICLE SUBSTANCE OR SOIL AMENDMENTS AS REQUIRED TO CONTROL BLOWING DUST.
26. GRADING ACTIVITIES SHALL BE SCHEDULED TO MINIMIZE THE AREA OF EXPOSED EXCAVATED SOIL AND SHALL ESTABLISH VEGETATIVE COVER OR APPLY STABILIZATION MATERIAL TO EXPOSED SURFACE AREAS IN A TIMELY MANNER, FOLLOWING GRADING AND CONSTRUCTION.
27. ALL EQUIPMENT/TRUCKS EXPORTING SOIL, CEMENT, OR OTHER DRY, POWDERY SUBSTANCES OR BUILDING MATERIALS ON ANY PUBLIC STREET SHALL BE COVERED.
28. PARKING OF EMPLOYEE VEHICLES ARE UNPAVED AREAS OF THE CONSTRUCTION SITE SHALL BE PROHIBITED.
29. THE DEVELOPER SHALL PREPARE AN EROSION CONTROL PLAN (ECP) TO PREVENT SEDIMENT FROM ENTERING STORM DRAINS OR WATER BODIES FOR CONSTRUCTION PROJECTS DISTURBING LESS THAN 1 ACRE OF SOIL. THE DEVELOPER SHALL SUBMIT THE ECP TO THE CITY'S PROJECT ENGINEER FOR REVIEW AND APPROVAL, PRIOR TO ISSUANCE OF A GRADING PERMIT.
30. FOR PROJECTS REQUIRING COVERAGE UNDER THE NPDES GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT (1 ACRES OR MORE OF SOIL DISTURBANCE), THE DEVELOPER SHALL SUBMIT A NOTICE OF INTENT (NOI) TO THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) AND PREPARE A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PREPARED BY QSD. AFTER FILING THE NOI AND RECEIVING A WASTE DISCHARGER'S IDENTIFICATION NUMBER (WDID) FROM THE SWRCB, THE DEVELOPER SHALL PROVIDE A COPY OF THE WDID LETTER AND THE SWPPP TO THE CITY ENGINEER PRIOR TO ISSUANCE OF A GRADING PERMIT.
31. A SIX-FOOT HIGH SCREENING FENCE WITH FABRIC SHALL BE INSTALLED ALONG THE PROJECT BOUNDARIES EXPOSED TO PUBLIC VIEW PRIOR TO COMMENCEMENT OF CONSTRUCTION.
32. RECYCLED WATER SHALL BE USED FOR ALL CONSTRUCTION PURPOSES, WHERE FEASIBLE.

SITE INFORMATION

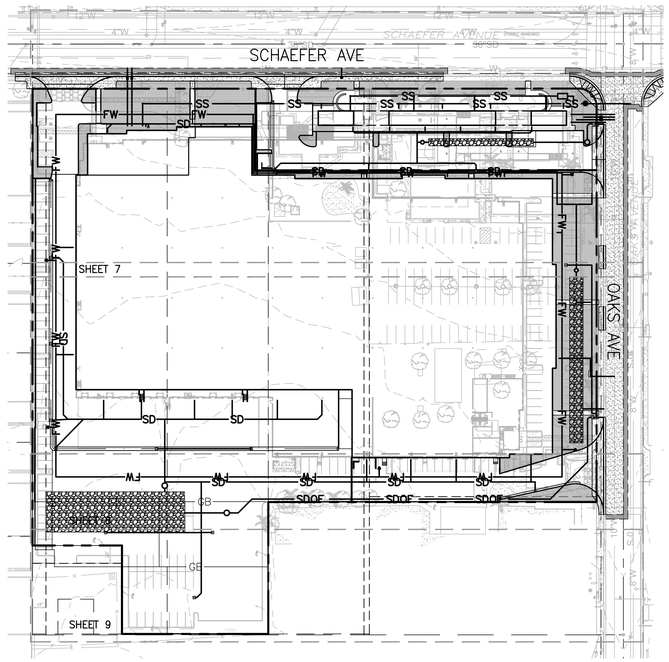
SITE ADDRESS:	5885 SCHAEFER AVE, CHINO, CA 91710
APN:	0209-092-09 & 0209-092-13
TOTAL SITE AREA:	7.355 AC / 320,382 SF
DISTURBED AREA:	7.355 AC / 320,382 SF
IMPERVIOUS AREA:	6.498 AC / 283,060 SF
ZONING CLASSIFICATION:	INDUSTRIAL PARK (IP)
EXISTING USE:	VACANT
PROPOSED USE:	MIXED-USE
TOTAL LOTS:	2

ESTIMATED EARTHWORK QUANTITIES

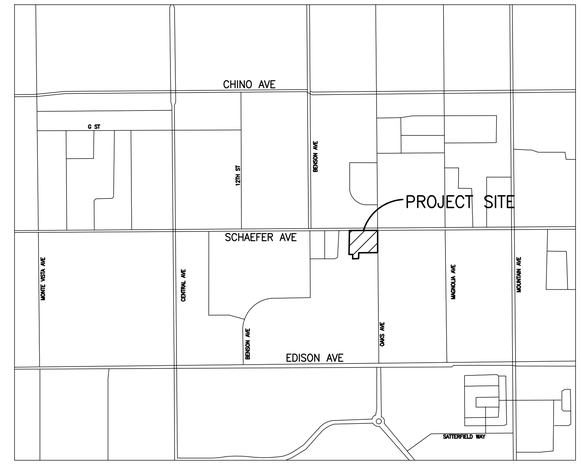
CUT:	**6,916** CUBIC YARDS
FILL:	**6,804** CUBIC YARDS
NET (CUT/EXPORT):	**112** CUBIC YARDS
(REMEDIAL GRADING)	**12,609** CUBIC YARDS

EARTHWORK CALCULATION NOTES:

1. THE ESTIMATED QUANTITIES PROVIDED ABOVE ARE TO BE USED FOR JURISDICTIONAL PLAN CHECKING AND PERMITTING PURPOSES ONLY.
2. ESTIMATED EARTHWORK ABOVE IS BASED ON DESIGN FINISH GRADES TO EXISTING GRADES AND/OR CONTOURS AS PROVIDED ON THE BASE SURVEY. THE ESTIMATED EARTHWORK DOES NOT ACCOUNT FOR THE THICKNESS OF PAVEMENTS, FOUNDATIONS AND SLABS ON GRADE, FOOTINGS, CLEARING AND GRUBBING, OVER EXCAVATION AND RECOMPACTION, AND CONSTRUCTION MEANS AND METHODS.
3. THE ESTIMATED EARTHWORK QUANTITIES DO NOT INCLUDE SHRINKAGE AND/OR EXPANSION FACTORS DUE TO COMPACTION OR OVER EXCAVATION QUANTITIES.
4. THE CONTRACTOR SHALL CALCULATE HIS OWN EARTHWORK QUANTITIES NECESSARY FOR HIS BID AND WORK.
5. ESTIMATED EARTHWORK QUANTITIES ABOVE ASSUME THAT ALL ONSITE MATERIALS ARE SUITABLE FOR BACKFILLING. HOWEVER, ACTUAL EXISTING ONSITE MATERIALS AND IMPORTED MATERIALS MUST FIRST BE APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO INSTALLATION, REMOVAL, REPLACEMENT.



INDEX MAP
1"=80'



VICINITY MAP
NOT TO SCALE

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

UNDERGROUND UTILITIES & STRUCTURES

THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY PLANS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND MAY NOT REFLECT ALL EXISTING UTILITIES. THE CONTRACTOR SHALL TAKE DUE PRECAUTIONS OF THE RECORDED UTILITIES AS WELL AS ANY NOT SHOWN AND SHALL CONFIRM ALL ALIGNMENTS AND GRADES BY FIELD INVESTIGATIONS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OR STRUCTURES.

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

UTILITY PURVEYORS

SEWER AGENCY
CITY OF CHINO PW DEPT.
5050 SCHAEFER AVE
CHINO, CA 91710
(909) 334-3266

WATER COMPANY
CITY OF CHINO PW DEPT.
5050 SCHAEFER AVE
CHINO, CA 91710
(909) 334-3266

GAS COMPANY
SOUTHERN CALIFORNIA GAS
13525 12TH STREET
CHINO, CA 91761
(909) 335-7867

ELECTRIC COMPANY
SOUTHERN CALIFORNIA EDISON
1351 E. FRANCIS ST
ONTARIO, CA, 91761
(909) 930-8348

TELEPHONE COMPANY
FRONTEIR COMMUNICATIONS
(855) 849-4050

CABLE COMPANY
CHARTER COMMUNICATIONS
(951) 406-1627

FIRE DEPARTMENT
CHINO VALLEY INDEPENDENT FIRE DISTRICT
14011 CITY CENTER DRIVE
CHINO HILLS, CA 91709
(909) 902-5260

PROJECT DIRECTORY

OWNER/DEVELOPER
GATEWAY TERMINAL LLC
13925 CITY CENTER DR.
SUITE 200
CHINO HILLS, CA 91709
TEL: 714.869.0560

ARCHITECT
O.C. DESIGN & ENGINEERING
7901 CROSSWAY DR.
PICO RIVERA, CA 90660
TEL: 562.942.9804

SURVEYOR
JOSEPH C. TRUXAW & ASSOCIATES, INC.
1915 W. ORANGEWOOD AVE.
SUITE 101
ORANGE, CA 92868
TEL: 714.935.0265

CIVIL ENGINEER
PACIFIC CONSULTING GROUP, INC.
2239 STATE AVE., #B
COSTA MESA, CA 92627
TEL: 818.800.6991

GEOTECHNICAL CONSULTANT
NORCAL ENGINEERING
10641 HUMBOLT STREET
LOS ALAMITOS, CA 90720
TEL: 562.799.9469

SHEET INDEX

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SHT 2	GENERAL NOTES
SHT 3	EROSION CONTROL PLAN
SHT 4	EROSION CONTROL NOTES AND DETAILS
SHT 5	ROUGH GRADING PLAN
SHT 6	GRADING SECTIONS
SHT 7	GRADING SECTIONS CONT'D
SHT 8	GRADING SECTIONS CONT'D
SHT 9	GRADING SECTIONS CONT'D
SHT 10	PRECISE GRADING PLAN
SHT 11	PRECISE GRADING PLAN CONT'D
SHT 12	PRECISE GRADING PLAN CONT'D
SHT 13	GRADING DETAILS
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SHT 15	DRAINAGE DETAILS
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LEGEND

SITE

- CURB/BACK OF CURB/GUTTER
- RETAINING WALL/SITE WALL
- PROPERTY LINE/RIGHT OF WAY
- CENTER LINE
- FENCE

EROSION CONTROL

- GRAVEL DBAGS
- FIBER ROLL
- PROPOSED BUILDING EXCAVATION OUTLINE
- EXISTING DRAINAGE DIRECTION OF FLOW

GRADING

- 100 — PROPOSED MAJOR CONTOUR
- 102 — PROPOSED MINOR CONTOUR
- FLOW LINE
- GB — GRADE BREAK LINE
- R — RIDGE LINE
- EARTHEN SWALE
- SAWCUT
- LIMITS OF GRADING
- GRADING BENCH
- TOP / TOE — GRADED SLOPE (HORIZONTAL:VERTICAL)
- 4" SD — STORM DRAIN
- STORM DRAIN INLET

ABBREVIATIONS

AC	ASPHALTIC CONCRETE	FT	FOOT OR FEET	STD	STANDARD
BCR	BEGIN CURVE RETURN	FU	FIXTURE UNITS	SDMH	STORM DRAIN MANHOLE
BW	BACK OF WALK	FW	FIRE WATER	TC	TOP OF CURB
BLDG	BUILDING	GPM	GALLONS PER MINUTE	TEL	TELEPHONE
BM	BENCH MARK	HP	HIGH POINT	TG	TOP OF GRATE
BOS	BOTTOM OF STAIRS	INV.	INVERT	TOS	TOP OF STAIRS
BMP	BEST MANAGEMENT PRACTICES	LP	LOW POINT	TW	TOP OF WALL
CB	CATCH BASIN	MAX	MAXIMUM	TS	TRAFFIC SIGNAL
CL	CENTER LINE	MIN	MINIMUM	TSB	TRAFFIC SIGNAL BOX
CMU	CONCRETE MASONRY UNIT	MH	MANHOLE	TYP	TYPICAL
CO	CLEANOUT	NTS	NOT TO SCALE	VIF	VERIFY IN FIELD
CONC	PORTLAND CEMENT CONCRETE	PA	PLANTER AREA	VLT	VAULT
CF	CURB FACE	POC	POINT OF CONNECTION	VCP	VITRIFIED CLAY PIPE
DW	DOMESTIC WATER	PIV	POST INDICATOR VALVE	W	WATER
EG	EDGE OF GUTTER	PRV	PRESSURE REDUCING VALVE	WM	WATER METER
EL. OR ELEV	ELEVATION	PVC	POLYVINYL CHLORIDE	WV	WATER VALVE
ELEC	ELECTRIC, ELECTRICAL	R	RADIUS		
EX. OR EXIST.	EXISTING	RD	ROOF DRAIN		
FDC	FIRE DEPARTMENT CONNECTION	RW	RIGHT-OF-WAY		
FF	FINISHED FLOOR	S=	SLOPE EQUALS		
FG	FINISHED GRADE (LANDSCAPE)	SD	STORM DRAIN		
FS	FINISHED SURFACE (HARDSCAPE)	SSMH	SANITARY SEWER MANHOLE		
FH	FIRE HYDRANT	SS	SANITARY SEWER		
FL	FLOW LINE				

SEAL

REGISTERED PROFESSIONAL ENGINEER — ALEJANDRO JARDINE PRUITT — C 95048 — EXP. 09/30/25 — CIVIL — STATE OF CALIFORNIA

SIGN DATE 06/05/2025

BASIS OF BEARINGS

THE BEARING OF NORTH 00°00'00" WEST ALONG THE CENTERLINE OF OAKS AVENUE PER RECORD OF SURVEY 17-0161, FILED IN BOOK 167, PAGE 54 OF RECORDS OF SURVEY, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

LEGAL DESCRIPTION

PARCEL A, B, C, AND D, PM NO 2272 IN THE CITY OF CHINO, COUNTY OF SAN BERNADINO STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 20 PAGE 15 OF PARCEL MAPS, RECORDED OF SAID COUNTY

PREPARED BY	REVISIONS	MADE BY / DATE	APPROVED BY / DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	PLANNING SUBMITTAL		8/13/24
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	1ST RE-SUBMITTAL		10/17/24
TELEPHONE: (818) 800-6991 FAX: ( )	2ND RE-SUBMITTAL		12/18/24
SIGNATURE RCE DATE	3RD RE-SUBMITTAL		3/25/25
	4TH RE-SUBMITTAL		5/28/25

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO
5885 SCHAEFER AVE

TITLE SHEET

PROJECT NO.

SHEET 1 OF 18

DRAWING NO.

GENERAL NOTES

1. IN CASE OF EMERGENCY. CALL MAURA JOHNSON, DIRECTOR OF HOUSING AT 818-332-8208.

2. ALL NEW CONSTRUCTION SHALL COMPLY WITH THE CONTRACT DOCUMENTS AND LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE, "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION", AND CITY OF CITY CHINO LOCAL ORDINANCES AS APPLICABLE.

3. ALL GRADING WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS AND RECOMMENDATIONS CONTAINED IN THE GEOTECHNICAL INVESTIGATION, BY GEOCON WEST, INC. DATED SEPTEMBER 15, 2021. THE GEOTECHNICAL REPORT IS CONSIDERED A PART OF THESE PLANS AND IS TO BE ADHERED TO IN ALL OF ITS RECOMMENDATIONS AND REQUIREMENTS. WHERE MORE RESTRICTIVE, THE GEOTECHNICAL REPORT SHALL GOVERN.

2. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY, AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS.

3. PRIOR TO COMMENCING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL JOIN CONDITIONS FOR GRADING, DRAINAGE AND UNDERGROUND FACILITIES INCLUDING LOCATION AND ELEVATION OF EXISTING UNDERGROUND FACILITIES AT CROSSINGS WITH PROPOSED UNDERGROUND FACILITIES. IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND SHALL NOT BEGIN CONSTRUCTION UNTIL THE CHANGED CONDITIONS HAVE BEEN EVALUATED.

4. ALL DRAWINGS ARE CONSIDERED TO BE A PART OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REVIEW AND COORDINATION OF ALL DRAWINGS AND SPECIFICATIONS PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES THAT OCCUR SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION SO THAT A CLARIFICATION CAN BE ISSUED. ANY WORK PERFORMED IN CONFLICT WITH THE CONTRACT DOCUMENTS OR ANY CODE REQUIREMENTS SHALL BE CORRECTED BY THE CONTRACTOR AT THEIR OWN EXPENSE AND AT NO EXPENSE TO THE OWNER OR ARCHITECT.

5. THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

6. NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS. WHERE NO DETAILS ARE GIVEN, CONSTRUCTION SHALL BE AS SHOWN FOR SIMILAR WORK.

7. THE EXISTENCE, LOCATION AND CHARACTERISTICS OF UNDERGROUND UTILITY INFORMATION SHOWN ON THESE PLANS HAVE BEEN OBTAINED FROM A REVIEW OF AVAILABLE RECORD DATA. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY INFORMATION. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

8. IF AT ANY TIME DURING GRADING OPERATIONS, ANY UNFAVORABLE GEOLOGICAL CONDITIONS ARE ENCOUNTERED, GRADING IN THAT AREA WILL STOP UNTIL APPROVED CORRECTIVE MEASURES ARE OBTAINED.

9. THE PROPOSED GRADE IS THE FINAL GRADE AND NOT THE ROUGH GRADE. THE CONTRACTOR SHALL SUBTRACT THE THICKNESS OF THE PAVED SECTION AND/OR LANDSCAPE TOPSOIL SECTION TO ARRIVE AT THE ROUGH GRADE ELEVATION.

10. STRAIGHT GRADE SHALL BE MAINTAINED BETWEEN CONTOUR LINES AND SPOT ELEVATIONS UNLESS OTHERWISE SHOWN ON THE PLANS.

11. ALL DEBRIS AND FOREIGN MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT APPROVED DISPOSAL SITES. THE CONTRACTOR SHALL OBTAIN NECESSARY PERMITS FOR THE TRANSPORTATION OF MATERIAL TO AND FROM THE SITE.

12. ALL FILL SOILS OR SOILS DISTURBED OR OVEREXCAVATED DURING CONSTRUCTION SHALL BE COMPACTED PER THE REQUIREMENTS OF THE SOILS REPORT BUT NOT LESS THAN 90% MAXIMUM DENSITY AS DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D-1557.

13. THE CONTRACTOR SHALL OBTAIN AN O.S.H.A. PERMIT FROM THE CALIFORNIA DIVISION OF INDUSTRIAL SAFETY PRIOR TO THE CONSTRUCTION OF TRENCHES OR EXCAVATIONS WHICH ARE FIVE FEET OR DEEPER.

14. DIMENSIONS TO PIPELINES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

15. ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER FROM TOP OF PIPE TO FINISHED GRADE, UNLESS OTHERWISE NOTED.

16. THRUST BLOCKS SHALL BE INSTALLED AT WATERLINE HORIZONTAL AND VERTICAL BENDS, TEES, CAPPED ENDS AND REDUCERS ACCORDING TO THE DETAILS PROVIDED ON THESE PLANS.

17. CONSTRUCTION STAKING FOR IMPROVEMENTS SHOWN ON THESE PLANS SHALL BE PERFORMED BY A LICENSED LAND SURVEYOR. CONSTRUCTION STAKING SURVEYOR SHALL BE RESPONSIBLE FOR COORDINATION OF THESE PLANS WITH SOURCE DRAWINGS PREPARED BY ARCHITECT, LANDSCAPE ARCHITECT, STRUCTURAL ENGINEER, MEP CONSULTANT AND ANY OTHER DISCIPLINE PRIOR TO START OF STAKING AND CONSTRUCTION. ANY DISCREPANCIES THAT OCCUR SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION SO THAT A CLARIFICATION CAN BE ISSUED.

18. THE CONTRACTOR SHALL REPLACE ALL EXISTING IMPROVEMENTS DAMAGED DURING CONSTRUCTION TO MATCH EXISTING, INCLUDING PERMANENT TRENCH RESURFACING.

19. CONTRACTOR TO CONTACT UNDERGROUND SERVICE ALERT (800-227-2600) PRIOR TO EXCAVATION.

20. ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF.

21. ALL CURB DIMENSIONS AND RADII ARE TO PAVEMENT FACE OF CURB.

22. CONTRACTOR TO BE AWARE OF ALL OVERHEAD LINES AT ALL TIMES, SO AS NOT TO DISTURB THEM.

23. WATER SHALL BE PROVIDED ONSITE AND USED TO CONTROL DUST DURING CONSTRUCTION OPERATIONS.

24. CONTRACTOR SHALL OBTAIN ANY NECESSARY PERMITS FROM THE CITY OF CHINO FOR ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY.

25. STORM DRAINAGE SYSTEMS SHOWN ON THESE PLANS HAVE BEEN DESIGNED FOR THE FINAL SITE CONDITION AT COMPLETION OF THE PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ADEQUATE DRAINAGE OF THE SITE, DURING INTERIM CONDITIONS OF CONSTRUCTION.

26. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS, INCLUDING NPDES, FROM THE APPROPRIATE JURISDICTIONAL AGENCIES FOR DISCHARGE OF GROUNDWATER THAT MAY BE NECESSARY TO ACCOMPLISH EXCAVATIONS SHOWN ON THESE PLANS.

SEAL

REGISTERED PROFESSIONAL ENGINEER
T.J.F. JARDINE PRUITT
C 95048
EXP. 09/30/25
CIVIL
STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B	1ST RE-SUBMITTAL		10/17/24		
COSTA MESA, CA 92627	2ND RE-SUBMITTAL		12/18/24		
TELEPHONE: (818) 800-6991 FAX: ( )	3RD RE-SUBMITTAL		3/25/25		
	4TH RE-SUBMITTAL		5/28/25		
SIGNATURE RCE DATE					

BENCH MARK DATA

NO. 137/57 ELEV. 697.5040 FT

LOCATION:

FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO

5885 SCHAEFER AVE

GENERAL NOTES

PROJECT NO.

SHEET 2 OF 18

DRAWING NO.

LEGEND

- LIMIT LINE OF EROSION CONTROL
- PROPERTY LINE
- STORM DRAIN INLET PROTECTION
- DIRECTION OF FLOW

EROSION CONTROL NOTES

(E1) PLACE GRAVEL BAG BARRIER PER DETAIL **2**, SHEET **4**.

(E2) POSSIBLE LOCATION OF STABILIZED CONSTRUCTION ENTRANCE. STABILIZED CONSTRUCTION ENTRANCE SHALL BE PER DETAIL **1**, SHEET **4**.

(E3) PLACE STORM DRAIN INLET PROTECTION PER DETAIL **3**, SHEET **4**.

DEMOLITION NOTES

(1) SEE GENERAL DEMOLITION NOTES HEREON. SEE ARCHITECTURAL PLAN FOR LIMITS OF STRUCTURE DEMOLITION.

(2) SEE ARCHITECTURAL PLANS FOR STRUCTURE REMOVAL.

NOTES:

1. CONTRACTOR TO REFERNCE ARCHITECTURAL DEMOLITION PLAN FOR STRUCTURE DEMOLITION. PRIOR TO COMMENCEMENT OF WORK, ANY DISCREPANCY IN THE DEMOLITION PLAN SHALL BE PROVIDED TO THE ENGINEER OF RECORD PRIOR TO DEMOLITION.
2. POTHOLING OF EXISTING UTILITIES MAY BE REQUIRED. CONTRACTOR SHALL POTHOLE AND VERIFY POINT OF CONNECTIONS PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES SHALL BE PROVIDED TO THE ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY: THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY: THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

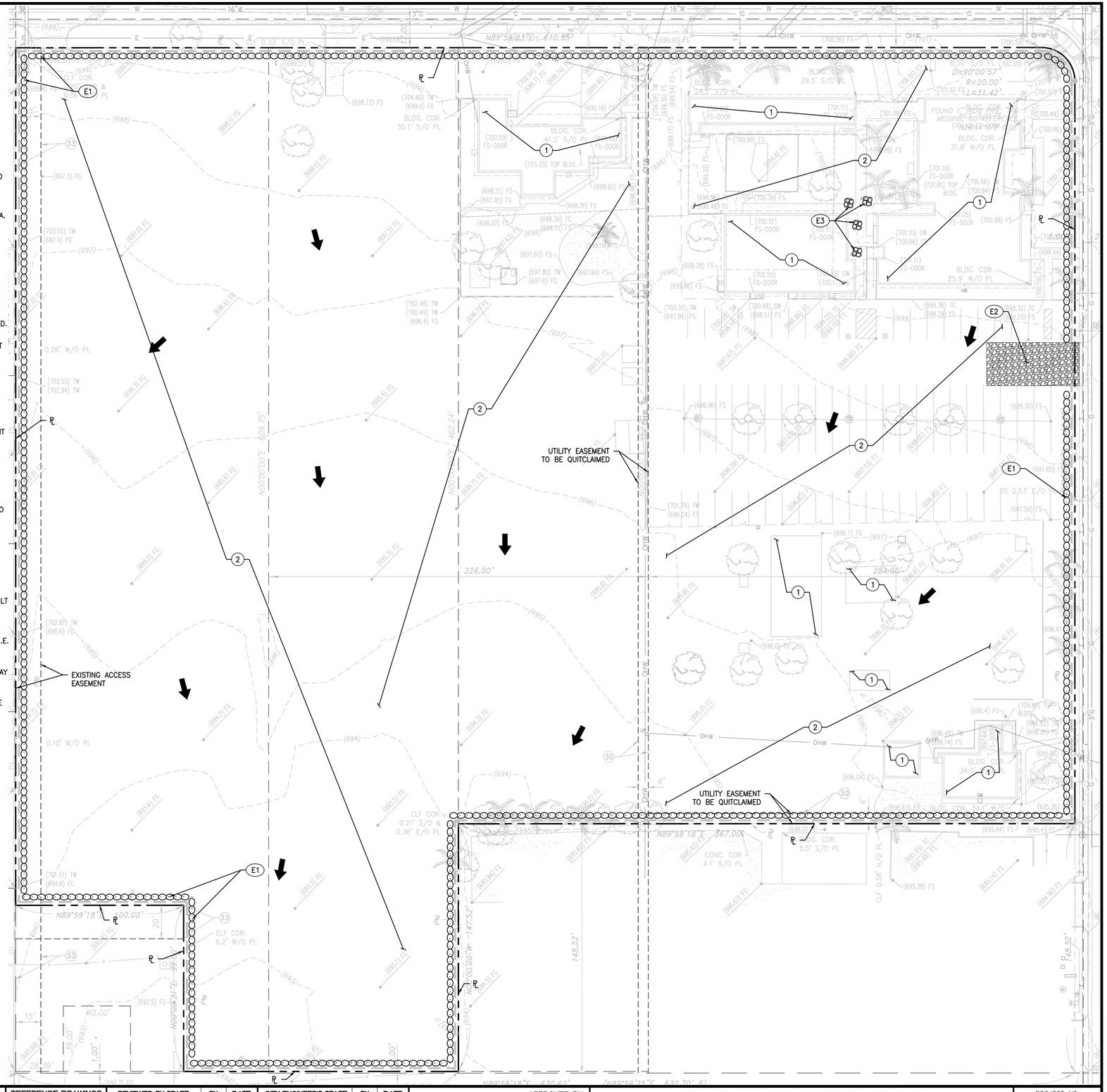
GENERAL NOTES FOR TEMPORARY EROSION CONTROL:

GENERAL NOTES FOR TEMPORARY EROSION CONTROL:

1. EROSION CONTROL SHALL BE REQUIRED FOR GRADING OPERATIONS AT ALL TIMES.
2. THE DESIGN CIVIL ENGINEER SHALL SUPERVISE AND ENSURE EROSION CONTROL WORK IS IN ACCORDANCE WITH APPROVED PLANS. THE QSP SHALL OVERSEE THE IMPLEMENTATION OF ALL BMP'S.
3. IN CASE OF EMERGENCY, CALL:

   _____ (RESPONSIBLE PERSON)
   _____ (FIRM NAME)
   _____ (24–HOUR TELEPHONE)

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR, AND SHALL PREVENT THE TRESPASS OF IMPOUND WATER ON PUBLIC AREAS OR THE CREATION OF HAZARDOUS CONDITIONS.
5. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS SO THAT RUNOFF IS CONTAINED WITHIN THE PROJECT AREA OR CHANNELED INTO THE STORM DRAIN SYSTEM WHICH SERVES THE RUNOFF AREA. STORM RUNOFF FROM ONE AREA SHALL NOT BE DIVERTED TO ANOTHER RUNOFF AREA.
6. NO CHANGES TO EXISTING OR NATURAL DRAINAGE COURSES SHALL BE PERMITTED DURING THE RAINY SEASON UNLESS THE APPROVED DRAINAGE FACILITIES HAVE BEEN COMPLETED.
7. CLEARING AND GRUBBING SHALL BE LIMITED TO AREAS THAT WILL RECEIVE IMMEDIATE GRADING. EROSION CONTROL MEASURES SHALL BE REQUIRED AND MAY INCLUDE GRADED DITCHES, BRUSH BARRIERS AND SILT FENCING. CARE SHALL BE EXERCISED TO PRESERVE VEGETATION BEYOND THE LIMITS OF GRADING.
8. DESILTING BASINS SHALL BE CONSTRUCTED AS INDIVIDUAL ROUGH GRADING AREAS ARE COMPLETED.
9. GRADED AREAS AROUND THE TRACT PERIMETER SHALL DRAIN AWAY FROM THE TOE OF SLOPES AT THE CONCLUSION OF EACH WORKING DAY.
10. TEMPORARY EROSION PROTECTION SHALL BE REQUIRED FOR MANUFACTURED SLOPES PRIOR TO PERMANENT PLANTING.
11. FILL AREAS, DURING PERIODS OF COMPLETION PRIOR TO FINAL GRADE, SHALL BE PROTECTED TO LIMIT EROSION AND THE SILTATION OF DOWNSTREAM PROPERTY. PROTECTION MEASURES MAY INCLUDE TEMPORARY DOWNDRAINS USING PIPES OR PAVED DITCHES WITH PROTECTED OUTFALL AREAS, DESILTING PONDS, CHECK DAMS, SANDBAG PROTECTION AROUND INLETS NOT YET BROUGHT TO GRADE AND APPROPRIATE CHANNEL GRADING TO DIRECT RUNOFF AWAY FROM AREAS WHERE EARTHWORK IS NOT UNDERWAY.
12. PROJECT AREAS, AS WELL AS NEIGHBORING PROPERTY AREAS, SHALL HAVE MAINTAINED FIRE ACCESS AT ALL TIMES.
13. EQUIPMENT AND PERSONNEL FOR EMERGENCY WORK SHALL BE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON. NECESSARY MATERIALS SHALL BE STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID DEPLOYMENT.
14. REMOVABLE PROTECTIVE DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE 5–DAY RAIN PROBABILITY FORECAST EXCEEDS 40 PERCENT.
15. DEVICES SHALL NOT BE MOVED OR MODIFIED WITHOUT APPROVAL FROM THE CITY ENGINEER OR CITY INSPECTOR.
16. AFTER A RAINSTORM, SILT AND DEBRIS SHALL BE IMMEDIATELY REMOVED FROM CHECK BERMS, SILT FENCES AND OTHER IMPACTED AREAS.
17. AN UPDATED COPY OF THE EROSION CONTROL PLAN AND SWPPP SHALL BE KEPT AVAILABLE TO THE CITY AT THE PROJECT SITE. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS (I.E. LOGS, INSPECTION REPORTS, ETC.).
18. INFORMATION ON THIS PLAN IS FOR EROSION CONTROL PURPOSES ONLY. THE CITY ENGINEER MAY MODIFY THIS PLAN AS NECESSARY.
19. APPROVAL OF THIS PLAN SHALL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITIES TO HIS SITE OR ADJACENT PROPERTIES. TEMPORARY EROSION CONTROL SHALL INCLUDE CONSTRUCTION MEASURES NECESSARY TO PREVENT, CONTROL AND ABATE WATER, MUD AND EROSION DAMAGE TO PUBLIC OR PRIVATE PROPERTY IMPACTED BY HIS CONSTRUCTION ACTIVITIES.
20. APPROVAL OF THESE PLANS BY THE CITY OR ITS AGENTS SHALL NOT RELIEVE THE CONTRACTOR OR THE APPLICANT OF THE RESPONSIBILITY FOR THE CORRECTION OF ERRORS OR OMISSIONS DISCOVERED DURING CONSTRUCTION. UPON REQUEST, THE APPROPRIATE PLAN REVISIONS SHALL BE PROMPTLY SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
21. ALL BMP DEVICES MUST BE INSTALLED ACCORDING TO THE CASQA MANUAL, LATEST EDITION.



SEAL

REGISTERED PROFESSIONAL ENGINEER — KYLE HARDINE PRIOLT — C 95048 EXP. 09/30/25 — CIVIL — STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY / DATE	APPROVED BY / DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE–SUBMITTAL		10/17/24
TELEPHONE: (818) 800–6991 FAX: ( )	3 2ND RE–SUBMITTAL		12/16/24
SIGNATURE RCE DATE	4 3RD RE–SUBMITTAL		3/25/25
	5 4TH RE–SUBMITTAL		5/28/25
	6		

BENCH MARK DATA

NO. 137/57 ELEV. 697.5040 FT

LOCATION:

FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO
5885 SCHAEFER AVE

EROSION CONTROL PLAN

PROJECT NO.

SHEET 3 OF 18

DRAWING NO.

EROSION CONTROL NOTES

1. TEMPORARY EROSION CONTROL DEVICES SHOWN ON THE GRADING PLAN WHICH INTERFERE WITH THE WORK SHALL BE RELOCATED OR MODIFIED AS AND WHEN THE INSPECTOR SO DIRECTS AS THE WORK PROGRESSES TO MEET "AS GRADED" CONDITIONS.
2. ALL LOOSE SOIL AND DEBRIS SHALL BE REMOVED FROM THE STREET AREAS UPON STARTING OPERATIONS AND PERIODICALLY THEREAFTER AS DIRECTED BY THE INSPECTOR
3. WHEN THE INSPECTOR SO DIRECTS, A 12-INCH BERM SHALL BE MAINTAINED ALONG THE TOP OF THE SLOPE OF THOSE FILLS ON WHICH GRADING IS NOT IN PROGRESS.
4. STORM AND SEWER DRAIN TRENCHES THAT ARE CUT THROUGH BASIN DIKES OR BASIN INLET DIKES SHALL BE PLUGGED WITH SANDBAGS.
5. EXCEPT WHEN THE INSPECTOR DIRECTS OTHERWISE, ALL DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS FORECAST, AND SHALL BE MAINTAINED DURING THE RAINY SEASON (OCTOBER 15 TO APRIL 15).
6. SANDBAGS SHALL BE STOCKPILED ON SITE, READY TO BE PLACED IN POSITION WHEN RAIN IS FORECAST, OR WHEN THE INSPECTOR SO DIRECTS.
7. A "STANDBY EMERGENCY CREW" SHALL BE ALERTED BY THE PERMITTEE OR THE CONTRACTOR TO PERFORM EMERGENCY WORK DURING RAINSTORMS. THE PARTY TO BE CONTACTED IS:
   NAME: _____ (TO BE FILLED IN BY CONTRACTOR)
   PHONE NUMBER: _____

DUST CONTROL NOTES

1. DUST SHALL BE CONTROLLED BY WATERING AND/OR APPLYING A DUST PALLIATIVE. THE DUST PALLIATIVE SHALL BE APPLIED IN THE AMOUNT AT THE LOCATIONS AS DIRECTED BY THE ENGINEER.
2. WATER FOR DUST CONTROL SHALL BE APPLIED BY MEANS OF PRESSURE TYPE DISTRIBUTORS OR PIPE LINES EQUIPPED WITH A SPRAY SYSTEM OR HOSES WITH NOZZLES THAT WILL INSURE A UNIFORM APPLICATION OF WATER.
3. UNLESS WATER IS APPLIED BY MEANS OF PIPE LINES, AT LEAST ONE MOBILE UNIT WITH A MINIMUM CAPACITY OF 100 GALLONS SHALL BE AVAILABLE FOR APPLYING WATER.
4. ALL SOIL MATERIALS OR DEBRIS TRUCKED FROM THE SITE SHALL BE COVERED AND SPRINKLED PRIOR TO ENTERING PUBLIC STREETS.
5. PROVIDE FOR WET SUPPRESSION OR CHEMICAL STABILIZING OF EXPOSED SOILS.
6. PROVIDE FOR RAPID CLEAN-UP OF SEDIMENTS DEPOSITED ON THE PAVED ROADS.
7. LIMIT THE AMOUNT OF AREAS DISTURBED BY CLEARING & EARTH MOVING OPERATIONS BY SCHEDULING THESE ACTIVITIES IN PHASES.

GENERAL DEMOLITION NOTES

1. CONTRACTOR TO CLEAR PROJECT SITE AREA WITHIN THE CONFINES OF THE DEMOLITION LIMIT LINE. THE CONTRACTOR SHALL DEMOLISH AND REMOVE FROM THE SITE ALL EXISTING UTILITIES, STRUCTURES, PLANTERS, TREES, AND ALL OTHER SITE FEATURES, UNLESS OTHERWISE NOTED ON THE PLAN.
2. REMOVAL OF LANDSCAPING SHALL INCLUDE ROOTS AND ORGANIC MATERIALS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS AND SHALL PAY ALL FEES NECESSARY FOR ENCROACHMENT, GRADING, DEMOLITION AND DISPOSAL OF SAID MATERIALS AS REQUIRED BY PRIVATE, LOCAL AND STATE JURISDICTIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A SITE INSPECTION TO FULLY ACKNOWLEDGE THE EXTENT OF THE DEMOLITION WORK.
5. THE CONTRACTOR SHALL VERIFY AND LOCATE ALL EXISTING ABOVE AND UNDERGROUND UTILITIES. LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND ARE SHOWN FOR GENERAL INFORMATION ONLY.
6. DAMAGE TO ANY EXISTING UTILITIES AND SERVICES TO REMAIN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL REPAIR AND/OR REPLACE IN KIND.
7. EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT DEBRIS AND UNSUITABLE MATERIALS FROM ENTERING STORM DRAINS, SANITARY SEWERS AND STREETS.
8. DUST CONTROL SHALL BE IMPLEMENTED DURING DEMOLITION.
9. DEMOLITION IS LIMITED TO WITHIN DEMOLITION LIMIT LINE UNLESS NOTED OTHERWISE.
10. THE CONTRACTOR SHALL VERIFY THE LOCATION AND QUANTITY OF EXISTING SURFACE STRUCTURES AND SHALL BE SOLELY RESPONSIBLE FOR ANY UNIDENTIFIED UTILITIES, IMPROVEMENTS, TREES, ETC. TO BE DEMOLISHED AND REMOVED WITHIN THE DEMOLITION LIMIT LINE, INCLUDING APPURTENANT FOUNDATIONS OR SUPPORTS.
11. DEMOLITION CALLOUTS IN THIS SECTION ARE REPRESENTATIVE OF WHAT IS TO BE DONE, NOT AN ITEMIZED ACCOUNTING FOR EACH PIPE, CATCH BASIN, MANHOLE, VAULT, ETC. THAT IS TO BE DEMOLISHED, REMOVED AND DISPOSED OF.

BMP NOTES

THE FOLLOWING BMPS AS OUTLINED IN, BUT NOT LIMITED TO, THE BEST MANAGEMENT PRACTICE HANDBOOK, CALIFORNIA STORMWATER QUALITY TASK FORCE, SACRAMENTO, CALIFORNIA, JULY 2012, MAY APPLY DURING THE CONSTRUCTION OF THIS PROJECT (ADDITIONAL MEASURES MAY BE REQUIRED IF DEEMED APPROPRIATE BY CITY INSPECTORS):

EROSION CONTROL

EC1-SCHEDULING
EC2-PRESERVATION OF EXISTING VEGETATION
EC3-HYDRAULIC MULCH
EC4-HYDROSEEDING
EC5-SOIL BINDERS
EC6-STRAW MULCH
EC7-GEOTEXTILES AND MATS
EC8-WOOD MULCHING
EC9-EARTH DIKES AND DRAINAGE SWALES
EC10-VELOCITY DISSIPATION DEVICES
EC11-SLOPE DRAINS
EC12-STREAMBANK STABILIZATION
EC13-RESERVED
EC14-COMPOST BLANKET
EC15-SOIL PREPARATION/ROUGHENING
EC16-NON-VEGETATIVE STABILIZATION

TEMPORARY SEDIMENT CONTROL

SE1-SILT FENCE
SE2-SEDIMENT BASIN
SE3-SEDIMENT TRAP
SE4-CHECK DAM
SE5-FIBER ROLLS
SE6-GRAVEL BAG BERM
SE7-STREET SWEEPING AND VACUUMING
SE8-SANDBAG BARRIER
SE9-STRAW BALE BARRIER
SE10-STORM DRAIN INLET PROTECTION
SE11-ACTIVE TREATMENT SYSTEMS
SE12-MANUFACTURED LINEAR SEDIMENT CONTROLS
SE13-COMPOST SOCKS AND BERMS
SE14-BIOFILTER BAGS

EQUIPMENT TRACKING CONTROL

TC1-STABILIZED CONSTRUCTION ENTRANCE/EXIT
TC2-STABILIZED CONSTRUCTION ROADWAY
TC3-ENTRANCE/OUTLET TIRE WASH

WIND EROSION CONTROL

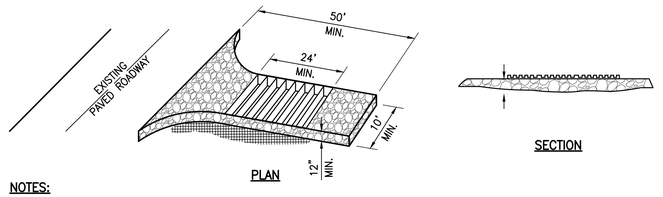
WE1-WIND EROSION CONTROL

NON-STORMWATER MANAGEMENT

NS1-WATER CONSERVATION PRACTICES
NS2-DEWATERING OPERATIONS
NS3-PAVING AND GRINDING OPERATIONS
NS4-TEMPORARY STREAM CROSSING
NS5-CLEAR WATER DIVERSION
NS6-ILLICIT CONNECTION/DISCHARGE
NS7-POTABLE WATER/IRRIGATION
NS8-VEHICLE AND EQUIPMENT CLEANING
NS9-VEHICLE AND EQUIPMENT FUELING
NS10-VEHICLE AND EQUIPMENT MAINTENANCE
NS11-PILE DRIVING OPERATIONS
NS12-CONCRETE CURING
NS13-CONCRETE FINISHING
NS14-MATERIAL OVER WATER
NS15-DEMOLITION ADJACENT TO WATER
NS16-TEMPORARY BATCH PLANTS

WASTE MANAGEMENT & MATERIALS POLLUTION CONTROL

WM1-MATERIAL DELIVERY AND STORAGE
WM2-MATERIAL USE
WM3-STOCKPILE MANAGEMENT
WM4-SPILL PREVENTION AND CONTROL
WM5-SOLID WASTE MANAGEMENT
WM6-HAZARDOUS WASTE MANAGEMENT
WM7-CONTAMINATED SOIL MANAGEMENT
WM8-CONCRETE WASTE MANAGEMENT
WM9-SANITARY/SEPTIC WASTE MANAGEMENT
WM10-LIQUID WASTE MANAGEMENT

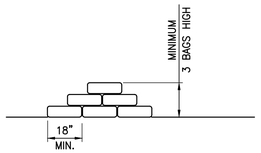


NOTES:

1. THE CONSTRUCTION ENTRANCE ROADWAYS SHALL BE STABILIZED SO AS TO PREVENT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC ROADS. DEPOSITIONS MUST BE SWEPT UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS INTO THE STORM DRAIN SYSTEM.
2. STABILIZED CONSTRUCTION ENTRANCE SHALL BE LOCATED AT ANY POINT WHERE TRAFFIC WILL BE ENTERING OR LEAVING A CONSTRUCTION SITE OR FROM A PUBLIC RIGHT OF WAY, STREET, ALLEY, AND SIDEWALK OR PARKING AREA.
3. IF A WASH RACK IS INCLUDED, A SEDIMENT TRAP OF SOME KIND MUST ALSO BE PROVIDED TO COLLECT WASH WATER RUNOFF.
4. ALL VEHICLES ACCESSING THE CONSTRUCTION SITE SHALL UTILIZE THE STABILIZED CONSTRUCTION ENTRANCE.

1/4 STABILIZED CONSTRUCTION ENTRANCE

N.T.S.

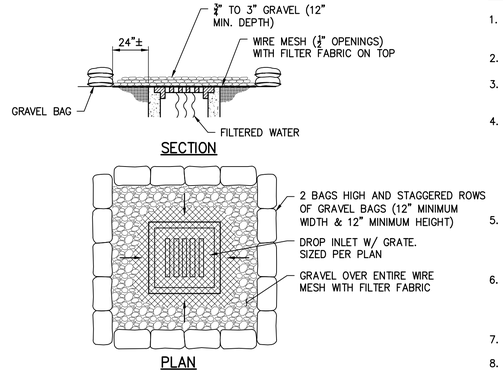


NOTES:

1. BAG MATERIAL: BAGS SHOULD BE WOVEN POLYPROPYLENE, POLYETHYLENE OR POLYAMIDE FABRIC, MINIMUM UNIT WEIGHT OF 4 OUNCES/YD², MULLEN BURST STRENGTH EXCEEDING 300 LB/IN² IN CONFORMANCE WITH THE REQUIREMENTS IN ASTM DESIGNATION D3786, AND ULTRAVIOLET STABILITY EXCEEDING 70% IN CONFORMANCE WITH THE REQUIREMENTS IN ASTM DESIGNATION D4355.
2. BAG SIZE: EACH GRAVEL-FILLED BAG SHOULD HAVE A LENGTH OF 18 IN., WIDTH OF 12 IN., THICKNESS OF 3 IN., AND MASS OF APPROXIMATELY 33 LBS. BAG DIMENSIONS ARE NOMINAL, AND MAY VARY BASED ON LOCALLY AVAILABLE MATERIALS.
3. FILL MATERIAL: FILL MATERIAL SHALL BE 0.5 TO 1.0 INCH CRUSHED ROCK, CLEAN AND FREE OF CLAY, ORGANIC MATTER, AND OTHER DELETERIOUS MATERIAL, OR OTHER SUITABLE OPEN-GRADED, NON-COHESIVE, POROUS GRAVEL.
4. TURN THE ENDS OF GRAVEL BAG BARRIER UP SLOPE TO PREVENT RUNOFF FROM GOING AROUND BARRIER.
5. USE PYRAMID APPROACH WHEN STACKING BAGS.

2/4 GRAVEL BAG BARRIER

N.T.S.



NOTES:

1. PLACE WIRE MESH OVER AND 1' (MINIMUM) BEYOND THE INLET STRUCTURE. (MESH OPENINGS NOT TO EXCEED ½" x ½" WIRE)
2. PLACE FILTER FABRIC OVER WIRE MESH.
3. PLACE ¾" TO 3" GRAVEL OVER THE WIRE MESH WITH FILTER FABRIC (12" MINIMUM DEPTH OVER THE ENTIRE INLET OPENING).
4. BAG MATERIAL: BAGS SHOULD BE WOVEN POLYPROPYLENE, POLYETHYLENE OR POLYAMIDE FABRIC, MINIMUM UNIT WEIGHT OF 4 OUNCES/YD², MULLEN BURST STRENGTH EXCEEDING 300 LB/IN² IN CONFORMANCE WITH THE REQUIREMENTS IN ASTM DESIGNATION D3786, AND ULTRAVIOLET STABILITY EXCEEDING 70% IN CONFORMANCE WITH THE REQUIREMENTS IN ASTM DESIGNATION D4355.
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7. USE PYRAMID APPROACH WHEN STACKING BAGS.
8. LEAVE GAP OF ONE BAG ON TOP ROW TO SERVE AS SPILLWAY.

3/4 STORM DRAIN INLET PROTECTION

N.T.S.

SEAL

REGISTERED PROFESSIONAL ENGINEER
KYLE JARDINE PRUITT
C 95048
EXP. 09/30/25
CIVIL
STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE-SUBMITTAL		10/17/24		
TELEPHONE: (818) 800-6991 FAX: ( )	3 2ND RE-SUBMITTAL		12/18/24		
	4 3RD RE-SUBMITTAL		3/25/25		
SIGNATURE RCE DATE	5 4TH RE-SUBMITTAL		5/28/25		
	6				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION
GATEWAY CHINO
5885 SCHAEFER AVE
EROSION CONTROL NOTES AND DETAILS

PROJECT NO.
SHEET 4 OF 18
DRAWING NO.

LEGEND

PROPERTY LINE

APPROX. LIMIT OF R&R

CONTRUCTION NOTES

(D1) FOUNDATION DRAIN PER DETAIL 1, SHOWN HEREON.

NOTES

1. SEE SLAB PLAN FOR SLAB SLOPES AND ELEVATIONS. SLAB ELEVATIONS AND SLOPES NOTED FOR REFERENCE ONLY HEREON.

2. REMOVAL AND RECOMPACTION SHALL BE PERFORMED TO THE RECOMMENDATIONS NOTED IN THE PROJECT GEOTECHNICAL REPORT.

3. FOOTING SHOWN HEREON ARE FOR REFERENCE ONLY. SEE STRUCTURAL PLANS FOR DETAILS.

4. TEMPORARY EXCAVATIONS SHALL BE PERFORMED PER THE RECOMMENDATIONS OF THE PROJECT GEOTECHNICAL REPORT.

5. THE SOILS ENGINEER IS TO APPROVE THE KEY OR BOTTOM AND LEAVE A CERTIFICATE ON THE SITE FOR THE GRADING INSPECTOR. THE GRADING INSPECTOR IS TO BE NOTIFIED BEFORE ANY GRADING BEGINS AND, FOR BOTTOM INSPECTION, BEFORE FILL IS PLACED. FILL MAY NOT BE PLACED WITHOUT APPROVAL OF THE GRADING INSPECTOR.

6. ROUGH GRADE ASSUMES PAD IS 4" BELOW SLAB (VAOPR BARRIER). SEE ARCHITECTURAL PLANS AND STRUCTURAL PLANS FOR FINAL SLAB ELEVATIONS AND FOUNDATION DETAILS.

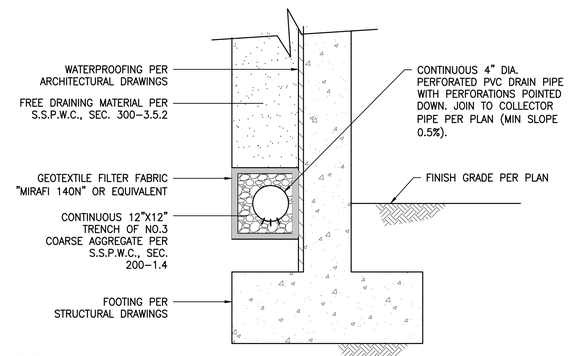
ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

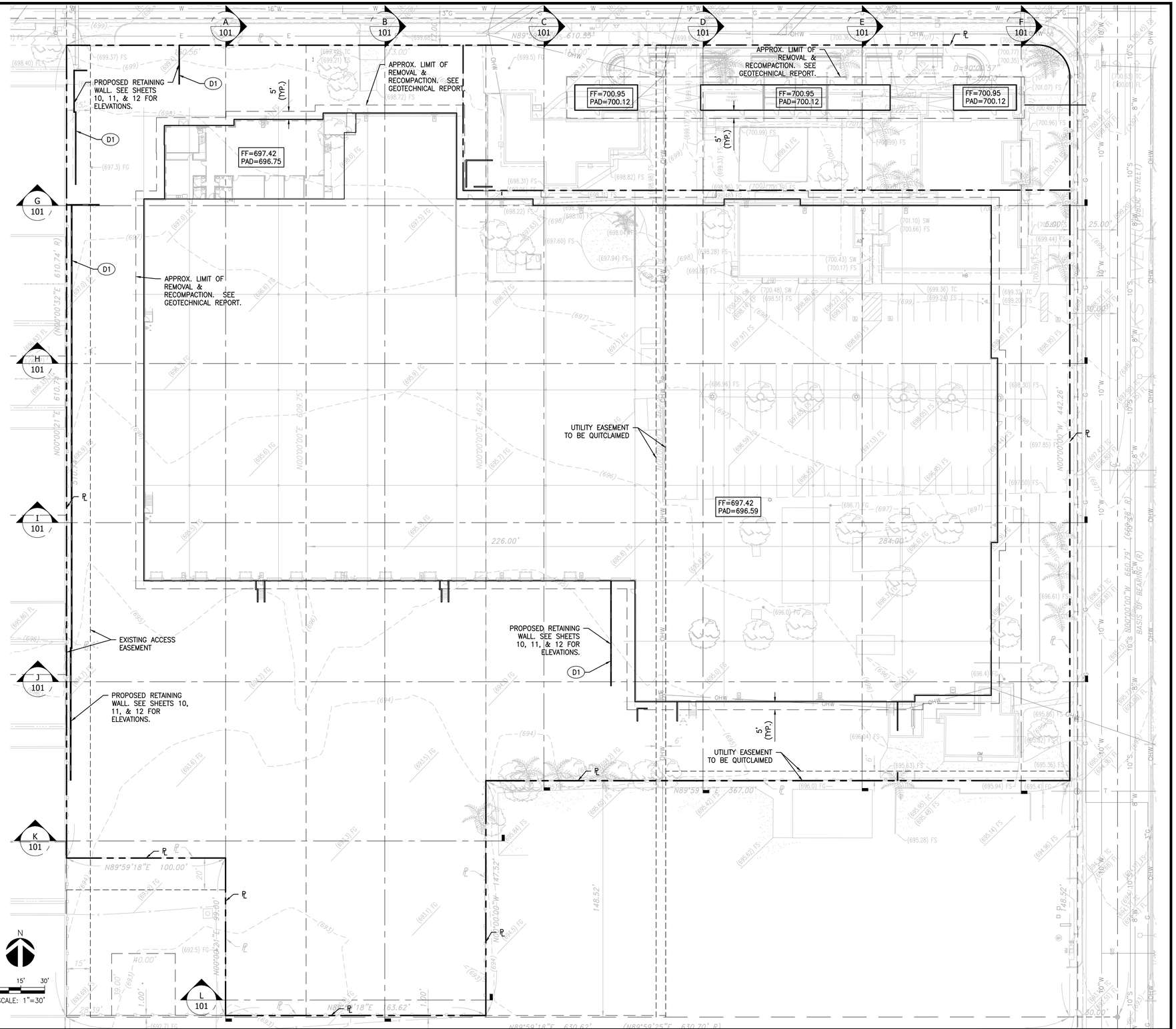
UNDERGROUND UTILITIES & STRUCTURES

THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY PLANS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND MAY NOT REFLECT ALL EXISTING UTILITIES. THE CONTRACTOR SHALL TAKE DUE PRECAUTIONS OF THE RECORDED UTILITIES AS WELL AS ANY NOT SHOWN AND SHALL CONFIRM ALL ALIGNMENTS AND GRADES BY FIELD INVESTIGATIONS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OR STRUCTURES.

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.



1/5 FOUNDATION DRAIN TYPICAL DETAIL
N.T.S.



SEAL

REGISTERED PROFESSIONAL ENGINEER
KYLE JARDINE PRUITT
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SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
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BENCH MARK DATA
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CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
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RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

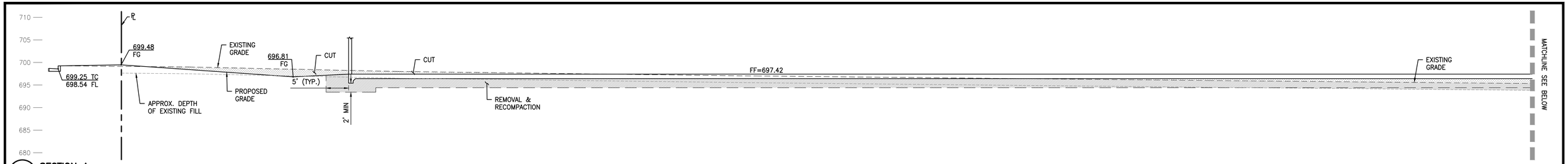
CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO
5885 SCHAEFER AVE

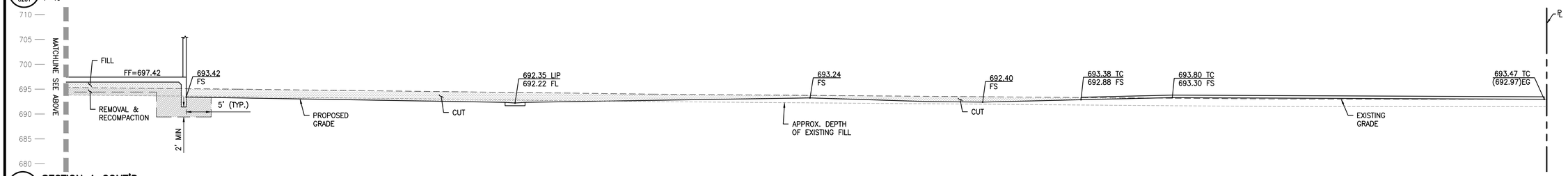
ROUGH GRADING PLAN

PROJECT NO.

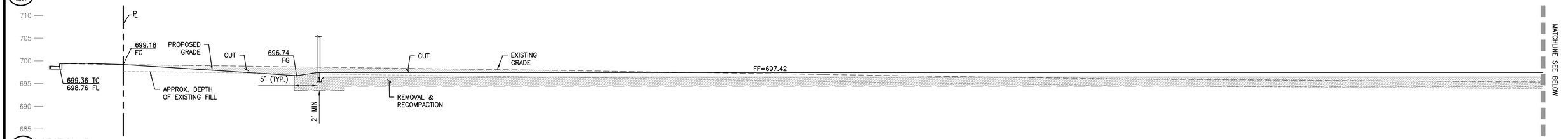
SHEET 5 OF 18
DRAWING NO.



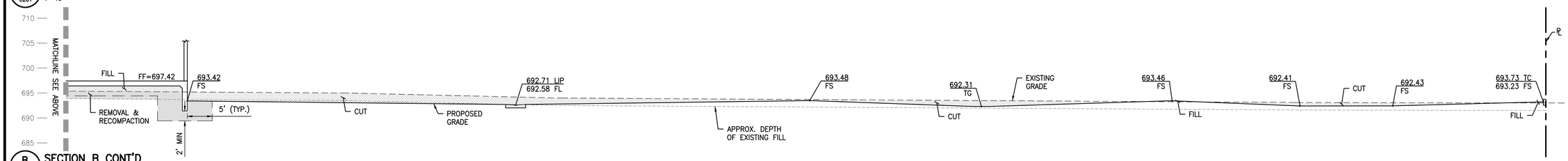
A C201 **SECTION A**
1"=10'



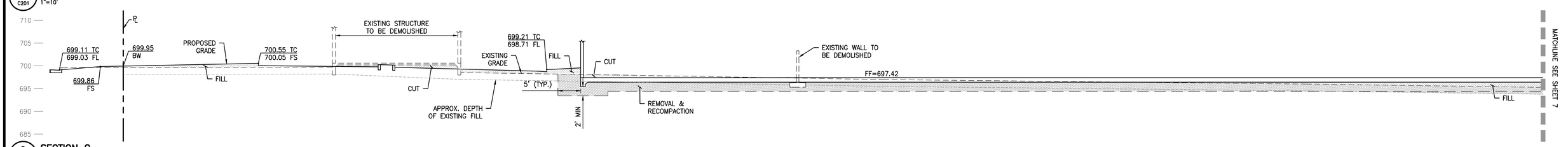
A C201 **SECTION A CONT'D**
1"=10'



B C201 **SECTION B**
1"=10'



B C201 **SECTION B CONT'D**
1"=10'



C C201 **SECTION C**
1"=10'

SEAL

REGISTERED PROFESSIONAL ENGINEER
KYLE HARDINE FRUHTY
C 95048
EXP. 09/30/25
CIVIL
STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE-SUBMITTAL		10/17/24		
TELEPHONE: (818) 800-6991 FAX: ( )	3 2ND RE-SUBMITTAL		12/18/24		
	4 3RD RE-SUBMITTAL		3/25/25		
SIGNATURE RCE DATE	5 4TH RE-SUBMITTAL		5/28/25		
	6				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

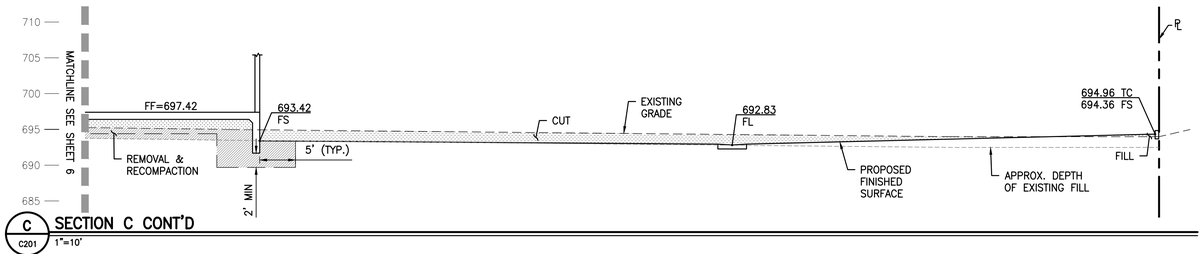
CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO
5885 SCHAEFER AVE

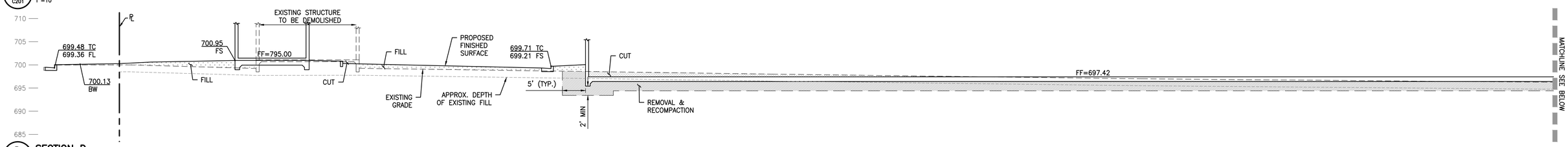
GRADING SECTIONS

PROJECT NO.

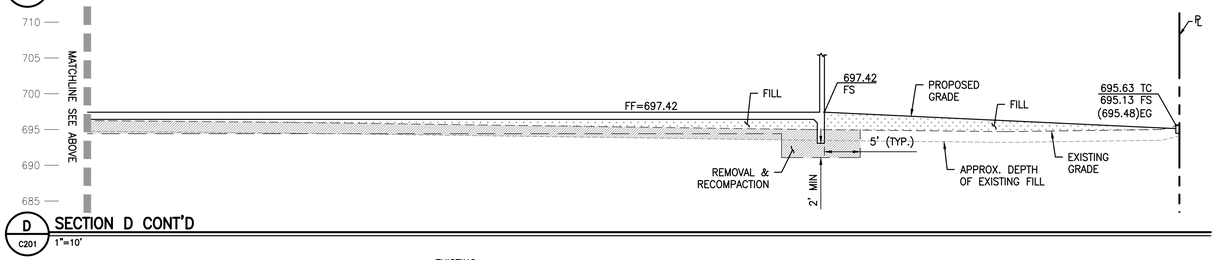
SHEET 6 OF 18
DRAWING NO.



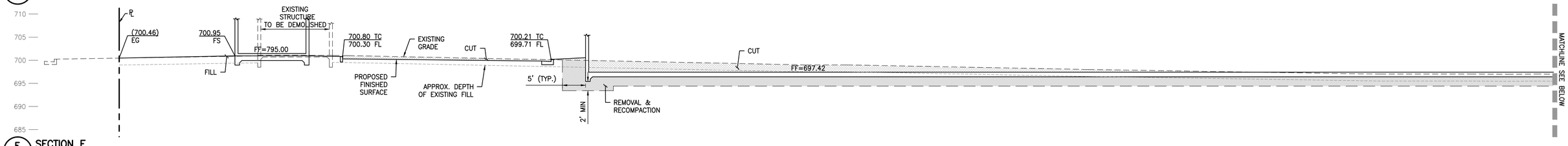
C C201 **SECTION C CONT'D**
1"=10'



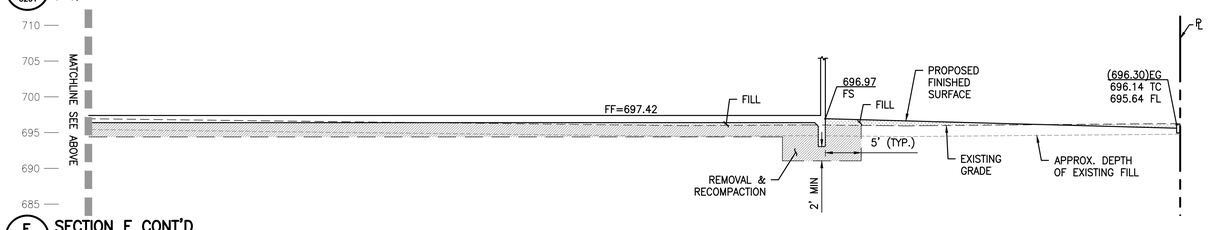
D C201 **SECTION D**
1"=10'



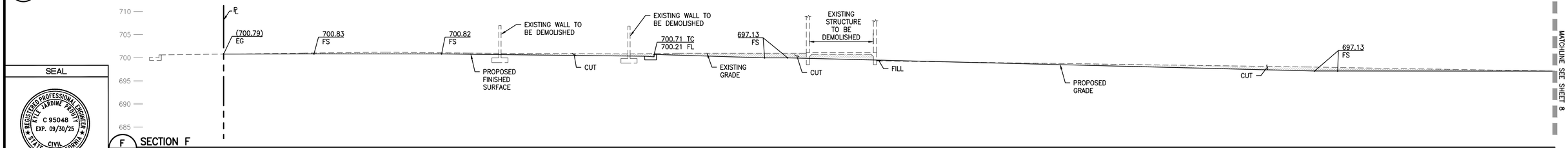
D C201 **SECTION D CONT'D**
1"=10'



E C201 **SECTION E**
1"=10'



E C201 **SECTION E CONT'D**
1"=10'



F C201 **SECTION F**
1"=10'

SEAL

REGISTERED PROFESSIONAL ENGINEER
LEE JARDINE PRUITT
C 95048
EXP. 09/30/25
CIVIL
STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	0 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	1 1ST RE-SUBMITTAL		10/17/24		
TELEPHONE: (818) 800-6991 FAX: ( )	2 2ND RE-SUBMITTAL		12/18/24		
	3 3RD RE-SUBMITTAL		3/25/25		
SIGNATURE RCE DATE	4 4TH RE-SUBMITTAL		5/28/25		
	5				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

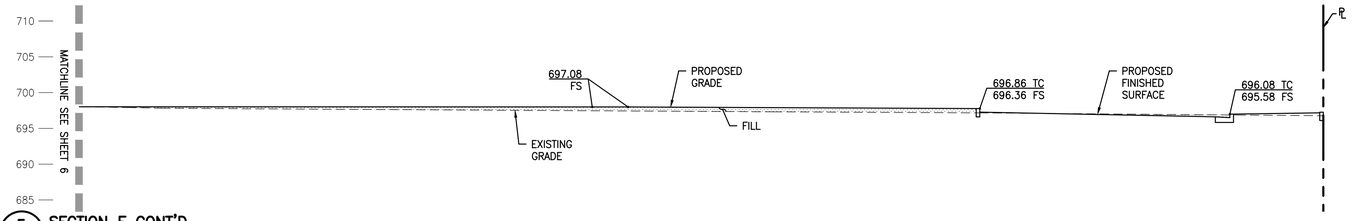
CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO
5885 SCHAEFER AVE

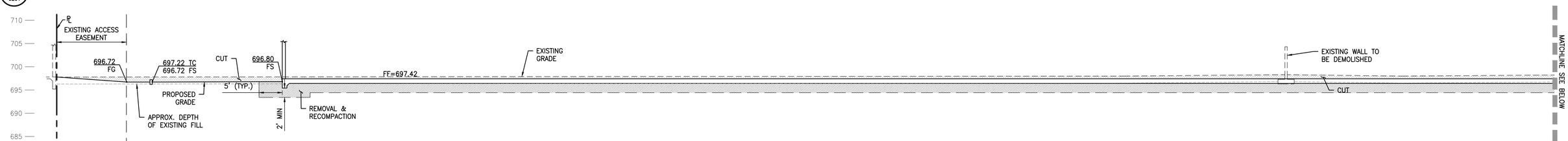
GRADING SECTIONS CONT'D

PROJECT NO.
SHEET 7 OF 18
DRAWING NO.

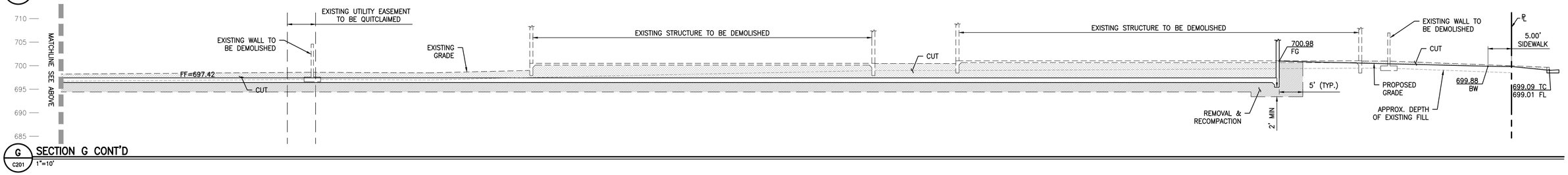
F SECTION F CONT'D
C201 1"=10'



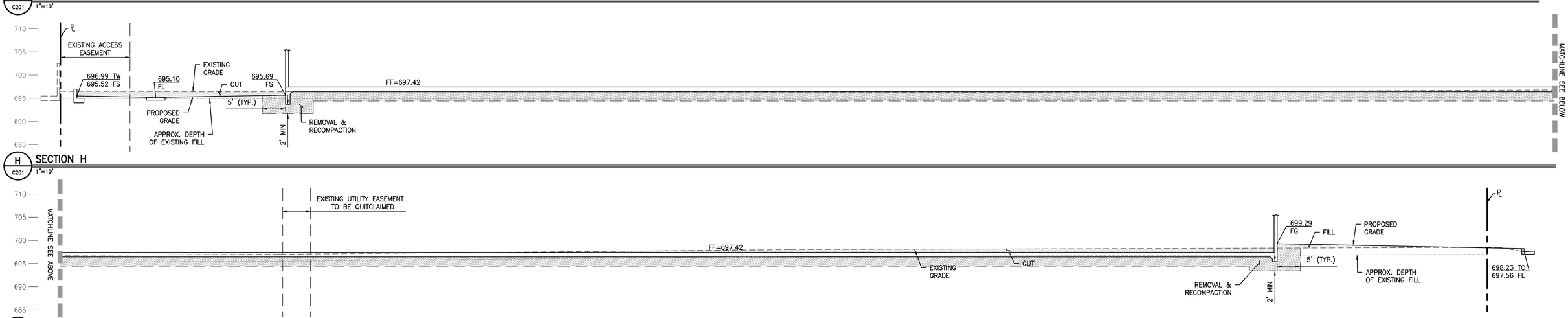
G SECTION G
C201 1"=10'



G SECTION G CONT'D
C201 1"=10'



H SECTION H
C201 1"=10'



H SECTION H CONT'D
C201 1"=10'

SEAL

REGISTERED PROFESSIONAL ENGINEER · KYLE HARDING PROUTY · C 95048 · EXP. 09/30/25 · CIVIL · STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY / DATE	APPROVED BY / DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	△ PLANNING SUBMITTAL		8/13/24
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	△ 1ST RE-SUBMITTAL		10/17/24
TELEPHONE: (818) 800-6991 FAX: ( )	△ 2ND RE-SUBMITTAL		12/18/24
SIGNATURE RCE DATE	△ 3RD RE-SUBMITTAL		3/25/25
	△ 4TH RE-SUBMITTAL		5/28/25
	△		

BENCH MARK DATA

NO. 137/57 ELEV. 697.5040 FT

LOCATION:

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WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

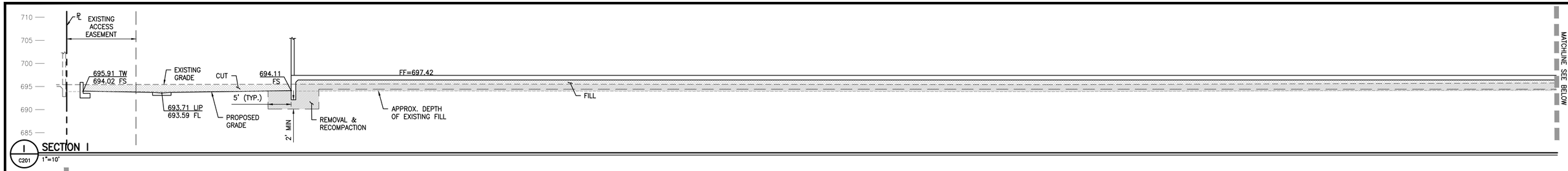
GATEWAY CHINO
5885 SCHAEFER AVE

GRADING SECTIONS CONT'D

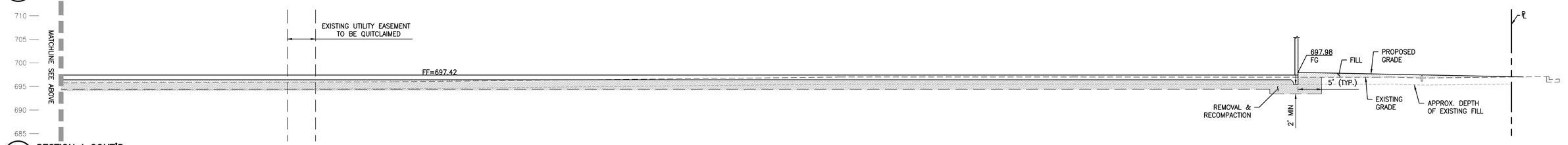
PROJECT NO.

SHEET 8 OF 18

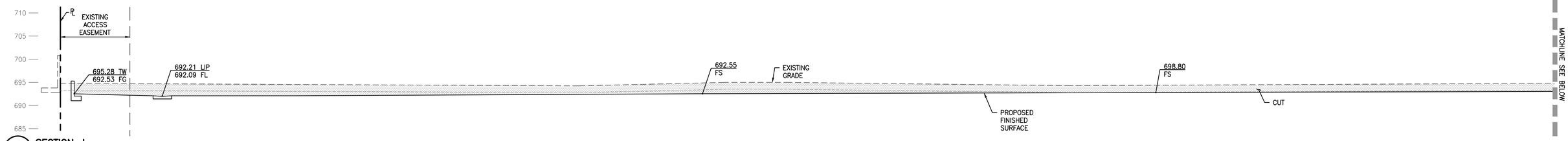
DRAWING NO.



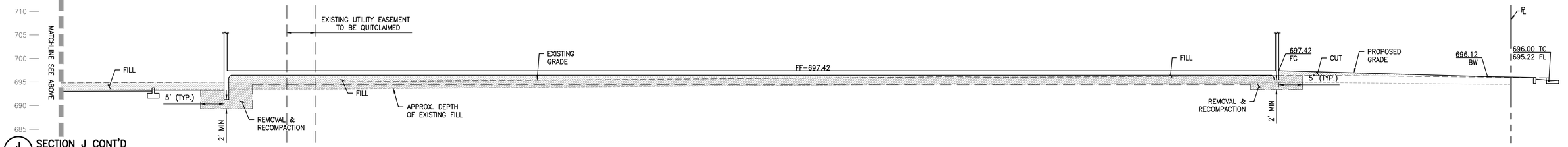
I C201 SECTION I
1"=10'



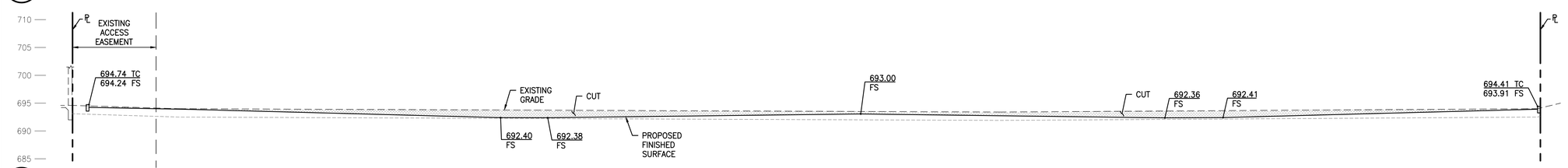
I C201 SECTION I CONT'D
1"=10'



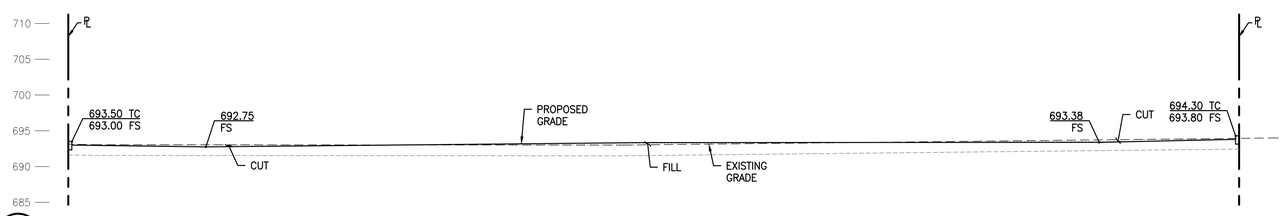
J C201 SECTION J
1"=10'



J C201 SECTION J CONT'D
1"=10'



K C201 SECTION K
1"=10'



L C201 SECTION L
1"=10'

SEAL

REGISTERED PROFESSIONAL ENGINEER
ALEJANDRO JARDINE PRUITT
C 95048
EXP. 09/30/25
CIVIL
STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY		
FIRM: PACIFIC CONSULTING GROUP, INC.		
ADDRESS: 2239 STATE AVE., #B		
COSTA MESA, CA 92627		
TELEPHONE: (818) 800-6991	FAX: ( )	
SIGNATURE	RCE	DATE

REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
△ PLANNING SUBMITTAL		8/13/24		
△ 1ST RE-SUBMITTAL		10/17/24		
△ 2ND RE-SUBMITTAL		12/18/24		
△ 3RD RE-SUBMITTAL		3/25/25		
△ 4TH RE-SUBMITTAL		5/28/25		
△				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

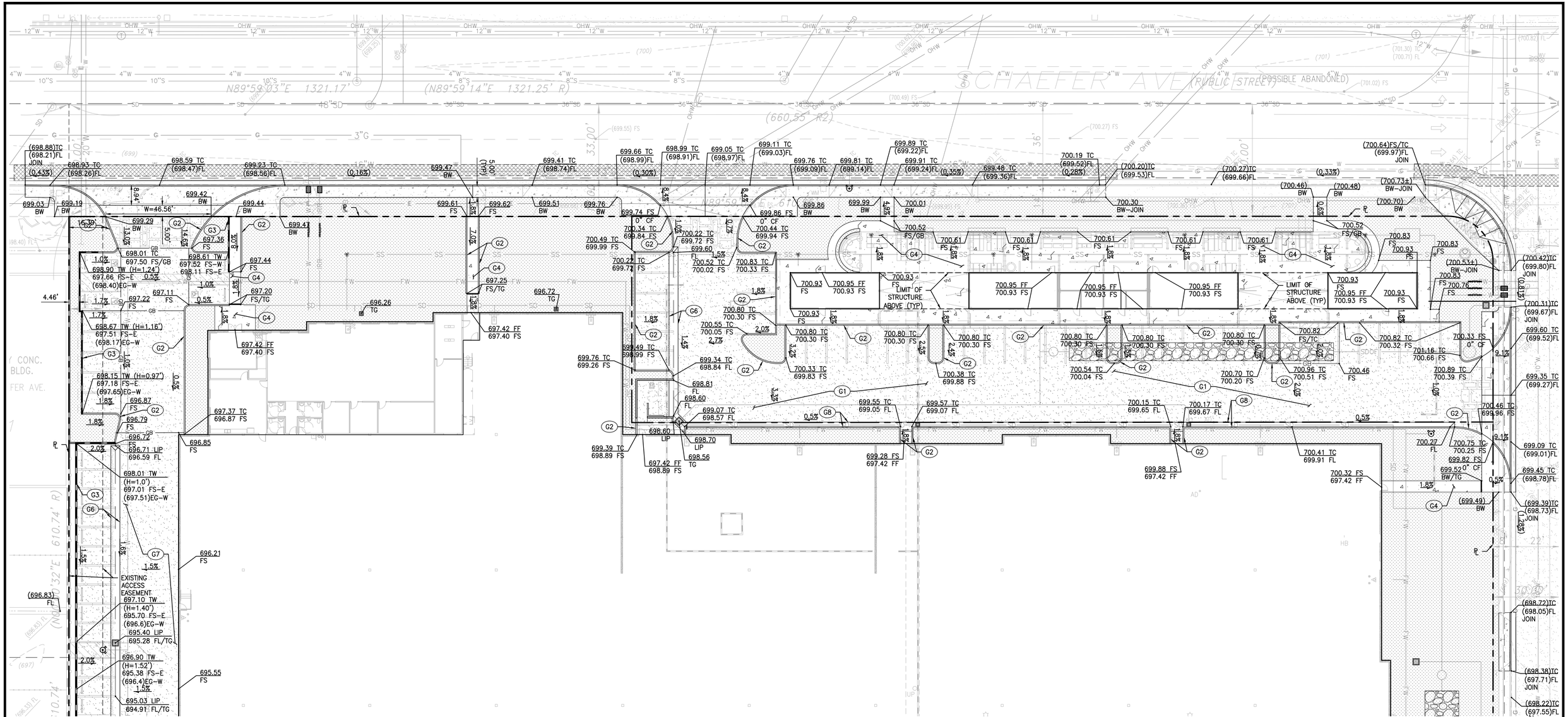
GATEWAY CHINO
5885 SCHAEFER AVE

GRADING SECTIONS CONT'D

PROJECT NO.

SHEET 9 OF 18

DRAWING NO.



LEGEND

- LANDSCAPE AREA BY OTHERS
- PEDESTRIAN PERMEABLE PAVERS BY OTHERS
- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- RETAINING WALL
- PROPERTY LINE
- GB — GRADE BREAK
- R — RIDGE LINE
- FLOW LINE
- CATCH BASIN
- AREA DRAIN

CONTRUCTION NOTES

(G1) INSTALL PERMEABLE PAVER WALKWAY. DETAIL AND SPECIFICATION BY OTHERS.

(G2) INSTALL CONCRETE CURB PER DETAIL **3**, SHEET **13**. HEIGHT PER PLAN.

(G3) RETAINING WALL BY OTHERS. SEE DETAIL **1**, SHEET **13** FOR SUBDRAINAGE DETAIL.

(G4) INSTALL PEDESTRIAN CONCRETE PAVING PER DETAIL **2**, SHEET **13**.

(G5) STAIRS BY OTHERS.

(G6) RIBBON GUTTER SEE SHEET 15.

(G7) INSTALL VEHICULAR CONCRETE PAVING PER DETAIL **4**, SHEET **13**.

(G8) INSTALL CURB AND GUTTER PER DETAIL **5**, SHEET **13**.

NOTES

1. SEE SLAB PLAN FOR SLAB SLOPES AND ELEVATIONS. SLAB ELEVATIONS AND SLOPES NOTED FOR REFERENCE ONLY HEREON.
2. REMOVAL AND RECOMPACTION SHALL BE PERFORMED TO THE RECOMMENDATIONS NOTED IN THE PROJECT GEOTECHNICAL REPORT.
3. SEE STRUCTURAL PLANS FOR RETAINING WALL DETAILS.
4. ELEVATIONS SHOWN HEREON ARE BASED UPON SURVEY INFORMATION FROM SURVEY DATED MAY 13, 2020 BY JOSEPH C. TRUXSAW & ASSOCIATES, INC. ANY DISCREPANCIES SHOWN HEREON SHALL BE PROVIDED TO THE ENGINEER OF RECORD PRIOR TO CONSTRUCTION.
5. THE SOILS ENGINEER IS TO APPROVE THE KEY OR BOTTOM AND LEAVE A CERTIFICATE ON THE SITE FOR THE GRADING INSPECTOR. THE GRADING INSPECTOR IS TO BE NOTIFIED BEFORE ANY GRADING BEGINS AND, FOR BOTTOM INSPECTION, BEFORE FILL IS PLACED. FILL MAY NOT BE PLACED WITHOUT APPROVAL OF THE GRADING INSPECTOR.
6. IMPROVEMENTS WITHIN PUBLIC RIGHT OF WAY ARE SHOWN FOR REFERENCE ONLY. CONSTRUCTION SHALL BE PERFORMED PER SEPARATE PERMIT.

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

UNDERGROUND UTILITIES & STRUCTURES

THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY PLANS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND MAY NOT REFLECT ALL EXISTING UTILITIES. THE CONTRACTOR SHALL TAKE DUE PRECAUTIONS OF THE RECORDED UTILITIES AS WELL AS ANY NOT SHOWN AND SHALL CONFIRM ALL ALIGNMENTS AND GRADES BY FIELD INVESTIGATIONS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OR STRUCTURES.

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

SEAL

REGISTERED PROFESSIONAL ENGINEER — KYLE HARDINE PRUITT — C 95048 — EXP. 09/30/25 — CIVIL — STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE-SUBMITTAL		10/17/24		
TELEPHONE: (818) 800-6991 FAX: ( )	3 2ND RE-SUBMITTAL		12/18/24		
SIGNATURE RCE DATE	4 3RD RE-SUBMITTAL		3/25/25		
	5 4TH RE-SUBMITTAL		5/28/25		

BENCH MARK DATA

NO. 137/57 ELEV. 697.5040 FT

LOCATION: FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

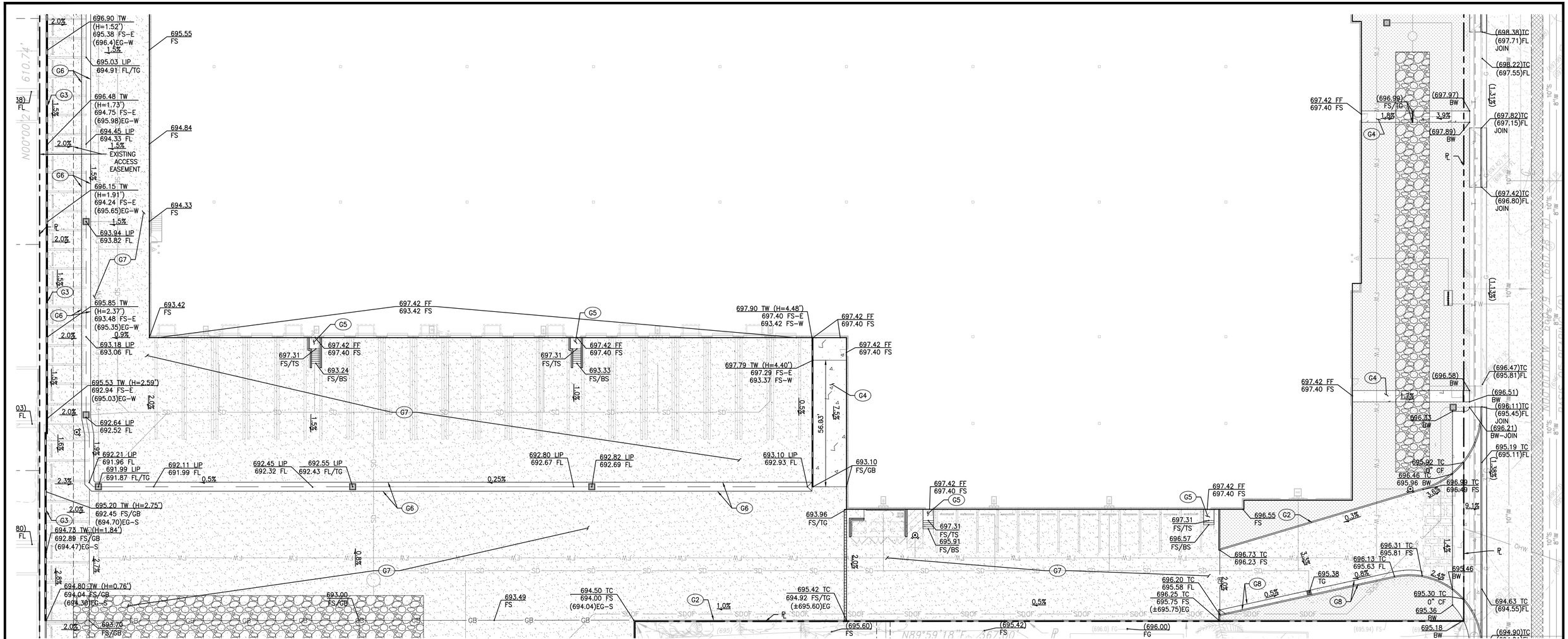
GATEWAY CHINO
5885 SCHAEFER AVE

PRECISE GRADING PLAN

PROJECT NO.

SHEET 10 OF 18

DRAWING NO.



0 10' 20'
SCALE: 1"=20'

LEGEND

- LANDSCAPE AREA BY OTHERS
- PEDESTRIAN PERMEABLE PAVERS BY OTHERS
- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- RETAINING WALL
- PROPERTY LINE
- GB — GRADE BREAK
- R — RIDGE LINE
- FLOW LINE
- CATCH BASIN
- AREA DRAIN

CONTRUCTION NOTES

(G1) INSTALL PERMEABLE PAVER WALKWAY. DETAIL AND SPECIFICATION BY OTHERS.

(G2) INSTALL CONCRETE CURB PER DETAIL **3**, SHEET **13**. HEIGHT PER PLAN.

(G3) RETAINING WALL BY OTHERS. SEE DETAIL **1**, SHEET **13** FOR SUBDRAINAGE DETAIL.

(G4) INSTALL PEDESTRIAN CONCRETE PAVING PER DETAIL **2**, SHEET **13**.

(G5) STAIRS BY OTHERS.

(G6) RIBBON GUTTER SEE SHEET 15.

(G7) INSTALL VEHICULAR CONCRETE PAVING PER DETAIL **4**, SHEET **13**.

(G8) INSTALL CURB AND GUTTER PER DETAIL **5**, SHEET **13**.

NOTES

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CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

SEAL

REGISTERED PROFESSIONAL ENGINEER
KYLE HARDING PRADIT
C 95048
EXP. 09/30/25
CIVIL
STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	△ PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B	△ 1ST RE-SUBMITTAL		10/17/24		
COSTA MESA, CA 92627	△ 2ND RE-SUBMITTAL		12/18/24		
TELEPHONE: (818) 800-6991 FAX: ( )	△ 3RD RE-SUBMITTAL		3/25/25		
SIGNATURE RCE DATE	△ 4TH RE-SUBMITTAL		5/28/25		
	△				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

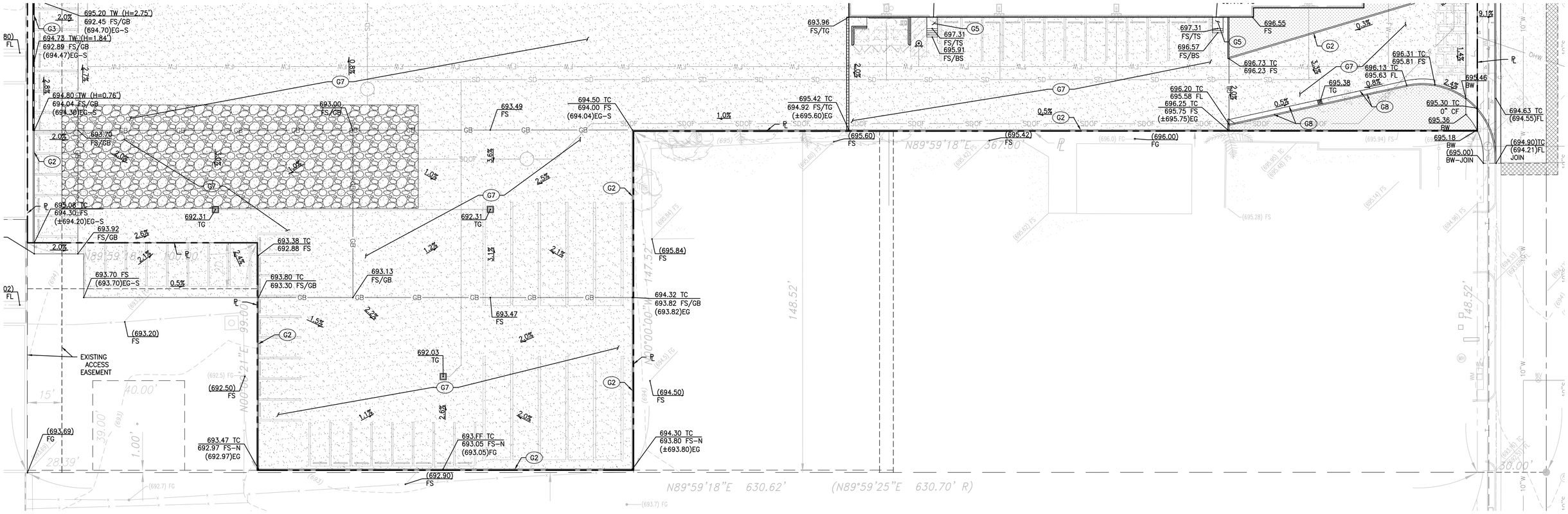
GATEWAY CHINO
5885 SCHAEFER AVE

PRECISE GRADING PLAN CONT'D

PROJECT NO.

SHEET 11 OF 18

DRAWING NO.



LEGEND

- LANDSCAPE AREA BY OTHERS
- PEDESTRIAN PERMEABLE PAVERS BY OTHERS
- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- RETAINING WALL
- PROPERTY LINE
- GB — GRADE BREAK
- R — RIDGE LINE
- FLOW LINE
- CATCH BASIN
- AREA DRAIN

CONTRUCTION NOTES

- (G1) INSTALL PERMEABLE PAVER WALKWAY. DETAIL AND SPECIFICATION BY OTHERS.
- (G2) INSTALL CONCRETE CURB PER DETAIL **3**, SHEET **13**. HEIGHT PER PLAN.
- (G3) RETAINING WALL BY OTHERS. SEE DETAIL **1**, SHEET **13** FOR SUBDRAINAGE DETAIL.
- (G4) INSTALL PEDESTRIAN CONCRETE PAVING PER DETAIL **2**, SHEET **13**.
- (G5) STAIRS BY OTHERS.
- (G6) RIBBON GUTTER SEE SHEET 15.
- (G7) INSTALL VEHICULAR CONCRETE PAVING PER DETAIL **4**, SHEET **13**.
- (G8) INSTALL CURB AND GUTTER PER DETAIL **5**, SHEET **13**.

NOTES

1. SEE SLAB PLAN FOR SLAB SLOPES AND ELEVATIONS. SLAB ELEVATIONS AND SLOPES NOTED FOR REFERENCE ONLY HEREON.
2. REMOVAL AND RECOMPACTION SHALL BE PERFORMED TO THE RECOMMENDATIONS NOTED IN THE PROJECT GEOTECHNICAL REPORT.
3. SEE STRUCTURAL PLANS FOR RETAINING WALL DETAILS.
4. ELEVATIONS SHOWN HEREON ARE BASED UPON SURVEY INFORMATION FROM SURVEY DATED MAY 13, 2020 BY JOSEPH C. TRUXSAW & ASSOCIATES, INC. ANY DISCREPANCIES SHOWN HEREON SHALL BE PROVIDED TO THE ENGINEER OF RECORD PRIOR TO CONSTRUCTION.
5. THE SOILS ENGINEER IS TO APPROVE THE KEY OR BOTTOM AND LEAVE A CERTIFICATE ON THE SITE FOR THE GRADING INSPECTOR. THE GRADING INSPECTOR IS TO BE NOTIFIED BEFORE ANY GRADING BEGINS AND, FOR BOTTOM INSPECTION, BEFORE FILL IS PLACED. FILL MAY NOT BE PLACED WITHOUT APPROVAL OF THE GRADING INSPECTOR.
6. IMPROVEMENTS WITHIN PUBLIC RIGHT OF WAY ARE SHOWN FOR REFERENCE ONLY. CONSTRUCTION SHALL BE PERFORMED PER SEPARATE PERMIT.

N

0 10' 20'

SCALE: 1"=20'

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

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SEAL

REGISTERED PROFESSIONAL ENGINEER · KYLE HARDINE FROHITY · C 95048 · EXP. 09/30/25 · CIVIL · STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
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SIGNATURE RCE DATE	△ 3RD RE-SUBMITTAL		3/25/25		
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	△				

BENCH MARK DATA

NO. 137/57 ELEV. 697.5040 FT

LOCATION:

FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

GATEWAY CHINO

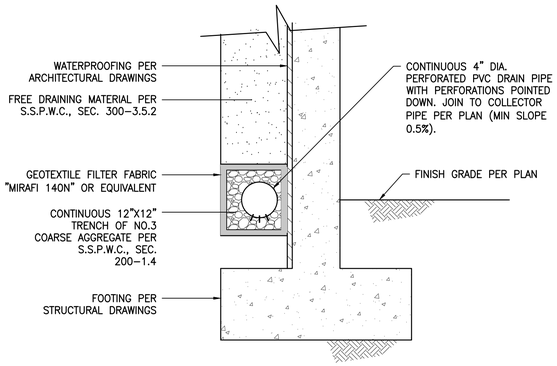
5885 SCHAEFER AVE

PRECISE GRADING PLAN CONT'D

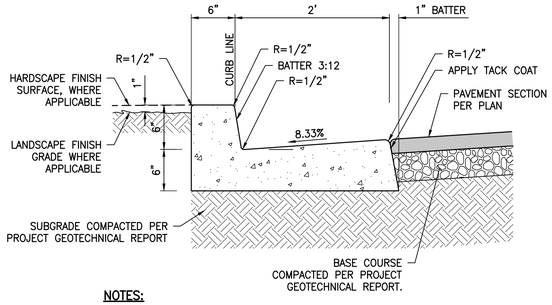
PROJECT NO.

SHEET 12 OF 18

DRAWING NO.



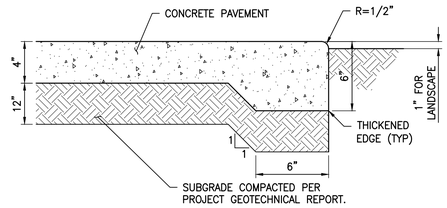
1 FOUNDATION WALL SUBDRAINAGE DETAIL
13 N.T.S.



NOTES:

1. ISOLATION JOINTS SHALL BE PLACED ONLY AS SPECIFIED.
2. CONTROL JOINTS CONSISTING OF 1" DEEP SCORES SHALL BE PLACED AT 10' INTERVALS O.C.
3. WHERE A WALK IS ADJACENT TO THE CURB THE JOINTS SHALL ALIGN WITH JOINTS IN THE WALK.

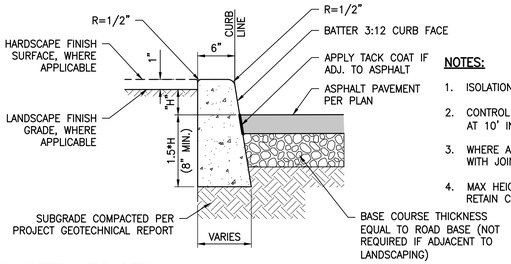
5 CURB AND GUTTER TYPICAL DETAIL
13 N.T.S.



NOTES:

1. ALL TREAD SURFACES SHALL BE SLIP-RESISTANT.
2. REFER TO ARCHITECTURAL DRAWINGS FOR COLOR, PATTERN, TEXTURE, AND FINISH.
3. REFER TO GEOTECHNICAL REPORT FOR PAVING RECOMMENDATIONS.

2 PEDESTRIAN CONCRETE PAVING DETAIL
13 N.T.S.



NOTES:

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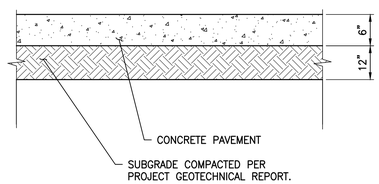
2. CONTROL JOINTS CONSISTING OF 1" DEEP SCORES SHALL BE PLACED AT 10' INTERVALS O.C.
3. WHERE A WALK IS ADJACENT TO THE CURB, THE JOINTS SHALL ALIGN WITH JOINTS IN THE WALK.
4. MAX HEIGHT "H"=10". THIS DETAIL IS NOT APPLICABLE TO LARGER RETAIN CONDITIONS.

3 CONCRETE CURB DETAIL
13 N.T.S.



NOTES:

1. PAVEMENT SECTIONS ARE BASED ON RECOMMENDATIONS FROM THE PROJECT GEOTECHNICAL REPORT.
2. REFER TO ARCHITECTURAL PLANS FOR CONCRETE COLOR, PATTERN, TEXTURE, AND FINISH.
3. THICKNESS AND DEPTH PER PROJECT GEOTECHNICAL REPORT.

4 VEHICULAR CONCRETE PAVING DETAIL
13 N.T.S.

SEAL

REGISTERED PROFESSIONAL ENGINEER · KYLE HARDING PROUTY · C 95048 EXP. 09/30/25 · CIVIL · STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE-SUBMITTAL		10/17/24		
TELEPHONE: (818) 800-6991 FAX: ( )	3 2ND RE-SUBMITTAL		12/18/24		
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	5 4TH RE-SUBMITTAL		5/28/25		

BENCH MARK DATA
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SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION
GATEWAY CHINO
5885 SCHAEFER AVE
GRADING DETAILS

PROJECT NO.
SHEET 13 OF 18
DRAWING NO.

LEGEND

- LANDSCAPE AREA BY OTHERS
- PEDESTRIAN PERMEABLE PAVERS BY OTHERS
- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- RETAINING WALL
- PROPERTY LINE
- GB — GRADE BREAK
- R — RIDGE LINE
- FLOW LINE
- CATCH BASIN
- AREA DRAIN
- SUB–HYDROLOGY AREA BOUNDARIES
- X — SUB AREA ID
- X.XX — SUB–HYDROLOGY AREA IN ACRES

CONTRUCTION NOTES

(SD1) CONNECT TO PROPOSED DOWNSPOUT BELOW GRADE. SEE ARCHITECTURAL PLANS FOR CONTINUATION.

(SD2) INSTALL PVC STORM DRAIN PIPE. SIZE TO BE CONFIRMED. (MIN SLOPE = 0.5%)

(SD3) INSTALL PRECAST CONCRETE CATCH BASIN.

(SD4) INSTALL 4' RIBBON GUTTER PER DETAIL **3**, SHEET **16**.

(SD5) INSTALL BELOW GRADE INFILTRATION TRENCH PER DETAIL **2**, SHEET **16**.

(SD6) INSTALL CURB OUTLET PER APWA STD PLAN 151–3. SIZE TO BE CONFIRMED.

(SD7) INSTALL CONTECH CDS PRETREATMENT DEVICE PER DETAIL **1**, SHEET **16**.

(SD8) INSTALL 4" TRENCH DRAIN BY ACO OR APPROVED EQUAL.

(SD9) INSTALL BUBBLER BOX PER DETAIL **4**, SHEET **16**.

(SD10) INSTALL SUMP PUMP.

(SD11) INSTALL 6" TRENCH DRAIN BY ACO OR APPROVED EQUAL.

BMP NOTES

1. ANY CHANGES (TYPE, SIZE, LOCATION) TO APPROVED STORMWATER BEST MANAGEMENT PRACTICE(S) (BMPs) MUST OBTAIN WRITTEN APPROVAL FROM RANCHO CUCAMONGA PRIOR, TO CONSTRUCTION OF BMP(s).
2. ALL ON–SITE STORM DRAIN PIPES SHOWN HEREON SHALL BE WATER–TIGHT.
3. ALL DOWNSPOUTS TO DRAIN TO PROPOSED BMPS. SEE PLUMBING PLANS.

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EXISTING CONDITIONS	
AREA	QUANTITIES
TOTAL SITE AREA (S.F.)	320,382
IMPERVIOUS AREA (S.F.)	96,691
PERVIOUS AREA (S.F.)	223,691
PERCENT IMPERVIOUS	30%

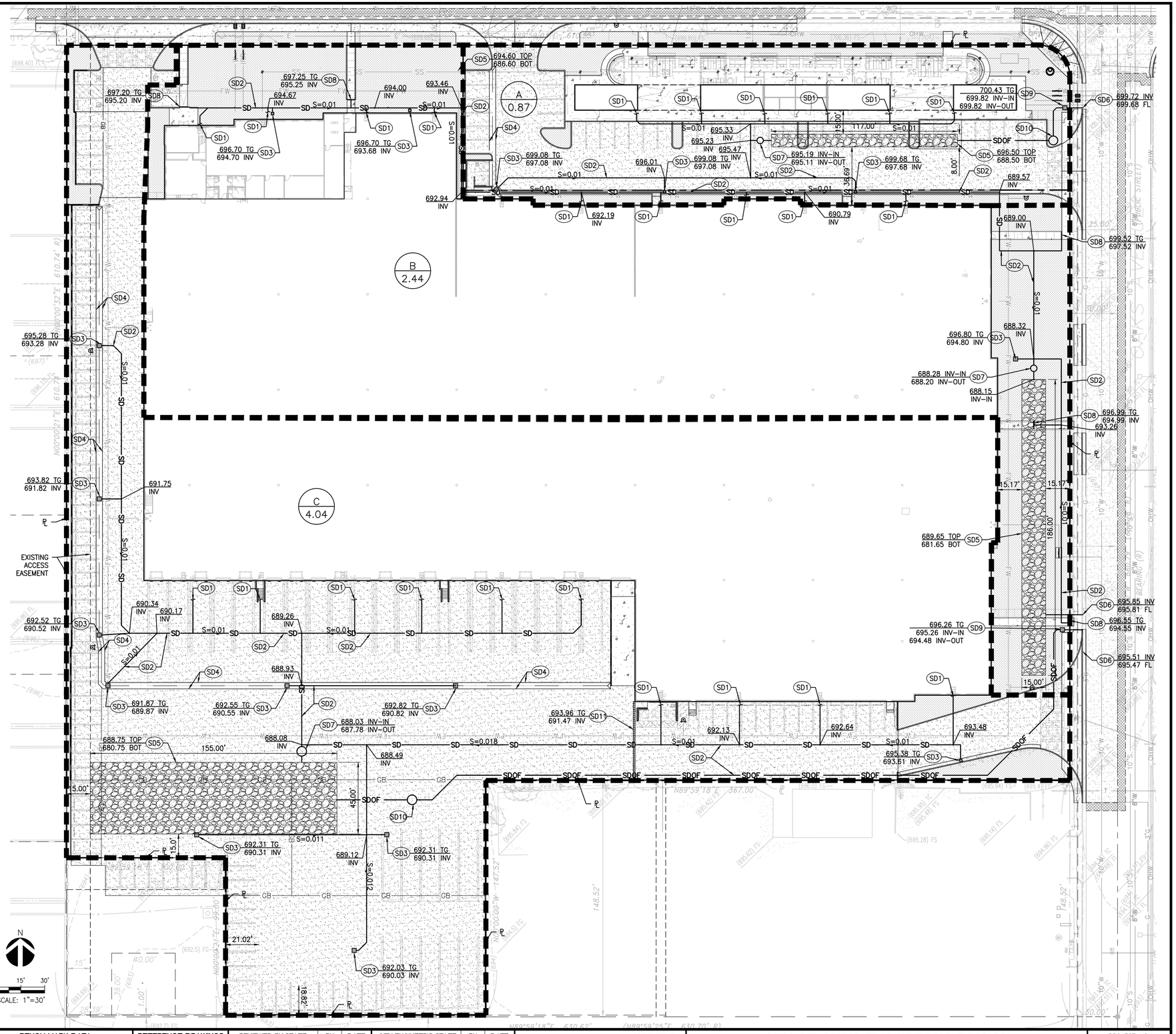
WQMP SUMMARY				
DRAINAGE MANAGEMENT AREA	A	B	C	TOTAL
TOTAL DEVELOPMENT AREA (S.F.)				320,382
DISTURBED PROJECT AREA (S.F.)	37,935	106,270	176,177	320,382
PROPOSED IMPERVIOUS AREA (S.F.)	28,628	83,195	171,992	283,815
PROPOSED IMPERVIOUS PERCENTAGE	75%	78%	98%	89%
PROPOSED BUILDINGS (S.F.)	3,160	81,773	71,776	156,709
PROPOSED PAVING/HARDSCAPE (S.F.)	25,468	1,422	100,216	139,906
PROPOSED PERVIOUS AREA (S.F.)	9,307	23,075	4,185	36,567
DCV (C.F.)	2,993	8,887	21,906	33,786
REQUIRED INFILTRATION AREA (S.F.)	935	2,777	6,846	10,400
INFILTRATION TRENCH AREA PROVIDED (S.F.)	936	2,790	6,975	10,701

STORM WATER QUALITY SUMMARY		
SUB–HYDROLOGY AREA	TRIBUTARY AREA (AC)	PROPOSED BMP
A	0.87	BMP1
B	2.44	BMP2
C	4.04	BMP3
TOTAL	7.35	

SEAL

REGISTERED PROFESSIONAL ENGINEER — KYLE JARDINE PRUITT — C 95048 EXP. 09/30/25 — CIVIL — STATE OF CALIFORNIA

SIGN DATE 06/05/2025



N

0 15' 30'

SCALE: 1"=30'

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
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CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
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RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

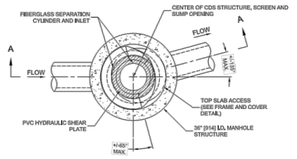
GATEWAY CHINO
5885 SCHAEFER AVE

DRAINAGE PLAN

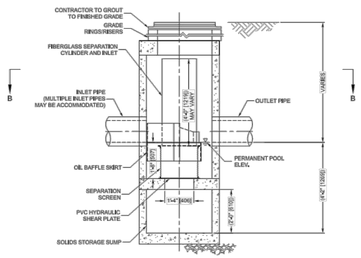
PROJECT NO.

SHEET 14 OF 18

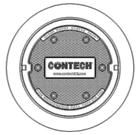
DRAWING NO.



PLAN VIEW B-B
N.T.S.



ELEVATION A-A
N.T.S.



FRAME AND COVER
(DIAMETER VARIES)
N.T.S.

CDS1515-3-C DESIGN NOTES

CDS1515-3-C RATED TREATMENT CAPACITY IS 0.50 [14.16 L/s] CFS, OR PER LOCAL REGULATIONS. MAXIMUM HYDRAULIC INTERNAL BYPA
8.5-0 [170 L/s] CFS. IF THE SITE CONDITIONS EXCEED 8.5-0 [170 L/s] CFS, AN UPSTREAM BYPASS STRUCTURE IS REQUIRED.

THE STANDARD CDS1515-3-C CONFIGURATION IS SHOWN.

SITE SPECIFIC DATA REQUIREME

STRUCTURE ID	
WATER QUALITY FLOW RATE (CFS OR L/s	
PEAK FLOW RATE (CFS OR L/s)	
RETURN PERIOD OF PEAK FLOW (YRS)	
SCREEN APERTURE (2400 OR 4700)	

PIPE DATA:	I.E.	MATERIAL
INLET PIPE 1	*	*
INLET PIPE 2	*	*
OUTLET PIPE	*	*

RIM ELEVATION	
ANTI-FLOTATION BALLAST	WIDTH
NOTES/SPECIAL REQUIREMENTS:	*

* PER ENGINEER OF RECORD

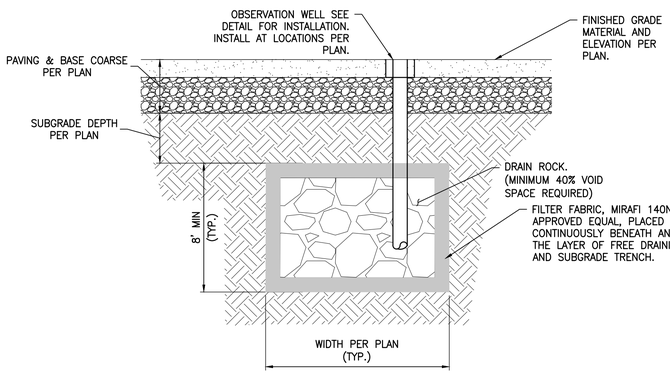
GENERAL NOTES
1. CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
2. FOR SITE SPECIFIC DRAWINGS WITH DETAILED STRUCTURE DIMENSIONS AND WEIGHT, PLEASE CONTACT YOUR CONTECH ENGINE SOLUTIONS LLC REPRESENTATIVE, www.ContechES.com
3. CDS WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAW CONTRACTOR TO CONFIRM STRUCTURE MEETS REQUIREMENTS OF PROJECT.
4. STRUCTURE SHALL MEET AASHTO HS20 LOAD RATING, ASSUMING EARTH COVER OF 0'-2', AND GROUNDWATER ELEVATION AT, OR THE OUTLET PIPE INVERT ELEVATION, ENGINEER OF RECORD TO CONFIRM ACTUAL GROUNDWATER ELEVATION. CASTINGS SHALL AASHTO M306 AND BE CAST WITH THE CONTECH LOGO.
5. IF REQUIRED, PVC HYDRAULIC SHEAR PLATE IS PLACED ON SHELF AT BOTTOM OF SCREEN CYLINDER. REMOVE AND REPLACE AS NECESSARY DURING MAINTENANCE CLEANING.
6. CDS STRUCTURE SHALL BE PRECAST CONCRETE CONFORMING TO ASTM C-478 AND AASHTO LOAD FACTOR DESIGN METHOD.

INSTALLATION NOTES
A. ANY FLOTATION, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL SPECIFIED BY ENGINEER OF RECORD.
B. CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE CDS MANHOLE ST
C. CONTRACTOR TO INSTALL JOINT SEALANT BETWEEN ALL STRUCTURE SECTIONS AND ASSEMBLE STRUCTURE.
D. CONTRACTOR TO PROVIDE, INSTALL, AND GROUT INLET AND OUTLET PIPE(S), MATCH PIPE INVERTS WITH ELEVATIONS SHOWN, CENTERLINES TO MATCH PIPE OPENING CENTERLINES.
E. CONTRACTOR TO TAKE APPROPRIATE MEASURES TO ASSURE UNIT IS WATER TIGHT, HOLDING WATER TO FLOWLINE (INVERT MIN SUGGESTED THAT ALL JOINTS BELOW PIPE INVERTS ARE GROUTED.

CONTECH ENGINEERED SOLUTIONS LLC
www.contechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-338-1122 513-645-7000 513-645-7993 FAX

CDS1515-3-C
ONLINE CDS
STANDARD DETAIL

1 16 CONTECH CDS TYPICAL DETAIL
N.T.S.

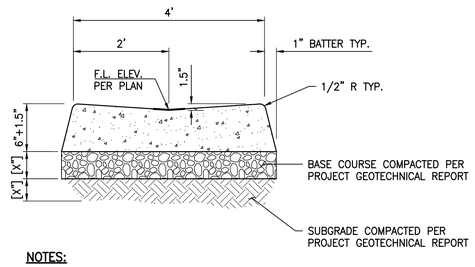


OBSERVATION WELL DETAIL

NOTES:

1. PROPOSED INFILTRATION SYSTEMS SHOULD BE LOCATED AT LEAST 25' AWAY FROM ANY STRUCTURES INCLUDING RETAINING WALLS PER PROJECT INFILTRATION REPORT. REFER TO SECTION 18.19 AND SUBSECTIONS OF THE PROJECT GEOTECHNICAL REPORT PREPARED BY GEOCON WEST INC. DATED SPETEMBER 15, 2021 FOR ALL INFILTRATION REQUIREMENTS.

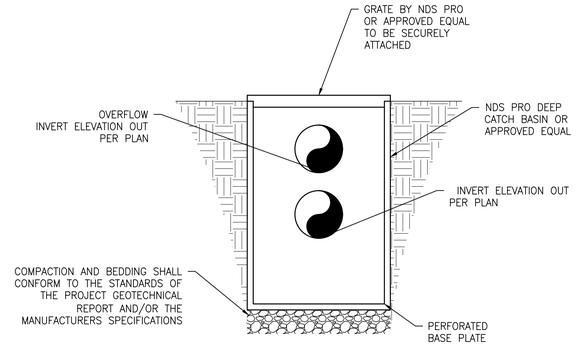
2 16 INFILTRATION TRENCH TYPICAL DETAIL
N.T.S.



NOTES:

1. ISOLATION JOINTS SHALL BE PLACED ONLY AS SPECIFIED.
2. CONTROL JOINTS CONSISTING OF 1" DEEP SCORES SHALL BE PLACED AT 10' INTERVALS O.C.

3 16 RIBBON GUTTER TYPICAL DETAIL
N.T.S.



4 16 BUBBLER BOX TYPICAL DETAIL
N.T.S.

SEAL

REGISTERED PROFESSIONAL ENGINEER — KYLE HARDINE FRUHTY — C 95048 EXP. 09/30/25 — CIVIL — STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B	2 1ST RE-SUBMITTAL		10/17/24		
COSTA MESA, CA 92627	3 2ND RE-SUBMITTAL		12/18/24		
TELEPHONE: (818) 800-6991 FAX: ( )	4 3RD RE-SUBMITTAL		3/25/25		
SIGNATURE RCE DATE	5 4TH RE-SUBMITTAL		5/28/25		
	6				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION
GATEWAY CHINO
5885 SCHAEFER AVE
DRAINAGE DETAILS

PROJECT NO.
SHEET 15 OF 18
DRAWING NO.

LEGEND

- LANDSCAPE AREA BY OTHERS
- PEDESTRIAN PERMEABLE PAVERS BY OTHERS
- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- RETAINING WALL
- PROPERTY LINE
- GB — GRADE BREAK
- R — RIDGE LINE
- FLOW LINE
- FW — FIRE WATER PIPE
- IRR — IRRIGATION WATER PIPE
- SS — SANITARY SEWER PIPE
- SD — STORM DRAIN PIPE (SEE SHEET 14)
- W — WATER PIPE
- CATCH BASIN
- AREA DRAIN
- POINT OF CONNECTION
- POINT OF CONNECTION TO BUILDING
- BACKFLOW ASSEMBLY
- WATER METER VAULT

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIBAILITY, REALL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

UNDERGROUND UTILITIES & STRUCTURES

THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY PLANS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND MAY NOT REFLECT ALL EXISTING UTILITIES. THE CONTRACTOR SHALL TAKE DUE PRECAUTIONS OF THE RECORDED UTILITIES AS WELL AS ANY NOT SHOWN AND SHALL CONFIRM ALL ALIGNMENTS AND GRADES BY FIELD INVESTIGATIONS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OR STRUCTURES.

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

CONSTRUCTION NOTES

SANITARY SEWER

- (SS1) CONTRACTOR TO LOCATE AND CONNECT TO EXISTING SEWER MAIN.
- (SS2) INSTALL 6" PVC LATERAL PER CITY OF CHINO PWD STD DWG 109, 500A & 500B. SIZE TO BE CONFIRMED.
- (SS3) INSTALL PVC SEWER PIPE. (MIN SLOPE = 2%)
- (SS4) INSTALL SEWER CLEANOUT/ SAMPLING WYE PER CITY OF CHINO PWD STD DWG 527.
- (SS5) POINT OF CONNECTION TO BUILDING PLUMBING. SEE PLUMBING PLANS FOR CONTINUATION, DETAIL AND SPECIFICATION.
- (SS6) FUTURE GREASE INTERCEPTOR. SIZE TO BE CONFIRMED.
- (SS7) INSTALL MONITORING MANHOLE OR MONITORING VAULT PER CITY OF CHINO PWD STD DWG 530 OR 531. DEPTH OF SEWER TO BE CONFIRMED.

DOMESTIC WATER

- (W1) CONTRACTOR TO ORDER AND COORDINATE NEW DOMESTIC WATER SERVICE CONNECTION. SEE CITY OF CHINO PWD STD DWG 415A.
- (W2) 3" DOMESTIC WATER METER. SIZE TO BE CONFIRMED.
- (W3) INSTALL PVC WATER PIPE.
- (W4) INSTALL APPROVED REDUCED PRESSURE BACKFLOW PREVENTOR PER CITY OF CHINO PWD STD DWG 471 & 472. SIZE TO BE CONFIRMED.
- (W5) POINT OF CONNECTION TO BUILDING PLUMBING. SEE PLUMBING PLANS FOR CONTINUATION, DETAIL AND SPECIFICATION.
- (W6) CONTRACTOR TO REMOVE WATER METER AND SERVICE IN IT'S ENTIRETY. SEE CITY OF CHINO PWD STD DWG 425

FIRE WATER

- (F1) CONTRACTOR TO ORDER AND COORDINATE NEW 10" FIRE WATER SERVICE CONNECTION. SEE CITY OF CHINO PWD STD DWG 415A. SIZE TO BE CONFIRMED.
- (F2) INSTALL APPROVED DOUBLE DETECTOR CHECK VALVE ASSEMBLY PER CITY OF CHINO PWD STD DWG 473. SIZE TO BE CONFIRMED.
- (F3) INSTALL C900 PVC WATER PIPE. SIZE TO BE CONFIRMED.
- (F4) POINT OF CONNECTION. SEE PLUMBING PLANS FOR CONTINUATION, DETAIL AND SPECIFICATION.
- (F5) INSTALL FIRE HYDRANT PER CITY OF CHINO PWD STD DWG 445A.
- (F6) INSTALL GATE VALVE, RISER & COVER PER CITY OF CHINO PWD STD DWG 450.
- (F7) FIRE SERVICE WATER METER. SIZE TO BE CONFIRMED.

IRRIGATION WATER

- (IR1) CONTRACTOR TO COORDINATE WATER SERVICE CONNECTION. SEE CITY OF CHINO PWD STD DWG 410A.
- (IR2) 1.5" IRRIGATION WATER METER. SIZE TO BE CONFIRMED.
- (IR3) INSTALL PVC WATER PIPE. SIZE TO BE CONFIRMED.
- (IR4) INSTALL APPROVED REDUCED PRESSURE BACKFLOW PREVENTOR PER CITY OF CHINO PWD STD DWG 470. SIZE TO BE CONFIRMED.
- (IR5) POINT OF CONNECTION TO IRRIGATION SYSTEM. SEE IRRIGATION PLANS FOR CONTINUATION, DETAIL AND SPECIFICATION.

ELECTRICAL

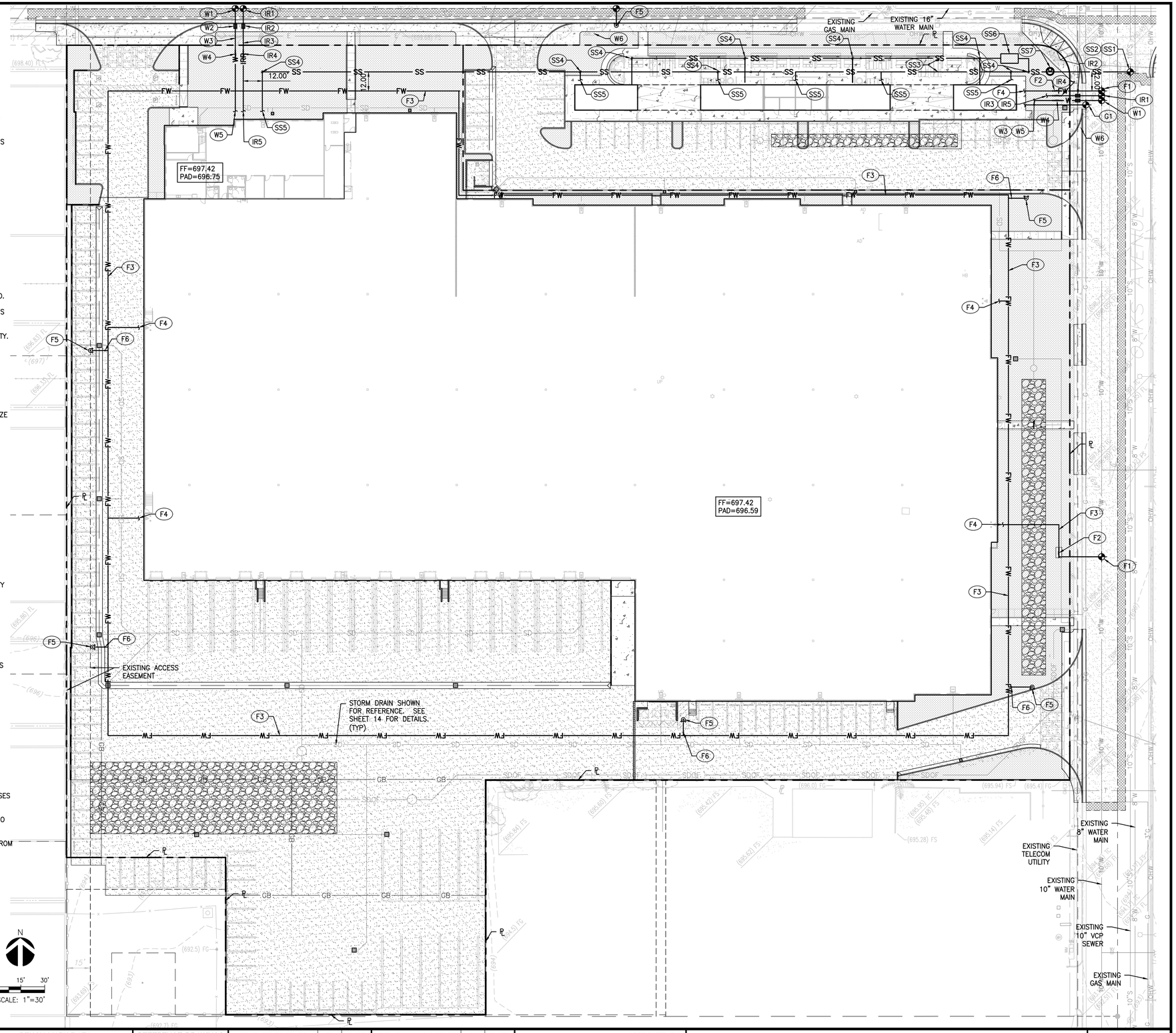
- (E1) PROPOSED TRANSFORMER. SEE ELECTRICAL PLANS.

GAS

- (G1) CONTRACTOR TO ORDER AND COORDINATE NEW GAS SERVICE.

NOTES:

1. BACKFLOWPRVENTORS SHOWN HEREON, ARE FOR COORDINATION PURPOSES ONLY.
2. THRUST BLOCKS SHALL BE INSTALLED AS REQUIRED PER CITY OF CHINO PWD STD DWG 460.
3. ALL WATER PIPING SHALL MAINTAIN A MINIMUM 10 FOOT SEPARATION FROM ANY SANITARY SEWER APPURTENANCE OR PIPING.



SEAL

REGISTERED PROFESSIONAL ENGINEER — KYLE VARDINE PRUITT — C 95048 EXP. 09/30/25 — CIVIL — STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE-SUBMITTAL		10/17/24		
TELEPHONE: (818) 800-6991 FAX: ( )	3 2ND RE-SUBMITTAL		12/18/24		
SIGNATURE RCE DATE	4 3RD RE-SUBMITTAL		3/25/25		
	5 4TH RE-SUBMITTAL		5/28/25		
	6				

BENCH MARK DATA

NO. 137/57 ELEV. 697.5040 FT

LOCATION:

FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

REVIEWED BY STAFF	BY	DATE
WATER:		
SEWER:		
FIRE:		
PLANNING:		
TRAFFIC:		
SERVICES:		

CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
CHECKED:		
RECOMMENDED:		

APPROVED BY:

PUBLIC WORKS DIRECTOR DATE:

CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

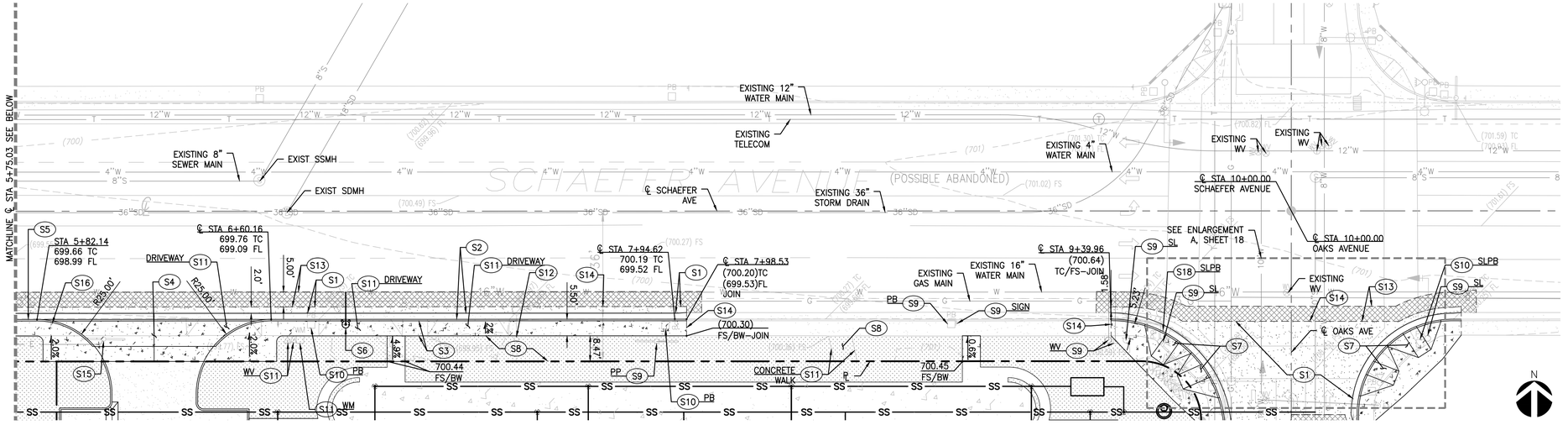
GATEWAY CHINO
5885 SCHAEFER AVE

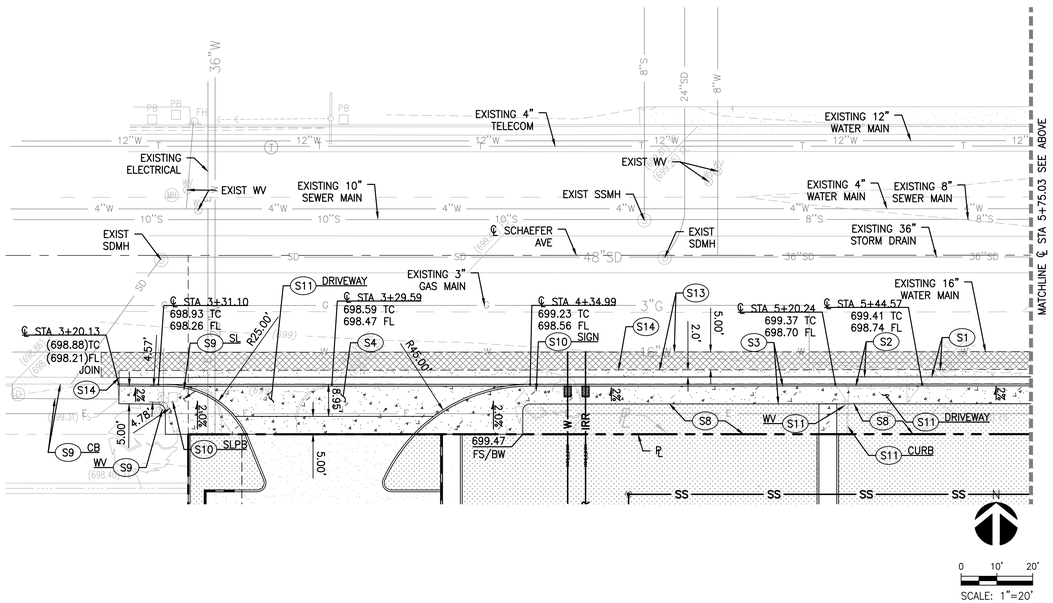
UTILITY PLAN

PROJECT NO.

SHEET 16 OF 18

DRAWING NO.





0 10' 20'
SCALE: 1"=20'

CONSTRUCTION NOTES

(S1) REMOVE AND REPLACE EXISTING ASPHALT TO LIMIT AS SHOWN.

(S2) REMOVE AND REPLACE CURB AND GUTTER PER CITY OF CHINO PWD STD DWG 205, 500A & 500B. SIZE TO BE CONFIRMED.

(S3) INSTALL NEW SIDEWALK PER CITY OF CHINO PWD STD DWG 230.

(S4) INSTALL DRIVEWAY PER CITY OF CHINO PWD STD DWG 250.

(S5) INSTALL CURB OUTLET PER APWA STD PLAN 151–3.

(S6) INSTALL FIRE HYDRANT PER CITY OF CHINO PWD STD DWG 445A.

(S7) INSTALL CURB RAMP PER CITY OF CHINO STD DWG 1115. SEE ENLARGEMENT ON SHEET 18.

(S8) LANDSCAPED PARKWAY PER LANDSCAPE PLANS.

(S9) PROTECT IN PLACE EXISTING ITEM AS NOTED.

(S10) ADJUST EXIST ITEM TO GRADE AS NOTED.

(S11) EXIST ITEM TO BE REMOVED AS NOTED.

(S12) RELOCATE EXISTING STREET LIGHT.

(S13) GRIND AND OVERLAY 5' MIN. WIDTH. (2" MIN. DEPTH).

(S14) SAWCUT TO LIMIT AS SHOWN.

(S15) RELOCATE EXISTING POWER POLE.

(S16) RELOCATE EXISTING SIGN.

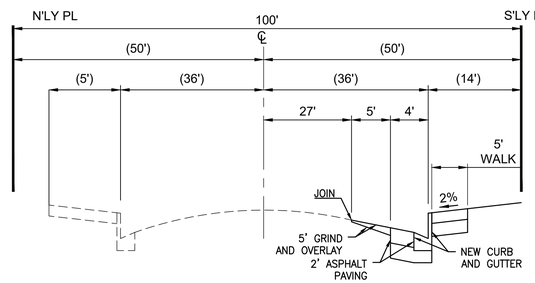
(S17) INSTALL NEW PEDESTRIAN PUSH BUTTON POLE.

(S18) RELOCATE EXISTING ITEM AS NOTED.

NOTES:

1. ALL IMPROVEMENTS WITHIN THE PROPERTY BOUNDS SHALL BE PERFORMED UNDER SEPARATE PERMIT.
2. THRUST BLOCKS SHALL BE INSTALLED AS REQUIRED PER CITY OF CHINO PWD STD DWG 460.
3. ALL WATER PIPING SHALL MAINTAIN A MINIMUM 10 FOOT SEPARATION FROM ANY SANITARY SEWER APPURTENANCE OR PIPING.
4. ALL TRENCHING FOR NEW UTILITY SERVICES SHALL BE PERFORMED PER CITY OF CHINO PWD STD DWG 109A, 109B, 109C & 109D.
5. ALL EXISTING ELEVATIONS SHOWN HEREON, SHALL BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION TO ENSURE ADA COMPLIANCE OF ALL PROPOSED IMPROVEMENTS.

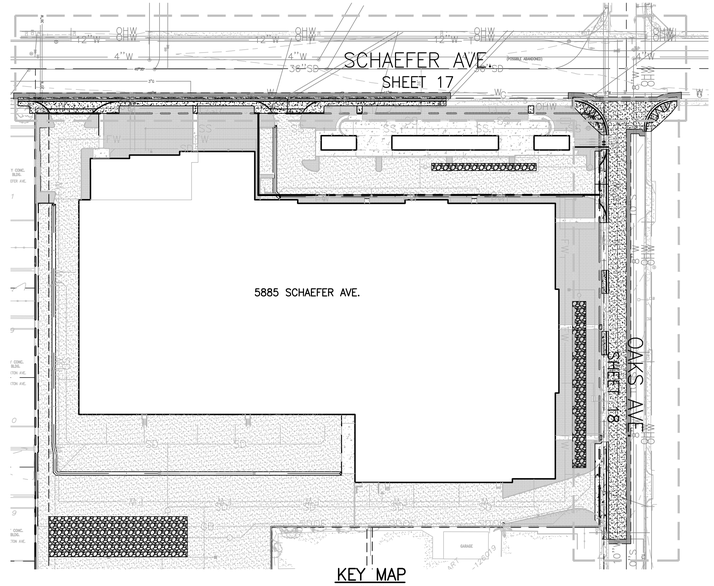
TYPICAL SECTIONS



SCHAEFER AVE
NTS

LEGEND

- LANDSCAPE AREA BY OTHERS
- ASPHALT PAVING
- CONCRETE SIDEWALK PAVING
- GRIND AND OVERLAY
- PROPERTY LINE
- POINT OF CONNECTION
- BACKFLOW ASSEMBLY
- WATER METER VAULT



KEY MAP
1"=80'

UNDERGROUND UTILITIES & STRUCTURES

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SEAL

REGISTERED PROFESSIONAL ENGINEER ALEE HARDINE PRUITT C 95048 EXP. 09/30/25 CIVIL STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	△ PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B	△ 1ST RE–SUBMITTAL		10/17/24		
COSTA MESA, CA 92627	△ 2ND RE–SUBMITTAL		12/18/24		
TELEPHONE: (818) 800–6991 FAX: ( )	△ 3RD RE–SUBMITTAL		3/25/25		
SIGNATURE RCE DATE	△ 4TH RE–SUBMITTAL		5/28/25		
	△				

BENCH MARK DATA
NO. 137/57 ELEV. 697.5040 FT
LOCATION:
FOUND 2 1/2" BRASS DISC LOCATED IN THE TOP OF CURB, 5' EAST OF THE ECR OF THE NORTHWEST CURB AND BEING 58.5' WEST AND 36.5' NORTH OF THE CENTERLINE INTERSECTION OF BENSON AVENUE AND SCHAEFER AVENUE.

REFERENCE DRAWINGS

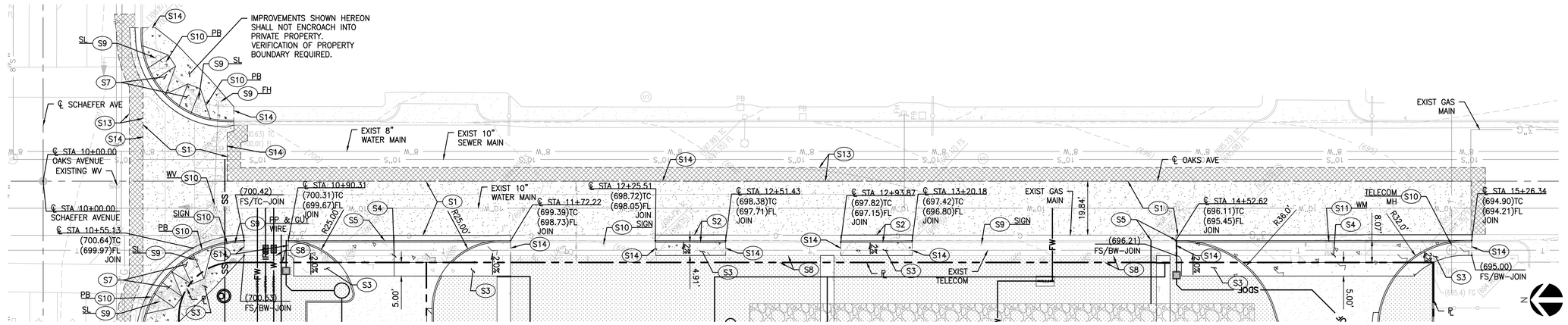
REVIEWED BY STAFF	BY	DATE	CITY ENGINEER'S STAFF	BY	DATE
WATER:			DRAWN:		
SEWER:			DESIGNED:		
FIRE:			CHECKED:		
PLANNING:			RECOMMENDED:		
TRAFFIC:					
SERVICES:					

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION

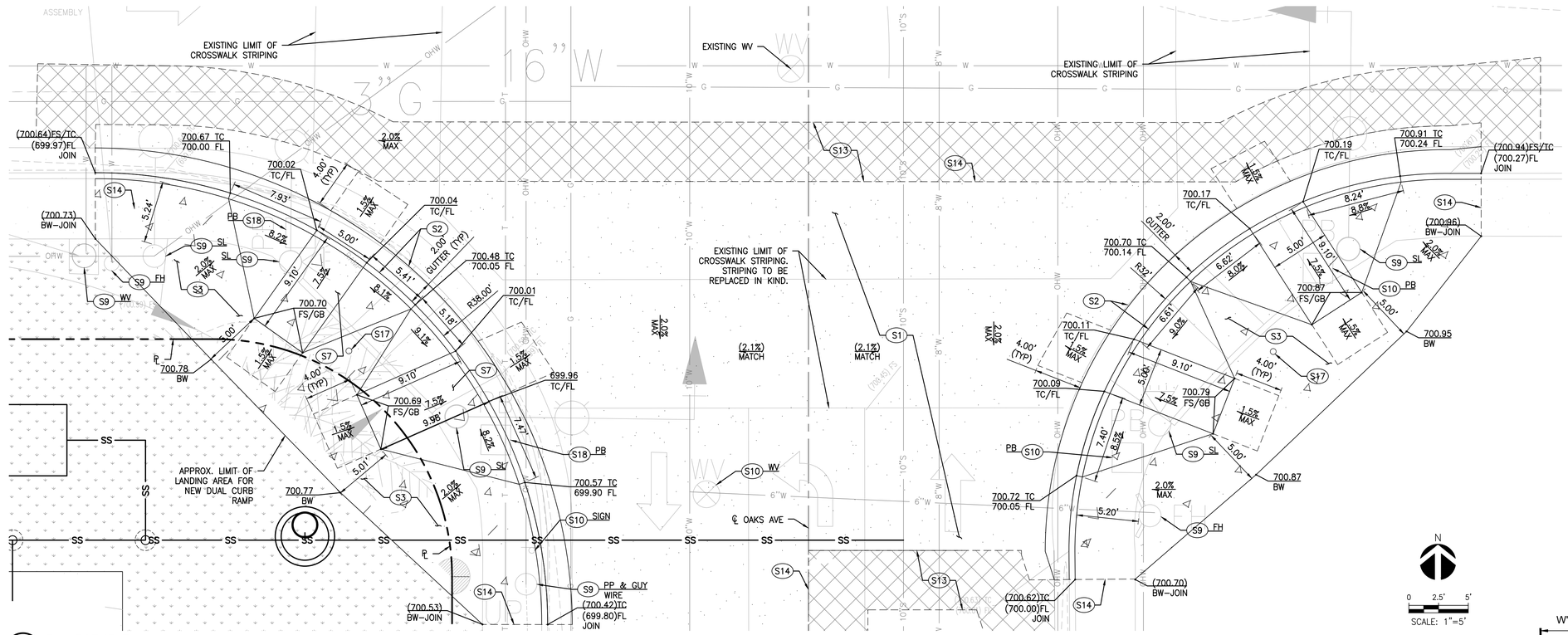
GATEWAY CHINO
5885 SCHAEFER AVE
OFF–SITE IMPROVEMENT PLAN
SCHAEFER AVE.

PROJECT NO.
SHEET 17 OF 18
DRAWING NO.



LEGEND

- LANDSCAPE AREA BY OTHERS
- ASPHALT PAVING
- CONCRETE SIDEWALK PAVING
- GRIND AND OVERLAY
- PROPERTY LINE
- POINT OF CONNECTION
- BACKFLOW ASSEMBLY
- WATER METER VAULT



A 18 ENLARGEMENT A
1"=5'

CONSTRUCTION NOTES

(S1) REMOVE AND REPLACE EXISTING ASPHALT TO LIMIT AS SHOWN.

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(S6) INSTALL FIRE HYDRANT PER CITY OF CHINO PWD STD DWG 445A.

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NOTES:

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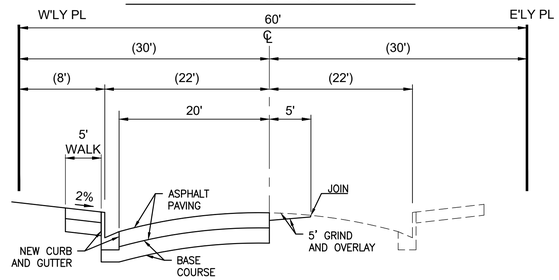
TYPICAL SECTIONS



OAKS AVE
NTS

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SEAL

REGISTERED PROFESSIONAL ENGINEER · LEE JARDINE PRUITT · C 95048 · EXP. 09/30/25 · CIVIL · STATE OF CALIFORNIA

SIGN DATE 06/05/2025

PREPARED BY	REVISIONS	MADE BY	MADE DATE	APPROVED BY	APPROVED DATE
FIRM: PACIFIC CONSULTING GROUP, INC.	1 PLANNING SUBMITTAL		8/13/24		
ADDRESS: 2239 STATE AVE., #B COSTA MESA, CA 92627	2 1ST RE–SUBMITTAL		10/17/24		
TELEPHONE: (818) 800–6991 FAX: ( )	3 2ND RE–SUBMITTAL		12/18/24		
SIGNATURE RCE DATE	4 3RD RE–SUBMITTAL		3/25/25		
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CITY ENGINEER'S STAFF	BY	DATE
DRAWN:		
DESIGNED:		
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RECOMMENDED:		

APPROVED BY:
PUBLIC WORKS DIRECTOR DATE:
CITY ENGINEER DATE:

CITY OF CHINO ENGINEERING DIVISION
GATEWAY CHINO
5885 SCHAEFER AVE
OFF–SITE IMPROVEMENT PLAN
OAKS AVE.

PROJECT NO.
SHEET 18 OF 18
DRAWING NO.

EXHIBIT B

RESOLUTION NO. PC2025-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO, CALIFORNIA, APPROVING PL24-0097 (SPECIAL CONDITIONAL USE PERMIT), PL24-0098 (SITE APPROVAL), AND PL24-0120 (SPECIAL CONDITIONAL USE PERMIT) FOR APPROVAL TO CONSTRUCT THE CHINO GATEWAY TERMINAL PROJECT CONSISTING OF A 158,548 SQUARE FEET INDUSTRIAL WAREHOUSE 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).

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 City of Chino 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, the Planning Commission of the City of Chino has completed its study of the proposed Project; and

WHEREAS**,** on July 16, 2025, the Planning Commission held a duly noticed public hearing for the Project in compliance with law, including compliance with the relevant provisions of the California Government Code and Chino Municipal Code, entertained the written and oral report of staff, and took public testimony on the Project.

NOW, THEREFORE, the Planning Commission 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 Planning Commission makes the following findings and takes the following actions 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 has 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 Planning Commission has considered the Addendum and Environmental Impact Report as part of its decision on this Project pursuant to Section 15164. The Planning Commission hereby finds that the Project is within the scope of the EIR, which adequately describes the activity for the purposes of CEQA. The Planning Commission 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. *Approval of PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit).* The Planning

Commission hereby 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 Planning Commission Secretary.* The Planning Commission Secretary 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 16TH DAY OF JULY 2025.

PLANNING COMMISSION CHAIRPERSON

ATTEST:

SECRETARY, PLANNING COMMISSION

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

I hereby certify the foregoing Resolution was duly adopted by the Chino Planning Commission at a meeting held on the 16th day of July 2025 and entered in the minutes of said Commission.

AYES: COMMISSIONERS: Blanchard, Vieira, Cisneroz, Fraga, Lewis, Lopez

NOES: COMMISSIONERS: Alexandris

ABSENT: COMMISSIONERS: None

SECRETARY, PLANNING COMMISSION

Attachment: Exhibit "A" – Conditions of Approval

EXHIBIT A

DEPARTMENTAL
CONDITIONS OF APPROVAL

DATE: July 16, 2025

PROJECT FILE NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit)

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09 and -11)

APPLICANT: Gateway Terminal LLC

The departments listed below have reviewed the above referenced application. Those departments marked with an "X" have required conditions of approval to be imposed on the project.

Development Services Department –
- [X] Planning Division
- [ ] ADA Accessibility Division

Public Works Department –
- [X] Engineering Division
- [ ] Traffic Division

[X] Chino Valley Independent Fire District

[ ] Police Department

[ ] Finance Department

[ ] Community Services, Parks & Recreation Department

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION CONDITIONS OF APPROVAL

DATE: July 16, 2025

PROJECT FILE NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit)

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09 and -11)

APPLICANT: Gateway Terminal LLC

NOTE: CONDITION IN BOLD WAS ADDED BY THE PLANNING COMMISSION.

1.0 TIME LIMITS:

1.1. The above referenced Site Approval and Special Conditional Use Permits shall expire on July 16, 2026, if building permits are not obtained and/or the approved uses have not commenced. The expiration date may be extended upon written request by the applicant on a City application form. The request must be received by the Director of Development Services at least 30 days prior to expiration of the application.

1.2. Should any of the special conditionally permitted uses cease to exist for 180 or more consecutive days, then the permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS:

2.1. Failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the Planning Commission and/or City Council.

2.2. The project shall proceed only in accordance with the approved plans on file with the Development Services Department, and with the conditions contained herein and the Chino Municipal Code.

2.3. The Director of Development Services shall have the authority to approve minor deviations in the site plan, architecture and/or landscape providing the total approved building area is not exceeded. If it is determined that

the changes will be substantial, approval from the Planning Commission will be required.

2.4. Approval of this request shall not waive compliance with any section of the Chino Municipal Code, or any other applicable City ordinances, or applicable specific plan provision.

2.5. Pursuant to Government Code Section 66020, upon approval of the project, the applicant has a 90-day period in which to protest the fees, dedications, reservation or other exaction imposed on this project through the conditions of approval.

2.6. In the event that any condition contained herein is determined to be invalid or legally unenforceable, all remaining conditions shall remain in force.

2.7. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the applicant and/or other parties in an action filed in a court of law, which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the applicable section of the entire project shall be reviewed by the City and substitute conditions may be imposed.

2.8. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, claims, liabilities, losses, damages, penalties, obligations and expenses, including but not limited to attorneys' fees and costs, (collectively "claims") against the City for any such claims and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City, including for the City's required participation in defense of the claims. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant.

2.9. The City of Chino has an executive contract with Waste Management for all solid waste collection and hauling services within the City. The

applicant shall be responsible for making arrangements with Waste Management for disposal of any/all construction debris or trash generated as a result of this permit. Waste Management can be reached at 1-800 423-9986.

2.10. Any change in the project shall be reviewed by the Development Services Department for compliance with CEQA.

2.11. All proposed signs shall be designed to conform with the City's Sign Code (Chino Municipal Code, Title 16 – Signs) and shall require separate application and approval by the Director of Development Services prior to installation.

2.12. Pursuant to Public Resources Code Section 21089 and Fish and Wildlife Code Section 711.4, the developer shall provide those fees marked [X] below in the form of a check made payable to the ***San Bernardino County Clerk of the Board of Supervisors*** within 5 days of Planning Commission approval. **Project approval shall not be complete until the required fee(s) is (are) paid:**

[X] $50 for the Notice of Determination filing fee.

3.0 PRIOR TO THE ISSUANCE OF A BUILDING AND/OR GRADING PERMIT:

3.1. The applicant/developer shall pay development impact fees at the established rate. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, building permit and plan check fees.

3.2. Revised plans, incorporating all conditions of approval, shall be submitted and approved by the Director of Development Services.

3.3. All plans shall be coordinated for consistency.

3.4. The applicant/developer shall submit two sets of structural plans/construction documents. The plans shall include one set of structural calculations, one set of Title 24 energy calculations, and one soils report. The applicant/developer shall also submit the above documents in digital format to the Building Division once approved.

3.5. A construction management plan shall be submitted and approved by the Director of Development Services. The plan shall coordinate and address construction activities that may impact residents and/or surrounding businesses in adjacent areas. Elements of the plan shall contain, but not be limited to, the following:

a. Routing of construction equipment
b. Hours of operation
c. Dust control
d. Vector control
e. Vehicle, equipment, and personnel staging
f. Pre-construction meetings
g. Contractor/subcontractor acknowledgement, obligations, and penalties
h. Traffic control and coordination
i. Security and interim fencing
j. Signs posted on the site with a contact number for the job site construction manager and the City's Code Enforcement Division. Signs shall measure at least four feet by eight feet and shall be posted along every street frontage. The developer shall contact the City immediately upon any change in contact numbers.
k. Building and landscape phasing. This plan shall show which buildings and landscaping will be completed in which phases, and how each completed phase will be closed off from phases under construction so as to minimize conflict between construction vehicles, construction equipment, employees, and residents, as applicable.

3.6. A precise wall plan identifying the design, location and construction details of all walls and fences shall be submitted and approved by the Planning and Building Divisions. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature.

3.7. Prior to the issuance of any grading permit, detailed on-site landscaping and irrigation construction drawings along with a copy of the Planning Commission approved conceptual landscape plans and a copy of the conditions of approval shall be submitted for review and approval by the Director of Development Services. A grading permit will not be issued until the City's outside plan checker has completed one review of detailed landscape and irrigation plans for the development. Payment of the Landscape & Irrigation Plan Review Fee shall be due at the time of submittal. Plans shall be prepared to comply with the City's Water Efficient Landscape Ordinance, adopted on October 6, 2015, Ordinance No. 2015-008, meet the requirements for a Landscape Documentation Package in accordance with Section 20.19.030 of the Landscape Ordinance, and shall bear the seal of a landscape architect registered with the state of California. If the site includes areas proposed to be placed within a City-maintained Landscape Maintenance District, then the plans shall be prepared on City of Chino, Engineering Division base sheets, and shall bear the seal of a landscape architect registered with the state of California. Original mylars shall be submitted to the City upon approval of plans by the City Engineer.

3.7.1. To minimize damage to paved areas due to tree root growth, trees located within five (5) feet of any paved surface area, shall be provided with root barriers unless it can be demonstrated, to the satisfaction of the Planning Division, that the root growth characteristics of the type of tree proposed does not warrant their installation.

3.8. Approval of the conceptual landscape plan by the Planning Commission does not constitute final approval. The final landscape approval (during the plan check process and/or following installation) shall be subject to the review and approval of the City's Landscape Architect Consultant and the Director of Development Services. The City Landscape Architect or Director of Development Services may require additional/fewer trees, shrubs, vines, and ground cover as necessary, based on final site conditions during the landscape plan check process or field review process in order to mitigate any site conditions that were not apparent during either the Planning Commission review or plan check review process.

3.9. All new ground-mounted utilities, including but not limited to cable television facilities, and telephone/fiber optic facilities, shall be undergrounded. Equipment that is not placed underground such as SCE transformers, backflow prevention devices, irrigation valves and controllers used for common landscape areas shall be placed in areas out of public view and sufficiently screened. The location and method of screening shall be reflected in a plan and shall be subject to the review and approval by the Director of Development Services.

3.10. All electrical panels and cabinets shall be completely screened. All electrical panels and cabinets shall be fully enclosed and integrated into and architecturally compatible with the building to the satisfaction of the Director of Development Services. The locations of the electrical panels and cabinets shall be reflected on a site plan and elevation(s) to be reviewed and approved by the Director of Development Services.

3.11. Prior to the issuance of a building permit, the approved grading plans shall be attached to the construction plan set. The project shall be built according to the plans approved by the Planning Commission on July 16, 2025, as prepared by Gateway Terminal LLC, O.C. Design & Engineering, Phil May Landscape Architecture and Pacific Consulting Group, Inc. Any substantial modification to the project shall require Planning Commission review and approval. If minor in nature, the modification may be reviewed and approved by the Development Services Director.

3.12. A detailed on-site exterior lighting plan shall be submitted and approved by the Director of Development Services. Plans shall be designed pursuant to Chino Municipal Code Section 20.10.090 *(Outdoor Lighting)* and shall identify fixture design, illumination (photometric), location, height and method of shielding, so as not to adversely affect adjacent properties.

3.13. Upon submittal of construction drawings to the Building Division for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. The condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.

3.14. The applicant is required to contact the West Valley Mosquito and Vector Control District to determine if an inspection or field survey of potential vectors and their ectoparasites is necessary. If the District so determines, an inspection or field survey shall be conducted by the District, at the applicant's expense, prior to demolition or grading in order to protect the health of and reduce the risk of neighboring residents to vector-borne diseases. Based on the inspection or survey results, the applicant shall take appropriate vector control methods as recommended by the District.

3.15. A Water Quality Management Plan shall be prepared in accordance with County of San Bernardino requirements and submitted and approved by the City.

3.16. No grading permits shall be issued until all applicable biological resource mitigation measures, identified in the Addendum to the City of Chino General Plan Certified Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project, prepared by LSA Associates, Inc., dated June 2025, as they apply to the project area, have been complied with to the satisfaction of the Director of Development Services.

3.17. **Special Condition:**

3.17.1. **The applicant shall reinforce the outdoor seating area to protect patrons and minimize damage in the event of a vehicular collision, subject to review and approval of the Director of Development Services.**

4.0 PRIOR TO START OF CONSTRUCTION:

4.1. A pre-construction meeting, scheduled with the Building Division, shall be held with all applicable City staff members, developer, contractor, superintendent, and all applicable subcontractors.

4.2. The final landscape and irrigation plans for the development shall be approved by the Director of Development Services.

4.3. The approved construction management plan shall be distributed to all contractors and subcontractors and shall be maintained on-site through the duration of construction.

5.0 PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

5.1. All conditions of approval shall be completed to the satisfaction of the Director of Development Services.

5.2. The fee for review of the landscaping and irrigation plans by both the City and the City's landscape architect shall be paid by the developer.

5.3. All landscaping and irrigation shall be installed in accordance with the approved Planning Commission plans on file with the Development Services Department, and irrigation systems fully operational. In addition, all hardscaped and landscaped areas shall be free of trash and debris.

5.4. A licensed landscape architect or contractor, or other licensed certified professional in a related field shall conduct a final field inspection and shall prepare a certificate of completion, which shall be filed with the Director of Development Services. The certificate of completion shall be prepared in accordance with Section 20.19.030.J of the Landscape Ordinance, and shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed. All landscape and irrigation audits shall be conducted by a landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

5.5. A landscape maintenance program for the entire project site shall be reviewed and approved by the Director of Development Services. The maintenance program shall include general landscape maintenance provisions for pruning, trimming, the replacement of any dead, decayed, or diseased vegetation, ongoing weed abatement, and replacement/repair of the irrigation system, when necessary. The landscape maintenance program shall be included with the contract with the landscape maintenance company to ensure they implement the maintenance program. In addition, the maintenance program should include provisions for periodic inspections to ensure the irrigation system is working properly, and all landscaping is being properly maintained.

5.6. Prior to issuance of a certificate of occupancy for the final unit, any temporary sales and/or construction office buildings/trailers shall be removed from the site.

5.7. The project site shall be clean and free of trash and construction debris, and all construction equipment shall be removed from the site.

6.0 ENVIRONMENTAL REQUIREMENTS & MITIGATION MEASURES:

6.1. Comply with all mitigation measures identified in the attached *Mitigation Monitoring and Reporting Program* contained within the Addendum to the City of Chino General Plan Certified Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project and attached as Exhibit "A" to the conditions of approval, which identifies each environmental mitigation measure, the time in which it will be implemented and the responsible party for monitoring its implementation.

7.0 OTHER REQUIREMENTS:

7.1. The applicant shall disclose to all potential tenants or owners of units or buildings that the businesses/uses must be consistent with the standards of the land use designation/zoning district in which the project site is located.

7.2. All existing buildings or structures on the project site that are proposed to be demolished shall be removed or razed within 90 days of the existing church vacating the site or issuance of a grading permit, whichever occurs first. The Director of Development Services may approve an extension of time to complete the demolition, based on evidence that the applicant has exercised reasonable progress. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time periods.

7.3. The project site shall be cleared of all trash, debris, weeds, and other discarded items within two weeks of Planning Commission approval. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time period.

7.4. A coating that will facilitate the removal of graffiti shall be applied over the complete height of one side/both sides of walls and/or fences, and to a height of eight feet on building walls. If a coating is not provided, the owner of the property shall paint the buildings and/or walls to remove graffiti within 72 hours of notice.

7.5. All signs, including subdivision and/or realty signs proposed for this development shall be designed to conform to the Sign Ordinance and shall require separate application and approval by the Planning and Building Divisions prior to installation.

7.6. Building and Site Design:

7.6.1. Exterior building color shall be reviewed and approved by the Director of Development Services. Colors shall be coordinated between structures, utilizing compatible hues and intensities. Final review and approval of paint colors utilizing a color test may be required prior to painting any structure, if determined necessary in the field by the Director of Development Services.

7.6.2. All building drainage gutters, downspouts, vents, etc., located on the exterior walls shall be architecturally compatible with the exterior building design and color, to the satisfaction of the Director of Development Services, or shall be completely concealed from view. They shall not be located on the exterior of building walls near office areas or other prominent locations on the building(s).

7.6.3. All new mechanical equipment and appurtenances of any type (including, but not limited to, electrical cabinets, HVAC equipment, skylights, stack vents or fans) whether located on rooftops, ground level or anywhere on the building structure, shall be completely screened so as not to be visible from any public street and/or adjacent property, subject to review and approval by the Director of Development Services. The parapet wall should serve as the primary method of screening, or the facilities shall be enclosed within the structure of the building. Such enclosure of facilities shall be of compatible design related to building structure for which such facilities are intended to serve.

7.6.4. Returns for parapet walls shall not be visible from public view and shall be evaluated in the field during construction, and modified if necessary so as not to be visible. All parapet returns shall be a minimum of 4 feet deep.

7.6.5. New ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from view for commercial and industrial projects.

7.6.6. All new overhead doors, mechanical doors and/or man doors shall be color coordinated with the building.

7.6.7. An outdoor employee break area shall be provided at the northwest corner of the project site, in front of the industrial warehouse building. This area shall be provided with seating, tables, enhanced paving treatments, hose bibs, decorative trash receptacles, a shade trellis structure, and shade trees, to the satisfaction of the Director of Development Services.

7.6.8. All landscaping shall be designed and installed in accordance with Section 20.19 of the Chino Municipal Code.

7.7. Parking and Lighting:

7.7.1. All exterior lighting fixtures shall be installed in accordance with plans on file with the Development Services Department and shall be fully operational prior to occupancy.

7.7.2. All building-mounted light fixtures within public areas shall be decorative in nature and architecturally compatible with the building. Building-mounted light fixtures shall be reviewed and approved by the Director of Development Services prior to installation. “Wall-paks” or other standardized exterior lighting shall not be permitted within public areas.

7.7.3. All parking and loading areas shall be paved and double-striped in accordance with plans on file with the Development Services Department, Chino Municipal Code Chapter 20.18 *(Parking)* and the disabled parking and accessibility requirements of state law (see the CalDAG—California Disabled Accessibility Guidebook).

7.7.4. Drive surfaces contiguous with planter areas shall have a 6-inch raised curb separation.

7.7.5. All parking spaces, aisles, entrances and exits shall be double-striped per City standards.

7.7.6. All parking spaces for compact cars shall be clearly identified as "Compact Car Only" on the pavement, at the opening of the space. Compact parking spaces shall be reasonably distributed throughout the parking area, subject to review and approval by the Director of Development Services.

7.8. Refuse and Recycling:

7.8.1. Separate receptacles (bins) for the collection of refuse, recyclable, and organics materials shall be provided. An adequate

number of bins to allow for the collection of refuse recyclable, and organic materials generated by the development shall be provided.

7.8.2. Refuse, recyclable, and organics materials bins shall be enclosed by a 6-foot-high (1.83 m) wall with a solid roof that is designed to be architecturally compatible with the building(s), with solid view obstructing gates fitted with self-closing door devices and be designed with cane bolts in front of the block walls to secure the gates when in the open position. The gates should also be equipped with rod locks and corresponding rod holes in both the open and closed gate positions. Bins containing recyclable materials shall be provided protection from adverse environmental conditions that might render the collection materials unmarketable.

7.8.3. No refuse/recycling/organic enclosure shall be located within any required setback area.

7.8.4. All refuse, recyclable and organic material bin enclosures not located in private yard areas shall be screened with landscaping on all sides, with the exception of the gate area. All sides of the enclosure, with the exception of the gate area, shall be surrounded by a minimum 18” wide planter area for the purpose of providing landscape material.

7.8.5. Refuse storage, recycling and organic areas shall not be used for the storage of materials other than that for which it is designed (refuse, recyclable and organic materials). The premises shall be kept in a neat and orderly condition, and in good repair and appearance at all times.

7.9. Phased Projects:

7.9.1. All required street improvements and a minimum of 10 feet of landscaping on private property shall be installed in conjunction with the construction of Phase 1 of the proposed project. The landscaping within this area shall be included in the landscape maintenance program.

7.9.2. Prior to the first occupancy permit, all undeveloped building pads shall be improved according to the following requirements:

7.9.3. For an undeveloped building pad located adjacent to the street or main drive aisle of the site, the area shall be landscaped with a

planting scheme consisting of a low-maintenance drought tolerant erosion control mix of Cucamonga brome (20 lbs/acre), tomcat clover (4 lbs/acre and small fescue (8 lbs/acre) at a minimum of 85% PLS (pure live seed). The irrigation system shall consist of low precipitation sprinkler heads and/or drip system. In addition, shrubs may be required to provide screening from the street, if determined needed by the Director of Development Services. Said treatment shall be incorporated into the required landscape and irrigation plans.

7.9.4. For a larger phased area located on the interior of the site, a construction fence/green screen may be provided in lieu of the landscape treatment. The fence shall be maintained in good condition at all times.

7.10. Chino Climate Action Plan:

7.10.1. Per Section 15.45.070 of the Chino Municipal Code, demonstrate consistency with the Chino Climate Action Plan by implementing one of the following three options:

a) Exceed the mandatory California Energy Code Title 24, Part 6 standards in effect at the time of application submittal by 5%; or
b) Achieve an equivalent reduction through voluntary measures in the California Green Building Standards Code, Title 24, Part 11 (CALGreen) in effect at the time of application submittal; or
c) Provide other equivalent greenhouse gas (GHG) reductions through measures including but not limited to, non-vehicle transportation infrastructure, transit, ZEV (zero emission vehicle) infrastructure or other incentives, waste diversion, water conservation, tree planting, renewable energy option packages, or any combination of these or other measures such that GHG emissions are reduced by 0.74 MT CO2e per residential dwelling unit per year and/or per TSF of commercial/industrial use per year.

Applicants that choose Option a described above will be required to verify that their project meets the 5% improvement above the mandatory standards through the appropriate certificate of compliance form for residential construction (CF-1R) or for commercial/industrial construction (PERF-1C). Applicants that choose Options b or c described above will be required to utilize the GHG Performance Standard Checklist developed by the City, or provide other valid documentation, such as CalEEMod or other methodologies, as verified by the Director of Development

Services to demonstrate the required GHG reductions consistent with the City's CAP.

8.0 CONSTRUCTION SITE SECURITY:

8.1. Each site shall be completely encircled by a minimum 6' tall security-quality chain link fence once precise grading has been completed or as determined by the Deputy Director of Development Services.

8.2. Tennis court or similar screening material shall be securely attached for the length of the fence, excluding gates and 10' on either side of gates.

8.3. Each site shall have only one entry/exit gate, or as approved by the Planning Division.

8.4. Gate hinge pins shall be spot-welded or altered in such a way as to prevent easy removal.

8.5. Each gate shall have a casehardened lock and chain, or other equivalent security hardware.

8.6. “No Trespassing” signs shall be attached to the exterior of the fence at a minimum distance of a third of a mile and at all entrances.

8.7. On or near the exterior of each gate will be a sign with the address of the site in no less than 6" letters. Both the number and street name will be listed on the sign. The address posted will be used for the entire site until the fence is removed and individual addresses assigned.

8.8. Office trailers and tool bins shall be placed adjacent to gates inside the property to allow observation from outside.

8.9. Lighting on trailers and bins is desirable but shall be directed into the property so as not to impede outside observation or endanger nearby traffic with glare.

8.10. Tool bins shall be secured with casehardened locks, preferably with lock guards.

8.11. A sign stating that theft is not acceptable on the site and will be reported to the police, or wording to that effect, will be displayed prominently near each entrance.

8.12. Each site will have an assigned Crime Prevention Manager who is responsible for the following:

a. Providing his/her name and 24-hour telephone access number to the Chino Police Department.
b. Have available at all times the names and 24-hour contact numbers for all subcontractors.
c. Have the authority to speak for the development/owners on matters concerning trespassing and other criminal matters.
d. Complete routine fence inspections and arrange for prompt repairs or removal of any damage, graffiti, or loose screening.
e. Ensure that no work or maintenance of construction equipment is being performed on the site between 8 PM and 7 AM.
f. Ensure that all above security requirements are complied with, and that all security hardware, fencing, and lighting are maintained in working order.
g. Ensure that thefts are immediately reported to the police department and that reasonable steps are taken, if evident, to prevent future similar incidents.

9.0 THE APPROVED USES SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:

9.1. All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.

9.2. The operation or activity shall not cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution that can cause damage to human health, vegetation, or other forms of air pollution that can cause excessive soiling on any other parcel. No emission shall be permitted which exceeds the requirements of the South Coast Air Quality Management District or the requirements of any Air Quality Plan adopted by the City of Chino.

9.3. The operation or activity shall not emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable with or without the aid of instruments at or beyond the project site boundary.

9.4. The operation shall not discharge, at any point, into any public or private street, public sewer, storm drain, private stream, body of water, or into the ground, any material which can contaminate any water supply, interfere with bacteriological processes in sewerage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with the standards approved by the California Department of Public Health, or any other federal, state or local government agency.

9.5. No operation or activity shall emit heat or cold that would cause a temperature increase or decrease on any adjacent parcel in excess of 10^0F (5.56^0C).

9.6. No operation or activity shall cause any impermissible source of electronic disturbance that adversely affects persons or the operation of any equipment on any other parcel that is not in conformance with the regulations of the Federal Communications Commission (FCC). Impermissible interference for the purposes of this document shall mean any interference that violates the rules and regulations of the FCC and/or the Communications Act of 1934, as amended.

9.7. No operation or activity shall be permitted to cause a steady state, earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute beyond the project site. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from this requirement.

9.8. Noise emanating from the project site, and which is received by adjacent land uses, shall not exceed the levels specified below, except that loudspeakers, bells, gongs, buzzers or other noise attention or attracting devices shall not exceed a maximum daytime dBA level of 60 and nighttime dBA of 40, measured anywhere beyond the boundaries of the property within which the noise is created.

Maximum Time of Exposure	Noise Metric	Noise Level Not To Be Exceeded	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
30 Minutes/Hour	L50	55 dBA	50 dBA
15 Minutes/Hour	L25	60 dBA	55 dBA
5 Minutes/Hour	L8.3	65 dBA	60 dBA
One Minute/Hour	L1.7	70 dBA	65 dBA
Any Period of Time	Lmax	75 Dba	70 dBA

Attachment:

Exhibit “A” – Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation for the:

Chino Gateway Terminal Project
Special Conditional Use Permits (PL24-0097 and PL24-0120), Site Approval (PL24-0098)

The program has been prepared in compliance with State law and Addendum to The City of Chino General Plan Environmental Impact Report (State Clearinghouse No. 2008091064) prepared for the project by the City of Chino (City).

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant effects on the environment (Public Resource Code Section 21081.6). The law states the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in The City of Chino General Plan Environmental Impact Report (State Clearinghouse No. 2008091064).

MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City shall monitor and report on all mitigation activities. Mitigation measures shall be implemented at different stages of development throughout the project site. In this regard, the responsibilities for implementation have been assigned to the Applicant, City, Contractor, or a combination thereof. If, during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City shall then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, shall then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

REGULATORY COMPLIANCE MEASURES

Regulatory Compliance Measures are presented in instances where the proposed project would not create a significant impact but would be required to adhere to regulatory requirements in order to ensure impacts do not become significant. Regulatory Compliance Measures outline compliance with various federal, State, and/or local acts, laws, rules, regulations, municipal codes, policies, etc.

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MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 13, 2025

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.1. AESTHETICS					
Since there are no significant impacts related to aesthetics as a result of the project, no mitigation measures are required.					
V.2. AGRICULTURAL RESOURCES					
Since there are no significant impacts related to agricultural resources as a result of the project, no mitigation measures are required.					
V.3. AIR QUALITY AND GREENHOUS EGAS EMISSIONS					
Since there are no significant impacts related to air quality and greenhouse gas emissions as a result of the project, no mitigation measures are required.					
V.4. BIOLOGICAL RESOURCES					
Since there are no significant impacts related to biological resources as a result of the project, no mitigation measures are required.					
V.5. CULTURAL RESOURCES					
Since there are no significant impacts related to cultural resources as a result of the project, no mitigation measures are required.					
V.6. GEOLOGY/SOILS and MINERAL RESOURCES					
Since there are no significant impacts related to geology/soils and mineral resources as a result of the project, no mitigation measures are required.					
V.7. HAZARDS & HAZARDOUS MATERIALS					
Since there are no significant impacts related to hazards and hazardous materials as a result of the project, no mitigation measures are required.					
V.8. HYDROLOGY/WATER QUALITY					
Since there are no significant impacts related to hydrology/water quality as a result of the project, no mitigation measures are required.					
V.9. LAND USE and PLANNING					
Since there are no significant impacts related to land use and planning as a result of the project, no mitigation measures are required.					

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 13, 2025

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.10. NOISE					
Since there are no significant impacts related to noise as a result of the project, no mitigation measures are required.					
V.11. POPULATION/HOUSING					
Since there are no significant impacts related to population/housing as a result of the project, no mitigation measures are required.					
V.12. PARKS and PUBLIC SERVICES					
Since there are no significant impacts related to parks and public services as a result of the project, no mitigation measures are required.					
V.13. TRANSPORTATION/TRAFFIC					
Since there are no significant impacts related to transportation/traffic as a result of the project, no mitigation measures are required.					
V.14. UTILITY SYSTEMS and INFRASTRUCTURE					
Since there are no significant impacts related to utility systems and infrastructure as a result of the project, no mitigation measures are required.					
V.15. ENERGY					
Since there are no significant impacts related to energy as a result of the project, no mitigation measures are required.					
V.16. VEHICLE MILES TRAVELED					
Since there are no significant impacts related to vehicle miles traveled as a result of the project, no mitigation measures are required.					
V.17. TRIBAL CULTURAL RESOURCES					
Since there are no significant impacts related to tribal cultural resources as a result of the project, no mitigation measures are required.					
V.18. WILDFIRE					
Since there are no significant impacts related to wildfire as a result of the project, no mitigation measures are required.					

MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

REGULATORY COMPLIANCE MEASURES

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 16, 2025

Regulatory Compliance Measure / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.4. BIOLOGICAL RESOURCES					
REGUATORY COMPLIANCE MEASURE BIO-1: A preconstruction survey for burrowing will be conducted within 30 days prior to initial ground disturbance. If burrowing owl is found on the site, the developer will consult with California Department of Fish and Wildlife (CDFW) and relocate the owls in accordance with CDFW burrowing owl relocation protocols, including the creation of artificial burrows.	City of Chino Director of Development Services, or designee.	Within 30 days prior to initial ground disturbance and during construction.	Evidence to the City a qualified biologist is retained, the required pre-construction survey has been completed, and, if necessary, appropriate consultation with the CDFW and relocation of owls in accordance with CDFW burrowing owl relocation protocols, including the creation of artificial burrows, has occurred.		Withhold grading permit and/or issuance of a stop work order.
REGUATORY COMPLIANCE MEASURE BIO-2: If tree removal is to be conducted during the nesting season (February through August), a preconstruction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests would not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial clearing of vegetation. The nesting bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriately sized non-disturbance	City of Chino Director of Development Services, or designee.	No more than three days prior to initial clearing of vegetation if tree removal is to be conducted during the nesting season (February through August).	Evidence to the City a qualified avian biologist is retained, the required pre-construction survey has been completed, and, if necessary, appropriate buffers have been implemented and enforced until the nest is deemed inactive by the qualified avian biologist.		Withhold grading permit and/or issuance of a stop work order.

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 16, 2025

Regulatory Compliance Measure / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
buffer between 100 and 300 feet (500 feet for raptors) around the nest, depending on bird species, behavior, and level of construction activity, using flagging or staking. Construction activities shall not occur within any non-disturbance buffer zones until the nest is deemed inactive by the qualified avian biologist.					

PUBLIC WORKS CONDITIONS OF APPROVAL
PROJECT NO. PL24-0097 (SCUP)/-0098 (SA)/-0120(SCUP)

DATE: July 1, 2025 PC MEETING DATE: July 16, 2025

PROJECT DESCRIPTION: Proposal for a new mixed use development of two buildings: a building with 158,548 sq ft of industrial warehouse uses and 3,520 sq ft of food and beverage use building. Existing structures, totaling 17,716 SF, are to be demolished. Four (4) lots will be merged into two (2) lots.

PROJECT LOCATION: 5849 Schaefer Avenue

APPLICANT: Gateway Terminal LLC PROJECT ENGINEER: Daniel Aguirre

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PRIOR TO THE THREE MAJOR DEVELOPMENT EVENTS, THE APPLICANT SHALL SATISFY AND FULFILL ALL CONDITIONS OUTLINED BELOW. FAILURE TO COMPLY WITH ANY CONDITIONS OF APPROVAL SHALL BE DEEMED JUST CAUSE FOR REVOCATION OF PROJECT APPROVAL BY THE PLANNING COMMISSION. HOWEVER, THE PUBLIC WORKS DIRECTOR SHALL HAVE THE AUTHORITY TO APPROVE MINOR DEVIATIONS IN THE CONDITIONS OF APPROVAL, AND ALL PLANS INCLUDING THE CONSTRUCTION DRAWINGS.

1.0 **PRIOR TO ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS:**

1.1. All required plans and studies shall be prepared by a Registered Professional Engineer and submitted to the Project Engineer for review and approval. All project plans must be approved by the City Engineer's office before a Building Permit will be issued. All maps, studies, calculation sheets, reports, etc. must be on and/or folded in an 11-inch by 8½-inch standard format.

1.2. Make the following dedications:

Street Name	Distance	Direction From C/L
Oaks Ave	33-ft total from CL to ROW (3-ft dedication)	West

1.2a Dedicate to the City of Chino, a corner cutoff dedication at the southwest corner of Schaefer Ave. and Oaks Ave., per the City's Municipal Code.

1.2b Prepare and record necessary drainage easements to implement the project in accordance with drainage law.

1.3. Apply for and record a Lot Merger (LM) prior to the issuance of building permits. Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the LM to conform the new legal description. Submit a copy of the recorded Conforming Deed to the Public Works Department.

1.4. Prepare and submit a drainage study, including supporting hydraulic and hydrological data to the project engineer for approval. The study shall confirm or recommend changes to the City's adopted Master Drainage Plan by identifying off-site and on-site storm water runoff impact resulting from build-out of permitted General Plan land uses. In addition, the study shall identify the project's contribution and shall provide locations and sizes of catchments and system connection points and all downstream drainage mitigation measures.

1.5. Prepare and submit a final grading plan showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements and other pertinent information in accordance with Appendix J of the California Building Code, latest edition.

1.6. Provide a certificate, from a Registered Civil Engineer, certifying that the finished grading has been completed in accordance with the City approved grading plan.

1.7. Submit a soils/geology report in accordance with Appendix J of the California Building Code, latest edition to the project engineer for review and approval.

1.8. Design per City Standards and construct full public improvements for all impacted and interior streets/facilities in accordance with City Code, Standards and Specifications. Such public improvements shall include, but not be limited to, the following [1]:

	Street Names			
	Schaefer Ave	Oaks Ave		
Curb & Gutter (Offset from Centerline)	36’	22’		
Sidewalk (Width)	5’ [2]	5’ [2]		
Asphalt Concrete Pavement on Aggregate Base (Width from Centerline)				
Asphalt Concrete Overlay [3]	X	X		
Street Lights [4]	X	X		
Median Island and Landscaping				
Parkway Landscaping [5]	X	X		
Striping and Traffic Controls [6]	X	X		
Traffic Signal Interconnect				
Conduit System for CATV				
Sewer [7]		X		
Storm Drain		X		
Domestic Water [8]	X	X		
Recycled Water				
Fire Hydrants as required by CVIFD [9]	X	X		
Driveways approaches [10]	X	X		

1. The public improvements listed above are required along the south side of Schaefer Avenue and the west side of Oaks Avenue as specified in our municipal code and per the City of Chino’s General Plan. All required street improvements should follow the new City standard for street trenching backfill and repair. Repair all damage to existing public improvements due to the proposed construction activities and as requested by the Public Works Inspector.
2. The sidewalk shall be extended along the project frontage on Schaefer Ave to the existing catch basin located near the northwesterly corner of the project site. ADA ramps shall be constructed at the southwest and southeast corners of Schaefer and Oaks to align with ADA standards.
3. Grind and overlay a minimum of 2 inches of the existing asphalt pavement along the project frontage in accordance with City of Chino standards. The limits of work shall extend to the street centerline along Oaks Avenue. The extent of asphalt pavement along Schaefer Avenue shall be determined based on the limits shown on the approved precise grading plan, including any areas impacted by new driveway installation, utility connections, or accessibility improvements.
4. Streetlights shall be installed per City of Chino standards and shall utilize an unmetered service pedestal.
5. The parkway maintenance shall be the responsibility of the property owner.
6. Extent of the signing & striping plan shall be dictated by the City Traffic Engineer.
7. Abandon unused sewer service(s) where applicable, per City standards.

8. Provide new water meters and services and abandon unused water meters and services where applicable, per City standards.
9. All existing fire hydrants that require relocation will need to be upgraded to the latest model per City of Chino standards.
10. All proposed driveway approaches shall be constructed per City Std. No. 250 with 5-ft sidewalks. Minimum width shall be 30-ft. Minimum radii per City and Chino Valley Independent Fire District (CVIFD) requirements.

1.9. All improvements shall comply with federal, state, and local accessibility regulations and standards.

a. The review or approval of plans and specifications by the City does not permit the violation of any section of the federal law, state law, building code, or local ordinance.

b. Where accessibility standards are contradictory, the provision that provides the most accessible (restrictive) condition shall apply.

c. Where the project's conditions of approval conflict with accessibility regulations and standards, the prevailing provision shall be determined by City's Accessibility Coordinator and City Engineer.

Pedestrian facilities (privately or publicly owned) that are open to the public shall comply with the City's Policy on Accessible Pedestrian Facilities, accessibility standards in the CBC, and ADA regulations at Part 36 of Title 28, which include the 2010 (ADA) Standards.

Accessibility of existing and proposed building improvements will be evaluated by the City's building department. Those comments and requests are in addition to those provided herein.

1.10. Design and install a monitoring manhole (per City Standard No. 530) on each domestic sewer lateral connection from any industrial building into the City's main sewer or into a private sewer main that is tributary to the City's main sewer. In addition, design and install a sampling Wye on a stubbed-out sewer lateral connection into the main sewer for each industrial building in this development.

1.11. Execute a Public Improvement Agreement and submit security in an amount acceptable to the City Engineer to guarantee construction of the public improvements listed in 1.8. All security must be accessible to the City at any time and in a form acceptable to the City Engineer, pursuant to Government Code, Section 66499.

1.12. Complete and file the petition for annexation of your project property to the City's Landscape and Street Lighting Maintenance District MD 2002-01.

1.13. Annex into the current services special tax community facilities district of the City (the "City Services CFD") through the submission of an application to the City's Finance Department along with the payment of $11,000.00 plus the per parcel fee, for the City's outside costs of the annexation process, or (II) form a new City community facilities district with a services special tax component commensurate with the City Services CFD, or (III) provide a lump sum payment to the City which, based on current interest rate conditions, is projected to finance in perpetuity the same services projected to be provided through annexation into the City Services CFD. Upon completion of the annexation, an annual special tax will be assessed on the property tax bill to each Assessor Parcel at an established rate set by the City Services CFD document entitled "Rate and Method of Apportionment" available for review in the CFD Annual Report located at:

https://www.cityofchino.org/222/Community-Facilities-District-Mello-Roos

This annual tax is used to fund Police, Fire and other municipal services provided to residents and businesses in the general City.

1.14. Obtain design and plan approval from appropriate utility companies for undergrounding all utility lines adjoining and interior to the project, including power lines of 34.5kV or less in accordance with City Code, Chapter 13.32.

1.15. Comply with all applicable requirements of the City Code.

1.16. The project must ensure that all pedestrian facilities (private or publicly owned) that are open to the public shall comply with accessibility standards in the City's Policy on Accessible Pedestrian Facilities, the current edition of the CBC in effect at the time of building permit issuance or, if no permit, the date construction commences, and Part 36 of Title 28 of the Americans with Disabilities Act (ADA) regulations, which include the 2010 ADA Standards. This includes the following structures and facilities:

a. Sidewalks and walks (public right of way sidewalk, walks within the development);
b. Curb ramps (should be directional with one curb ramp provided for each pedestrian crossing and shall comply with the City' Policy on Accessible Pedestrian Facilities);
c. Pedestrian crossings at driveways; and
d. Crosswalks (marked, unmarked, signalized)

1.17. Existing pedestrian facilities on the frontage of the development, open to the public within the development, shall be evaluated for accessibility. The street frontage includes all adjacent pedestrian facilities, created by, extended from, or connected to any required or provided sidewalks improvements. The frontage may include sidewalks, curb ramps, connecting crosswalks (marked and unmarked), and other associated pedestrian facilities (on-street parking space, etc.).

a. The following existing improvements shall be made compliant with accessibility regulations as a part of this project:
   i. sidewalks/walks
   ii. curb ramps near the southwest and southeast corners of Schaefer Ave and Oaks Ave
   iii. crosswalk pavement and associated pedestrian facilities (pedestrian push buttons, maneuvering space, clear space)
   iv. driveway approaches crossings
   v. parking space

b. Improvements that are non-compliant with the accessibility standards in effect at the time of construction or alteration, shall be brought up to current accessibility standards. This work shall be incorporated into the scope of this project and shall be completed prior to acceptance by the City.

c. Improvements that are compliant with the accessibility standards in effect at the time of construction, shall be documented on a separate construction plan with detailed specifications (running and cross slopes of all pedestrian walking surfaces, locations, dimensions and slopes of maneuvering spaces and landings, width of sidewalk, clear width and vertical clearance from obstructions). The accessibility of existing improvements will be verified by City inspection staff upon completion of the project. Discrepancies between documented existing conditions and existing conditions as measured by City staff shall be remediated and brought up to accessibility standards as part of the project.

1.18. Pay all applicable fees pursuant to City Code including, but not limited to, the Development Impact Fees (DIF) and Sewage Facilities Development Fee (SFDF). The actual amount of fees due to the City will be based on the fee schedule in place on the date that the fees are due, or the date that they are paid, whichever occurs last. The fee amount stated in this notice is subject to change based on (1) annual adjustments for inflation, pursuant to Chino Municipal Code Section 3.40.100

or 3.45.100, (2) revisions to the Chino Municipal Code, and (3) updates to the fee studies and nexus reports adopted by the City.

Developer is solely responsible for remaining informed about changes in the fee amounts. City shall have no obligation to inform Developer of changes in the fee amounts unless Developer requests notice of such changes, pursuant to Government Code Section 66019(b) and Chino Municipal Code Section 3.40.080(B) or 3.45.080(B).

1.19. All projects developing one (1) acre or more of total land area, or which are part of a larger phased development that will disturb one acre of land, are required to obtain coverage under the State Water Resources Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required. A copy of the Waste Discharger's Identification Number (WDID), issued by the SWRCB, must be submitted to the Project Engineer prior to issuance of grading permits. More detailed information regarding this General Permit, applicable fee information and the necessary forms to complete the NOI are available by calling (916) 341-5537 or on the SWRCB web site at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

1.20. Pursuant to Santa Ana Regional Water Quality Control Board Order Number R8-2010-0036, NPDES Permit No. CAS618036, prepare a project-specific Water Quality Management Plan (WQMP) and submit to the project engineer for review and approval. To address NPDES Permit requirements to the maximum extent practicable, the project shall be designed to specify preferential use of Low Impact Development Best Management Practices that reduce pollutants and runoff volume through structural measures (e.g., infiltration, harvesting, and bio-treatment) and non-structural measures (e.g., preserving natural areas, clustering development, and reducing impervious areas). The WQMP shall conform to the requirements of the San Bernardino County Stormwater Program, 2013 WQMP Technical Guidance Document and include the Trash Order Implementation Plan requirements.

1.21. Any future maintenance and repair of sewer laterals, except for the portion of lateral located within the public right-of-way or public easement, and domestic water or fire service laterals to the project site shall be the sole responsibility of the applicant/property owner in accordance with City Code, Chapter 13.04.175 and 13.12.150.

1.22. City staff shall determine the type of water (potable or recycled) to be used for grading operations, dust control activities, and common area/public landscape irrigation at the time of permit issuance.

1.23. All public street corners shall have a minimum curb radii per City Code, Chapter 19.06 and City Standards and Specifications.

1.24. Provide adequate sight distance per City Standard No. 865 for each project driveway and at all intersections. Landscaping type and height shall be maintained to ensure sight distance requirements are perpetuated.

1.25. Comply with all requirements of the Traffic Impact Analysis (TIA) dated May 21, 2025 including participation in fair share contributions (if applicable) and construction of required improvements.

1.26. If the design of the proposed curb ramps requires modifications to the existing traffic signal at the intersection of Schaefer Avenue and Oaks Avenue, the developer shall be responsible for implementing those modifications. During construction, the developer shall be responsible for any damages attributed to the construction of related public improvements and shall coordinate with the Transportation Division and the City's designated traffic signal maintenance company for technical support of the traffic signal during construction until such time as the improvements are accepted by the City to the satisfaction of the City Engineer.

1.27. Submit to the City electronic files, in Adobe Acrobat PDF format, of all submittals, including reports, studies, improvement plans and City redlines of previous submittals. Include AutoCAD and Esri GIS shape files as an e-transmitted zip file of all approved improvement plans.

1.28. The Developer may coordinate with the City to identify any eligible development impact fee (DIF) credits in accordance with the Chino Municipal Code. If any credits are identified, the Developer shall enter into a mutually agreed-upon DIF credit agreement with the City, which shall be subject to City Council approval.

2.0 PRIOR TO REQUEST FOR AND RELEASE OF OCCUPANCY PERMITS/ACCEPTANCE OF PUBLIC IMPROVEMENTS:

2.1. Construct and secure Public Works Department approval of all public facilities enumerated under Section 1.0 above (per Resolution No. 88-23).

2.2. Underground all utility lines adjoining and interior to the project, including power lines of 34.5kV or less in accordance with City Code, Chapter 13.32

2.3. Distribute for signature of all buyers, the information and disclosure notice announcing that the development will be annexed to the City's Landscape and Street Lighting Maintenance Assessment District before transfer of property title and completion and acceptance of all public improvements.

2.4. The applicant's Civil Engineer shall field verify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP. BMPs shall also be inspected by Public Works Environmental staff. Coordinate inspection with staff and submit a completed City of Chino BMP field verification form for review and approval.

2.5. Provide and record a reciprocal use and maintenance agreement to assure common ingress and egress and joint maintenance of all common access, parking areas and drives.

2.6. Pay all remaining applicable fees pursuant to City Code.

2.7. Rehabilitate all street pavement impacted by utility trench repairs as directed by City staff. Install signing and striping per approved plans.

2.8. Submit to the City, electronic files of Tract/Parcel Map and "as-built" improvement plans in AUTOCAD, Esri GIS shape and Adobe Acrobat PDF formats. AUTOCAD files shall be submitted as an etransmitted zip file of the CAD drawings with all base files attached. Scanned resolution of PDF shall be a minimum of 360 dpi.

3.0 PRIOR TO FINAL ACCEPTANCE/PROJECT CLOSEOUT:

3.1 Complete all Conditions of Approval listed under Sections 1-3 above.

3.2 Submit to the City, electronic files of "as-built" improvement plans in AUTOCAD, Esri GIS shape and Adobe Acrobat PDF formats. AUTOCAD files shall be submitted as an etransmitted zip file of the CAD drawings with all base files attached. Scanned resolution of PDF shall be a minimum of 360 dpi.

Attachment

CITY OF CHINO
PUBLIC WORKS DEPARTMENT
DEVELOPMENT ENGINEERING DIVISION

PROJECT NO. PL24-0097(SCUP)/-0098 (SA)/-0120 (SCUP)

PROJECT ENGINEER: Daniel Aguirre
DATE: 7/1/2025

A COPY OF THIS CHECK LIST MUST BE PROVIDED ALONG WITH A COMPLETED PLAN CHECK REVIEW APPLICATION TO THE ENGINEERING TECHNICIAN WHEN MAKING AN APPOINTMENT FOR FIRST PLAN CHECK SUBMITTAL

- ☒ Copy of Development Engineering Division Conditions of Approval
- ☒ Plan Check Fee Calculation Form
- ☐ Maps (Subdivision Only)
- ☒ Preliminary Title Report (no older than six months) (Subdivision Only)
- ☐ Closure Calculations (Subdivision Only)
- ☐ Referenced Maps (Subdivision Only)
- ☒ Preliminary Soils Report (no older than sixty days)
- ☐ Lot line adjustment certificate
- ☒ Lot merger
- ☒ Right-of-way dedication
- ☐ Rough Grading Plans
- ☒ Precise Grading Plans
- ☐ Storm Drain Plans
- ☒ Hydrology and Hydraulic Calculations with Backup Data (Signed and Sealed by a Registered Civil Engineer)
- ☒ Engineering Cost Estimate (On City Forms) with Engineer's Wet Signature and Stamp
- ☐ Street Improvements Plans
- ☐ Cross-Sections (if street plans are required) at 50' intervals and extended a minimum of 100' beyond limits of improvements
- ☒ Sewer Plans (Delta revisions for proposed connections)
- ☒ Domestic Water Plans (Delta revisions for proposed connections)
- ☐ Recycled Water Plans
- ☒ Street Light Plans
- ☒ Voltage Drop Calculations (Signed and Sealed by a Registered Engineer)
- ☒ Signing and Striping Plans
- ☐ Traffic Signal Interconnect Plans
- ☒ Traffic Signal Plans (dependent on curb ramp design)
- ☒ Water Quality Management Plan
- ☐ Construction Management Plan

Chino Valley Fire District

14011 City Center Drive
Chino Hills, CA 91709
(909) 902-5260 Administration
(909) 902-5250 Fax
Chinovalleyfire.org

Board of Directors

Sarah-Ramos Evinger
President
Mike Kreeger
Vice President
Tom Haughey
Harvey Luth
Andrew Romaine

Fire Chief
Dave Williams

June 25, 2025

2024-00002066

GATEWAY TERMINAL LLC 13925 CITY CENTER DR STE 200 CHINO HILLS, CA - California 91709	Project Name: GATEWAY TERMINAL, PL24-0097(SCUP), PL24-0098 (SA), PL24-0120 Project Address: 5835 & 5885 Schaefer Ave. Chino, CA. 91710

It is a recommendation of the Fire District that the developer of every new construction project facilitate a preconstruction meeting. The meeting is to be scheduled with the Fire District Inspector for said project.

The following are the conditions of the above referenced permit/project. All conditions shall be adhered to, failure to comply with said conditions may result in the revocation of said permit and/or punitive fines as outlined in the Fire District fee schedule.

We look forward to a cooperative working relationship throughout the project. Should you have any questions regarding the project, including the conditions as set forth herein, please feel free to contact our office at (909) 902-5280.

Fire Protection Requirements

1.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO RECORDATION:

1.1 Fire access roads shall be designed and plans submitted to the Fire District for approval. Fire access roads shall be constructed of an all-weather hard surface, such as, asphalt or concrete, and be a minimum unobstructed width of 26 feet and minimum clear height of 13'6". The road grade shall not exceed twelve percent (12%) maximum. An approved turn around shall be provided at the end of each roadway in excess of 150 feet in length. Aerial access shall be provided for any buildings 30' ft. and higher per 2019 CFC. Appendix D. A 26' ft. wide access road shall be a minimum of 15' ft. to the building and a maximum of 30' ft. from the building. Access roads shall comply with Fire District Standard No. 111.

1.2 The development and each phase shall have two (2) points of vehicular access during construction. Fire District Standard No. 111 shall be complied with.

1.3 Water systems shall be designed to meet the required fire flow of this development and be approved by the Community Risk Reduction Division. Buildings in excess of 100,000 square feet shall have a minimum of two (2) connections to a public main. The developer shall furnish the Community Risk Reduction Division with three (3) copies of the water system working plans done by the installing contractor for approval, along with the Fire Flow Availability Form completed by the water purveyor prior to recordation. The required fire flow shall be determined by using the California Fire Code, current adopted edition. For all private systems, the water systems shall comply with Fire District Standard Nos. 101, 102, and 103. In areas without water-serving utilities, fire protection water systems shall be based on NFPA Pamphlet 1231. For water connections and work conducted in the public right of way, please refer to separate plans reviewed and approved by the water purveyor.

1.4 Fire hydrants shall be six-inch (6") diameter with a minimum one four-inch (4") and one two and one-half inch (2-1/2") connections. All fire hydrants shall be spaced a maximum of three hundred feet (300') apart. Private water systems shall comply with Fire District Standard Nos. 101, 102, and 114. All hydrants shall be installed with pavement markers to identify their locations.

1.5 Access drives which cross property lines shall be provided with CC & R's, access easements or reciprocating agreements and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

1.6 Underground fire mains which cross property lines shall be provided with CC & R's, easements, or reciprocating agreements addressing the use and maintenance of the mains and hydrants and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

2.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMIT:

2.1 Fire access roads shall be constructed and approved by the Community Risk Reduction Division prior to combustibles being brought onto the site.

2.2 Approved street signs shall be installed prior to issuance of building permits, as well as a job site address.

2.3 Fire Protection water systems shall be tested, operational, and approved by the Community Risk Reduction Division prior to combustible materials being brought to the site.

2.4 All flammable vegetation shall be removed from each building site for a minimum distance of thirty feet (30') from any flammable building material including all structures.

2.5 A detailed site plan of the development is required to be submitted in electronic (pdf.) format. The plan must show and be limited to: locations of property lines, buildings, and equipment and hazards for emergency response purposes. Please refer to Fire District Standard No. 143. Additional or revised files may be required during construction and/or prior to final signoff.

2.6 The Developer shall submit, as an electronic file, a drawing of the new streets in pdf format to the Fire District with the building construction plans. Format must contain and be restricted to the following layers: A. Right of way; B. Parcel Lines; C. Street Names; D. Address numbers; E. Fire Hydrants. Additional or revised files may be required during construction and/or prior to final signoff.

3.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO OCCUPANCY:

3.1 An automatic protection fire sprinkler system is required for all buildings 5,000 sq. ft or greater. and/or when used for allowable area increase, if applicable. This system shall comply with NFPA Standard No. 13 and Fire District Standard No. 110. An electronic/PDF set of detailed plans along with hydraulic calculations and material specifications shall be submitted to the Community Risk Reduction Division. The system shall be installed, tested and approved prior to system final. Fire sprinkler systems shall be installed by a licensed C-16 contractor and the contractor is required to submit a report to The Compliance Engine (TCE).

3.2 An automatic fire alarm system is required. An electronic/PDF set of detailed plans shall be submitted showing the design, system components, signaling devices, fire alarm power supply, control panel and auxiliary devices and functions of the alarm system. Please refer to Fire District Standard No. 133 and current adopted editions of the California Building Code, as well as NFPA Standard 72. The contractor is required to submit a report to The Compliance Engine (TCE).

3.3 Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings, if ERRC evaluation determines the need for installation of system. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. System shall comply with current adopted edition of the California Fire Code, NFPA 70, 72 & 1221 and the contractor is required to submit a report to The Compliance Engine (TCE).

3.4 An automatic fixed fire extinguishing system may be required. An electronic/PDF set of detailed plans shall be submitted to the Community Risk Reduction Division for approval. System shall comply with current adopted edition of the California Fire Code, NFPA Standard 17-A, and UL 300. Please refer to Fire District Standard No. 112. The contractor is required to submit a report to The Compliance Engine (TCE).

3.5 Insulated liquid carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide used in beverage dispensing applications shall comply with CFC, Section 5307.3.1., and shall be provided with mechanical ventilation or a gas detection system. The contractor is required to submit a report to The Compliance Engine (TCE).

3.6 A maximum occupant load sign shall be posted in a conspicuous location neat the main entrance/exit of the room, if occupant load is greater than 49 people. Such sign shall be legible.

3.7 Hand-held portable fire extinguishers are required to be installed. The location, type and cabinet design shall be approved by the Community Risk Reduction Division.

3.8 Exits, doors, signs and approved path marking shall be installed in accordance with the current adopted edition of the California Building Code, Section 1007

3.9 "No Parking - Fire Lane" signs shall be installed in interior access drives at locations designated by the Community Risk Reduction Division. Curbs shall be painted red at locations designated by the Community Risk Reduction Division. Please refer to Fire District Standard No. 121.

3.10 An approved recessed Fire Department "KNOX" brand key box is required. The key box shall be located at or near the main entrance(s), and shall be provided with a tamper switch and shall be monitored by an approved central station monitoring service. Please refer to Fire District Standard No. 117.

3.11 An approved Knox key switch and/or Knox lock is required on each automatic electric or manual gate that crosses an EVA. All automatic gates shall be provided with a manual override. Fire District Standard No. 116 & 117 shall be complied with.

3.12 Commercial, industrial, and multi-family building addresses shall be posted with a minimum eight inch (8") numbers, visible from the street and during the hours of darkness they shall be internally or externally electrically illuminated. Posted numbers shall contrast with the background used and be legible from the street.

Where building set back exceeds 100 feet from the roadway, additional non-illuminated six inch (6") numbers shall be displayed at the property access entrance. These numbers shall also contrast with the background used. Fire District Standard No. 122 must be complied with.

3.13 An electronic/PDF set of plans shall be submitted separately for each of the following listed items to the Fire District for review, approval and permit prior to any installation or work being done. Approved plans must be maintained at the worksite during construction. Fees are due at the time of submittal.

a) Building Construction, includes tenant improvement work
b) Private (onsite) Underground Fire Protection Water Systems, if applicable
c) Fire Sprinkler Systems, designed by C16 contractor or registered engineer
d) Fire Alarm Systems or Sprinkler Monitoring Systems designed by a C7, C10 contractor or registered engineer.
e) Knox box and/or security gate locations.
f) Gas detection systems
g) Emergency Responder Radio Coverage Systems

Applicable Standards:

101, 102, 103, 110, 111, 114, 117, 121, 122, 133, 141, 143

CVFD Standards available online at http://www.chinovalleyfire.org

EXHIBIT C

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

www.cityofchino.org

CITY *of* CHINO

Appeal Application

Appeal Process

The applicant or any interested aggrieved person may appeal the determination of the Development Services 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 Development Services 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)
Phone Number: 510-836-4200

Mailing Address: 1939 Harrison Street, Suite 150 Oakland, CA 94612

Email Address: victoria@lozeaudrury.com
Fax Number:

Contact Name: Victoria Yundt
Phone Number: 510-836-4200

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): PL24-0097, PL24-0098, PL24-0120

Project address or location: Located at the southwest corner of Schaefer Avenue and Oaks Avenue (APNs: 1021-052-04, -06, -09 and -11)

Specific action or decision which is being appealed:
The Planning Commission's July 16, 2025 decisions to (1) adopt Resolution No. PC2025-012, approving the Chino Gateway Terminal Project including PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit); and (2) adopt an Addendum to the City of Chino General Plan Environmental Impact Report (SCH No. 2008091064), certified in 2010, for the Project.

Specific grounds for the appeal, and the relief requested is as follows:
The grounds for this appeal are set forth in the attached letter, dated July 15, 2025. SAFER requests that the City Council withdraw the Planning Commission's approval of the Project and Addendum and direct staff to prepare an initial study for the Project, followed by a project-specific EIR or negative declaration as required by CEQA.

Staff Use Only

File No.	*Date Received*	*Filing Fee*	*Received By*
PL24-0097 (SCUP), PL24-0098 (SA), PL24-0120 (SCUP)	7/23/25	☐ *Resident* ☒ *Non-Resident*	Kim Le
Related Files	*Time Received*	*Receipt No.*	*Supervisor Authorization*
	2 PM	76860	

Rev. 04/16/2020

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: Victoria Yundt Date: 7/23/2025

Print Name: Victoria Yundt

Relationship to Subject Appeal:

- ☐ Property Owner
- ☐ Business Owner
- ☐ Resident
- ☐ Other: _____

LOZEAU DRURY LLP
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July 15, 2025

VIA EMAIL

Jimmy Alexandris, Chairperson
Lissa Fraga, Vice Chairperson
Brandon Blanchard, Commissioner
Kevin Cisneroz, Commissioner
Steve Lewis, Commissioner
Vincent Lopez, Commissioner
Lawrence Vierira, Commissioner
Planning Commission
City of Chino
P.O. Box 667
Chino, CA 91708-0667
Planning@cityofchino.org

Kim Le, Senior Planner
Development Services Department
City of Chino
13220 Central Avenue
Chino, CA 91710
kle@cityofchino.org

Re: Comment on Addendum to the City of Chino General Plan EIR (SCH 2008091064) for the Chino Gateway Terminal Project July 15, 2025 Planning Commission Agenda Item 4

Dear Chair Alexandris, Vice Chair Fraga, Honorable Planning Commissioners and Ms. Le:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Chino Gateway Terminal Project (PL24-0097, PL24-0098, PL24-0120), which proposes demolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet) and the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino, on Accessor's Parcel Numbers 1021-052-04, 1021-052-06, 1021-052-09, and 1021-052-11 ("Project"), to be heard as Agenda Item 4 at the Planning Commission's July 15, 2025 meeting.

SAFER objects to the City's reliance on an Addendum to the City of Chino General Plan Environmental Impact Report (SCH No. 2008091064), certified in 2010 ("GPEIR"), for the Project. Under the California Environmental Quality Act ("CEQA"), an addendum is not appropriate because the Project is not within the scope of the prior program EIR and there is new information available since certification of the 2010 GPEIR indicating new significant impacts and/or the availability of new mitigation measures. Therefore, SAFER requests that the Planning Commission refrain from taking any action on the Project at this time and,

instead, direct staff to prepare an initial study for the Project, followed by a project-specific EIR or negative declaration as required by CEQA.

Sincerely,

Rebecca Davis
LOZEAU | DRURY LLP

LOZEAU DRURY LLP
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September 16, 2025

VIA EMAIL

Eunice M. Ulloa, Mayor
Curtis Burton, Mayor Pro Tem
Karen Comstock, Councilmember
Christopher Flores, Councilmember
Marc Lucio, Councilmember
Walt Pocock, Councilmember
Natalie Gonzaga, City Clerk
City of Chino
13220 Central Avenue
Chino, CA 91710
CityClerk@cityofchino.org

Kim Le, Senior Planner
Development Services Department
City of Chino
13220 Central Avenue
Chino, CA 91710
kle@cityofchino.org

Re: Comment on Addendum to the City of Chino General Plan EIR for the Chino Gateway Terminal Project, September 16, 2025 City Council Agenda Item 17

Dear Mayor Ulloa and Honorable City Councilmembers:

This comment is submitted on behalf of Appellant Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Chino Gateway Terminal Project, which proposes the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino ("Project"), to be heard on appeal as Agenda Item 17 at the City Council's September 16, 2025 meeting.

SAFER objects to the City's reliance on an Addendum to the City of Chino General Plan Environmental Impact Report, certified in 2010 ("General Plan EIR"), for the Project. Under the California Environmental Quality Act ("CEQA"), an addendum is not appropriate because there is new information available since certification of the General Plan EIR indicating new significant impacts and the availability of new mitigation measures.

SAFER submits the following comment and related exhibits to inform the City Council of the new, significant impacts that the Project will have on individuals living and working in the City of Chino, which were not addressed or mitigated in the 2010 General Plan EIR or Addendum. Specifically, the comment and related exhibits address the Project's potentially significant biological resources, air quality, health, and noise impacts. As evidenced by the expert comments submitted by expert wildlife ecologist Dr. Shawn

Smallwood, Ph.D., air quality expert Dr. James Clark, Ph.D., and noise expert Ani Toncheva of Wilson Ihrig, CEQA requires that an updated, new initial study and a subsequent EIR, or, at the very least, an MND be prepared for the Project prior to approval. Dr. Smallwood, Dr. Clark, and Ms. Toncheva's written comments and CVs are attached as Exhibits A, B, and C, respectively.

Therefore, SAFER requests that the City Council not approve this Project or the Addendum, and instead refer it back to staff to address these shortcomings in an initial study and subsequent mitigated negative declaration or environmental impact report.

PROJECT DESCRIPTION

The Project proposes demolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet) and the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino. The Project site is partially undeveloped.

The Project is anticipated to generate up to 72 employees (18 restaurant employees and 54 warehouse employees). The hours of operation for the proposed facilities include 8:00 a.m. to 10:00 p.m., 7 days per week for the restaurant tenants and 24 hours per day, and 7 days per week for the industrial tenants.

LEGAL STANDARD

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever there is substantial evidence in the whole record before the agency that supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code § 21082.2 ("PRC"); *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) [*"Laurel Heights II"*] 6 Cal.4th 1112, 1123; *No Oil, Inc.*, 13 Cal.3d at 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

Preparation of an Addendum Under CEQA

The City prepared the Addendum to the previously certified 2010 General Plan EIR. Pursuant to the CEQA Guidelines, an addendum to a previous EIR is proper only where "some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." (14 CCR § 15164(a).) Looking to Guidelines Section 15162, **an addendum is not appropriate when**:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(14 CCR § 15162.)

Tiering Under CEQA

CEQA permits agencies to "tier" CEQA documents, in which general matters and environmental effects are considered in a document "prepared for a policy, plan, program or ordinance followed by narrower or site-specific [environmental review] which incorporate by reference the discussion in any prior [environmental review] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR]." (Pub. Res. Code ["PRC"] § 21068.5.) "[T]iering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous [environmental reviews]." (*Id.* § 21093.) CEQA regulations strongly promote tiering of environmental review.

"Later activities in the program must be examined in light of the program [document] to determine whether an additional environmental document must be prepared." (14 CCR § 15168(c).) The first consideration is whether the activity proposed is covered by the program. (*Id.* § 15168(c)(2).) If a later project is outside the scope of the program, then it is treated as a separate project and the previous environmental review may not be relied upon in further review. (See, *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-21.) The

second consideration is whether the "later activity would have effects that were not examined in the program." (14 CCR § 15168(c)(1).) A program environmental review may only serve "to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project . . . ." (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the program environmental review does not evaluate the environmental impacts of the project, a tiered CEQA document must be completed before the project is approved. (*Id.* at 1184.)

For these inquiries, the "fair argument test" applies. (*Sierra Club*, 6 Cal.App.4th at 1318; *see also Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164 ["when a prior EIR has been prepared and certified for a program or plan, the question for a court reviewing an agency's decision not to use a tiered EIR for a later project 'is one of law, i.e., 'the sufficiency of the evidence to support a fair argument.'"] [quoting *Sierra Club*, 6 Cal.App.4th at 1318].) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact." (*Sierra Club*, 6 Cal.App.4th at 1316 [quotations and citations omitted].) When applying the fair argument test, "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Id.* at 1318.) "[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Id.* at 1319.)

DISCUSSION

I. UNDER CEQA'S TIERING PROVISIONS, AN EIR, NOT AN ADDENDUM, MUST BE PREPARED FOR THE PROPOSED PROJECT.

A. A Project-Level MND or EIR is Required Because the Project may Result in Significant Environmental Impacts not Previously Analyzed in the 2010 General Plan EIR.

A lead agency may tier EIRs where multiple individual projects or phased projects are to be undertaken, and the individual projects are linked geographically, temporally, or in an otherwise logical manner. (14 CCR §§ 15165, 15168.) Here, the 2010 General Plan EIR is a program EIR subject to CEQA Guidelines section 15168. Under section 15168, "***[i]f a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration***." (14 CCR § 15168(c)(1) [emphasis added].) Importantly, in reviewing an agency's decision whether to prepare a tiered EIR, the "fair argument" test applies. (*Sierra Club v. Cnty. of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact." (*Id.* at 1316; see also, *Friends of Coll. of San*

Mateo Gardens v. San Mateo Cnty. Comm. College Dist. (2016) 1 Cal.5th 937, 960.) A program EIR may only serve for subsequent actions "to the extent that it ***contemplates and adequately analyzes*** the potential environmental impacts of the project . . . ." (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [emphasis added] [citations omitted].)

Here, there is substantial evidence of a fair argument that the Project will result in significant biological resources impacts to special-status species and their habitats, (Smallwood Comments, pp. 2-29, 30-34), and significant air quality, health risk, and noise impacts to construction workers and nearby residences of the Project, (Clark Comments, pp. 6-17; Wilson Ihrig Comments, pp. 3-8), which were not analyzed in the 2010 General Plan EIR.

1. There is substantial evidence supporting a fair argument that the Project will result in a significant impact to special-status species.

There is substantial evidence of a fair argument that the Project will have a significant impact on special-status species not analyzed in the General Plan EIR. Dr. Smallwood's associate, Noriko Smallwood, performed a 3-hour site visit during the day and a 2-hour nocturnal survey of the site on July 24, 2025. (Smallwood, p. 2.) During these surveys, Noriko detected 30 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status. (Smallwood, p. 3.) These special-status species included the Monarch butterfly, Allen's hummingbird, Cooper's hawk, red-tailed hawk, Great horned owl, American kestrel, Western yellow bat, and Silver-haired bat, which are listed as a candidate for listing under the federal Endangered Species Act, protected Birds of Prey (California Fish and Game Code 3503.5), California Species of Special Concern, Taxa to Watch List, U.S. Fish and Wildlife Service Bird of Conservation Concern,[1] and Western Bat Working Group priority bats. (Smallwood, pp. 2-12.) As discussed below, Dr. Smallwood found that the Project's construction and operation could result in significant impacts to these special-status species due to habitat loss and fragmentation and the increase in road mortalities. (See, Smallwood, pp. 28-29, 32-33.) Dr. Smallwood found that the current mitigation measures intended to reduce impacts to special-status species in the General Plan EIR are deficient, and recommends several other mitigation measures. (See, Smallwood, pp. 34-37.)

The Addendum fails to disclose, analyze, or mitigate significant impacts to special-status species, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

2. There is substantial evidence supporting a fair argument that the Project will result in a significant impact to wildlife from habitat loss and road mortality.

[1] *See* https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern- 2021.pdf.

i. Habitat loss and fragmentation.

Neither the 2010 General Plan EIR nor the Addendum analyzed the significant habitat loss and fragmentation that will occur as a result of the Project. Neither General Plan EIR nor the Addendum estimate the numerical or productive capacities of the site for nesting birds as a result of habitat loss and habitat fragmentation. (Smallwood, p. 28.) The Project's destruction of 7.35 acres of habitat will have a corresponding impact on breeding capacity for species utilizing the site for nesting. Dr. Smallwood calculated that as a result of this habitat loss, the Project could result in "[t]he loss of 124 birds per year" which "would be a loss of significant habitat value that is currently provided by the project site," and "[m]ost if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds." (Smallwood, p. 29.) The loss of that many birds would easily qualify as an unmitigated significant impact. (*Id.*, p. 29.) Dr. Smallwood found that the current mitigation measures intended to reduce impacts to biological resources in the General Plan EIR are deficient, and recommends several other mitigation measures to reduce the effects of habitat loss. (See, Smallwood, pp. 34-37.)

The Addendum fails to disclose, analyze, or mitigate significant impacts to birds from habitat loss and fragmentation, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

ii. Road mortality.

Neither the 2010 General Plan EIR nor the Addendum address impacts to wildlife from collisions with traffic generated by the Project. According to the Addendum, the Project would result in 1,013,614 vehicle miles traveled annually. (Smallwood, p. 32.) Dr. Smallwood estimates that collisions with vehicles as a result of the Project would kill 203 animals annually. (*Id.*, pp. 32-33.) Especially due to the special-status species likely to occur at or near the Project, these collisions represent a significant impact to wildlife that has not been addressed, discussed, or mitigated in the Addendum or General Plan EIR. Dr. Smallwood's calculations constitute substantial evidence of a fair argument that an EIR is necessary to address and mitigate this impact. Dr. Smallwood found that the current mitigation measures intended to reduce impacts to biological resources in the General Plan EIR are deficient, and recommends several other mitigation measures to reduce the effects of road mortality. (See, Smallwood, pp. 34-37.)

The Addendum fails to disclose, analyze, or mitigate this significant impact to wildlife from an increase in traffic collision-related mortalities, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

3. There is substantial evidence supporting a fair argument that the Project will result in a significant cumulative air quality and health risk impact as a result of nearby warehouse projects and existing degraded air quality conditions.

In the 2010 General Plan EIR, the City found that the impact of the General Plan on air quality would be cumulatively significant and unavoidable because "[t]he proposed General Plan would increase the region's VMT and air emissions beyond what was assumed in the 2007 SCAQMP. Consequently, the proposed General Plan would conflict with the adopted air plan, and would result in cumulative air quality impacts in the [South Coast Air Basin]." (Findings of Fact and Statement of Overriding Considerations for the Envision Chino - General Plan 2025 City of Chino (Apr. 19, 2010), p. 12.) Hence, the Project would likewise contribute to a significant cumulative air quality impact, which was not analyzed in the 2010 General Plan EIR. Therefore, an EIR should be prepared to disclose and mitigate those impacts.

Additionally, air quality expert Dr. James Clark, Ph.D., reviewed the Project and found that the Addendum's cumulative impact analysis failed to adequately analyze the significant impacts from nearby warehouse projects. (Clark, pp. 6-7.) Dr. Clark's expert comments and curriculum vitae are attached hereto as Exhibit B. Dr. Clark explains that the Project is located within the South Coast Air Quality Management District (SCAQMD), an area that is already in non-attainment for particles with a diameter of 10 micrometers or smaller ("PM10"), particles with a diameter of 2.5 micrometers or smaller ("PM2.5"), and ozone. (*Id.*, p. 6.)

The Addendum fails to acknowledge the existing poor air quality and pollution burden in analyzing the Project's cumulative impacts on air quality and human health. Instead, the Addendum concludes that the Project "would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard." (Addendum, p. 2-49.) As Dr. Clark explains, the Addendum ignores the sheer scale of nearby industrial development. (Clark, pp. 6-7.) For example, within 5 kilometers of the Project site, there are 167 existing warehouse projects totaling 25,011,300 square feet and 9 vacant warehouses covering 1,288,700 square feet. (*Id.*, p. 6.) According to Dr. Clark, these existing projects "generate 17,000 daily truck trips, producing 23.5 pounds (lbs) of diesel particulate matter (DPM) and 2,649 lbs of oxides of nitrogen (NOx) per day." (*Id.*, p. 7.) Dr. Clark concluded that this "cumulative analysis demonstrates that the Project will exacerbate regional issues with ozone and particulate matter, introducing additional toxic air contaminants (TACs) to an already impacted area." (*Id.*)

In addition, the Project site is located in an area with existing degraded air quality conditions due to warehouse-related pollution. (Clark, pp. 7-9.) The Project site is located in an area that ranks in the top 11% statewide for exposure to overall pollution, the top 7% for exposure to PM2.5, and the top 12% for exposure to DPM in the South Coast Air Basin. (*Id.*,

pp. 7-8.) According to Dr. Clark, the Project site "has a cumulative cancer risk of 607 in 1 million placing it in the top 12% of communities in the South Coast Air Basin (SCAB) impacted by TACs." (*Id.*, p. 9.) Therefore, Dr. Clark concludes that "[i]ncreasing the number of sources of ozone precursors within the community via the construction of the Project will exacerbate pollution levels, resulting in a substantially greater health burden on the community which the Addendum to the EIR fails to disclose." (*Id.*)

As a result, there is substantial evidence of a fair argument that the Project will have a significant cumulative air quality impact as well as a significant health risk impact on nearby residences as a result of the site's close proximity to other warehouse projects in the area that emit high levels of TAC emissions. An EIR should be prepared to disclose and mitigate those impacts.

4. There is substantial evidence supporting a fair argument that the Project will result in a significant health risk impact to construction workers and nearby residences from exposure to Valley Fever.

Dr. Clark's comments are substantial evidence of a fair argument that the project will have a significant health risk impact on construction workers and nearby residents from Valley Fever that was not analyzed in the 2010 General Plan EIR or Addendum. (Clark, pp. 9-16.) According to Dr. Clark:

> Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated, impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints. (Clark, pp. 13-14.)

The Project proposes approximately 35 acres of soil disturbance during its site preparation and grading phases, which will release large quantities of dust. (Clark, p. 10.) Dr. Clark explains that dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidioides immitis (cocci)* exposure). (*Id.*) When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and nearby sensitive receptors. (*Id.*, pp. 10-11.) Exposure to Valley Fever from the Project's construction activities is a new significant health risk impact that the Addendum and General Plan EIR failed to disclose, analyze, or mitigate. (*Id.*, pp. 10-14.)

Additionally, the Addendum's reliance on Rule 403 standard dust control measures to reduce nuisance dust are not designed to prevent the release and transport of infectious spores. (Clark, p. 14.) Dr. Clark explains that "the risk that nearby residences would be exposed to Valley Fever disturbed during Project construction is substantial," and that "risk would not be mitigated by Rule 403 standard dust control measures...because the measures do not consider the drift of spores from a Project Site to the adjacent residential structures." (*Id.*) Dr. Clark's comments provide several available, effective, and feasible mitigation measures to safeguard both onsite workers and surrounding communities. (*Id.*, pp. 14-16.)

As a result, there is substantial evidence of a fair argument that the Project will have significant health risk impacts on construction workers and nearby residences from exposure to Valley Fever. An EIR should be prepared to disclose and mitigate those impacts.

5. There is substantial evidence supporting a fair argument that the Project will result in a significant noise impact.

Noise expert Ani Toncheva of Wilson Ihrig found that the Project could result in new significant construction and operational noise impacts that were not analyzed in General Plan EIR or Addendum. Wilson Ihrig's comments and CVs are attached as Exhibit C.

i. Construction noise.

There is substantial evidence of a fair argument that the Project will have a significant construction noise impact that was not analyzed in the 2010 General Plan EIR. Wilson Ihrig found that the City fails to disclose potentially significant construction noise impacts. (Wilson Ihrig, pp. 3-4.) The Addendum reports construction noise levels up to 70 dBA, even though the City of Chino General Plan and Municipal Code limit construction noise to 65 dBA. (Addendum, p. 2-83; General Plan, p. N-10; Wilson Ihrig, p. 3.) The analysis evaluates noise at a distance of 400 feet from the middle of the Project site, rather than from the nearest homes, which are only 90 feet away. (Wilson Ihrig, p. 3.) Using the construction equipment lists in the air quality analysis and applying the Federal Highway Administration's Roadway Construction Noise Model, Wilson Ihrig estimates that construction noise levels from demolition and grading at nearby residences are as high as 81 dBA, which is 11 dB higher than the Addendum's estimate, well above the General Plan's 65 dBA limit, and 8 to 13 dB above existing ambient noise levels. (*Id.*, pp. 3-4.) Wilson Ihrig recommends several mitigation measures to reduce construction noise impacts, including noise reduction, limiting high-noise activities during sensitive hours, and implementing real-time noise monitoring. (*Id.*, p. 4.)

Because Wilson Ihrig's comments are substantial evidence of a fair argument that the Project will exceed adopted construction noise limits in the General Plan and significantly increase ambient noise levels, an EIR should be prepared to disclose and mitigate those impacts. (Wilson Ihrig, pp. 3-4.)

ii. Truck noise.

There is substantial evidence of a fair argument that the Project will have a significant truck noise impact. Wilson Ihrig found that the City failed to analyze potentially significant truck noise impacts from the Schaefer Avenue driveway, which is located 90 feet from sensitive receptors. (Wilson Ihrig, pp. 5-6.) Even though the Project is expected to operate 24 hours a day, seven days a week, the Addendum provides no information about nighttime truck traffic or its potential effects. (*Id.*, p. 5.) Using the Addendum's reference level of 76 dBA at 20 feet, Wilson Ihrig found that "truck noise at the Schaefer Avenue driveway is estimated to be 63 dBA at the nearest residences (90 feet from the site)," which is far above

the City's daytime (50 dBA) and nighttime (45 dBA) noise standards, and 4 dB higher than measured nighttime ambient levels. (*Id.*)

Wilson Ihrig explains, "Single event truck noise at night can cause sleep disturbance. Reliance on the hourly Leq as the significance threshold is inadequate to assess the significance of truck noise on sleep disturbance." (Wilson Ihrig, p. 5.) At the Schaefer Avenue driveway, modeled interior Lmax levels of 46 dBA at the nearest residence "has an approximately 10% chance of disturbing sleep." (*Id.*) These are significant new truck noise impacts not analyzed in the General Plan EIR or Addendum.

Wilson Ihrig also recommends several mitigation measures to reduce noise from trucks coming in and out of Shaefer Avenue, including:

> Operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations.

(Wilson Ihrig, p. 6.) Additionally, General Plan Objective N-1.2, Policy P1 requires the minimization of transportation noise through street and right-of-way design or route coordination. (General Plan, p. N-31; Wilson Ihrig, p. 6.) In order to avoid conflicting with General Plan's policies, the Project "should consider rerouting truck traffic away from the planned Schaeffer Avenue driveway and nearby residences." (*Id.*)

Because Wilson Ihrig's comments are substantial evidence of a fair argument that project truck noise at the Schaefer Avenue driveway will exceed noise standards and conflict with General Plan policies, an EIR should be prepared to disclose and mitigate those impacts. (Wilson Ihrig, pp. 5-6.)

6. Because the 2010 General Plan EIR Concluded that the Effects of the General Plan Would have Significant and Unavoidable Impacts, a Tiered MND or EIR is Required to Mitigate Those Impacts.

The 2010 General Plan EIR admitted that the program would have significant, unavoidable impacts in the areas of air quality, greenhouse gases, and agriculture. (See, e.g., Findings of Fact and Statement of Overriding Considerations for the Envision Chino - General Plan 2025 City of Chino (Apr. 19, 2010), pp. 12-14.) Since the General Plan will have significant unavoidable impacts, the City must conduct project-level supplemental MNDs or EIRs for specific projects proposed within the program area. The supplemental MNDs or EIRs are required to determine whether mitigation measures exist to reduce the significant unavoidable impacts identified in the General Plan EIR.

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-125, the court of appeal held that when a "first tier" EIR admits a significant, unavoidable environmental impact, then the agency must prepare second

tier EIRs for later phases of the project to ensure that those unmitigated impacts are "mitigated or avoided." (*Id.* [citing CEQA Guidelines §15152(f)].) The court reasoned that the unmitigated impacts were not "adequately addressed" in the first tier EIR since they were not "mitigated or avoided." (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been "adequately addressed," in a way that ensures the effects will be "mitigated or avoided." (*Id.*) Such a second tier EIR is required, even if the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained that "[t]he requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support." (*Id.* at 124-125) The court specifically rejected a prior version of the CEQA guidelines regarding tiering that would have allowed a statement of overriding considerations for a program-level project to be used for a later specific project within that program. (*Id.* at 124.) Even though "a prior EIR's analysis of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts." (*Id.* at pp. 124-25.) As such, a tiered MND or EIR should be prepared to mitigate the significant and unavoidable impacts to air quality, greenhouse gases, and agriculture that were identified in the General Plan EIR.

B. Under CEQA's Subsequent Review Provisions, the Addendum is Improper Because of the Availability of new Information Since the Certification of the 2010 General Plan EIR.

Under CEQA, an addendum is not allowed when "[n]ew information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified" shows that (1) the project will have one or more significant effects not discussed in the previous EIR or (2) mitigation measures considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment. (14 CCR §§ 15162, 15164.) Under the standard, the Addendum is improper because the Project's potentially significant impact to special-status species that could not have been known when the 2010 General Plan EIR was certified.

As discussed above, the Project could result in a significant impact on special-status species that could not have been known at the time of the General Plan EIR's certification in 2010. As Dr. Smallwood states, "There is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act." (Smallwood, p. 20.) However, the Monarch butterfly did not become a candidate for listing under the federal Endangered Species Act until December 15, 2020—ten years after the General Plan EIR's certification in 2010. The Monarch's status as a candidate species has been reaffirmed by the U.S. Fish and Wildlife Service annually, and the agency proposed listing the monarch as threatened in December 2024. Because the General Plan EIR was certified in 2010, the Monarch's candidate listing

and heighted protections in 2020 is new information of a significant impact to special-status species that occurred after the certification of the General Plan EIR, requiring the preparation of a subsequent EIR. As such, the Addendum is improper under CEQA Guidelines sections 15162 and 15164 and a subsequent EIR is required. (See, 14 CCR §§ 15162(a)(3), 15164(a).)

II. THE ADDENDUM'S CONCLUSIONS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

A. There is no Evidence that the Project Will not Result in New Significant Impacts to Special-Status Species.

1. The Addendum underestimated the diversity of species using the Project site.

As discussed above, Dr. Smallwood's associate, Noriko Smallwood, performed a 3-hour site visit during the day and a 2-hour nocturnal survey of the site on July 24, 2025. (Smallwood, p. 2.) During these surveys, Noriko Smallwood detected 30 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status. (Smallwood, p. 3.)

The Biological Resources Assessment prepared for the Addendum by LSA Associates, Inc. ("LSA Biological Report") states that "[a]nimal species observed on the site are typical of urban environments," but does not disclose which animal species were observed, except to report, "[n]o special-status wildlife species were observed." (Smallwood, p. 16.) Therefore, it can be assumed that LSA did not observe all 30 species of vertebrate wildlife detected by Noriko Smallwood, including the eight special-status species she observed: the Monarch butterfly, Allen's hummingbird, Cooper's hawk, red-tailed hawk, Great horned owl, American kestrel, Western yellow bat, and Silver-haired bat. (*Id.*, p. 16.)

The failure of the LSA's Report to detect these special-status species and an abundance of other wildlife at the Project site underscores the inadequacy of the Addendum's documentation of baseline conditions, skewing the subsequent impact analysis. (Smallwood, pp. 12-13.)

Although Noriko Smallwood's site visits lasted only 5 hours, Dr. Smallwood calculated that more thorough site visits would reveal an even greater diversity of wildlife. (Smallwood, pp. 13-15.) Given more time to survey the site, Dr. Smallwood predicts that Noriko would have observed an additional 17 special-status wildlife species. (Smallwood, pp. 14-15.) Based on his review of the Addendum and the site visit, Dr. Smallwood concluded, "the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort. . . . The site is far richer in special-status species than the Addendum would have the reader believe. . . . The evidence is overwhelming that the project site is important to multiple special-status species of wildlife." (*Id.*, pp. 15, 20, 27.)

An initial study and MND or EIR is needed to adequately address the impacts to special-status species from the proposed Project, and to mitigate those impacts accordingly.

2. The Addendum relied on an inadequate biological report.

In addition to the LSA Biological Report's failure to adequately disclose the diversity of species that would be impacted by the Project, Dr. Smallwood found numerous other deficiencies in the LSA Biological Report. (Smallwood, pp. 19-20.)

Dr. Smallwood found that LSA's review of available literature and databases was incomplete because it relied on only one database, the California Natural Diversity Data Base ("CNDDB") and failed to consult other available databases such as eBird and iNaturalist. (Smallwood, p. 19.) By including additional databases in the review, such as eBird and iNaturalist, Dr. Smallwood found that 139 special-status species (as opposed to the 34 species in the LSA Biological Report) were known to occur in the area. (Smallwood, pp. 19-20.) By relying on cursory review of CNDDB, the LSA Biological Report improperly "screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting." (Smallwood, p. 19.)

The LSA Biological Report also improperly relied on CNDDB to determine whether a species would *not* occur on the Project site. (Smallwood, pp. 19-20.) As Dr. Smallwood explains, "CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community." (Smallwood, p. 19.) In other words, although CNDDB can be useful in determining whether a species is likely to occur (because it has been detected and reported in CNDDB), it does not follow that the absence of a species from CNDDB means that a species is unlikely to occur. This error in the LSA Biological Report results in a further underestimation of the diversity of wildlife occurring or likely to occur at the Project site.

The Addendum and LSA Biological Report made additional flawed arguments in defending its determination that certain species were unlikely to occur on the Project site. For example, the Addendum states that "[d]ue to the absence of suitable habitat on-site and the develop[ed] nature of the project vicinity, all of the remaining special-status species identified in the literature search, including the white cuckoo bee (*Neolarra alba*), are considered absent from the project site and vicinity." (Smallwood, p. 20.) However, as Dr. Smallwood notes, "[t]here is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act." (*Id.*) As such, Dr. Smallwood concluded that "[t]he Addendum presents a profoundly inaccurate analysis of whether special-status species of wildlife occur on the project site." (*Id.*) Because "[a]n inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill-suited for formulating appropriate mitigation," the Addendum's impact analysis and conclusions should not be relied upon. (*Id.*, p. 20.)

Due to the above shortcomings in the LSA Biological Report, the Addendum's conclusions about the Project's impacts to biological resources are not supported by substantial evidence. As such, an initial study and MND or EIR is needed to adequately address the impacts to wildlife of the proposed Project, and to mitigate those impacts accordingly.

B. There is no Evidence that the Project Will not Result in New Significant Impacts on Wildlife Movement and Cumulative Impacts.

1. Wildlife movement.

Dr. Smallwood found that the Addendum, its LSA Biological Report, and the 2010 General Plan EIR's analysis of the Project's impacts to wildlife movement were all deeply flawed. (Smallwood, pp. 29-30.) According to Dr. Smallwood, the General Plan EIR lacks any serious analysis of the potential for the Project to interfere with wildlife movement in the region. (*Id.*, p. 29.) The Addendum and LSA Biological Report adopt a false standard that the Project site must represent a regional wildlife movement corridor in order to serve wildlife movement in the region. (*Id.*, p. 30.) However, under CEQA, the standard is whether the Project will impact wildlife movement "regardless of whether the movement is channeled by a corridor." (*Id.*) As Dr. Smallwood explains,

> [T]he species detected on site by Noriko would not have been detected there had their members not moved to the site for its habitat. For many species of wildlife, the project site provides stopover opportunities, and for many others it is a migratory destination.... Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor. What was needed, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have recorded flight paths, especially of birds and bats moving to or from the project site....

(*Id.*, pp. 29-30.) Dr. Smallwood concludes that neither the Addendum nor the General Plan EIR provide substantial evidence that the Project's impact on wildlife movement would be less than significant. (*Id.*) An initial study and MND or EIR is needed to adequately address the impacts to wildlife movement of the proposed Project, and to mitigate those impacts accordingly.

2. Cumulative Impacts.

Dr. Smallwood found that the Addendum failed to discuss cumulative impacts to wildlife. (Smallwood, pp. 33-34.) According to Dr. Smallwood, "Given the extent of habitat fragmentation in the region, leaving the open space of the project site as one of the last sizable patches of wildlife habitat within miles, the project's contribution to cumulative habitat destruction would be consequential." (*Id.*, p. 33.) Thus, because the Project "would cause severe declines in wildlife abundance and species richness in the region," an initial

study and MND or EIR is needed to adequately address the impacts to wildlife movement of the proposed Project, and to mitigate those impacts accordingly. (*Id.*, p. 34.)

C. There is no Evidence that the Project Will not Result in a New Significant Construction or Operational-Related Air Quality Impact.

In determining that CEQA's subsequent review provisions apply to the proposed Project, the City relied on emissions calculated with CalEEMod. 2022.1. (Addendum, p. 2-46.) This model relies on recommended default values, or on site-specific information related to a number of factors. When more specific project information is known, the user may change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. The model is used to generate a project's construction and operational emissions. Dr. Clark reviewed the Project's CalEEMod output files provided at Appendix A to the Addendum, and found that several model inputs used to generate a project's operation emissions were not consistent with information disclosed in the Addendum. (Clark, pp. 5-6.) As a result, Dr. Clark concludes that the Project's operational emissions are underestimated. (*Id.*) Because the Addendum uses incorrect estimates for emissions, its air quality analysis cannot be relied upon to determine the Project's emissions, and the City's conclusions are not supported by substantial evidence. The particular errors identified by Dr. Clark are discussed below. These errors should be corrected in a subsequent CEQA document prior to approval of the Project.

Specifically, Dr. Clark found that the Addendum's air quality analysis failed to include back-up generators and fire pumps in its operational air quality impact analysis. (Clark, pp. 5-6.) An initial study and MND or EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly.

D. There is no Evidence that the Project Will not Result in New Significant Hazards from Battery Storage on Site.

Neither the Addendum nor the 2010 General Plan EIR include any information regarding the capacity of the battery storage system or the type of batteries to be deployed at the Project site. (See, Clark, pp. 16-17.) Instead, the Addendum merely states, "Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project's power needs." (*Id.*, p. 16.) According to Dr. Clark, the Addendum's "failure to include any specifications of the battery systems results in the failure to analyze the particular hazards presented by the presence of such infrastructure." (*Id.*) Dr. Clark explains that the "hazards from battery storage systems include thermal runaway, off-gassing, and stranded energy, along with discharges of hazardous chemicals from the batteries themselves." (*Id.*, pp. 16-17.) The General Plan EIR did not analyze battery storage system and related hazard impacts at this site. The plan to include battery storage is new information and changed circumstances resulting in a potentially significant hazard impact. As such, an initial study and MND or EIR is needed to adequately address the hazards of the proposed battery storage on the Project site, and to mitigate those impacts accordingly.

E. There is no Evidence that the Project Will not Result in a New Significant Noise Impact.

The Addendum's noise analysis contains several deficiencies that underestimate the Project's construction and operational noise impacts on nearby sensitive receptors. (See, Wilson Ihrig, pp. 6-8.) As discussed below, errors in modeling mechanical systems, validating traffic noise, and establishing baseline conditions resulted in the Addendum's inadequate noise analysis and failure to disclose and mitigate the Project's potentially significant noise impacts. (*Id.*)

First, the Addendum's mechanical noise analysis contains errors and omissions. (Wilson Ihrig, pp. 6-7.) Wilson Ihrig found that the Addendum underestimates the Project's mechanical noise by modeling only four HVAC units, when a warehouse of that size would realistically require at least 25 units. (*Id.*) Moreover, even the four HVAC units assumed would exceed residential noise limits. (*Id.*, p. 6.) The analysis should be corrected to reflect actual ventilation needs of the planned building and include enforceable mitigation. (*Id.*, p. 7.)

Second, the Addendum's traffic analysis is missing validation. (Wilson Ihrig, p. 7.) Wilson Ihrig found that the "modeled levels for existing traffic along Shaeffer Avenue are lower than measured levels reported in the Addendum," with modeled CNEL levels 8 dB lower than measured levels." (*Id.*) As a result, the traffic noise modeling along Shaeffer Avenue is inconsistent and unreliable. (*Id.*) The Addendum fails to explain this discrepancy, apply a calibration factor, or reconcile the use of different metrics (CNEL vs. Ldn). (*Id.*) As such, Wilson Ihrig recommends that the Project "address this discrepancy and validate the traffic model using measured baseline data" in a subsequent EIR or MND. (*Id.*)

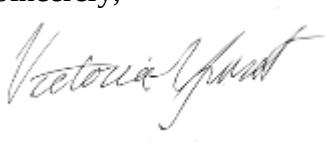
Lastly, the Addendum "does not properly characterize the existing noise environment." (Wilson Ihrig, p. 8.) Wilson Ihrig found that the Addendum failed to establish an adequate baseline because the second monitoring measurement location was conducted at the back of the Project site rather than at residences most affected by truck traffic on Shaeffer Avenue. (*Id.*) Wilson Ihrig explains that this omission obscures the existing noise environment for sensitive receptors. (*Id.*) Without an accurate baseline, the Project's noise impact analysis is inadequate.

An initial study and MND or EIR is needed to adequately address the noise impacts of the proposed Project, and to mitigate those impacts accordingly.

CONCLUSION

For the foregoing reasons, reliance on the Addendum for the Project is in violation of CEQA. Thus, an initial study and a subsequent EIR or MND must be prepared for the proposed Project and should be circulated for public review and comment in accordance with CEQA. Thank you for considering these comments.

Sincerely,



Victoria Yundt
LOZEAU | DRURY LLP

cc: Eunice M. Ulloa, Mayor — eulloa@cityofchino.org
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EXHIBIT A

Shawn Smallwood, PhD
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Davis, CA 95616

Kim Le, Senior Planner
City of Chino
Community Development Department, Planning Division
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Chino, California 91710

27 July 2025

RE: Chino Gateway Terminal Project

Dear Mr. Perez,

I write to comment on the analysis of potential impacts to biological resources that is reported in the Addendum to a Draft Environmental Impact Report (DEIR Addendum) prepared for the proposed Chino Gateway Terminal Project. I understand the project would add 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building on 7.35 acres at the southwest corner of Schaefer Ave and Oaks Ave in Chino, California. My comments that follow address my concerns that the Addendum mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and

animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/Birds/Raptors).

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 3 hours of morning diurnal survey from 6:16 to 9:16 hours, for 1.67 hours of evening diurnal survey from 18:25 to 20:05 hours, and for 2 hours of nocturnal survey from 19:48 to 21:48 hours on 24 July 2025. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. During the night. Noriko mounted a Pettersson M500 bat detector on a 30-foot pole, and she identified bat species by sonograms of their foraging calls with use of Sonobat Live. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were sunny with 2 MPH west wind and temperatures of 57-70° F in the morning, and sunny with 9 MPH west wind and temperatures of 81-76° F in the evening. The western portion of the site is annual grassland that's regularly mowed, and the eastern portion of the site is a church and houses. There are multiple mature trees on site such as oak, sycamore, palm, magnolia, Chinese elm, and crepe myrtle (Photos 1 and 2).

Noriko saw Cooper's hawk and American kestrel (Photos 3 and 4), monarch (Photo 5), Allen's hummingbird and Anna's hummingbird (Photos 6 and 7), mourning dove (Photo 8), northern mockingbird (Photos 9 and 10), bushtit and house finch (Photos 11 and 12), hooded oriole (Photo 13), barn swallow and Eurasian collared-dove (Photos 14 and 15), Cassin's kingbird and black phoebe (Photos 16 and 17), European starling (Photo 18), house sparrow and American crow (Photos 19 and 20), snowy egret and Great Basin fence lizard (Photos 21 and 22), western yellow bat and silver-haired bat (Photos 23 and 24), among the other species listed in Table 1. Noriko detected 30 species of vertebrate wildlife at or adjacent to the project site, including 8 species with special status (Table 1).

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood

Photos 1 and 2. *Views of the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 3 and 4. *Cooper's hawk (top), and American kestrel (bottom) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

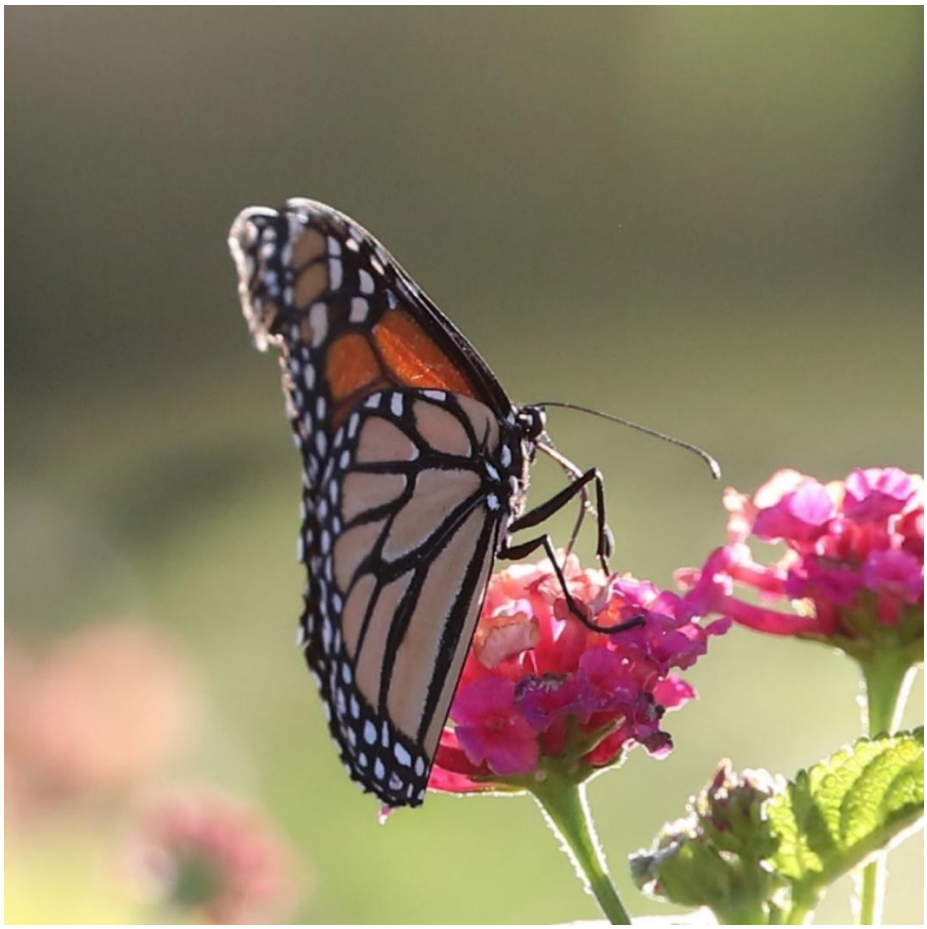


Photo 5. *Monarch just off of the project site, after flying from the project site, 24 July 2025. Photo by Noriko Smallwood.*

Photos 6 and 7. *Allen's hummingbird (left), and Anna's hummingbird (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photo 8. *Mourning dove on the project site, 24 July 2025. Photo by Noriko Smallwood.*

Photos 9 and 10. *Northern mockingbird with insects (left), and nest material (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 11 and 12. *Bushtit (left), and house finch (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photo 13. *Hooded oriole with an insects on the project site, 24 July 2025. Photo by Noriko Smallwood.*

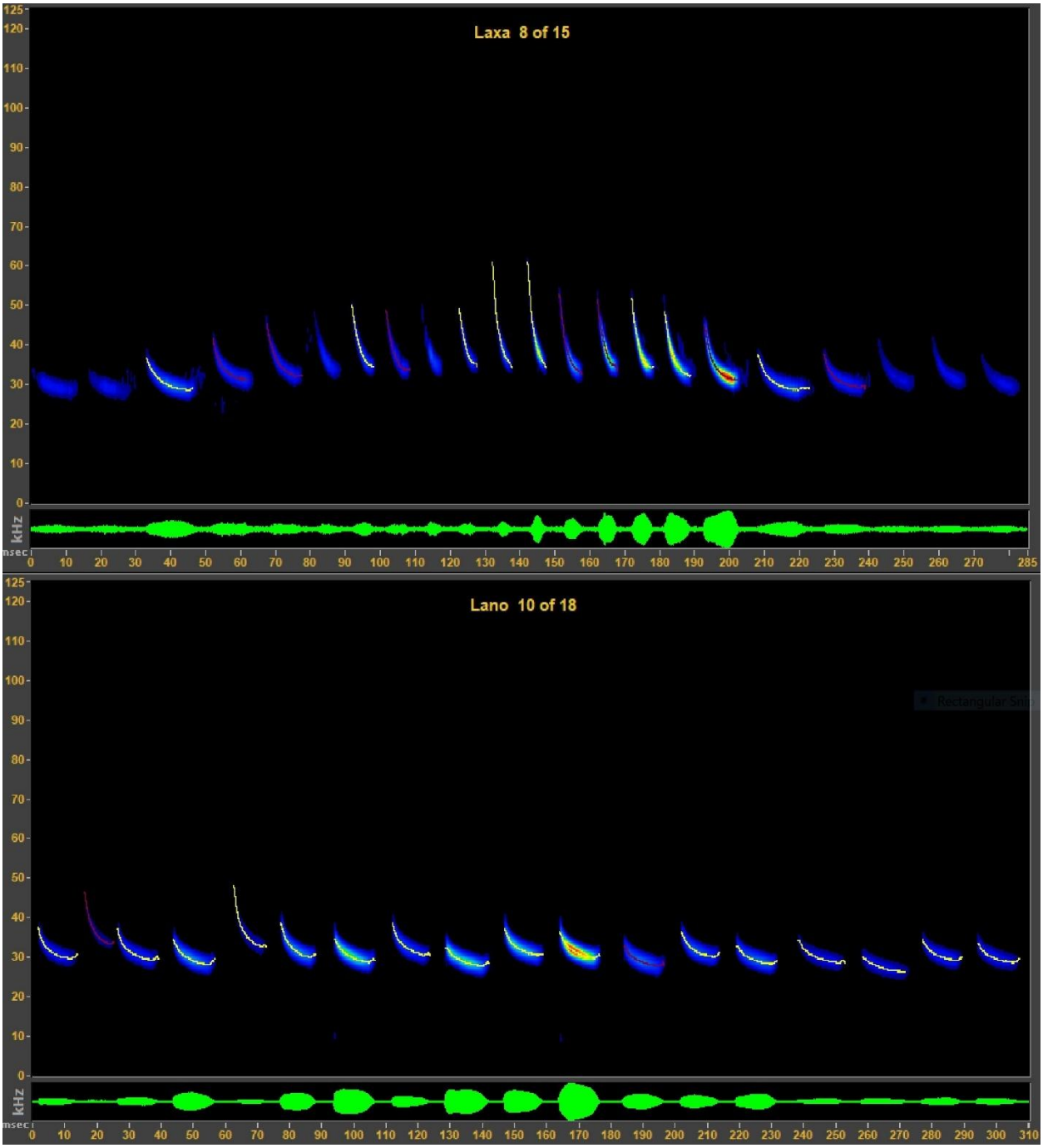
Photos 14 and 15. *Barn swallow (left) and Eurasian collared-dove (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 16 and 17. *Cassin's kingbird (left), and black phoebe (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photo 18. *Many juvenile European starlings on the project site, 24 July 2025. Photo by Noriko Smallwood.*

Photos 19 and 20. *House sparrow dust bathing (left), and American crow (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 21 and 22. *Snowy egret (top) and Great Basin fence lizard (bottom) on the project site, 24 July 2025. Photos by Noriko Smallwood.*



Photos 23 and 24. *Sonogram of western yellow bat (top) and silver-haired bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 24 July 2025.*

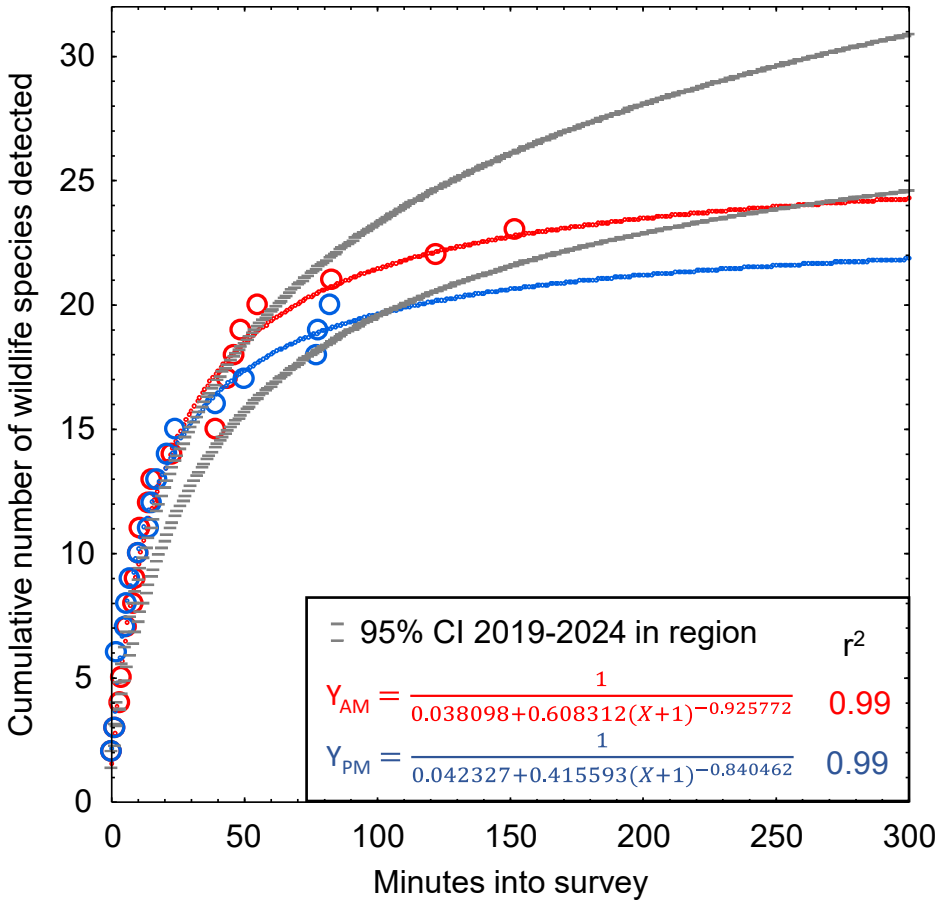
Table 1. *Species of wildlife Noriko observed during 3 hours of morning diurnal survey, 1.67 hours of evening diurnal survey, and 2 hours of nocturnal survey on 24 July 2025.*

Common name	***Species name***	**Status**[1]	**Notes**
Monarch	*Danaus plexippus*	FC	Landed on plants
Great Basin fence lizard	*Sceloporus occidentalis longipes*		
Canada goose	*Branta canadensis*		Flew over off site
Rock pigeon	*Columba livia*	Non-native	
Eurasian collared-dove	*Streptopelia decaocto*	Non-native	
Mourning dove	*Zenaida macroura*		Foraged; likely nested
Anna's hummingbird	*Calypte anna*		Foraged
Allen's hummingbird	*Selasphorus sasin*	BCC	Territorial, foraged
Snowy egret	*Egretta thula*		Flew over
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Perched on sycamore
Red-tailed hawk	*Buteo jamaicensis*	BOP	Just off site
Great horned owl	*Bubo virginianus*	BOP	Called during bat survey
American kestrel	*Falco sparverius*	BOP	Flew over
Cassin's kingbird	*Tyrannus vociferans*		
Black phoebe	*Sayornis nigricans*		
American crow	*Corvus brachyrhynchos*		
Common raven	*Corvus corax*		
Barn swallow	*Hirundo rustica*		Foraged over site
Cliff swallow	*Petrochelidon pyrrhonota*		Just off site
Bushtit	*Psaltriparus minimus*		Many foraged in oak and sycamore
Northern mockingbird	*Mimus polyglottos*		Nesting on site - gathered food & nest material
European starling	*Sturnus vulgaris*	Non-native	Many juveniles
Western bluebird	*Sialia mexicana*		Just off site
House sparrow	*Passer domesticus*	Non-native	Dust bathed in fresh soil from gopher mounds
House finch	*Haemorphous mexicanus*		Foraged; likely nested
Hooded oriole	*Icterus cucullatus*		Foraged
Brown-headed cowbird	*Molothrus ater*		Many
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG:H	
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M	
California ground squirrel	*Otospermophilus beecheyi*		Burrows
Botta's pocket gopher	*Thomomys bottae*		Burrows

[1] On CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FC = federal candidate for listing, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern (https://www.fws.gov/sites/ default/files/documents/birds-of-conservation-concern-2021.pdf); SSC = California Species of Special Concern, WL = Taxa to Watch List; BOP = protected by Birds of Prey (California Fish and Game Code 3503.5), WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).

Noriko detected 30 species of vertebrate willdife, which was a relatively large number for the brevity of her survey effort. However, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as some species typically go undetected. To demonstrate this, I fit nonlinear regression models to Noriko's cumulative numbers of vertebrate species detected with time into her surveys to predict the numbers of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model fit to Noriko's morning survey data, for example, predicts 26 species of vertebrate wildlife were available to be detected, which equalled the number she detected (Figure 1). Her rate of species detections during both surveys mostly followed the upper bound of the 95% confidence interval I estimated from other . surveys in the region (Figure 1).

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys on 24 July 2025.*



The species that Noriko did and did not detect on 24 July 2025 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort due to their are high crypticity, and the members of other species would visit the

site only periodically while patrolling large home ranges. A survey on only one day cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 16.6 species over my first 4.67 hours of diurnal surveys at my research site in the Altamont Pass (4.67 hours to match the 4.67 hours Noriko surveyed during daylight hours at the project site), which composed 29.2% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 27 diurnally active species Noriko detected after her 4.67 hours of daylight survey at the project site likely represented 29.2% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $27/0.292 = 92$ species of diurnally active vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 92 predicted species, then continued surveys would eventually detect 17 special-status species of diurnally active vertebrate wildlife.

Because my prediction of 92 species of vertebrate wildlife, including 17 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal

mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort. The patterns in the data and what I know of nocturnal species, I predict at least 110 species of vertebrate wildlife rely on the project site as habitat.

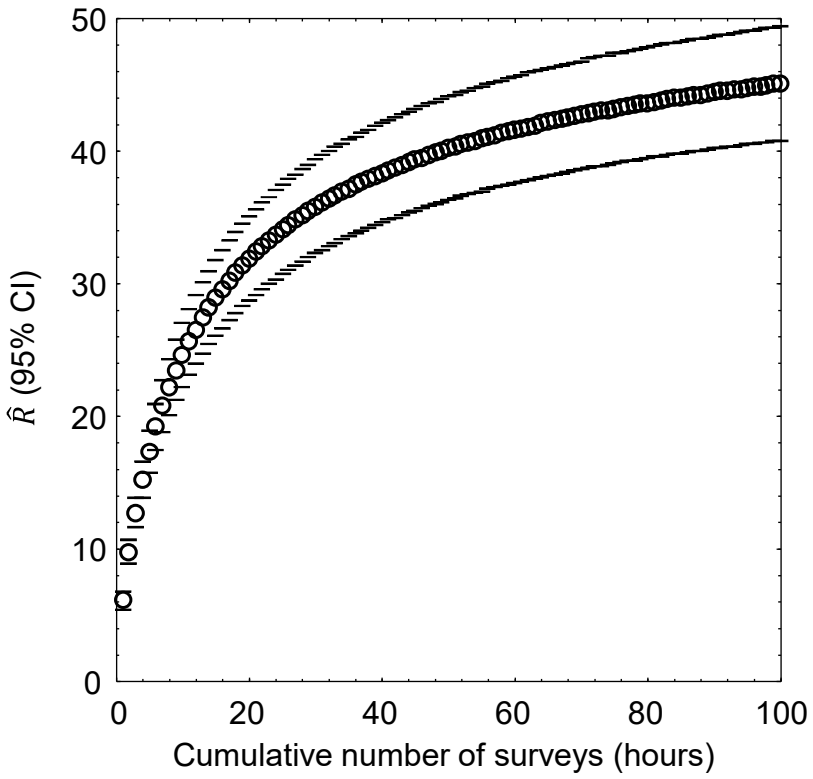


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of the CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these required steps remain incomplete and misleading.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources. In the case of this project, however, the reconnaissance survey was inadequate for the needed analysis, and the analysis misinterpreted the survey's findings.

The survey's first shortfall was the attitude going into it. The Addendum (p. 10) characterizes the project site as "routinely disced for weed abatement and is covered in ruderal vegetation," implying there is no habitat to be found on this site. Except for possibly proving nesting opportunities for birds, LSA (2025:1) starts by asserting "No endangered, rare, or threatened species are expected to inhabit the project site. The site is not within the designated critical habitat of any species. No substantial project impacts to other special-status species are anticipated." All this decided already, then one must wonder why LSA bothered to survey for wildlife. But a survey was performed.

According to LSA (2025:2), two biologists "conducted a general biological resources assessment and arborist study on August 13, 2024," beginning at 09:15 hours and lasting 1.75 hours. The survey was conducted to record "notes on general site conditions, vegetation, wildlife, potential jurisdictional waters, and suitability of habitat for various special-status species." Specific to wildlife, LSA (2025:2) reports "Animal species observed on the site are typical of urban environments," thereby indicating that LSA's biologists observed wildlife. Although LSA (2025) discloses a complete list of plant species observed on the project site, it does not disclose which animal species were observed, except to report, "No special-status wildlife species were observed." Remarkably, perhaps, Noriko detected seven special-status species among the 30 species of vertebrate wildlife, and additionally she detected monarch which is a candidate for listing under the federal Endangered Species Act. How many of these were observed by LSA's biologists cannot be known without additional disclosures of what they observed. Considering that one in four species detected by Noriko were special-status species, it is likely that LSA's biologists observed at least one special-status species assuming they observed at least four species altogether. (Noriko detected her first four species within her first four minutes from the start of her morning survey, and she detected her first six species within the first three minutes from the start of her evening survey.)

LSA (2025:3) notes that "The project site has trees suitable for nesting." Yet LSA reports no observations of signs of breeding on the project site. In contrast, Noriko reports members of one bird species nesting on site (see Photo 10), and three more bird species that likely nested on site due to the presence of juveniles. More than being suitable, the trees on site serve as nest substrate, and it is likely that ground-nesting birds also nest on site.

LSA (2025:3) reports “The eastern portion of the project site has habitat potentially suitable for burrowing owl … A survey for burrows of this species was conducted during the initial site visit. No burrows suitable for burrowing owls were found. However, ground squirrels are active on the site, and there is a possibility that the squirrels could create suitable burrows, and that burrowing owl could move in and occupy the site prior to construction.” However, LSA cannot assert that no burrows suitable for burrowing owls were found while also reporting to have found California ground squirrels on the project site. California ground squirrels construct burrows, and burrowing owls utilize ground squirrel burrows. I have never found California ground squirrels in the absence of burrows, and I have never found ground squirrel burrows that are unsuitable for burrowing owls. Moreover, LSA’s biologists did not achieve the minimum standards of the CDFW (2012) survey guidelines for burrowing owls.

Further downplaying the potential occurrence of burrowing owls, LSA (2025:5) speculates, “Although the project site has low vegetation, it is surrounded by trees, which provide cover for avian predators of burrowing owls, is surrounded by urban development, and is frequently disked, all of which reduce the quality of the habitat and its potential for use by burrowing owl.” Yet, I have found burrowing owls nesting under and near trees (e.g., Photo 25). Rather than speculating about the likelihood of occurrence of a special-status species, the appropriate action is to implement the existing survey protocol (CDFW 2012).

Finally, LSA appeals to the existence of a larger mitigation strategy that would conserve burrowing owls even if the project would result in take. LSA (2025:5) assures that “The Draft Environmental Impact Report (EIR) [to the City of Chino General Plan] specifies mitigation for impacts of development projects to burrowing owl, including the establishment of a 300-acre conservation area to provide burrowing owl habitat, and relocation, in accordance with CDFW protocols, of any burrowing owls that are found on development project sites.” LSA is silent on whether this 300-acre conservation area has been established or whether burrowing owls reside on it. Regardless, a breeding-season detection survey is warranted, as explained below.

There are three types of surveys recommended and described in the CDFW’s (2012) survey and mitigation guidelines: (1) Habitat assessment, (2) Detection surveys, and (3) Preconstruction survey. The habitat assessment is intended to evaluate the likelihood that the site supports burrowing owls, and to decide whether detection surveys should be performed. The detection surveys, otherwise described as either or both breeding-season or non-breeding-season surveys, are intended to detect whether the site truly does presently support burrowing owls, and if so, where and how many. The preconstruction survey, otherwise known as a take-avoidance survey, is intended to determine whether burrowing owls immigrated to the site since completion of the detection survey, or whether they returned to the site since passive or active relocations were performed as mitigation. The three types of survey carry distinct but inter-related purposes, and they are to be completed in chronological order.

Photo 25. *Burrowing owl chick standing to the right of its mother and its natal burrow located under an oak tree in east Davis, California, 2020. This chick was one of three. This was the last nest attempt in Davis, as it appears the species has been extirpated from Davis.*

The first two types of survey support impacts analysis, whereas the third type of survey is a mitigation measure. Burrowing owls can be determined absent based on evidence derived from the habitat assessment or detection survey, but only if the surveys achieved the minimum standards of CDFW (2012). Whereas an absence determination naturally follows from the negative findings of properly performed detection surveys, the following three questions must be answered negatively to determine absence based on the habitat assessment, which would be the closest type of survey to what LSA (2025) completed:

A) Are there occurrence records nearby the project site?
B) Is the site's vegetation cover and height typical of where burrowing owls are found?
C) Are there fossorial mammals present which typically construct burrows useable by burrowing owls, or are there surrogate cavities that can serve as nest sites?

If the answers to these questions are compellingly negative, then detection surveys are not necessary, but the surveys could be implemented to make certain the site is absent of burrowing owls. If the answers to these questions are affirmative or not compellingly negative, then it should be assumed that burrowing owl habitat exists on the site until detection surveys prove otherwise.

To question A, there are burrowing owl occurrence records very close to the project site. To question B, the vegetation on site is typical of vegetation often used by burrowing owls. Noriko and I have detected burrowing owls at sites in the region with very similar vegetation cover. To question C, LSA (2025) reports that California ground squirrel occurs on the project site. The answers to all three questions are affirmative. Burrowing owl habitat is present on the project site. Breeding-season detection surveys are needed.

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths. In the case of this project, the desktop review was incomplete, and the review that was completed was distorted to minimalize the likelihoods of occurrence of special-status species.

In its desktop review, LSA (2025) reportedly queried the California Natural Diversity Data Base (CNDDB) for species occurrence records within USGS Quadrangles abutting to and inclusive of the project site. LSA (2025) does not report having reviewed eBird (https://eBird.org) or iNaturalist (https://www.inaturalist.org), which are additional species occurrence databases. By querying the CNDDB to establish the pool of special-status species for analysis of occurrence likelihoods, LSA (2025) screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting. The CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." LSA (2025) and hence the Addendum misuse the CNDDB.

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

In my assessment based on a database review and a site visit, 139 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence

potential (Table 2). Of these 139 special-status species, 8 (6%) were recorded on or just off the project site, and another 28 (20%) special-status species have been documented within 1.5 miles of the site (Very close), another 27 (19%) within 1.5 and 4 miles (Nearby), and another 64 (46%) within 4 to 30 miles (In region). Almost half (45%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the Addendum would have the reader believe.

Of the 139 special-status species listed in Table 2, the Addendum analyses the occurrence likelihoods of only 34 (24%) of them, all of which are given occurrence likelihoods of "Absent." Of the species determined to be "absent," four of them have been observed within 4 miles of the site, and seven of them have been observed within 1.5 miles of the site. Two of the species determined to be "absent," western yellow bat and monarch, were detected on site by Noriko. The occurrence likelihoods assigned to 34 special-status species fail to comport with the available occurrence records in public databases and with what Noriko saw on the project site. LSA's and the Addendum's absence determinations are not credible.

Of the 139 special-status species listed in Table 2, the DEIR fails to analyze the occurrence likelihoods of 75% of them. Of these species not analyzed for occurrence potential, Noriko detected six of them on the project site. LSA's and the Addendum's analyses of occurrence likelihoods are incomplete.

An inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill-suited for formulating appropriate mitigation.

Special-status Species

The Addendum presents a profoundly inaccurate analysis of whether special-status species of wildlife occur on the project site. According to the Addendum (p. 2-61), "Due to the absence of suitable habitat on-site and the develop nature of the project vicinity, all of the remaining special-status species identified in the literature search, including the white cuckoo bee (*Neolarra alba*), are considered absent from the project site and vicinity." These absence determinations were not supported by protocol-level detection surveys, nor by appropriate interpretation of species occurrence records. And too often they were proven inaccurate.

There is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act. Modeling the rate of species detections during Noriko's survey, and analytically bridging Noriko's survey results to a larger research effort, predicts 17 diurnally-active special-status species should be detectable on the project site after a larger survey effort conducted over the period of a year or longer. Indeed, species

Table 2. *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood.*

Common name	***Species name***	**Status[1]**	**Occurrence potential**	
			LSA 2025	**Databases, Site visits**
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT		In region
San Diego fairy shrimp	*Branchinecta sandiegonensis*	FE		In region
Riverside fairy shrimp	*Streptocephalus woottoni*	FE		In region
Delhi sands flower-loving fly	*Rhaphiomidas terminatus abdominalis*	FE	Absent	In region
Monarch	*Danaus plexippus*	FC	Absent	Very close/**On site**
Quino checkerspot butterfly	*Euphydryas editha quino*	FE		In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Absent	Nearby
Western spadefoot	*Spea hammondii*	FC, SSC	Absent	In region
Western pond turtle	*Emys marmorata*	FC, SSC	Absent	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	Absent	In region
Orange-throated whiptail	*Aspidoscelis hyperythra*	WL	Absent	In region
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC	Absent	In region
San Diegan legless lizard	*Anniella stebbinsi*	SSC	Absent	In region
California glossy snake	*Arizona elegans occidentalis*	SSC	Absent	In region
Coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC		In region
Two-striped gartersnake	*Thamnophis hammondii*	SSC	Absent	In region
South coast gartersnake	*Thamnophis sirtalis pop. 1*	SSC		In region
Red-diamond rattlesnake	*Crotalus ruber*	SSC	Absent	Nearby
Fulvous whistling-duck	*Dendrocygna bicolor*	SSC1		In region
Brant	*Branta bernicla*	SSC2		In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		Nearby
Redhead	*Aythya americana*	SSC2		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC		Nearby
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	Absent	In region

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Black swift	*Cypseloides niger*	SSC3, BCC		In region
Vaux's swift	*Chaetura vauxi*	SSC2		Very close
Calliope hummingbird	*Selasphorus calliope*	BCC		In region
Rufous hummingbird	*Selasphorus rufus*	BCC		Very close
Allen's hummingbird	*Selasphorus sasin*	BCC		Very close/**On site**
Mountain plover	*Charadrius montanus*	SSC2, BCC		In region
Snowy plover	*Charadrius nivosus*	BCC		In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC		In region
Long-billed curlew	*Numenius americanus*	WL		Nearby
Marbled godwit	*Limosa fedoa*	BCC		Nearby
Red knot (Pacific)	*Calidris canutus*	BCC		In region
Pectoral sandpiper	*Calidris melanotos*	BCC		Nearby
Short-billed dowitcher	*Limnodromus griseus*	BCC		In region
Lesser yellowlegs	*Tringa flavipes*	BCC		Nearby
Willet	*Tringa semipalmata*	BCC		Nearby
Laughing gull	*Leucophaeus atricilla*	WL		In region
Franklin's gull	*Leucophaeus pipixcan*	BCC		In region
Heermann's gull	*Larus heermanni*	BCC		In region
Western gull	*Larus occidentalis*	BCC		In region
California gull	*Larus californicus*	BCC, WL		Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP		In region
Black tern	*Chlidonias niger*	SSC2, BCC		In region
Elegant tern	*Thalasseus elegans*	BCC, WL		In region
Black skimmer	*Rynchops niger*	BCC, SSC3		In region
Common loon	*Gavia immer*	SSC		In region
Double-crested cormorant	*Phalacrocorax auritus*	WL		Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1		Very close
Least bittern	*Ixobrychus exilis*	SSC2		In region
Reddish egret	*Egretta rufescens*	BCC		In region
White-faced ibis	*Plegadis chihi*	WL		Very close

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Turkey vulture	*Cathartes aura*	BOP		Very close
Osprey	*Pandion haliaetus*	WL, BOP		Nearby
White-tailed kite	*Elanus luecurus*	CFP, BOP	Absent	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	Absent	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP		Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP		Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP		Very close/**On site**
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP		Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP		Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Absent	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP		Very close/**Very close**
Ferruginous hawk	*Buteo regalis*	WL, BOP		Nearby
Zone-tailed hawk	*Buteo albonotatus*	BOP		Nearby
Harris' hawk	*Parabuteo unicinctus*	WL, BOP		In region
Rough-legged hawk	*Buteo lagopus*	BOP		In region
American barn owl	*Tyto furcata*	BOP		Very close
Western screech-owl	*Megascops kennicotti*	BOP		Nearby
Great horned owl	*Bubo virginianus*	BOP		Very close/**On site**
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Absent	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	Absent	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP		In region
Lewis's woodpecker	*Melanerpes lewis*	BCC		In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC		Nearby
American kestrel	*Falco sparverius*	BOP		Very close/ **On site**
Merlin	*Falco columbarius*	WL, BOP		Nearby
Peregrine falcon	*Falco peregrinus*	BOP		Very close
Prairie falcon	*Falco mexicanus*	WL, BOP		Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2		In region
Willow flycatcher	*Empidonax trailii*	CE		Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	Absent	In region

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		Very close
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Absent	Very close
Loggerhead shrike	*Lanius ludovicianus*	SSC2		Very close
Oak titmouse	*Baeolophus inornatus*	BCC		Very close
California horned lark	*Eremophila alpestris actia*	WL		Very close
Bank swallow	*Riparia riparia*	CT		Nearby
Purple martin	*Progne subis*	SSC2		Very close
Wrentit	*Chamaea fasciata*	BCC		Nearby
California gnatcatcher	*Polioptila c. californica*	FT, SSC2	Absent	In region
California thrasher	*Toxostoma redivivum*	BCC		Very close
Cassin's finch	*Haemorhous cassinii*	BCC		In region
Lawrence's goldfinch	*Spinus lawrencei*	BCC		Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2	Absent	Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL		In region
Bell's sparrow	*Amphispiza b. belli*	WL		In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2		In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL		Nearby
Yellow-breasted chat	*Icteria virens*	SSC3	Absent	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3		Nearby
Bullock's oriole	*Icterus bullockii*	BCC		Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Absent	Very close
Lucy's warbler	*Leiothlypis luciae*	SSC3		In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC		In region
Prothonotary warbler	*Protonotaria citrea*	BCC		In region
Prairie warbler	*Setophaga discolor*	BCC		In region
Yellow warbler	*Setophaga petechia*	SSC2	Absent	Very close
Summer tanager	*Piranga rubra*	SSC1		Nearby
Little brown bat	*Myotis lucifugus*	WBWG: M		In range

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Yuma myotis	*Myotis yumanensis*	WBWG: LM		In region
Long-eared myotis	*Myotis evotis*	WBWG: M		In region
Fringed myotis	*Myotis thysanodes*	WBWG: H		In range
Long-legged myotis	*Myotis volans*	WBWG: H		In range
California myotis	*Myotis californicus*	WBWG:L		In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M		In range
Canyon bat	*Parastrellus hesperus*	WBWG: M		In region
Big brown bat	*Episticus fuscus*	WBWG: L		In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M		In range/**On site**
Hoary bat	*Lasiurus cinereus*	WBWG: M		In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG: H	Absent	In region
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG: H	Absent	In region/**On site**
Spotted bat	*Euderma maculatum*	SSC, WBWG: H		In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H		In range
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H	Absent	In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L		Very close
Pocketed free-tailed bat	*Nyctinomops femorosaccus*	SSC, WBWG: M	Absent	In range
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	Absent	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC		In region
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	SSC	Absent	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC		In range
Stephens' kangaroo rat	*Dipodomys stephensi*	FE, CT	Absent	In region
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	Absent	In region
San Diego Bryant's woodrat	*Neotoma bryanti*	SSC	Absent	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC		In range

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT, FE or FC = federal threatened, endangered, or candidate for listing, BCC = US Fish and Wildlife Service Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), CT or CE = California threatened or

endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, WL = Taxa to Watch List, WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors); and BGEPA = Bald and Golden Eagle Protection Act.

occurrence records reveal that 36 special-status species of vertebrate wildlife have been detected within 1.5 miles of the site, and 63 have been detected within four miles of the site. The evidence is overwhelming that the project site is important to multiple special-status species of wildlife.

The occurrences of eight special-status species observed on the project site by Noriko, and the occurrence records of multiple other special-status species very close to the project site defines the project site as habitat, consistent with the accepted definition of habitat (Hall et al. 1997). These species are using the site for survival and reproduction. These species are members of the local wildlife community.

BIOLOGICAL IMPACTS ASSESSMENT

Whether the impacts analysis is made by the lead agency or by an expert, the analysis involves prediction. Predictions are necessary because measuring the impacts directly could not happen until after the impacts occur, and this type of measurement would prevent the formulations of avoidance and minimization mitigation strategies that are prioritized by the CEQA. Impact predictions are necessary as part of the environmental review. The accuracy of the predictions of impacts and their significance ultimately relies on the degree of accuracy in the characterization of the existing environmental setting (Figure 3).

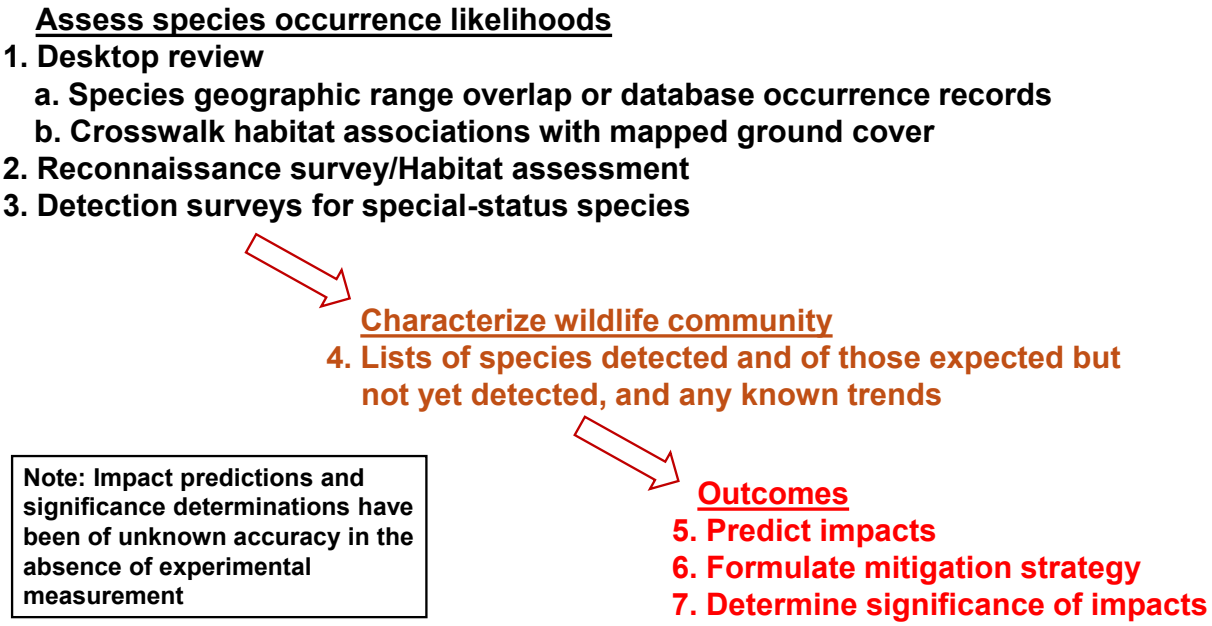


Figure 3. *General flow of information from the gathering stage through the characterization of the existing environment to predictions of impacts and their significance.*

Impact predictions can derive from speculation or from some level of experience (Figure 4). Speculation is repeatedly discouraged in the CEQA Guidelines, and for good reason because prediction accuracy improves with experience. But the experience that can be

brought to bear on impact predictions ranges from anecdotes to careful use of scientific inference. Any type of experience is usually better than relying on speculation, but careful scientific inference, especially inference drawn from experiments, have proven most effective. An analogy would be predicting the boiling temperature of water at a certain place with a known atmospheric pressure after having measured it hundreds of times at other places under various atmospheric pressures. The experience of measuring the boiling temperature at all these other places would certainly result in a more accurate prediction of the boiling point as compared to a speculative prediction. We know that use of inference in this example is certainly more predictive, and not potentially more predictive, because we have a long successful history with the application of this type of experimentation to draw predictive inference.

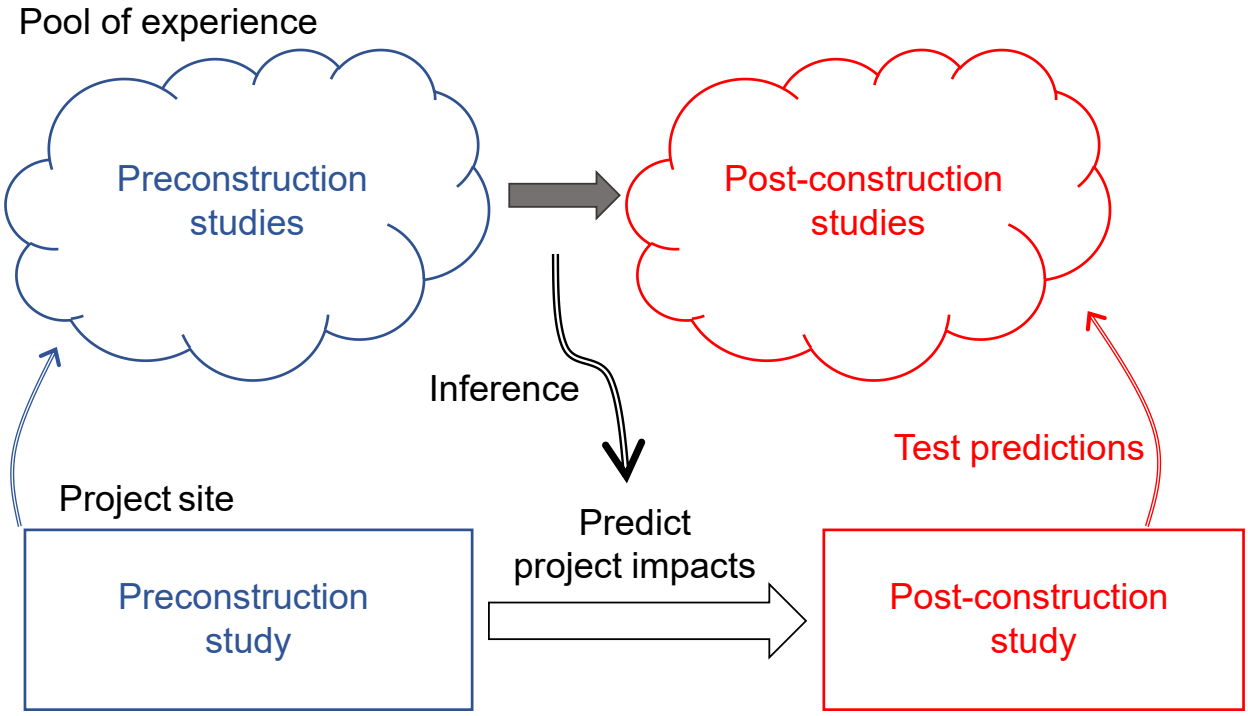


Figure 4. *A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.*

In the following, I analyze several types of impacts likely to result from the project, none of which is adequately analyzed in the Addendum.

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species, but the Addendum does not attempt to estimate the numerical or productive capacities of the site for nesting birds. Noriko's observations prove that the site provides habitat for at least 30 species of wildlife, but the number of avian nest sites remains unknown. Because Noriko's surveys were only reconnaissance surveys and therefore unsuitable for

detecting all bird nests on the site, estimating total nest density of birds was not possible. The alternative method would be to infer productive capacity from estimates of total nest density elsewhere. Noriko has completed several studies to estimate total avian nest density in similar environments in the local area.

Noriko estimated 5.56 nests/acre on a 3.6-acre site of ruderal grassland bordering a woodland strip in Murrieta, and 1.86 nests/acre on another 4.83-acre grassland site bordering a strip of woodland in Murietta. The average of the above two estimates is 3.71 nests/acre. This density applied to the 7.35 acres of the project site would predict 27 nest sites. Due to periodic weed control, the grassland portion of the site might support fewer nests sites per acre than found at Noriko's study sites, but the trees on the site likely more than make up for any difference. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 38 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 110 fledglings/year at the project site.

The loss of 27 nest sites and 38 nest attempts per year would qualify as significant impacts that have not been analyzed in the Addendum. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 110 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 124 birds per year denied to California.

The loss of 124 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, the DEIR provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. LSA (2025:6) claims, "The project site is not in a wildlife corridor, and, being surrounded by dense urban development, would not substantially limit wildlife movement. The Addendum (p. 2-61) claims, "Due to the developed nature of the surrounding properties and distance to open space, the project site does not act as a migratory corridor for wildlife." However, the species detected on site by Noriko would not have been detected there had their members not moved to the site for its habitat. For many species of wildlife, the project site provides stopover opportunities, and for many others it is a migratory destination.

The Addendum's focus on whether the site represents a regional wildlife movement corridor is misdirected. The principal phrase of the CEQA question at issue goes to wildlife movement in the region regardless of whether the movement is channeled by a corridor. The CEQA question uses the existence of a corridor as an example of a feature that pertains to wildlife movement in the region, but only a fraction of wildlife movement occurs along corridors,[1] most of which are human artefacts of habitat fragmentation (Smallwood 2015). Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor.

What was needed, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have recorded flight paths, especially of birds and bats moving to or from the project site. Biologists know how to detect patterns of wildlife movement; they were just not assigned the task in the case of this environmental review. A consequence is that LSA and the City of Chino can only speculate on whether and how the site is important to wildlife movement in the region. And in this case, the speculation lacks credibility due to Noriko's observations of wildlife that only got to the project site by moving to it.

TRAFFIC IMPACTS TO WILDLIFE

The Addendum neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 26—29), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

[1] Wildlife are often channeled in their movements by natural features such as streams and valleys, but if all wildlife moved along such features, then predators would always know where to capture prey, and prey would always know where to expect predators. For these reasons, wildlife often move outside of natural corridors. Constructed corridors are different by serving as the only pathways remaining to wildlife in the face of habitat fragmentation (see Smallwood 2015).

Photo 26. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 27. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

Photos 28 and 29. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a California road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study

found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Predicting project-generated traffic impacts to wildlife

The Addendum's Air Quality analysis predicts 1,013,614 annual VMT for the warehouse and 897,716 annual VMT for the retail portion of the project, or a total 1,911,330 annual VMT generated by the project. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 813 vertebrate wildlife fatalities per year due to project-generated traffic. Assuming wildlife abundance is lower in the vicinity of the project site as compared to Vasco Road in Contra Costa County, collision mortality could also be assumed lower. However, even if it is 75% lower, the predicted mortality would be 203 wildlife fatalities per year, which would still be many

fatalities, the impact of which the Addendum has not analyzed nor formulated mitigation.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The Addendum does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that, as the Addendum is currently written, these impacts would be unmitigated.

CUMULATIVE IMPACTS

The CEQA Guidelines state that "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065 (a)(3)." Incremental effects are those in combination with related effects of other projects. Additionally, the Guidelines state, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence…" The Guidelines describe two general approaches to analyzing cumulative impacts, one approach consisting of a listing of past, ongoing, planned and foreseeable future projects. Despite the CEQA's stated requirements and despite the suggested approaches to analysis, the Addendum provides no analysis of potential project contributions to cumulative impacts related to biological resources.

Given the extent of habitat fragmentation in the region, leaving the open space of the project site as one of the last sizable patches of wildlife habitat within miles, the project's contribution to cumulative habitat destruction would be consequential. Habitat fragmentation acts as a multiplier of the adverse effects of simple habitat loss (Smallwood 2015), but the loss of one of the final habitat patches vastly expands the magnitude of the multiplied effect. This added effect of the loss of the last patches of habitat in severely fragmented settings is evident in a study summarized below.

In collaboration with Noriko Smallwood, I measured the impacts – inclusive of cumulative impacts – of wildlife habitat loss that was caused by mitigated development projects. We revisited 80 sites of proposed projects that we had originally surveyed in support of comments on the CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. We found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds

(-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures per existing laws, policies and regulations. We also specifically tested for the cumulative effects of projects on wildlife in neighboring habitats, and found significant decreases in species richness and overall abundance in those areas as well. Regarding the effects of losing the last remaining patches of habitat in a region, as discussed above, Figure 12 of Smallwood and Smallwood (2023) shows the added effect, which was significant and very substantial. The proposed project would cause severe declines in wildlife abundance and species richness in the region, as has been measured elsewhere.

MITIGATION MEASURES

Before I comment specifically on the mitigation strategy, I will repeat that the formulation of an appropriate mitigation strategy can follow only from an adequate survey effort for wildlife on and around the project site. The characterizations of the plant and wildlife communities need to be sufficiently accurate to accurately characterize the existing environmental setting. This accuracy is needed to formulate the appropriate mitigation strategy.

The Addendum refers to measures in the Preserve Master Plan EIR to reduce impacts to migratory birds and raptors, and to measures in the Edgewater Communities EIR. The Addendum is ambiguous about whether these measures would be required, but these measures are the only mitigation measures presented in the Addendum. Because these measures were formulated to mitigate the impacts of other projects, it would be inappropriate to rely on them to mitigate impacts of the proposed project. The mitigation strategies in the referenced EIR were not designed or intended to mitigate the impacts of additional projects.

Below I summarize each of the Preserve Master Plan EIR and Edgewater Communities EIR measures in italics, followed by my comment(s) in regular font.

The Preserve Master Plan EIR:

♦ **Conservation Area.** *A 300-acre conservation area will be established to provide burrowing owl habitat. A weed removal program will be established for this area to create high-quality raptor foraging habitat. Twenty artificial burrowing owl nesting sites will be constructed on the site. Stands of trees will be planted to provide burrowing owl habitat.*

The Addendum does not identify the location or status of this 300-acre conservation area. It does not disclose whether burrowing owls already occur on the conservation area, nor how the owls there are faring. There is no explanation how the weed removal program would create high-quality raptor foraging habitat.

The construction of 20 artificial burrowing owl nest boxes would not help to conserve burrowing owls. I have monitored many such artificial nest sites and found that their benefits to burrowing owls last no longer than a few years, after which time the owls decline as the boxes are destroyed by neglect and predators (Smallwood and Morrison 2018, 2024).

Contrary to the statement in the measure, the planting of stands of trees would not provide burrowing owl habitat. While burrowing owls occasionally nest under or near trees, stands of trees are not burrowing owl habitat. As the stands of trees mature, the burrowing owls would disappear, just as I have witnessed before.

♦ **Relocation.** *If burrowing owls are found on any development site, the developer will be required to follow CDFG burrowing owl relocation protocols, including the creation of artificial burrows*.

The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls. Relocation would probably not be permitted.

♦ **Existing Windrows.** *Existing windrows that provide raptor habitat will be incorporated into the design of future development wherever practical. If incorporated windrows are not practical, the developer will provide replacement windrow trees as specified by an ornithologist specializing in raptor biology. … Although the mitigation measures listed above would potentially reduce the effects of development on raptors, including burrowing owls, The Preserve Master Plan EIR finds that this impact would remain significant after mitigation*.

The planting of windrow trees would not benefit burrowing owls, and would instead pose an added threat to burrowing owls. But the project, as planned, includes no plan to plant windrow trees, and doing so in the context of the project would add no habitat value to burrowing owls. This measure is irrelevant to burrowing owls that might occur on the project site.

<u>Edgewater Communities EIR:</u>

♦ *Establish 30 acres of restored native grassland habitat as a conservation easement and deed it to a land stewardship organization*.

The Addendum does not identify where these 30 acres would be located, whether they already support burrowing owls, and how the acreage would be managed for burrowing owls.

♦ *Provide a planting plan to establish and manage vegetation for three detention basins and perimeter slopes*.

This measure might be relevant to the Edgewater Communities project, but not to the Chino Gateway project.

♦ *Avoid burrowing owls by 75 meters during the nesting season and by 50 meters outside of the nesting season. Do not disturb occupied burrows during the nesting season.*

This measure is irrelevant. The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls.

♦ *Use passive relocation techniques if burrowing owls must be moved away from disturbance areas.*

The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls. Relocation would probably not be permitted.

♦ *Conduct a 30-day preconstruction survey for burrowing owls to map all occupied burrows and develop a strategy to avoid harm resulting from project construction.*

This measure would be out of sequence to the steps recommended in CDFW (2012). The survey guidelines specify that detection surveys need to be completed prior to preconstruction survey.

♦ *Submit a burrowing owl relocation and habitat management plan prior to passive relocation.*

The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls. Relocation would probably not be permitted.

RECOMMENDED MEASURES

Habitat loss: Should the project go forward, compensatory mitigation is needed for the loss of habitat. Habitat of equal or greater area should be protected as close to the project site as feasible.

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments.

Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles traveling to and from the buildings.

Landscaping: If the project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as importance sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threated insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

Thank you for your consideration,

_____
Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in Sacramento, California. Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 477 professional publications, including:
- 81 peer reviewed publications
- 24 in non-reviewed proceedings
- 370 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 87 public presentations of research results at meetings
- Reviewed many professional papers and reports
- Testified in 4 court cases.

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The

five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

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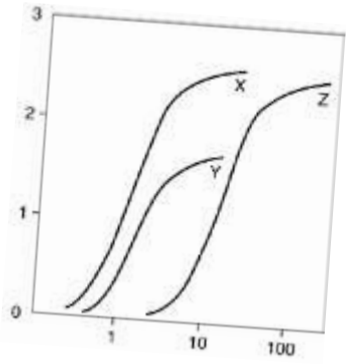
EXHIBIT B



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September 10, 2025

Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

Attn: Ms. Victoria Yundt

Subject: Comment Letter on Addendum To The City Of Chino General Plan Environmental Impact Report, City of Chino, CA. SCH No. 2008091064

Dear Ms. Yundt:

At the request of Lozeau Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the Addendum to the GP-EIR. If we do not comment on a specific item, this does not constitute acceptance of the item.

Project Description:

In 2010, the City certified the City of Chino General Plan Environmental Impact Report (GPEIR), State Clearinghouse No. 2008091064, for the City of Chino General Plan (General Plan). The Chino Gateway Terminal Project (herein referred to as the "project," or "proposed project,") consists of a 158,548 square-foot warehouse and a 3,520 square-foot multi-tenant restaurant building on a 7.35-acre project site at 5885 Schaefer Avenue in Chino. The Project would include 128 passenger vehicle parking spaces, 10 truck parking spaces, 20 loading

docks, and 1 ground-level roll-up door. Development of the project site for industrial uses was evaluated programmatically in the GPEIR because specific details of a project-specific development on the site were not known at the time of certification of the GPEIR. According to the Addendum, the purpose for creating the Addendum was to analyze any potential differences between the impacts identified in the GPEIR for buildout of the General Plan and impacts that would be associated with the proposed project.

Project Location: The project site is southwest of the Schaefer Avenue and Oaks Avenue intersection in Chino, western San Bernardino County, California. The project site is in Section 13 of Township 2 South, Range 8 West of the San Bernardino Baseline and Meridian, as depicted on the United States Geological Survey 7.5-minute series Ontario, California quadrangle.5 Specifically, the center of the project site is at latitude 34°00'13.60" N and longitude 117°40’38.31" W at an elevation of 697 feet above mean sea level and consists of four parcels (Assessor’s Parcel Numbers 1021-052-04, 1021-052-06, 1021-052-09, and 1021-052-11).

Access to the project site is provided via three existing driveways along Oaks Avenue that facilitate access to the church and one of the former residential properties, and five existing driveways along Schaefer Avenue, one of which serves the church, two of which serve the former residential property west of the church, and two of which lead to the vacant lot on the western portion of the site. The Project Site is designated as light industrial (L1) in the general plan and (M1) light industrial in the zoning district.

The City Municipal Code does not include maximum building heights for the M1 zoning district; therefore, in accordance with Section 504.3 (Height in feet) of the California Building Code (CBC), the height of the proposed buildings would not exceed 75 feet. The warehouse building would reach a maximum height of approximately 47 feet. The multi-tenant restaurant building would reach a maximum height of approximately 25 feet.

The warehouse building would be a concrete tilt-up building with a contemporary architectural design, consisting of various exterior materials including spandrel glass and metal accents. Building design would use vertical and horizontal lines and color and material changes to provide visual relief and varied massing. Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project’s power needs.

The proposed project is anticipated to generate up to 72 employees, with 18 employees generated by the restaurant uses and 54 employees generated by the warehouse use. The hours of

operation for 10 the proposed facilities include 8:00 a.m. to 10:00 p.m. 7 days per week for the restaurant tenants and 24 hours per day and 7 days per week for the industrial tenant.

Figure 1: Project Site Location

Construction of the project is anticipated to commence in October 2025 and finish in late 2026, resulting in a total construction duration of approximately 14 months. Construction activities would include the emolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet), pavement, and fencing, and removal of all existing vegetation. Construction would also include grading, paving, and construction of the proposed buildings and parking areas. Construction would also include the installation of perimeter fencing and screen walls, landscaping, lighting, curb, gutter, sidewalk, and utility interconnections within the Oaks Avenue and Schaefer Avenue ROWs. During grading, on-site soils would be excavated and recompacted in accordance with the CBC to accommodate the proposed buildings, drive aisles, and parking areas. Construction equipment anticipated to be used includes bulldozers, loaders/backhoes, scrapers, cranes, forklifts, rollers, concrete pumps, and paving equipment equipped with Tier 2 or better engines and Level 3 diesel particulate filters.

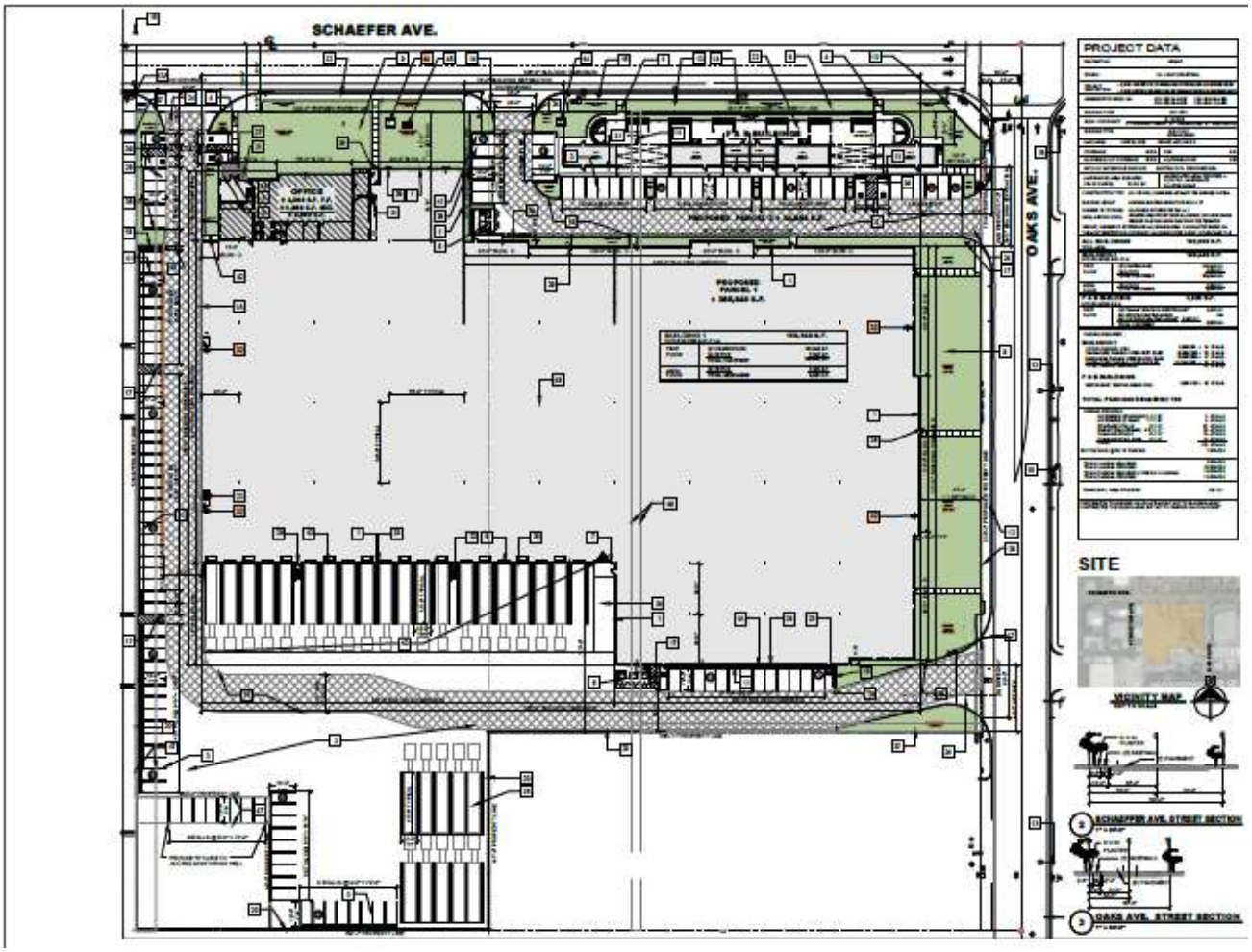


Figure 2: Conceptual Site Plan

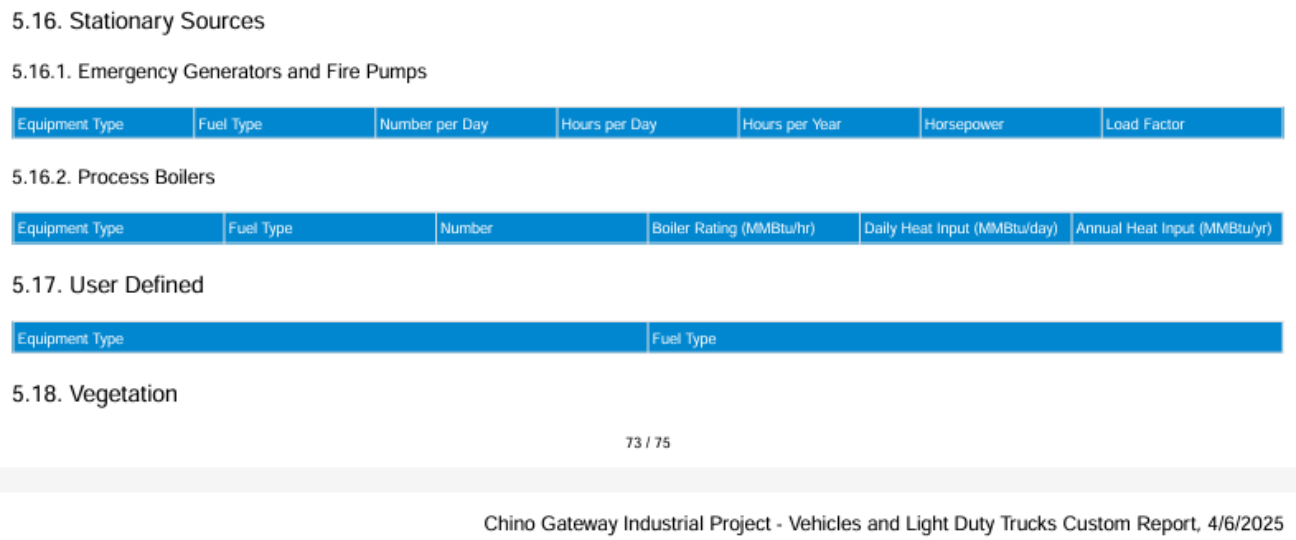
The air quality analysis for the Project assumes that construction of the proposed project is anticipated over a period of 14 months, beginning in October 2025 and ending in late 2026. Construction activities include demolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet). Construction equipment anticipated to be used includes bulldozers, loaders/backhoes, scrapers, cranes, forklifts, rollers, concrete pumps, and paving equipment. The CalEEMod analysis assumed that construction equipment would use Tier 2 engines with Level 3 diesel particulate filters. In addition, the proposed project would result in a cut of approximately 112 cubic yards of soil for export. Default CalEEMod parameters were used for remaining construction details, such as construction equipment, construction worker and truck trips, and fleet activities.

This conclusion that no mitigation measures are required for air quality impacts is in conflict with the facts provided within the Addendum to the EIR.

Specific Comments:

1. **The Air Quality Analysis Of The Operational Phase Of The Project Fails To Include Back-Up Generators And Fire Pumps In The Analysis.**

To be compliant with the California Fire Code (CFC) and local fire authorities, the Project will be required to install fire pump systems and are likely to have a back-up generator (BUG) onsite. The fire pump and BUG will need to be tested and maintained annually. Under the California Air Resources Board (CARB) Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines Guidance, the District may allow a new stationary emergency standby diesel-fueled Cl engine (> 50 hp) to operate up to 100 hours per year for maintenance and testing purposes on a site-specific basis, provided the diesel PM emission rate is less than or equal to 0.01 g/bhp-hr. In addition to the testing emissions the air quality analysis in the IS must include the substantial increase in operational emissions from BUGs in the Air Basin due to unscheduled events, including but not limited to Public Safety Power Shutoff (PSPS) events and extreme heat events. Nowhere in the City's analysis of the operational emissions of stationary equipment (i.e., fire pumps and or BUGs) or emissions from those sources included in the CalEEMOD analysis.



5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

73 / 75

Chino Gateway Industrial Project - Vehicles and Light Duty Trucks Custom Report, 4/6/2025

Figure 3: CalEEMOD Analysis Of Operational Emissions

This failure to include the emissions from the fire pumps and BUGS are a significant unaddressed emission source for the Project. The City's analysis is therefore incomplete and must be corrected in a revised addendum to the EIR for the Project.

2. The City's Cumulative Impact Analysis Fails To Incorporate A Quantitative Analysis To The Substantial Impacts From Nearby Warehouse Projects.

The Project is located within the South Coast Air Quality Management District's (SCAQMD's) boundaries, an area currently in non-attainment for ozone (O_3), respirable particles (PM_{10}), and fine particulate matter ($PM_{2.5}$). The City[1] concludes that "the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard. Impacts are less than significant, and there is no new information requiring the preparation of an EIR or new or more severe impact beyond that previously identified in the GPEIR."

Within 5 kilometers of the project site, there are 167 existing warehouse projects totaling 25,011,300 square feet, with an additional nine (9) vacant warehouses covering 1,288,700 square feet.

[1] LSA 2025. Addendum to GP-EIR. Pg 2-49.

Figure 4: Existing And Approved Warehouse Projects Near Project

According to data from the Redford Conservancy at Pitzer College and Radical Research LLC (presented on the Warehouse CITY website)[2], the existing projects generate 17,000 daily truck trips, producing 23.5 pounds (lbs) of diesel particulate matter (DPM) and 2,649 lbs of oxides of nitrogen (NO_x) per day. The Project itself will further contribute to air pollution during both construction and operation.

The cumulative analysis demonstrates that the Project will exacerbate regional issues with ozone and particulate matter, introducing additional toxic air contaminants (TACs) to an already impacted area. The City has concluded that no mitigation measures are required for the air quality impacts, yet it is clear that the cumulative air quality and public health impacts from the Project have not been fully evaluated and appropriately mitigated, providing transparency and protection for the public.

3. The Project Site Is Located In The Top 11% Of Zipcodes In California For Exposure To Air Pollutants, The Top 7% For Exposure To $PM_{2.5}$, And Is In The Top 12% Of Zipcodes In The South Coast Air Basin For Exposure To Diesel Particulate Matter

[2] Warehouse City v. 1.21. Accessed September 10, 2025. https://radicalresearch.shinyapps.io/WarehouseCITY/

The Project Site is located in census tract 6071000504 (zip code 91710). Using the Office of Environmental Health and Hazard Assessment's (OEHHA's) California Communities Environmental Health Screening Tool Version·4.0 (CalEnviroScreen) it is possible to assess the existing concerns for the census tract in which the Project is located.

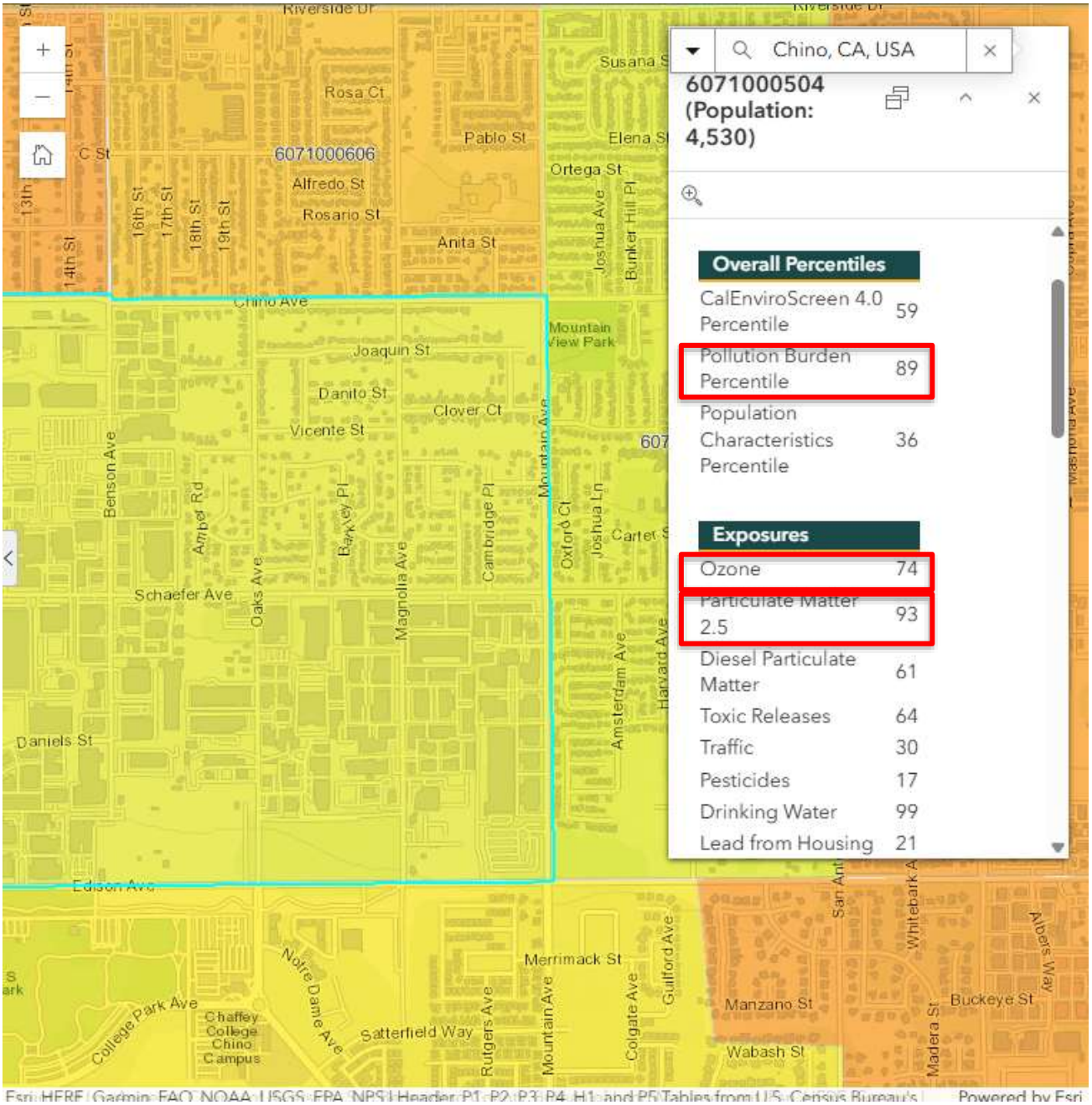


Figure 5: Enviroscreen 4.0 Map Of Project Site

Based on the CalEnviroScreen summary of zipcode 91070, it is clear that the area is in the top 11% of all communities in the State of California impacted by pollution.

According to the SCAQMD's Multiple Air Toxics Exposure Study (MATES) study, zip code 91070 (the location of the Project Site) has a cumulative cancer risk of 607 in 1 million placing it in the top 12% of communities in the South Coast Air Basin (SCAB) impacted by TACs.

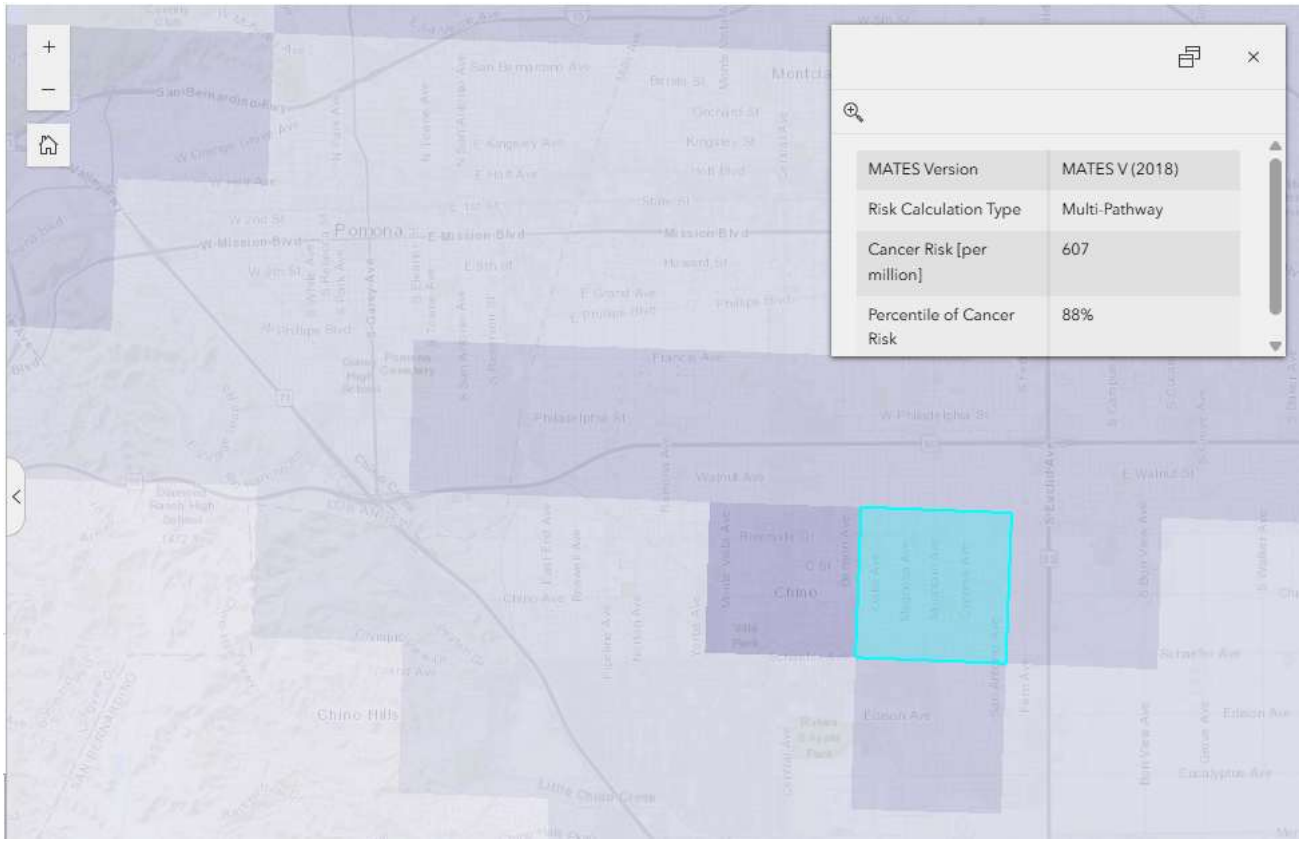


Figure 5: MATES Cancer Risk Analysis Of Project Location

Increasing the number of sources of ozone precursors within the community via the construction of the Project will exacerbate pollution levels, resulting in a substantially greater health burden on the community which the Addendum to the EIR fails to disclose.

4. The Project May Result in Significant Health Risk to Construction Workers and Nearby Residences from Exposure to Valley Fever.

Given the proximity of the Project Site to nearby residential receptors to the west of the Site, it is clear that sensitive receptors as well as workers at the project site could be exposed to Valley Fever (*Coccidiodes imimitis)* from fugitive dust generated during construction.

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	10/6/2025	11/3/2025	5.00	20.0	—
Site Preparation	Site Preparation	11/4/2025	11/18/2025	5.00	10.0	—
Grading	Grading	11/19/2025	12/17/2025	5.00	20.0	—
Building Construction	Building Construction	12/18/2025	11/5/2026	5.00	230	—
Paving	Paving	11/6/2026	11/19/2026	5.00	10.0	—
Architectural Coating	Architectural Coating	7/6/2026	12/4/2026	5.00	110	—

Figure 6: Construction Schedule

According to the CalEEMod model provided in the Air Quality Analysis, the Project will involve 30 days of site preparation and grading. During that time approximately 35.0 acres will be disturbed during the site preparation and grading phases. These activities will release large quantities of dust.

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (Cubic Yards)	Material Exported (Cubic Yards)	Acres Graded (acres)	Material Demolished (Building Square Footage)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	17,716	—
Site Preparation	0.00	0.00	15.0	0.00	—
Grading	0.00	112	20.0	0.00	—
Paving	0.00	0.00	0.00	0.00	3.63

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	2	61%	61%
Water Demolished Area	2	36%	36%

Figure 7: Earthmoving Activities

Dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidiodes imimitis (cocci)* exposure). When soil containing the *cocci* spores are disturbed by construction activities,

the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.

The fungus lives in the top 2 to 12 inches of soil. When soil containing this fungus is disturbed by activities such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become airborne. The most at-risk populations are construction and agricultural workers.[3] Here, construction workers are the population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that "[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations."[4]

The potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters ("mm"), into nonendemic areas, potentially exposing large non-Project-related populations.[5],[6] These very small particles are not controlled by conventional construction dust control mitigation measures.

Recent data from the California Department of Public Health underscore the severity of this public health issue. Since 2016, the number of cases of Valley Fever in San Bernardino County has increased from 1.8 per 100,000 in 2016 to 10.5 in 2022 (an increase of 583%).[7] In 2021, the number

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[3] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.

[4] *Ibid.*, p. 110.

[5] Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

[6] Pappagianis and Einstein, 1978, p. 527 ("The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as 'a mud storm' that vexed the residents of much of California." The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

[7] CDPH. 2022. Epidemiologic Summary of Valley Fever (Coccidiodomycosis) In California, 2022. Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases,

of cases of Valley Fever in San Bernardino County reached a high of 250 cases. In the first 8 months of 2024, San Bernardino County reported 210 cases, representing a nearly 552% increase over the baseline year of 2016 in only three quarters of the year. Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project's construction phase will have on the community.

A study in Antelope Valley identified a clear link between soil disturbance - due to large-scale renewable energy construction projects, agricultural management practices and PM_{10} fugitive dust emissions - and increased incidence of coccidioidomycosis.[8]

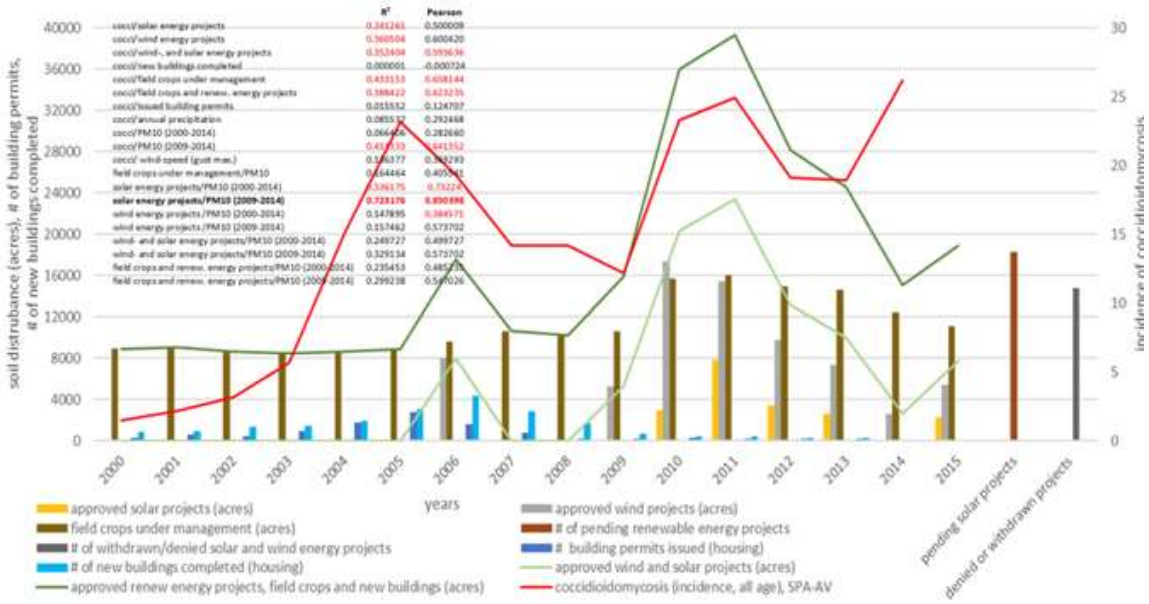

Figure 8: Valley Fever Incidence And Soil Disturbance

It is evident from the figure above that, as the number of acres of soil in the Antelope Valley were disturbed, the incidence rate of Valley Fever also increased. The mass disturbance of soils

California Department of Public Health. https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2022.pdf

[8] Colson. 2017. Large-Scale Land Development, Fugitive Dust, and Increased Coccidioidomycosis Incidence in the Antelope Valley of California, 1999-2014. https://knowthecause.com/wp-content/uploads/2017/03/Colson2017FugitiveDustCoccidiodes.pdf

anticipated by the proposed Project will create the same conditions that were detailed in the study by Colson. [9]

According to research on Valley Fever, outbreaks in populations with intense exposure to aerosolized arthroconidia are at greater risk for infection.[10] These groups include agricultural or construction workers, or persons who participate in outdoor activities such as hunting or digging in the soil. Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.[11,12,13,14] Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project's construction phase will have on the community.

Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated,

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[9] *ibid*

[10] Frederick S. Fisher, Mark W. Bultman, and Demosthenes Pappagianis, Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever), U.S. Geological Survey Open-File Report 00-348, 2000, pp. 5, 7; https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf.

[11] Brown. Et al. 2013. Coccidioidomycosis: epidemiology. *Clinical Epidemiology*. 5:185-197.

[12] Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, Annals of the New York Academy of Sciences, v. 111, 2007, pp. 20–22, available at https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.004; Frederick S. Fisher, Mark

W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, Coccidioides Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, Annals of the New York Academy of Sciences, v. 111, 2007, pp. 47–72 ("All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected."), available at https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.031.

[13] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, American Journal of Public Health and the Nation's Health, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.

[14] Frederick S. Fisher, Mark W. Bultman, and Demosthenes Pappagianis, Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever), U.S. Geological Survey Open-File Report 00-348, 2000, pp. 5, 7; https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf.

impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints.

As shown above, the risk that nearby residences would be exposed to Valley Fever disturbed during Project construction is substantial. This risk would not be mitigated by Rule 403 standard dust control measures, as discussed in the Addendum to the EIR, because the measures do not consider the drift of spores from a Project Site to the adjacent residential structures.

The City should require that the Applicant implement mitigation measures to actively suppress the spread of Valley Fever by implementing the following methods:

1. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
2. Control dust exposure:
    - Rule 403 requires application of nontoxic chemical soil stabilizers according to manufacturers' specifications to inactive construction areas. Additionally, chemical stabilizers should be applied at least 24-hours prior to high wind event.
    - In addition to Rule 403's requirement to apply water to all disturbed areas a minimum of three times per day, watering frequency should be increased to a minimum of *four times per day* if there is any evidence of visible wind-driven fugitive dust.
    - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
    - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
    - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
    - Avoid outdoor construction operations during unusually windy conditions or in dust storms.
    - Consider limiting outdoor construction during the fall to essential jobs only, as the

risk of cocci infection is higher during this season.

3. Prevent transport of cocci outside endemic areas:
    - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
    - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate.
    - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.
    - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
    - Clothing should be changed after work every day, preferably at the work site.
    - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
    - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
4. Improve medical surveillance for employees:
    - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
    - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
    - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
    - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.

- Skin testing is not recommended for evaluation of Valley Fever.[15]
- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

The City must disclose the risk of Valley Fever exposure as a significant impact and should adopt these evidence-based mitigation measures – proven effective in similar construction projects in endemic areas – in a revised addendum to the EIR to ensure comprehensive protection of public health. Standard dust control measures are insufficient for preventing Valley Fever exposure, and only concrete, enforceable steps like those listed above will safeguard both onsite workers and surrounding communities.

The City should also add a requirement to offer filtration for the residences near the Project Site. The use of minimum efficiency reporting value (MERV) 16 filters on the residences nearby would reduce exposure to the spores by as much as 95 percent (95%). Given that the Project will be directly responsible for the generation of the spores into the local environment it is reasonable that they provide the necessary mitigation measures for the surrounding community. This measure should be included in an EIR for the Project.

5. The City Fails To Account For The Potential Hazards From Battery Storage On Site.

According to the Addendum to the EIR, "Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project's power needs." The Addendum to the EIR fails to include any information regarding the capacity of the battery storage system or the type of batteries to be deployed at the site. The City's failure to include any specifications of the battery systems results in the failure to analyze the particular hazards presented by the presence of such infrastructure. Frequently identified hazards from battery storage systems include thermal runaway, off-gassing, and stranded energy, along with

[15] Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain.

discharges of hazardous chemicals from the batteries themselves.

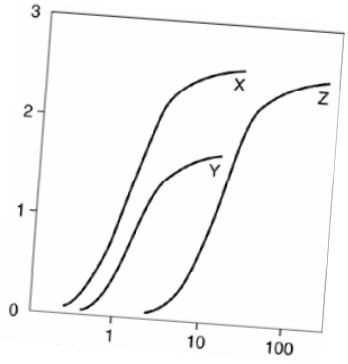
- Thermal runaway - Thermal runaway is the uncontrollable self-heating of a battery cell. It begins when the heat generated within a battery exceeds the amount of heat that can be dissipated to its surroundings. The initial overheated cell then generates flammable and toxic gasses and can reach a heat high enough to ignite those gasses. This phenomenon can cascade to adjacent cells and progress through the battery energy storage system (BESS), thus the term "runaway".
- Off Gassing – The gasses that ae released from battery energy storage systems are highly flammable and toxic. The type of gas released depends on the battery chemistry involved but typically includes gases such as: carbon monoxide, carbon dioxide, hydrogen, methane, ethane, and other hydrocarbons. If the gas is able to reach it's lower explosive limit before finding an ignition source then there is the potential for an explosion
- Stranded Energy – Standard energy is the term used for when a battery has no safe way of discharging its stored energy. This commonly occurs after an BESS fire has been extinguished and the battery terminals have been damaged. This is a shock hazard to those working with the damaged BESS since it still contains an unknown amount of electrical energy. Stranded energy can also lead to reignition of a fire within minute, hours, or even days after the initial event.

Additionally, the environmental impacts from the placement of batteries in the environment needs to be assessed. Specifically, environmental impacts can lead to battery failure. This can be the result of ambient temperature extremes, seismic activity, floods, ingress of debris or corrosive mists such as dust (deserts) or salt fog (marine locations), or rodent damage to wiring. Rapid temperature variations that exist in the foothills of the Sacramento Valley can result in dewing leading to damage within the battery storage systems located outdoors if not well-controlled. The Addendum to the EIR fails to include any meaningful information regarding the proposed battery storage systems. The City must prepare a revised addendum to the EIR to analyze and mitigate the foreseeable environmental impacts from the use of battery storage at the Project site.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. A revised addendum to the EIR should be prepared to address these substantial concerns.

Sincerely,



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litgation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment.*

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (M*t*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of M*t*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of M*t*BE, and is suspected to be the primary cause of M*t*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment.* Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment.* Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equialency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, Volume 70 (2008) page 002254.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. Organohalogen Compounds, Volume 70 (2008) page 000527

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research.* 105:194-199.

Rosenfeld, P.E., **Clark, J. J.,** Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" Water Science & Technology. 55(5): 345-357.

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.

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EXHIBIT C

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #25-002.12

August 6, 2025

Victoria Yundt
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

SUBJECT: Chino Gateway Terminal Project
City of Chino, CA
Review and Comment on Noise Study

Dear Ms. Yundt,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the following documents:

Envision Chino, City of Chino General Plan 2025, July 2010 (General Plan)
Chino Gateway Terminal Project
Addendum to the City of Chino General Plan EIR, June 2025 (Addendum)
Appendix A Vehicles and Light Dury Truck Custom Report (App. A)
Appendix I.1 Noise Survey Sheets (App. I.1)
Appendix 1.2 SoundPLAN Day and Night Noise Levels (App. I.2)
Appendix J Traffic Impact Analysis (App. J)

The Proposed Chino Gateway Terminal Project (Project) would result in the demolition of existing structures and construction of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building. The project site is surrounded by industrial uses to the east, west and south and single family house across Schaefer Avenue to the north.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as cognitive decline, increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://iris.who.int/handle/10665/66217)

Potentially Significant Construction Noise Impacts

The Addendum underestimates construction noise and does not disclose potentially significant impacts. The anticipated construction noise levels reported in the Addendum are up to 70 dBA [p. 2-83]. The City of Chino General Plan limits noise from construction activities below 65 dBA, in accordance with Municipal Code Section 9.40.040(B) [General Plan, p. N-10]. The Addendum does not mention this limit or discuss how this impact will be addressed.

Further, the construction noise analysis is unsupported. The Addendum discusses noise levels predicted from the middle of the site (400 feet), even though the Addendum acknowledges that the nearest single-family residences are located 90 feet north of the edge of the site [p. 2-83]. The source of the range of construction levels shown in the Addendum is not cited and the report does not provide an equipment list for construction phases or equipment reference levels.

The air emissions report provided in Appendix A does contain construction equipment lists. The Federal Highway Administration's Roadway Noise Construction Model (RCNM) provides reference Lmax levels for construction equipment and usage factors, which account for power variation and the fraction of time each piece is typically used on site. The Addendum could have used this information to calculate noise levels based on the actual anticipated construction activities on site. As shown in Table 1 below, noise levels from construction activities at residences closest to the Project site are expected to be up to 81 dBA, 11 dB higher than the reported construction levels.

Table 1 Estimated Construction Noise Levels at Nearest Residences

Activity	Equipment	Usage (%)	Ref. Lmax at 50 ft. (dBA)	Dist. to Nearest Residence (ft.)	Lmax at Residence (dBA)	Leq at Residence (dBA)
Demo	concrete saw	20	90	90	85	78
	excavator	40	85	90	80	76
	dozer	40	85	90	80	76
	Total:					**81**
Site Prep	dozer	40	85	90	80	76
	loader/backhoe	40	80	90	75	71
	Total:					**77**
Grading	excavator	40	85	90	80	76
	grader	40	85	90	80	76
	dozer	40	85	90	80	76
	loader/backhoe	40	80	90	75	71
	Total:					**81**

California Environmental Quality Act Guidelines cited in the Addendum state that impacts to noise would be significant if the proposed project would result in "generation of a substantial temporary or permanent increase in ambient noise levels" [p. 2-33]. The Addendum lacks a significance threshold for "substantial increase" for Project construction noise. Daytime ambient levels measured at nearby homes (LT-2) are reported to be 68 to 73 dBA in the Addendum [p. 2-85]. The estimated

construction noise levels from demolition and grading of 81 dBA are not only above the General Plan limit, but 8 to 13 dB above the measured ambient.

As shown in Figure 3-6 of the Federal Transit Authority Noise and Vibration Impact Assessment Manual Noise (FTA Manual)[2], which is based on actual case studies, community reaction to newly introduced noise gets stronger as noise above existing levels increases. Reactions to increases between 5 to 10 dB varied from "widespread complaints" to "threats of legal action."

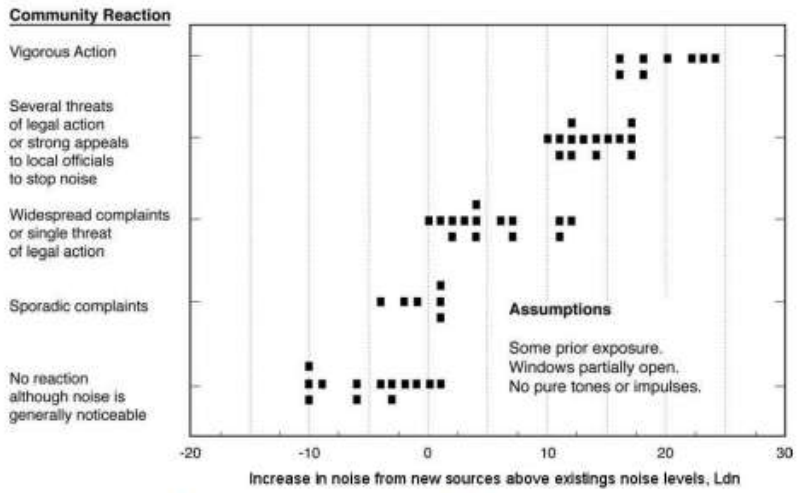

Figure 3-6 Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment

Figure 1 FTA Noise and Vibration Impact Assessment, Section on Construction Noise and Vibration (FTA page 18)

The Addendum indicates that the Project will prepare a construction management plan to ensure construction does not take place outside of allowable hours, but again omits any mention of the General Plan limit for construction noise [p. 2-85]. The report states that temporary noise barriers would be used. However, it does not indicate where the barriers would be placed (which impacts their effectiveness) or how much reduction they are expected to provide. The noise barriers are not explicitly called out as a mitigation measure.

The errors and omissions in the underlying data render the construction noise analysis unreliable. Noise impacts must be re-evaluated utilizing anticipated construction activities and properly established criteria. Mitigation measures such as enclosures, relocating staging areas and stationary equipment, temporary noise barriers, and noise monitoring should be considered to reduce potentially significant construction noise impacts.

[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

Potentially Significant Truck Noise Impacts

The Addendum does not address potentially significant impacts from trucks coming in and out of the Schaefer Avenue driveway. The Project Description indicates that trucks will use the western driveway along Schaefer Avenue and the southern driveway along Oaks Avenue [p. 12]. As shown in Figure 4 of the Addendum, the Schaefer Avenue driveway is planned to be directly across from sensitive residences, located 90 feet from the Project site. As further discussed in the Project Description, the industrial facility is anticipated to have 24 hour per day and 7 days a week hours of operation [p. 12]. The traffic analysis in Appendix J shows that the warehouse building will generate 28 total truck trips during the P.M. peak hour [App. J, Table A]. There is no information on anticipated nighttime truck traffic activity.

The Addendum discusses truck noise at the loading docks, which are shielded from homes, but does not give a quantitative analysis of truck noise in the driveway, which is not shielded from homes. The operational noise SoundPLAN model shown in Appendix J.2 does not include either driveway as a noise source. The Addendum cites a level of 76 dBA at 20 feet for "short term noise levels that occur during the docking process" based on previous measurements for another warehouse project and acknowledges that trucks would arrive on site and maneuver their trailers to the loading docks [p. 2-88].

Using the reference level provided by the Addendum, truck noise at the Schaefer Avenue driveway is estimated to be 63 dBA at the nearest residences (90 feet from the site), which exceeds both the daytime (50 dBA) and nighttime (45 dBA) noise standards cited in the Addendum. The estimated truck noise is 4 dB above the nighttime ambient measured by the Project. The Addendum lacks a significance threshold for "substantial increase" for operational noise. However, it acknowledges that a 3 dB difference would be perceptible to residents [p. 2-85].

The Leq represents noise from multiple truck events over a period of time (in this case, one hour). Single event truck noise at night can cause sleep disturbance. Reliance on the hourly Leq as the significance threshold is inadequate to assess the significance of truck noise on sleep disturbance. A 2018 review article by Basner and McGuire, titled *WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep* and published in the International Journal of Environmental Research and Public Health (shown in Figure 2) uses data from two fairly large studies of sleep disturbance due to road traffic to estimate the effect of single traffic noise events on sleep.[3]

Lmax levels used in Figure 2 describe the highest "instantaneous" noise level during a specified time period, caused by short duration noises such as a truck passby, pneumatic brake air release, backup alarm, etc. As explained by FHWA-HEP-17-053, the maximum sound level is important in judging the interference caused by a noise event with common activities.[4] FHWA RCNM uses a reference Lmax of 84 dBA for truck noise at 50 feet. As show below, this would result in an interior Lmax level of 46 dBA at the nearest residence. This assumes 15-dB reduction from a partially open window, which is standard practice for acoustical analyses in California. As shown in Figure 2, this level has an approximately 10% chance of disturbing sleep.

[3] International Journal of Environmental Research and Public Health 2018, 15, 519; doi:10.3390/ijerph15030519
[4] https://www.fhwa.dot.gov/Environment/noise/resources/sound_descr.cfm

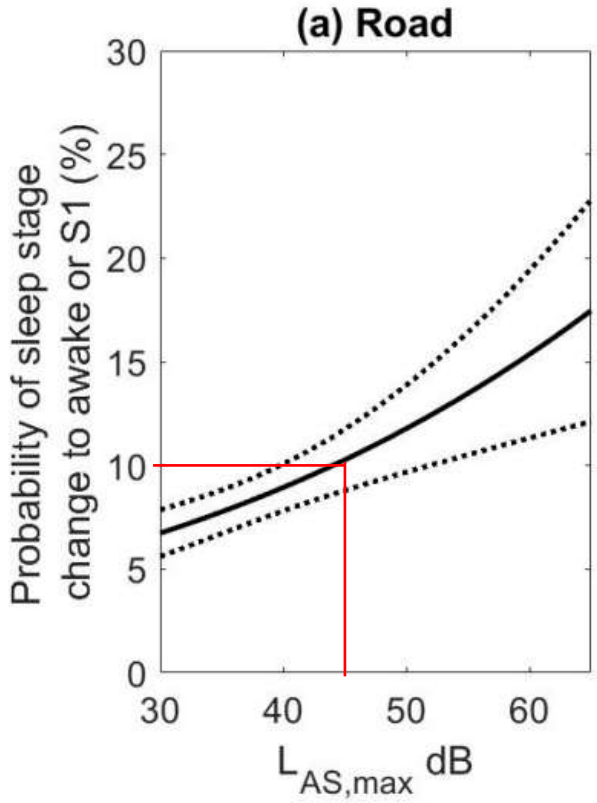

Figure 2 From Basner (2018), Figure 4 Probability of Sleep Disturbance

Mitigation measures could include operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations. General Plan Objective N-1.2, Policy P1 requires the minimization of transportation noise through street and right-of-way design or route coordination [General Plan, p. N-31]. The Project should consider rerouting truck traffic away from the planned Schaeffer Avenue driveway and nearby residences.

Mechanical Noise Analysis Contains Errors and Omissions

The Addendum acknowledges that the results of the SoundPLAN model presented in Appendix I.2 exceed nighttime limits but does not discuss mitigation measures [p. 2-88]. Further, it appears that the SoundPLAN contours in Appendix I.2 do not include the contribution from all of the noise sources in the model and underestimates mechanical noise. The Addendum states the analysis used a reference sound power level of 87 dBA for HVAC units [p. 2-88]. The SoundPLAN model shows four HVAC units for the warehouse facility, about 180 feet from sensitive receptors, but does not show a contour from these sources. Four HVAC units at the referenced sound power level would result in a sound pressure level of 50 dBA at 180 feet, which is over the daytime and nighttime residential limits.

Further, four HVAC units are not sufficient for the ventilation needs of the planned building. For warehouses, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) minimum ventilation rate is 0.06 CFM per square foot, per person, which must be adjusted

for occupancy rates, indoor air quality, and other factors.[5] The most common large unit size is 25 tons. A simple calculation using a rule of thumb for industrial buildings (see Figure 1 below) shows that a warehouse of this size would need at least 25 units (spread out across the roof) to properly ventilate the space. Ten of these units along the edge of the building would result in noise levels of 54 dBA at 180 feet.

$$158{,}148 \text{ sq. ft} \div 250 \text{ sq. ft. per ton} = 634 \text{ ton load}$$
$$634 \text{ ton load} \div 25 \text{ tons per unit} = 25 \text{ units}$$

The SoundPlan model for operational noise should have at the very least included the units along the roof parameter closest to sensitive receptors. **The HVAC noise predictions should be updated to reflect realistic equipment assumptions.**

Figure 3 Industrial Building Cooling Load, Rule of Thumb[6]

Traffic Analysis Missing Validation

The modeled levels for existing traffic along Shaeffer Avenue are lower than measured levels reported in the Addendum. Table K shows a CNEL of 67.4 dBA between Benson Avenue and Oaks Avenue [p. 2-86]. Table J shows a measured Ldn of 75.3 dBA at LT-2, 8 dB higher [p. 2-85]. The DEIR does not discuss this discrepancy or apply a calibration factor to the traffic noise model. Further, there is no explanation for why two different metrics were used to show measured and modeled existing levels. The CNEL level includes an additional 5 dB penalty for evening hours.

The Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (TeNS) provides procedures for traffic studies, including a discussion of model accuracy tolerances.[7] The TeNS recommends that "differences of 5 dBA or more should be approached with caution" when validating traffic noise models [TeNS p. 4-13]. **The Project should address this discrepancy and validate the traffic model using measured baseline data.**

[5] https://www.ashrae.org/file%20library/technical%20resources/standards%20and%20guidelines/standards%20addenda/62_1_2013_p_20150707.pdf
[6] https://www.engproguides.com/hvac-rule-of-thumb-calculator.html
[7] https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf

Baseline Noise is Not Properly Established

The Addendum does not properly characterize the existing noise environment. The second measurement location is at the back of the site, which does not represent any sensitive receivers. A second measurement would have been better suited at residences further down Schaeffer Avenue to show noise levels from the existing warehouse driveways on Shaeffer and compare those levels to the tomes across the Project site.

Conclusion

The Addendum operational and construction noise analysis contains errors and fails to identify potentially significant impacts. The Addendum fails to establish a proper baseline for traffic noise.

Please feel free to contact me with any questions on this information.

Very truly yours,
Ani Toncheva, Senior Consultant, WILSON IHRIG

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

ANI TONCHEVA

Senior Consultant

Since joining the firm in 2011, Ani has conducted analyses for transit systems, vibration-sensitive research facilities, public infrastructure, construction, and other environmental noise. She has contributed to literature reviews, including research on current practices of historical preservation. She has extensive experience working on construction projects in New York City and is well-versed in local noise codes.

Education

- B.A., Physics; Bard College, New York

Professional Associations

- *Member*, National Council of Acoustical Consultants (NCAC)
- *Member*, Acoustical Society of America (ASA)
- *Board Member,* Transportation Research Forum (TRF), NY Chapter and International Board

Research Paper

- NCHRP 25-25, *Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects*

Project Experience

ARCHITECTURAL

180 Jones Street Mixed-Use Development, San Francisco, CA
Prepared a CCR Title 24 Noise Study Report for a new mixed-use building. The project included 70 residential units and on-site community facilities.

1801 Haight Street Mixed-Use Development, San Francisco, CA
Prepared a CCR Title 24 Noise Study Report for a new low-rise mixed-use building.

Analog (ArtX) Hotel, Palo Alto, CA
Prepared preliminary basis of design guidelines for a new five-story boutique hotel in a residential area. Work included evaluation of exterior noise from a project that may affect guest areas and interior noise and vibration isolation measures.

First Congregational Church of Berkeley Pilgrim Hall Replacement, Berkeley, CA
Responsible for developing 3D computer model of a new hall to prepare a basis of design guidelines for room acoustics and noise control and assist in the development of acoustic specifications for various disciplines.

Gansevoort Cooperative, New York, NY
Conducted measurements inside several units in a mixed-use building to characterize commercial noise levels and recommend mitigation measures.

Hollis Life Science, Emeryville, CA
Conducted a drawing review regarding the new air handler units, exhaust fans, and related noise, and vibration-generating equipment, to recommend base isolation requirements to control vibration within the building, and to assess noise control requirements.

Sunnydale Block 3A & 3B Mixed-Use Residential Development, San Francisco, CA
Prepared a CCR Title 24 Noise Study Report for two, mixed-use, 5-story buildings. The project was part of the complete rebuild of the existing Sunnydale-Velasco Housing Authority site through the HOPE SF Program.

CONSTRUCTION
Columbia University Medical Center Medical and Graduate Education Building, New York, NY
Conducted baseline noise survey and performed attended noise measurements during preliminary construction work. Installed long-term noise monitors and assisted with the implementation of a sophisticated remote noise monitoring system for a six-month construction phase including building demolition.

East Side Coastal Resiliency Noise Monitoring Plan, New York, NY
Prepared noise monitoring plan for residences located near planned construction activities involving the use of pile driving methods for the installation of a flood protection system.

Fulton Municipal Manufactured Gas Plant Environment Remediation, New York, NY
Conducted a baseline noise and vibration study in the vicinity of planned Gowanus Canal remediation for the former MGP site, including long-term unattended and short-term noise and vibration measurements.

Former Citizens Gas Works MGP Site Pilot Test Program, New York, NY
Collected long-term baseline noise and vibration data. Conducted short-term attended noise and vibration measurements at during pile operations. Vibration measurements were conducted at nearby residence and at the MTA NYCT structure near the project site.

Gowanus Canal Remediation, New York, NY
Conducted baseline noise measurements and ongoing long-term noise and vibration monitoring in vicinity of Gowanus Canal Superfund Site 4th street turning basin dredging and capping pilot study.

Hudson Yards Tower C Foundations and Utilities, New York, NY
Conducted a baseline noise survey prior to construction work including a combination of long-term unattended and short-term attended noise measurements.

PANYNJ Lincoln Tunnel Helix Rehabilitation, NJ
Assisted in developing construction noise control and mitigation plan and implementing a remote long-term noise monitoring program at three locations. Performed noise measurements of nighttime construction activities in vicinity of sensitive receptors.

MSK 74th Street, New York, NY
Conducted baseline noise survey, assisted in developing construction noise control and mitigation plan, and implemented a long-term noise monitoring program at two locations. Provided weekly reports of monitoring data with on-going assessments of Contractor compliance with project noise limits and coordinated interior short-term measurements in nearby residential buildings.

NYMTA No. 7 Line Subway Extension, New York, NY
Performed long-term noise monitoring for the ventilation shaft construction site.

NYMTA No. 7 Line Subway Extension Site L Ventilation Facility Construction, New York, NY
The project involved the mining and lining of two shafts and the construction of a 2-story ventilation building at Site L near Dyer Avenue on West 41st Street. Assisted with long-term noise compliance monitoring and preparation of monthly noise monitoring reports.

NYMTA ESA/LIRR Grand Central Terminal Fit-Out, New York, NY
Prepared the Contractor's noise and vibration control plan updates for fit-out work conducted underground at the Grand Central Terminal Suburban Level. Performed field measurements of construction equipment noise and prepared noise emission certificates.

San Francisco Planning Department, Alameda Street Wet Weather Tunnel and Folsom Area Sewer Improvement, San Francisco, CA
Project Manager in charge of noise and vibration analysis for Folsom Area stormwater infrastructure improvements, as part of the San Francisco Public Utilities Commission's (SFPUC) flood resilience efforts under the Sewer System Improvement Program. Work included baseline noise survey, noise and vibration predictions, evaluation of applicable criteria and recommendations for noise and vibration control measures.

SLAC National Accelerator Laboratory, San Mateo, CA
Generated a site-specific vibration propagation model and analyzed the potential for vibration impacts to ongoing scientific experiments during the construction of a new building on the SLAC campus. Testing included measuring transfer mobilities, determining the vibration response of particle beamline equipment, and vibration generated by construction equipment.

World Trade Center Vehicle Security Center, New York, NY
Conducted baseline noise surveys, assisted in developing construction noise control plans, and implementing a remote long-term noise monitoring program at six locations around the perimeter of the site at noise sensitive receptors. Provided weekly reports of monitoring data with on-going assessments of Contractor compliance with project noise limits.

ENVIRONMENTAL
CEQA Peer Reviews, CA
Peer review of noise and vibration analyses prepared per CEQA. These projects have primarily focused on the construction and operation of new facilities including residential in-fill, office and mixed-use projects, and educational buildings.

Millennium Bulk Terminal, Longview, WA
Prepared noise analysis for the project's NEPA and SEPA environmental impact statements. Tasks included future rail traffic modeling using CadnaA and preparation of noise contours using GIS.

Peninsula Humane Society & SPCA Haskin Hill Sanctuary, Loma Mar, CA
Prepared an environmental study for a planned animal sanctuary in Loma Mar. Work included baseline noise measurements, predictions of expected noise from the completed project and a review of compliance with local regulations and CEQA.

HIGHWAY AND OTHER TRAFFIC STUDIES

Alameda CTC, I-880 Interchange Improvements Project (Whipple Road-Industrial Southwest and Industrial Parkway West), Hayward, CA

Project Manager for a traffic noise study. The work included noise modelling and impact assessments consistent with FHWA and Caltrans procedures and methodology for multiple project alternatives.

Alameda CTC, I-80/Ashby Avenue Interchange Improvements, Berkeley, CA

Project Manager for a traffic noise study. The work included noise modelling and impact assessments consistent with FHWA and Caltrans procedures and methodology for multiple project alternatives.

Riverstone Apartments, Seattle, WA

This street will serve the future Star Lake Station currently under construction for Sound Transit's Federal Way Link Extension. As part of the Federal Way project, improvements to the street include the addition of a turning lane and traffic light (currently in place) at the end of a roadway. The study provided an independent assessment of the potential for traffic noise impacts on the residents of Riverstone based on FTA project noise criterion.

Junipero Serra Roadway Noise, South San Francisco, CA

Noise analysis of existing traffic noise and potential benefits of noise abatement measures such as sound walls and quieter pavement.

LEGAL

50 Pine Street Condominiums, New York, NY

The project involved evaluating noise at residential dwelling units for NYC noise code compliance. Measured noise levels from mechanical equipment in an enclosed courtyard.

Uptown Newport, Newport Beach, CA

Evaluation of noise levels due to mechanical equipment at adjacent property. Assisted heavily with data analysis from long-term monitoring and data presentation for the legal team.

RAIL TRANSIT

BART Berryessa Station Transit Noise Impact and Mitigation, San Jose, CA

Assisted with noise predictions and barrier design recommendations. Project is a 10.2-mile extension of a heavy rail transit system in the San Francisco Bay Area, and this is one of the stations along the new route.

BART to Silicon Valley Phase II

Acoustics, noise, and vibration discipline lead for a large single-bore tunnel project through downtown San Jose. The largest single public infrastructure project ever constructed in Santa Clara County, this phase of VTA's BART to Silicon Valley project will extend BART service six miles from the Berryessa Transit Center into San Jose and ending in the City of Santa Clara. Responsibilities include station acoustics and speech intelligibility design and evaluation of operational train noise and vibration.

California High-Speed Rail Fresno-Merced Corridor, Fresno-Merced, CA
Lead noise analyst for the project's environmental impact assessment. Tasks included characterizing the existing noise conditions and assessing noise impacts from transit operations and construction-related activities.

Caltrain Peninsula Corridor Electrification, San Francisco Peninsula, CA
Analysed previous noise study. Assisted in developing current noise prediction model and GIS model for vibration. Helped prepare FEIR. This project included extensive ambient noise and vibration measurement surveys; the development of noise and vibration prediction models for HST operations; prediction of wayside noise and vibration levels for HST operations; evaluation of environmental noise and vibration impacts using FRA procedures and criteria and determining the need for and type of noise mitigation.

LA Metro Purple Line Section 3 Design-Build, Los Angeles, CA
Responsible for developing detailed 3D computer models for two transit stations using EASE software.

Maryland Purple Line Station Acoustics, Baltimore, MD
Responsible for developing detailed 3D computer models for three transit stations using EASE software.

Massachusetts Bay Transportation Authority (MBTA) Green Line Extension (GLX), Boston, MA
Lead analyst on noise predictions and barrier design. Work included planning field measurements, conducting data analysis, predicting noise impacts from project operations, and making barrier design recommendations.

RTD Eagle P3 Northwest Corridor Noise and Impacts, Denver, CO
Assisted with data analysis and helped prepare the final technical report. The project consists of 33 miles of EMU Commuter Rail connecting downtown Denver Union Station to the Denver International Airport. This project also includes a Commuter Rail Maintenance Facility with a capacity to store and service 100 EMU.

Santa Clara VTA, Vasona LRT Corridor Tire-Derived Aggregate (TDA) Underlayment Performance Testing, San Jose, CA
Project Manager in charge of planning a series of tests to document the performance of TDA ballast underlayment over time, as required by FTA. Previous tests were done in 2006, 2006, and 2009. Work will include documenting vibration isolation performance, rail strain, and rail deflection.

Sound Transit Northgate Link Vibration Attenuation Estimates, Seattle, WA
Provided general field support for all elements of testing. Tasks included moving equipment into/out of the tunnel, deploying sensors on campus, and attending to wireless antennas during testing. To derive the relationship between vibration measured in the Northgate link tunnel and building vibration at research facilities on the University of Washington campus, field tests were conducted using a shaker in the tunnel while simultaneously measuring the vibration response in UW buildings using a wireless data collection system.

Toronto Transit Commission (TTC) Eglinton Crosstown LRT, Toronto, ON, Canada
Reviewed historic reports for relevant data, assisted with GIS model and preparation for noise and vibration measurements. The TTC is planning to construct the Eglinton Tunnel subway line and needed to address what mitigation could be necessary to reduce ground-borne noise and vibration impacts. The proposed study would determine the most likely range of ground-borne noise and vibration levels in residences and other sensitive buildings along the planned alignment.

Toronto Transit Commission (TTC) Scarborough Subway Extension, Toronto, ON, Canada
Conducted force density level (FDL) measurements and analysis for the Toronto Rocket vehicles on TTC standard double ties on the Toronto-York Spadina Subway Extension. Predicted ground-borne noise and vibration levels at sensitive receptors along the Scarborough extension and prepared project memos.

Transbay Program Downtown Rail Extension (DTX), San Francisco, CA
Project Manager in charge of preliminary engineering noise and vibration analysis. The project consists of a 2.4-mile at-grade and tunnel alignment starting at the existing Caltrain terminal station and railyard and ending at the Salesforce Transit Center. Provided updated noise and vibration predictions for the project based on current design and abasement measure design recommendations based on new field testing and updated analysis.

Washington Metropolitan Area Transit Authority (WMATA) On-Call Services, Washington, DC
Conducted extensive field measurements inside homes and along tunnels to document ground-borne noise and vibration due to WMATA Green Line trains. Performed rail roughness measurements along sections of track within the study area. Analyzed recordings to determine train passby levels and plotted data to compare results for the different vehicle fleets and compare to applicable criteria.

Washington Metropolitan Area Transit Authority (WMATA) Vehicles Out-of-Round Wheel Study, DC
Assisted with modal analysis on nine wheelsets of WMATA vehicles.

STRUCTURES
101 Mass Avenue (aka Parcel 12), Boston, MA
Responsible for developing a Finite Element model of mixed-use development, built over MBTA commuter railway tracks, and spanning I-90 to analyse predicted building response to ground-borne vibration.

206th Street Theater Vibration Study, New York, NY
Analyzed ground vibration measurements at the site of the planned theater located near NYCT rail lines.

Centene Corporation Theater, Clayton, MO
Conducted vibration measurements on the site to define and identify frequency and levels of vibration. The purpose of the study was to assess possible intrusion from trains and other sources into the proposed auditorium.

David Geffen Hall Renovation, Lincoln Center Development, New York, NY
Conducted vibration measurements on multiple levels of the existing David Geffen Hall structure to measure ground-borne vibration from subway trains. Performed background noise measurements inside the hall to determine ground-borne noise from subway trains.

Pace University Performing Arts, New York, NY
Conducted a vibration feasibility study for the proposed fit-out in an existing mixed-use commercial/residential building to accommodate the university's dance program. The analysis included vibration measurements of the existing space to characterize the floor response and determine vibration transmission between the dance spaces and residences on the upper floors. Estimated dance-induced vibration and provided recommendations on possible structural modifications to reduce vibration.

The Perelman Performing Arts Center at World Trade Center, New York, NY
Conducted structure-borne vibration measurements as part of building vibration isolation design for future flexible space performing arts center. Conducted quality control field visits during isolation pad installation.

CARLSBAD
CLOVIS
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: October 4, 2025

TO: Kim Le, Senior Planner, City of Chino

FROM: Dionisios Glentis, Associate/Senior Environmental Planner

SUBJECT: City of Chino, Chino Gateway Terminal Project (PL24-0097, PL24-0098, PL24-0120) Response to Comment on Addendum to the City of Chino General Plan EIR (SCH 2008091064) for the Chino Gateway Terminal Project, September 16, 2025 City Council Agenda Item 17

Dear Ms. Le:

LSA, on behalf of the City of Chino (City), is providing the following response to the comment letter titled: *Comment on Addendum to the City of Chino General Plan EIR for the Chino Gateway Terminal Project, September 16, 2025 City Council Agenda Item 17*, presented by Lozeau Drury, LLP, dated September 16, 2025, regarding the City's City Council Action of the Chino Gateway Terminal Project (PL24-0097, PL24-0098, PL24-0120) (project).

The City prepared an addendum for the project (Addendum) to the City's 2025 General Plan (General Plan) Environmental Impact Report (SCH 2008091064) that was certified in 2010 (GPEIR) pursuant to the California Environmental Quality Act (CEQA).[1] The Addendum and the project were approved by the City Planning Commission on July 16, 2025. Supporters Alliance for Environmental Responsibility (SAFER) appealed the Planning Commission's decision to approve the Addendum and project on July 23, 2025 to the City Council. Subsequent to the appeal, SAFER submitted to the City Council the comment letter entitled: *Comment on Addendum to the City of Chino General Plan EIR for the Chino Gateway Terminal Project, September 16, 2025 City Council Agenda Item 17*, presented by Lozeau Drury, LLP, dated September 16, 2025.

This memorandum includes a reproduction of SAFER's comment letter received on the Addendum, and individual comments within the comment letter are numbered consecutively. Text within the comment letter that has not been numbered or reproduced herein does not raise environmental issues or relate to the adequacy of the information or analysis within the Addendum and, therefore, no comment is enumerated or response required, per CEQA Guidelines Section 15132(d).

[1] California Public Resources Code §§ 21000 et seq.); the State CEQA Guidelines (Title 14, California Code of Regulations §§ 15000 et seq.).

COMMENTS AND RESPONSES

Comment 1-1

Dear Mayor Ulloa and Honorable City Councilmembers:

This comment is submitted on behalf of Appellant Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Chino Gateway Terminal Project, which proposes the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino ("Project"), to be heard on appeal as Agenda Item 17 at the City Council's September 16, 2025 meeting.

SAFER objects to the City's reliance on an Addendum to the City of Chino General Plan Environmental Impact Report, certified in 2010 ("General Plan EIR"), for the Project. Under the California Environmental Quality Act ("CEQA"), an addendum is not appropriate because there is new information available since certification of the General Plan EIR indicating new significant impacts and the availability of new mitigation measures.

SAFER submits the following comment and related exhibits to inform the City Council of the new, significant impacts that the Project will have on individuals living and working in the City of Chino, which were not addressed or mitigated in the 2010 General Plan EIR or Addendum. Specifically, the comment and related exhibits address the Project's potentially significant biological resources, air quality, health, and noise impacts. As evidenced by the expert comments submitted by expert wildlife ecologist Dr. Shawn Smallwood, Ph.D., air quality expert Dr. James Clark, Ph.D., and noise expert Ani Toncheva of Wilson Ihrig, CEQA requires that an updated, new initial study and a subsequent EIR, or, at the very least, an MND be prepared for the Project prior to approval. Dr. Smallwood, Dr. Clark, and Ms. Toncheva's written comments and CVs are attached as Exhibits A, B, and C, respectively.

Therefore, SAFER requests that the City Council not approve this Project or the Addendum, and instead refer it back to staff to address these shortcomings in an initial study and subsequent mitigated negative declaration or environmental impact report.

Response 1-1

This comment provides an introduction to the comment letter. The comment letter states that Lozeau Drury, LLP, is writing on behalf of SAFER. In its comment letter, SAFER objects to the City's reliance on the Addendum for the Project. This comment also claims that the Addendum is not appropriate because the commenter asserts that there is new information available since certification of the GPEIR indicating new significant impacts and the availability of new mitigation measures. SAFER also indicates the comment letter was prepared with the assistance of industry experts in the fields of biology, air quality, and noise.

In 2010, the City (as the CEQA Lead Agency), certified the GPEIR.[2] By providing the necessary regulatory and design guidance, the General Plan ensures that future development of

[2] Design, Community & Environment. 2010b. *Envision Chino: City of Chino General Plan 2025.* July.

properties within the City's planning area takes place in accordance with the goals and policies of the General Plan, as evaluated in the GPEIR.

The Addendum was prepared in accordance with the provisions of CEQA and the rules, regulations, and procedures for implementing CEQA as established by the City. The project is designated Light Industrial (LI) under the City's General Plan and is located in the M1 (Light Industrial Zoning) district. Development of the proposed project would occur in an urbanized area where light industrial uses have been previously developed east, west, and south of the site. Subject to the Special Conditional Use Permit (SCUP), the proposed uses are consistent with the M1 zoning designation and no change in the current General Plan land use or zoning designation for the site is required.

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-2

PROJECT DESCRIPTION

The Project proposes demolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet) and the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino. The Project site is partially undeveloped.

The Project is anticipated to generate up to 72 employees (18 restaurant employees and 54 warehouse employees). The hours of operation for the proposed facilities include 8:00 a.m. to 10:00 p.m., 7 days per week for the restaurant tenants and 24 hours per day, and 7 days per week for the industrial tenants.

Response 1-2

This comment summarizes key elements of the proposed project but does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-3

LEGAL STANDARD

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever there is substantial evidence in the whole record before the agency that supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code § 21082.2 ("PRC"); *Laurel Heights Improvement Ass'n v. Regents of the University of California*

(1993) [*"Laurel Heights II"*] 6 Cal.4th 1112, 1123; *No Oil, Inc.*, 13 Cal.3d at 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

Preparation of an Addendum Under CEQA:

The City prepared the Addendum to the previously certified 2010 General Plan EIR. Pursuant to the CEQA Guidelines, an addendum to a previous EIR is proper only where "some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." (14 CCR § 15164(a).) Looking to Guidelines Section 15162, **an addendum is not appropriate when:**

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(14 CCR § 15162.)

Response 1-3

This comment cites CEQA case law and sections from the Public Resources Code and the California Code of Regulations related to the "fair argument" standard. It also asserts the conditions under which the use of an addendum to a certified EIR is appropriate.

SAFER applies the fair argument standard of review to the analysis in the Addendum, despite it being well established that Addenda and findings pursuant to CEQA Guidelines Section 15162 are reviewed under the highly deferential substantial evidence standard of review. (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2017) 11 C.App.5th 596, 603; *Committee for Re-Evaluation of the T-Line Loop v. San Francisco Mun. Transp. Agency* (2016) 6 CA5th 1237, 1248; *Mani Bros. Real Estate Group v. City of Los Angeles* (2007) 153 CA4th 1385, 1398.) Under the substantial evidence standard, all reasonable doubts must be resolved in favor of the City's determination, and the court may not set aside the City's decision even if the opposite conclusion is more reasonable. (*Western States Petroleum Association v. Superior Court* (1995) 9 Cal.4th 559, 572; *Laurel Heights Improvement Association v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 393; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 12; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1497.) The same is not true for the fair argument standard, under which the City's determination may be overturned when a fair argument is presented that a potential significant impact would occur.

The analysis in the Addendum and the determinations made by the Chino Planning Commission were based on extensive technical analysis which exhaustively identified and assessed the potential impacts of the project (see Addendum Appendices A through K2). The Addendum provided, 1) a thorough summary of City General Plan policies related to each environmental topic addressed in the GPEIR; 2) the level of impact for each environmental topic identified in the GPEIR; and 3) a discussion of the project's effects relative to the City General Plan policies and the impact determination(s) made in the GPEIR. The Addendum appropriately analyzed the potential differences between the impacts identified in the GPEIR for buildout of the General Plan and impacts that would be associated with the project. As part of its decision-making process, the Chino Planning Commission reviewed and considered this data and whether the project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the GPEIR.

Contrary to SAFER's claim, as documented throughout the Addendum with substantial evidence, the project would result in no new significant impacts that were not analyzed for General Plan buildout in the GPEIR, nor would the project cause a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with the project would be either the same or less than those disclosed in the GPEIR. Additionally, there are no substantial changes to the circumstances under which the proposed project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the GPEIR, nor has any new information regarding the potential for new or more severe significant environmental impact been identified.

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-4

Tiering Under CEQA

CEQA permits agencies to "tier" CEQA documents, in which general matters and environmental effects are considered in a document "prepared for a policy, plan, program or ordinance followed by narrower or site-specific [environmental review] which incorporate by reference the discussion in any prior [environmental review] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR]." (Pub. Res. Code ["PRC"] § 21068.5.) "[T]iering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous [environmental reviews]." (*Id.* § 21093.) CEQA regulations strongly promote tiering of environmental review.

"Later activities in the program must be examined in light of the program [document] to determine whether an additional environmental document must be prepared." (14 CCR § 15168(c).) The first consideration is whether the activity proposed is covered by the program. (*Id.* § 15168(c)(2).) If a later project is outside the scope of the program, then it is treated as a separate project and the previous environmental review may not be relied upon in further review. (See, *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-21.) The second consideration is whether the "later activity would have effects that were not examined in the program." (14 CCR § 15168(c)(1).) A program environmental review may only serve "to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project . . . ." (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the program environmental review does not evaluate the environmental impacts of the project, a tiered CEQA document must be completed before the project is approved. (*Id.* at 1184.)

For these inquiries, the "fair argument test" applies. (*Sierra Club*, 6 Cal.App.4th at 1318; *see also Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164 ["when a prior EIR has been prepared and certified for a program or plan, the question for a court reviewing an agency's decision not to use a tiered EIR for a later project 'is one of law, i.e., 'the sufficiency of the evidence to support a fair argument.'"] [quoting *Sierra Club*, 6 Cal.App.4th at 1318].) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact." (*Sierra Club*, 6 Cal.App.4th at 1316 [quotations and citations omitted].) When applying the fair argument test, "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Id.* at 1318.) "[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Id.* at 1319.)

Response 1-4

SAFER summarizes information related to tiered CEQA documents and cites the fair argument standard of review. SAFER references CEQA Guidelines Section 15152, which relates to tiered environmental documents. It states, in part, "(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) **with later EIRs and negative declarations** on narrower projects; incorporating by

reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project." (Emphasis added.) In other words, tiering under CEQA Guidelines Section 15152 involves a broader EIR that covers general matters with later EIRs and/or MND prepared for narrower projects that incorporate by reference the general discussions from the broader EIR and concentrate solely on the issues specific to the later project. The choice to tier using an MND or EIR for a later project under a tiered EIR is covered by the fair argument standard. However, the project does not involve a tiered EIR or negative declaration; it relies on an Addendum to a programmatic, not a tiered, EIR, so CEQA Guidelines 15152 and the standard of review applied to tiered environmental documents is irrelevant.

Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-5

UNDER CEQA'S TIERING PROVISIONS, AN EIR, NOT AN ADDENDUM, MUST BE PREPARED FOR THE PROPOSED PROJECT.

A Project-Level MND or EIR is Required Because the Project may Result in Significant Environmental Impacts not Previously Analyzed in the 2010 General Plan EIR.

A lead agency may tier EIRs where multiple individual projects or phased projects are to be undertaken, and the individual projects are linked geographically, temporally, or in an otherwise logical manner. (14 CCR §§ 15165, 15168.) Here, the 2010 General Plan EIR is a program EIR subject to CEQA Guidelines section 15168. Under section 15168, "***[i]f a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration***." (14 CCR § 15168(c)(1) [emphasis added].) Importantly, in reviewing an agency's decision whether to prepare a tiered EIR, the "fair argument" test applies. (*Sierra Club v. Cnty. of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact." (*Id.* at 1316; see also, *Friends of Coll. of San Mateo Gardens v. San Mateo Cnty. Comm. College Dist.* (2016) 1 Cal.5th 937, 960.) A program EIR may only serve for subsequent actions "to the extent that it ***contemplates and adequately analyzes*** the potential environmental impacts of the project " (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [emphasis added] [citations omitted].)

Here, there is substantial evidence of a fair argument that the Project will result in significant biological resources impacts to special-status species and their habitats, (Smallwood Comments, pp. 2-29, 30-34), and significant air quality, health risk, and noise impacts to construction workers and nearby residences of the Project, (Clark Comments, pp. 6-17; Wilson Ihrig Comments, pp. 3-8), which were not analyzed in the 2010 General Plan EIR.

Response 1-5

See Response 1-4 regarding SAFER's misapplication of tiering and the fair argument standards.

This comment also claims that an addendum is not appropriate under CEQA because the commenter asserts that there is new information available since certification of the General Plan EIR indicating new significant impacts and the availability of new mitigation measures. As stated in Section VII of the Addendum, the project would not result in any new significant environmental impacts not previously identified in the GPEIR. Since the certification of the GPEIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible, nor showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the EIR that the City adopted. Therefore, preparation of a subsequent EIR or Initial Study/Mitigated Declaration is not required, and the appropriate CEQA document for the proposed project is this Addendum to the GPEIR.

Furthermore, subsequent responses to comments related to biological resources, air quality, health risk, and noise demonstrate the analysis in the Addendum provides substantial evidence that the project would not result in any new significant environmental impacts not previously identified in the GPEIR. Since the certification of the GPEIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible, nor showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the EIR that the City adopted. Therefore, preparation of a subsequent EIR or Initial Study/Mitigated Declaration is not required, and the appropriate CEQA document for the proposed project is the Addendum to the GPEIR prepared by the City.

We also note that the GPEIR was certified in 2010 prior to the latest update of the CEQA Guidelines.[3] The updated Guidelines now address additional resource topics (e.g., energy, vehicle miles traveled, tribal cultural resources, and wildfire) not addressed in the GPEIR. Although CEQA Guidelines Section 15007(c) specifically states: "… [i]f a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved," Section VI of the Addendum included a discussion of these issues for informational purposes. As detailed in Section VI of the Addendum, the GPEIR cited City policies and disclosed information sufficiently anticipating these issues.[4] The Addendum provided additional analysis, citing substantial evidence, establishing that the consideration of these topics did not constitute new information, did not exceed established City significance thresholds and did not result in new impacts. As such, implementation of the proposed project would not trigger any of the

[3] The updated Guidelines became effective December 28, 2018. The revisions to the Guidelines are prospective and new requirements will apply to steps in the CEQA process not yet undertaken by the effective date of the revisions. (CEQA Guidelines, § 15007, subd. (b).) The revised Guidelines will apply to a CEQA document only if the revised Guidelines are in effect when the document is sent out for public review. (CEQA Guidelines, § 15007, subd. (c).)

[4] For example, policies related to energy conservation and efficiency, passive solar heating, and adherence to green building standards; increases in VMT resulting from General Plan buildout; and tribal consultation pursuant to Senate Bill 18. Section 4.7 of the GPEIR included a discussion of wildfire impacts.

conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or MND.

Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-6

There is substantial evidence supporting a fair argument that the Project will result in a significant impact to special-status species.

There is substantial evidence of a fair argument that the Project will have a significant impact on special-status species not analyzed in the General Plan EIR. Dr. Smallwood's associate, Noriko Smallwood, performed a 3-hour site visit during the day and a 2-hour nocturnal survey of the site on July 24, 2025. (Smallwood, p. 2.) During these surveys, Noriko detected 30 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status. (Smallwood, p. 3.) These special-status species included the Monarch butterfly, Allen's hummingbird, Cooper's hawk, red-tailed hawk, Great horned owl, American kestrel, Western yellow bat, and Silver-haired bat, which are listed as a candidate for listing under the federal Endangered Species Act, protected Birds of Prey (California Fish and Game Code 3503.5), California Species of Special Concern, Taxa to Watch List, U.S. Fish and Wildlife Service Bird of Conservation Concern,[1] and Western Bat Working Group priority bats. (Smallwood, pp. 2-12.) As discussed below, Dr. Smallwood found that the Project's construction and operation could result in significant impacts to these special-status species due to habitat loss and fragmentation and the increase in road mortalities. (See, Smallwood, pp. 28-29, 32-33.) Dr. Smallwood found that the current mitigation measures intended to reduce impacts to special-status species in the General Plan EIR are deficient, and recommends several other mitigation measures. (See, Smallwood, pp. 34-37.)

The Addendum fails to disclose, analyze, or mitigate significant impacts to special- status species, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

Response 1-6

See responses 1-A-5, 1-A-9, 1-A-13, 1-A-17, 1-A-18, 1-A-22, 1-A-23, 1-A-24, 1-A-25, 1-A-26, 1-A-27, 1-A-28, and 1-A-29 provided below in this memorandum.

Comment 1-7

There is substantial evidence supporting a fair argument that the Project will result in a significant impact to wildlife from habitat loss and road mortality.

Habitat loss and fragmentation:

Neither the 2010 General Plan EIR nor the Addendum analyzed the significant habitat loss and fragmentation that will occur as a result of the Project. Neither General Plan EIR nor the Addendum

estimate the numerical or productive capacities of the site for nesting birds as a result of habitat loss and habitat fragmentation. (Smallwood, p. 28.) The Project's destruction of 7.35 acres of habitat will have a corresponding impact on breeding capacity for species utilizing the site for nesting. Dr. Smallwood calculated that as a result of this habitat loss, the Project could result in "[t]he loss of 124 birds per year" which "would be a loss of significant habitat value that is currently provided by the project site," and "[m]ost if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds." (Smallwood, p. 29.) The loss of that many birds would easily qualify as an unmitigated significant impact. (*Id.*, p. 29.) Dr. Smallwood found that the current mitigation measures intended to reduce impacts to biological resources in the General Plan EIR are deficient, and recommends several other mitigation measures to reduce the effects of habitat loss. (See, Smallwood, pp. 34-37.)

The Addendum fails to disclose, analyze, or mitigate significant impacts to birds from habitat loss and fragmentation, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

Response 1-7

See responses 1-A-6 and 1A-18 provided below in this memorandum.

Comment 1-8

Road mortality:

Neither the 2010 General Plan EIR nor the Addendum address impacts to wildlife from collisions with traffic generated by the Project. According to the Addendum, the Project would result in 1,013,614 vehicle miles traveled annually. (Smallwood, p. 32.) Dr. Smallwood estimates that collisions with vehicles as a result of the Project would kill 203 animals annually. (*Id.*, pp. 32-33.) Especially due to the special-status species likely to occur at or near the Project, these collisions represent a significant impact to wildlife that has not been addressed, discussed, or mitigated in the Addendum or General Plan EIR. Dr. Smallwood's calculations constitute substantial evidence of a fair argument that an EIR is necessary to address and mitigate this impact. Dr. Smallwood found that the current mitigation measures intended to reduce impacts to biological resources in the General Plan EIR are deficient, and recommends several other mitigation measures to reduce the effects of road mortality. (See, Smallwood, pp. 34-37.)

The Addendum fails to disclose, analyze, or mitigate this significant impact to wildlife from an increase in traffic collision-related mortalities, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

Response 1-8

See response 1-A-20 provided below in this memorandum.

Comment 1-9

There is substantial evidence supporting a fair argument that the Project will result in a significant cumulative air quality and health risk impact as a result of nearby warehouse projects and existing degraded air quality conditions.

In the 2010 General Plan EIR, the City found that the impact of the General Plan on air quality would be cumulatively significant and unavoidable because "[t]he proposed General Plan would increase the region's VMT and air emissions beyond what was assumed in the 2007 SCAQMP. Consequently, the proposed General Plan would conflict with the adopted air plan, and would result in cumulative air quality impacts in the [South Coast Air Basin]." (Findings of Fact and Statement of Overriding Considerations for the Envision Chino - General Plan 2025 City of Chino (Apr. 19, 2010), p. 12.) Hence, the Project would likewise contribute to a significant cumulative air quality impact, which was not analyzed in the 2010 General Plan EIR. Therefore, an EIR should be prepared to disclose and mitigate those impacts.

Response 1-9

This comment states that the General Plan would conflict with the 2007 air quality management plan (AQMP) and would result in significant air quality impacts. As a result, the commenter claims that the proposed project would likewise contribute to a significant cumulative air quality impact, which was not analyzed in the 2010 General Plan EIR and therefore, an EIR should be prepared to disclose and mitigate those impacts.

The GPEIR concluded that vehicle miles traveled (VMT) under the buildout of the General Plan and the Focused Growth Plan would be greater than VMT under the prior General Plan, upon which the 2007 AQMP was based. Additionally, buildout of the General Plan and Focused Growth Plan would not conform to the planning assumptions included in the 2007 AQMP because the land uses proposed in the existing General Plan and Focused Growth Plan are inconsistent with the prior General Plan, upon which the 2007 AQMP was based. Consequently, the GPEIR concluded that buildout of the General Plan and Focused Growth Plan would both conflict with the 2007 AQMP.

Pages 2-43 to 2-45 of the Addendum provide a consistency analysis of the proposed project with the most recent AQMP, the 2022 AQMP. Consistency determination with the 2022 AQMP is affirmed when a project (1) would not increase the frequency or severity of an air quality standards violation or cause a new violation, and (2) is consistent with the growth assumptions in the AQMP. The *CEQA Air Quality Handbook* indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and significant projects. Furthermore, the projections in the AQMP for achieving air quality goals are based, in part, on assumptions in SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) regarding population, housing, and growth trends, as well as assumptions and projections of local planning agencies to determine control strategies for regional compliance status. As detailed on Page 2-45 of the Addendum, the proposed project is consistent with the project site's General Plan land use designation and would not represent substantial or unplanned employment or population growth forecast by SCAG or the 2022 AQMP. Therefore, the proposed project would not

conflict with or obstruct implementation of the applicable air quality plan. No new information requiring the preparation of an EIR or new impact beyond that previously identified in the GPEIR would occur. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-10

Additionally, air quality expert Dr. James Clark, Ph.D., reviewed the Project and found that the Addendum's cumulative impact analysis failed to adequately analyze the significant impacts from nearby warehouse projects. (Clark, pp. 6-7.) Dr. Clark's expert comments and curriculum vitae are attached hereto as Exhibit B. Dr. Clark explains that the Project is located within the South Coast Air Quality Management District (SCAQMD), an area that is already in non-attainment for particles with a diameter of 10 micrometers or smaller ("PM10"), particles with a diameter of 2.5 micrometers or smaller ("PM2.5"), and ozone. (*Id.*, p. 6.)

The Addendum fails to acknowledge the existing poor air quality and pollution burden in analyzing the Project's cumulative impacts on air quality and human health. Instead, the Addendum concludes that the Project "would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or State ambient air quality standard." (Addendum, p. 2-49.) As Dr. Clark explains, the Addendum ignores the sheer scale of nearby industrial development. (Clark, pp. 6-7.) For example, within 5 kilometers of the Project site, there are 167 existing warehouse projects totaling 25,011,300 square feet and 9 vacant warehouses covering 1,288,700 square feet. (*Id.*, p. 6.) According to Dr. Clark, these existing projects "generate 17,000 daily truck trips, producing 23.5 pounds (lbs) of diesel particulate matter (DPM) and 2,649 lbs of oxides of nitrogen (NOx) per day." (*Id.*, p. 7.) Dr. Clark concluded that this "cumulative analysis demonstrates that the Project will exacerbate regional issues with ozone and particulate matter, introducing additional toxic air contaminants (TACs) to an already impacted area." (*Id.*)

Response 1-10

See response 1-B-4 provided below in this memorandum.

Comment 1-11

In addition, the Project site is located in an area with existing degraded air quality conditions due to warehouse-related pollution. (Clark, pp. 7-9.) The Project site is located in an area that ranks in the top 11% statewide for exposure to overall pollution, the top 7% for exposure to PM2.5, and the top 12% for exposure to DPM in the South Coast Air Basin. (*Id.*, pp. 7-8.) According to Dr. Clark, the Project site "has a cumulative cancer risk of 607 in 1 million placing it in the top 12% of communities in the South Coast Air Basin (SCAB) impacted by TACs." (*Id.*, p. 9.) Therefore, Dr. Clark concludes that "[i]ncreasing the number of sources of ozone precursors within the community via the construction of the Project will exacerbate pollution levels, resulting in a substantially greater health burden on the community which the Addendum to the EIR fails to disclose." (*Id.*)

As a result, there is substantial evidence of a fair argument that the Project will have a significant cumulative air quality impact as well as a significant health risk impact on nearby residences as a result

of the site's close proximity to other warehouse projects in the area that emit high levels of TAC emissions. An EIR should be prepared to disclose and mitigate those impacts.

Response 1-11

See response 1-B-5 provided below in this memorandum.

Comment 1-12

There is substantial evidence supporting a fair argument that the Project will result in a significant health risk impact to construction workers and nearby residences from exposure to Valley Fever.

Dr. Clark's comments are substantial evidence of a fair argument that the project will have a significant health risk impact on construction workers and nearby residents from Valley Fever that was not analyzed in the 2010 General Plan EIR or Addendum. (Clark, pp. 9-16.) According to Dr. Clark:

> Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated, impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints. (Clark, pp. 13-14.)

The Project proposes approximately 35 acres of soil disturbance during its site preparation and grading phases, which will release large quantities of dust. (Clark, p. 10.) Dr. Clark explains that dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidioides immitis (cocci)* exposure). (*Id.*) When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and nearby sensitive receptors. (*Id.*, pp. 10-11.) Exposure to Valley Fever from the Project's construction activities is a new significant health risk impact that the Addendum and General Plan EIR failed to disclose, analyze, or mitigate. (*Id.*, pp. 10-14.)

Additionally, the Addendum's reliance on Rule 403 standard dust control measures to reduce nuisance dust are not designed to prevent the release and transport of infectious spores. (Clark, p. 14.) Dr. Clark explains that "the risk that nearby residences would be exposed to Valley Fever disturbed during Project construction is substantial," and that "risk would not be mitigated by Rule 403 standard dust control measures...because the measures do not consider the drift of spores from a Project Site to the adjacent residential structures." (*Id.*) Dr. Clark's comments provide several available, effective, and feasible mitigation measures to safeguard both onsite workers and surrounding communities. (*Id.*, pp. 14-16.)

As a result, there is substantial evidence of a fair argument that the Project will have significant health risk impacts on construction workers and nearby residences from exposure to Valley Fever. An EIR should be prepared to disclose and mitigate those impacts.

Response 1-12

See response 1-B-6 provided below in this memorandum.

Comment 1-13

There is substantial evidence supporting a fair argument that the Project will result in a significant noise impact.

Noise expert Ani Toncheva of Wilson Ihrig found that the Project could result in new significant construction and operational noise impacts that were not analyzed in General Plan EIR or Addendum. Wilson Ihrig's comments and CVs are attached as Exhibit C.

Response 1-13

Refer to Response 1-3 and Response 1-4. The commenter claims the proposed project would result in a significant noise impact and indicates a noise expert has prepared a technical noise study to support this claim. This comment does not provide specific comments on the adequacy of the noise analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-14

Construction noise:

There is substantial evidence of a fair argument that the Project will have a significant construction noise impact that was not analyzed in the 2010 General Plan EIR. Wilson Ihrig found that the City fails to disclose potentially significant construction noise impacts. (Wilson Ihrig, pp. 3-4.) The Addendum reports construction noise levels up to 70 dBA, even though the City of Chino General Plan and Municipal Code limit construction noise to 65 dBA. (Addendum, p. 2-83; General Plan, p. N-10; Wilson Ihrig, p. 3.) The analysis evaluates noise at a distance of 400 feet from the middle of the Project site, rather than from the nearest homes, which are only 90 feet away. (Wilson Ihrig, p. 3.) Using the construction equipment lists in the air quality analysis and applying the Federal Highway Administration's Roadway Construction Noise Model, Wilson Ihrig estimates that construction noise levels from demolition and grading at nearby residences are as high as 81 dBA, which is 11 dB higher than the Addendum's estimate, well above the General Plan's 65 dBA limit, and 8 to 13 dB above existing ambient noise levels. (*Id.*, pp. 3-4.) Wilson Ihrig recommends several mitigation measures to reduce construction noise impacts, including noise reduction, limiting high-noise activities during sensitive hours, and implementing real-time noise monitoring. (*Id.*, p. 4.)

Because Wilson Ihrig's comments are substantial evidence of a fair argument that the Project will exceed adopted construction noise limits in the General Plan and significantly increase ambient noise levels, an EIR should be prepared to disclose and mitigate those impacts. (Wilson Ihrig, pp. 3-4.)

Response 1-14

See responses 1-C-3 though 1-C-7 provided below in this memorandum.

Comment 1-15

Truck noise:

There is substantial evidence of a fair argument that the Project will have a significant truck noise impact. Wilson Ihrig found that the City failed to analyze potentially significant truck noise impacts from the Schaefer Avenue driveway, which is located 90 feet from sensitive receptors. (Wilson Ihrig, pp. 5-6.) Even though the Project is expected to operate 24 hours a day, seven days a week, the Addendum provides no information about nighttime truck traffic or its potential effects. (*Id.*, p. 5.) Using the Addendum's reference level of 76 dBA at 20 feet, Wilson Ihrig found that "truck noise at the Schaefer Avenue driveway is estimated to be 63 dBA at the nearest residences (90 feet from the site)," which is far above the City's daytime (50 dBA) and nighttime (45 dBA) noise standards, and 4 dB higher than measured nighttime ambient levels. (*Id.*)

Response 1-15

See response 1-C-8 provided below in this memorandum.

Comment 1-16

Wilson Ihrig explains, "Single event truck noise at night can cause sleep disturbance. Reliance on the hourly Leq as the significance threshold is inadequate to assess the significance of truck noise on sleep disturbance." (Wilson Ihrig, p. 5.) At the Schaefer Avenue driveway, modeled interior Lmax levels of 46 dBA at the nearest residence "has an approximately 10% chance of disturbing sleep." (*Id.*) These are significant new truck noise impacts not analyzed in the General Plan EIR or Addendum.

Response 1-16

See response 1-C-9 provided below in this memorandum.

Comment 1-17

Wilson Ihrig also recommends several mitigation measures to reduce noise from trucks coming in and out of Shaefer Avenue, including:

> Operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations.

(Wilson Ihrig, p. 6.) Additionally, General Plan Objective N-1.2, Policy P1 requires the minimization of transportation noise through street and right-of-way design or route coordination. (General Plan, p. N-31; Wilson Ihrig, p. 6.) In order to avoid conflicting with General Plan's policies, the Project "should consider rerouting truck traffic away from the planned Schaeffer Avenue driveway and nearby residences." (*Id.*)

Response 1-17

See response 1-C-10 provided below in this memorandum.

Comment 1-18

Because Wilson Ihrig's comments are substantial evidence of a fair argument that project truck noise at the Schaefer Avenue driveway will exceed noise standards and conflict with General Plan policies, an EIR should be prepared to disclose and mitigate those impacts. (Wilson Ihrig, pp. 5-6.)

Response 1-18

This comment claims an EIR is required to disclose and mitigate impacts related to truck noise. However, as detailed in response 1-C-8 through response 1-C-10, the proposed project is not expected to result in a significant noise impact to the environment from trucks. This comment does not provide specific comments on the adequacy of the noise analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-19

Because the 2010 General Plan EIR Concluded that the Effects of the General Plan Would have Significant and Unavoidable Impacts, a Tiered MND or EIR is Required to Mitigate Those Impacts.

The 2010 General Plan EIR admitted that the program would have significant, unavoidable impacts in the areas of air quality, greenhouse gases, and agriculture. (See, e.g., Findings of Fact and Statement of Overriding Considerations for the Envision Chino - General Plan 2025 City of Chino (Apr. 19, 2010), pp. 12-14.) Since the General Plan will have significant unavoidable impacts, the City must conduct project-level supplemental MNDs or EIRs for specific projects proposed within the program area. The supplemental MNDs or EIRs are required to determine whether mitigation measures exist to reduce the significant unavoidable impacts identified in the General Plan EIR.

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-125, the court of appeal held that when a "first tier" EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later phases of the project to ensure that those unmitigated impacts are "mitigated or avoided." (*Id.* [citing CEQA Guidelines §15152(f)].) The court reasoned that the unmitigated impacts were not "adequately addressed" in the first tier EIR since they were not "mitigated or avoided." (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been "adequately addressed," in a way that ensures the effects will be "mitigated or avoided." (*Id.*) Such a second tier EIR is required, even if the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained that "[t]he requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support." (*Id.* at 124-125) The court specifically rejected a prior version of the CEQA guidelines regarding tiering that would have allowed a statement of overriding considerations for a program-level project to be used for a later specific project within that program. (*Id.* at 124.) Even though "a prior EIR's analysis of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts." (*Id.* at pp. 124-25.) As such, a tiered MND or EIR should be prepared

to mitigate the significant and unavoidable impacts to air quality, greenhouse gases, and agriculture that were identified in the General Plan EIR.

Response 1-19

See responses 1-3 and 1-4 provided above in this memorandum. The project relies on the Addendum to the GPEIR, which is a programmatic EIR (not a tiered EIR), and relies on CEQA Guidelines Section 15164, which requires no additional environmental review so long as none of the circumstances identified under CEQA Guidelines Section 15162 are present. The Addendum contains substantial evidence that none of the CEQA Guidelines Section 15162 are involved.

Comment 1-20

Under CEQA's Subsequent Review Provisions, the Addendum is Improper Because of the Availability of new Information Since the Certification of the 2010 General Plan EIR.

Under CEQA, an addendum is not allowed when "[n]ew information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified" shows that (1) the project will have one or more significant effects not discussed in the previous EIR or (2) mitigation measures considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment. (14 CCR §§ 15162, 15164.) Under the standard, the Addendum is improper because the Project's potentially significant impact to special-status species that could not have been known when the 2010 General Plan EIR was certified.

Response 1-20

This comment claims that an addendum is not appropriate under CEQA because the commenter asserts that "… there is new information available since certification of the General Plan EIR indicating new significant impacts and the availability of new mitigation measures." As detailed in responses 1-A-5 and 1-A-13, below, the analysis included in the Addendum appropriately confirms the project's impacts to special-status species does not constitute new information since certification of the GPEIR indicating new significant impacts and the availability of new mitigation measures. As such, implementation of the proposed project would not trigger any of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or MND. Therefore, the appropriate CEQA document for the proposed project is this Addendum to the GPEIR. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-21

As discussed above, the Project could result in a significant impact on special-status species that could not have been known at the time of the General Plan EIR's certification in 2010. As Dr. Smallwood states, "There is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act." (Smallwood, p. 20.) However, the Monarch butterfly did not become a candidate for listing under the

federal Endangered Species Act until December 15, 2020—ten years after the General Plan EIR's certification in 2010. The Monarch's status as a candidate species has been reaffirmed by the U.S. Fish and Wildlife Service annually, and the agency proposed listing the monarch as threatened in December 2024. Because the General Plan EIR was certified in 2010, the Monarch's candidate listing and heighted protections in 2020 is new information of a significant impact to special-status species that occurred after the certification of the General Plan EIR, requiring the preparation of a subsequent EIR. As such, the Addendum is improper under CEQA Guidelines sections 15162 and 15164 and a subsequent EIR is required. (See, 14 CCR §§ 15162(a)(3), 15164(a).)

Response 1-21

See response 1-A-13 provided below in this memorandum.

Comment 1-22

THE ADDENDUM'S CONCLUSIONS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

There is no Evidence that the Project Will not Result in New Significant Impacts to Special-Status Species.

The Addendum underestimated the diversity of species using the Project site.

As discussed above, Dr. Smallwood's associate, Noriko Smallwood, performed a 3- hour site visit during the day and a 2-hour nocturnal survey of the site on July 24, 2025. (Smallwood, p. 2.) During these surveys, Noriko Smallwood detected 30 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status. (Smallwood, p. 3.)

Response 1-22

See response 1-A-5 provided below in this memorandum.

Comment 1-23

The Biological Resources Assessment prepared for the Addendum by LSA Associates, Inc. ("LSA Biological Report") states that "[a]nimal species observed on the site are typical of urban environments," but does not disclose which animal species were observed, except to report, "[n]o special-status wildlife species were observed." (Smallwood, p. 16.) Therefore, it can be assumed that LSA did not observe all 30 species of vertebrate wildlife detected by Noriko Smallwood, including the eight special-status species she observed: the Monarch butterfly, Allen's hummingbird, Cooper's hawk, red-tailed hawk, Great horned owl, American kestrel, Western yellow bat, and Silver-haired bat. (*Id.*, p. 16.)

The failure of the LSA's Report to detect these special-status species and an abundance of other wildlife at the Project site underscores the inadequacy of the Addendum's documentation of baseline conditions, skewing the subsequent impact analysis. (Smallwood, pp. 12-13.)

Response 1-23

See response 1-A-5 provided below in this memorandum.

Comment 1-24

Although Noriko Smallwood's site visits lasted only 5 hours, Dr. Smallwood calculated that more thorough site visits would reveal an even greater diversity of wildlife. (Smallwood, pp. 13-15.) Given more time to survey the site, Dr. Smallwood predicts that Noriko would have observed an additional 17 special-status wildlife species. (Smallwood, pp. 14-15.) Based on his review of the Addendum and the site visit, Dr. Smallwood concluded, "the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort…The site is far richer in special-status species than the Addendum would have the reader believe…The evidence is overwhelming that the project site is important to multiple special-status species of wildlife." (*Id.*, pp. 15, 20, 27.)

Response 1-24

See response 1-A-15 provided below in this memorandum.

Comment 1-25

An initial study and MND or EIR is needed to adequately address the impacts to special-status species from the proposed Project, and to mitigate those impacts accordingly.

Response 1-25

This comment claims an MND or EIR is required to disclose and mitigate impacts related to special-status species from the proposed Project. However, as detailed in responses 1-A-5 and 1-A-15, the proposed project is not expected to result in a significant impact to special-status species. This comment does not provide specific comments on the adequacy of the biological analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-26

The Addendum relied on an inadequate biological report.

In addition to the LSA Biological Report's failure to adequately disclose the diversity of species that would be impacted by the Project, Dr. Smallwood found numerous other deficiencies in the LSA Biological Report. (Smallwood, pp. 19-20.)

Dr. Smallwood found that LSA's review of available literature and databases was incomplete because it relied on only one database, the California Natural Diversity Data Base ("CNDDB") and failed to consult other available databases such as eBird and iNaturalist. (Smallwood, p. 19.) By including additional databases in the review, such as eBird and iNaturalist, Dr. Smallwood found that 139 special-status species (as opposed to the 34 species in the LSA Biological Report) were known to occur in the area. (Smallwood, pp. 19- 20.) By relying on cursory review of CNDDB, the LSA Biological Report improperly "screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting." (Smallwood, p. 19.)

Response 1-26

See response 1-A-12 and response 1-A-13 provided below in this memorandum.

Comment 1-27

The LSA Biological Report also improperly relied on CNDDB to determine whether a species would *not* occur on the Project site. (Smallwood, pp. 19-20.) As Dr. Smallwood explains, "CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community." (Smallwood, p. 19.) In other words, although CNDDB can be useful in determining whether a species is likely to occur (because it has been detected and reported in CNDDB), it does not follow that the absence of a species from CNDDB means that a species is unlikely to occur. This error in the LSA Biological Report results in a further underestimation of the diversity of wildlife occurring or likely to occur at the Project site.

Response 1-27

See responses 1-A-12, 1-A-13, and 1-A-14 provided below in this memorandum.

Comment 1-28

The Addendum and LSA Biological Report made additional flawed arguments in defending its determination that certain species were unlikely to occur on the Project site. For example, the Addendum states that "[d]ue to the absence of suitable habitat on-site and the develop[ed] nature of the project vicinity, all of the remaining special-status species identified in the literature search, including the white cuckoo bee (*Neolarra alba*), are considered absent from the project site and vicinity." (Smallwood, p. 20.) However, as Dr. Smallwood notes, "[t]here is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act." (*Id.*) As such, Dr. Smallwood concluded that "[t]he Addendum presents a profoundly inaccurate analysis of whether special-status species of wildlife occur on the project site." (*Id.*) Because "[a]n inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill- suited for formulating appropriate mitigation," the Addendum's impact analysis and conclusions should not be relied upon. (*Id.*, p. 20.)

Response 1-28

See responses 1-A-7, 1-A-8, 1-A-10, 1-A-11, 1-A-13, 1-A-15, and 1-A-16 provided below in this memorandum.

Comment 1-29

Due to the above shortcomings in the LSA Biological Report, the Addendum's conclusions about the Project's impacts to biological resources are not supported by substantial evidence. As such, an initial study and MND or EIR is needed to adequately address the impacts to wildlife of the proposed Project, and to mitigate those impacts accordingly.

Response 1-29

This comment claims the Addendum's conclusions about the Project's impacts to biological resources are not supported by substantial evidence and an MND or EIR is required. However, as detailed in response 1-A-5 provided below in this memorandum, the proposed project is not expected to result in a significant impact to special-status species. This comment does not provide specific comments on the adequacy of the biological analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-30

There is no Evidence that the Project Will not Result in New Significant Impacts on Wildlife Movement and Cumulative Impacts.

Wildlife movement.

Dr. Smallwood found that the Addendum, its LSA Biological Report, and the 2010 General Plan EIR's analysis of the Project's impacts to wildlife movement were all deeply flawed. (Smallwood, pp. 29-30.) According to Dr. Smallwood, the General Plan EIR lacks any serious analysis of the potential for the Project to interfere with wildlife movement in the region. (*Id.*, p. 29.) The Addendum and LSA Biological Report adopt a false standard that the Project site must represent a regional wildlife movement corridor in order to serve wildlife movement in the region. (*Id.*, p. 30.) However, under CEQA, the standard is whether the Project will impact wildlife movement "regardless of whether the movement is channeled by a corridor." (*Id.*) As Dr. Smallwood explains,

> [T]he species detected on site by Noriko would not have been detected there had their members not moved to the site for its habitat. For many species of wildlife, the project site provides stopover opportunities, and for many others it is a migratory destination.... Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor. What was needed, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have recorded flight paths, especially of birds and bats moving to or from the project site...

(*Id.*, pp. 29-30.) Dr. Smallwood concludes that neither the Addendum nor the General Plan EIR provide substantial evidence that the Project's impact on wildlife movement would be less than significant. (*Id.*) An initial study and MND or EIR is needed to adequately address the impacts to wildlife movement of the proposed Project, and to mitigate those impacts accordingly.

Response 1-30

See response 1-A-19 provided below in this memorandum.

Comment 1-31

Cumulative Impacts.

Dr. Smallwood found that the Addendum failed to discuss cumulative impacts to wildlife. (Smallwood, pp. 33-34.) According to Dr. Smallwood, "Given the extent of habitat fragmentation in the region, leaving the open space of the project site as one of the last sizable patches of wildlife habitat within miles, the project's contribution to cumulative habitat destruction would be consequential." (*Id.*, p. 33.) Thus, because the Project "would cause severe declines in wildlife abundance and species richness in the region," an initial study and MND or EIR is needed to adequately address the impacts to wildlife movement of the proposed Project, and to mitigate those impacts accordingly. (*Id.*, p. 34.)

Response 1-31

See response 1-A-21 provided below in this memorandum.

Comment 1-32

There is no Evidence that the Project Will not Result in a New Significant Construction or Operational-Related Air Quality Impact.

In determining that CEQA's subsequent review provisions apply to the proposed Project, the City relied on emissions calculated with CalEEMod. 2022.1. (Addendum, p. 2- 46.) This model relies on recommended default values, or on site-specific information related to a number of factors. When more specific project information is known, the user may change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. The model is used to generate a project's construction and operational emissions. Dr. Clark reviewed the Project's CalEEMod output files provided at Appendix A to the Addendum, and found that several model inputs used to generate a project's operation emissions were not consistent with information disclosed in the Addendum. (Clark, pp. 5-6.) As a result, Dr. Clark concludes that the Project's operational emissions are underestimated. (*Id.*) Because the Addendum uses incorrect estimates for emissions, its air quality analysis cannot be relied upon to determine the Project's emissions, and the City's conclusions are not supported by substantial evidence. The particular errors identified by Dr. Clark are discussed below. These errors should be corrected in a subsequent CEQA document prior to approval of the Project.

Specifically, Dr. Clark found that the Addendum's air quality analysis failed to include back-up generators and fire pumps in its operational air quality impact analysis. (Clark, pp. 5-6.) An initial study and MND or EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly.

Response 1-32

See response 1-B-3 provided below in this memorandum.

Comment 1-33

There is no Evidence that the Project Will not Result in a New Significant Hazards from Battery Storage on Site.

Neither the Addendum nor the 2010 General Plan EIR include any information regarding the capacity of the battery storage system or the type of batteries to be deployed at the Project site. (See, Clark,

pp. 16-17.) Instead, the Addendum merely states, "Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project's power needs." (*Id.*, p.16.) According to Dr. Clark, the Addendum's "failure to include any specifications of the battery systems results in the failure to analyze the particular hazards presented by the presence of such infrastructure." (*Id.*) Dr. Clark explains that the "hazards from battery storage systems include thermal runaway, off-gassing, and stranded energy, along with discharges of hazardous chemicals from the batteries themselves." (*Id.*, pp. 16-17.) The General Plan EIR did not analyze battery storage system and related hazard impacts at this site. The plan to include battery storage is new information and changed circumstances resulting in a potentially significant hazard impact. As such, an initial study and MND or EIR is needed to adequately address the hazards of the proposed battery storage on the Project site, and to mitigate those impacts accordingly.

Response 1-33

See response 1-B-7 provided below in this memorandum.

Comment 1-34

There is no Evidence that the Project Will not Result in a New Significant Noise Impact.

The Addendum's noise analysis contains several deficiencies that underestimate the Project's construction and operational noise impacts on nearby sensitive receptors. (See, Wilson Ihrig, pp. 6-8.) As discussed below, errors in modeling mechanical systems, validating traffic noise, and establishing baseline conditions resulted in the Addendum's inadequate noise analysis and failure to disclose and mitigate the Project's potentially significant noise impacts. (*Id.*)

Response 1-34

This comment claims the Addendum's noise analysis contains several deficiencies that underestimate the Project's construction and operational noise impacts on nearby sensitive receptors. However, as detailed in responses 1-C-3 through 1-C-13 provided below in this memorandum, the proposed project is not expected to result in a significant impact to sensitive receptors from construction or operational noise. This comment does not provide specific comments on the adequacy of the noise analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-35

First, the Addendum's mechanical noise analysis contains errors and omissions. (Wilson Ihrig, pp. 6-7.) Wilson Ihrig found that the Addendum underestimates the Project's mechanical noise by modeling only four HVAC units, when a warehouse of that size would realistically require at least 25 units. (*Id.*) Moreover, even the four HVAC units assumed would exceed residential noise limits. (*Id.*, p. 6.) The analysis should be corrected to reflect actual ventilation needs of the planned building and include enforceable mitigation. (*Id.*, p. 7.)

Response 1-35

See response 1-C-11 provided below in this memorandum.

Comment 1-36

Second, the Addendum's traffic analysis is missing validation. (Wilson Ihrig, p. 7.) Wilson Ihrig found that the "modeled levels for existing traffic along Shaeffer Avenue are lower than measured levels reported in the Addendum," with modeled CNEL levels 8 dB lower than measured levels." (*Id.*) As a result, the traffic noise modeling along Shaeffer Avenue is inconsistent and unreliable. (*Id.*) The Addendum fails to explain this discrepancy, apply a calibration factor, or reconcile the use of different metrics (CNEL vs. Ldn). (*Id.*) As such, Wilson Ihrig recommends that the Project "address this discrepancy and validate the traffic model using measured baseline data" in a subsequent EIR or MND. (*Id.*)

Response 1-36

See response 1-C-12 provided below in this memorandum.

Comment 1-37

Lastly, the Addendum "does not properly characterize the existing noise environment." (Wilson Ihrig, p. 8.) Wilson Ihrig found that the Addendum failed to establish an adequate baseline because the second monitoring measurement location was conducted at the back of the Project site rather than at residences most affected by truck traffic on Shaeffer Avenue. (*Id.*) Wilson Ihrig explains that this omission obscures the existing noise environment for sensitive receptors. (*Id.*) Without an accurate baseline, the Project's noise impact analysis is inadequate.

Response 1-37

See response 1-C-13 provided below in this memorandum.

Comment 1-38

Conclusion.

For the foregoing reasons, reliance on the Addendum for the Project is in violation of CEQA. Thus, an initial study and a subsequent EIR or MND must be prepared for the proposed Project and should be circulated for public review and comment in accordance with CEQA. Thank you for considering these comments.

Response 1-38

This comment claims reliance on the Addendum for the Project is in violation of CEQA and that an initial study and a subsequent EIR or MND must be prepared for the proposed Project. However, as documented throughout the Addendum with substantial evidence, the project would result in no new significant impacts that were not analyzed for General Plan buildout in the GPEIR, nor would the project cause a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with the project would be either the same or less than those disclosed in the GPEIR. Additionally, there

are no substantial changes to the circumstances under which the proposed project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the GPEIR, nor has any new information regarding the potential for new or more severe significant environmental impact been identified.

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-1

This comment indicates Shawn Smallwood, Ph.D. has reviewed the biological resources analysis reported in the Addendum to the GPEIR. The comment also summarizes the proposed project and includes a summary of qualifications for Shawn Smallwood, Ph.D.

Response 1-A-1

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-2

This comment provides the commenter's opinion on the degree to which CEQA protects biological resources and which types of species are subject to protection under CEQA.

Response 1-A-2

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-3

This comment details observations of the project setting and species observed by Noriko Smallwood, on the commenter's behalf, during field surveys conducted at the project site on July 24, 2025. The comment includes several photographs and a table listing species observed on site during the surveys. The commenter then provides estimates of wildlife species that may have been missed by the surveys conducted by Noriko Smallwood based on a nonlinear regression model and provides survey data from properties in northern California to conclude the number of wildlife species that may occupy the project site is greater than the results of the Noriko Smallwood surveys indicate.

Response 1-A-3

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-4

This comment provides methodology on establishing the existing environmental setting of a property to be evaluated for biological resources.

Response 1-A-4

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-5

This comment claims that the Addendum to the GPEIR and Biological Resources Assessment (BRA) made conclusions regarding biological resources without first describing resources present. The comment also claims the reconnaissance survey was inadequate for the needed analysis, and the BRA misinterpreted the survey's findings. Noriko Smallwood, on the commenter's behalf, conducted field surveys at the project site on July 24, 2025 and claims many more special-status species were observed than reported in the project BRA.

Response 1-A-5

This comment claims that the City of Chino General Plan Environmental Impact Report (Addendum) and Biological Resources Assessment (BRA) made conclusions regarding biological resources without first describing resources present. The text that the commenter refers to is summarizing the results of the survey. These statements were made after completing the literature review and field survey.

The referenced text correctly describes the condition of project site as routinely disced and consisting of ruderal (weedy) vegetation. Section 4 of the BRA (Addendum page 2-58) discussed the potential for special-status species to occur, and Table B of the BRA provides a species-by-species assessment of special-status species potentials with rationale for the occurrence potential of each species.

The following wildlife species were observed during the survey and will be added to the BRA: house finch (*Haemorhous mexicanus*), mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), barn swallow (*Hirundo rustica*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), western fence lizard (*Sceloporus occidentalis*), Botta's pocket gopher (*Thomomys bottae*), and cabbage white (*Pieris rapae*). Additionally, the BRA mentions that ground squirrels were observed; the BRA will be clarified to specify that the species observed was California ground squirrel (*Otospermophilus beecheyi*). None of the wildlife species observed during the 2024 LSA survey are special-status species.

For a small area that is highly disturbed, lacks native vegetation, and is isolated from other areas of habitat, a reconnaissance survey of a few hours is sufficient to document baseline biological resources present. CEQA guidelines (Section 15151) state that environmental analyses should be based on best available information, "prepared with a sufficient degree of

analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences"; studies need not be exhaustive. The general survey conducted was adequate to answer the CEQA checklist questions; the presence or absence of special-status species can be predicted by qualified biologists based on the presence or absence of suitable habitat. The reconnaissance survey conducted by LSA on August 13, 2024 was sufficient to evaluate the habitat on the project site and to provide a baseline for biological resources; it is adequate for the purposes of CEQA.

Additionally, Dr. Smallwood describes a model that he prepared based on observations made at the Altamont Pass Wind Resource Area, which is approximately 350 miles north of the project site (as the crow flies). The Altamont Pass Wind Resource Area is completely different biologically than the project site; therefore, the model would not be comparable to the project site. Namely, the Altamont Pass is within an entirely open space context with the nearest urban development over three miles to the southwest and the next closest development over five miles to the northeast; whereas, the project site is a small habitat fragment embedded within an entirely urban context. Habitat fragments contain less species than larger undeveloped open spaces, as Dr. Smallwood knows from the theory of island biogeography theory (MacArthur and Wilson 1967), which is the basis for habitat fragmentation theory. Also, while there is some overlap, wildlife species in Northern California differ from those found in Southern California. Because the habitat types and landscape contexts are so different, Dr. Smallwood's model cannot be applied to the project site. Lastly, the actual number of species that occur on a project site is irrelevant; none of the CEQA checklist questions ask about the biodiversity present on the project site. Rather, the impact on native habitat types is used as a proxy for impacts on wildlife species.

The commenter notes that special-status species were observed by Noriko Smallwood's surveys, which were not observed during the LSA survey. Four of the eight species identified by the commenter as "special-status" are identified in their table as "birds of prey" (i.e., raptor species). These species are relatively common in the region; none of the species listed are federally or state listed species (or proposed or Candidate species), and none are listed as California Species of Special Concern. Their table indicates that nests of these species are protected by California Fish and Game Code. The BRA discusses these protections on page 3 under "Nesting Birds" and the Addendum includes a discussion of these protections on page 2-61 and includes Regulatory Compliance Measure (RCM) BIO-2 that would provide protection of these species if they were to nest on the project site.

Similarly, Allen's hummingbird (*Salasphorus sasin*) is a "Bird of Conservation Concern"; however, this species is not listed are federally or state listed species (or proposed or Candidate species), and it is not listed as California Species of Special Concern. A recent court case, *Nassiri v. City of Lafayette*, et al. (2024) clarified that the designation of a species as a "species of conservation concern" is not equivalent to being deemed "rare." For the species to be treated as listed under Section 15380 of CEQA, a species should be considered rare or unique in the area or imminently at risk of endangerment. This court case specifically discussed the designation as U.S. Fish and Wildlife Service (USFWS) Bird Species of Conservation Concern. The court found that there was no evidence presented that species

with this designation "were likely to be candidates for listing under the Endangered Species Act/California Endangered Species Act, nor rare or unique to the region, nor existing in such small numbers throughout all or a significant portion of their ranges that they may become endangered." (Allen Matkins 2024)5. Despite not being a special-status species, the nests of Allen's hummingbirds would also be protected by California Fish and Game Code, which is discussed in the BRA on page 3 under "Nesting Birds" and the Addendum includes a discussion of these protections on page 2-61 and includes RCM BIO-2 that would provide protection of this species if it were to nest on the project site.

Silver-haired bat is identified in the commentor's table as a bat species identified by the Western Bat Working Group. While this may be the case, this species is not listed as federally or state listed species (or proposed or Candidate species) under the federal or State Endangered Species Acts, and it is not listed as California Species of Special Concern. Therefore, it would not be considered a special-status species for the purposes of CEQA.

Western yellow bat (*Lasiurus xanthinus*) and monarch (*Danaus plexippus*) are both considered special-status species; see comment 1-A-13 below for further discussion of these species with regard to the project site.

Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-6

This comment states that the BRA did not report any observations of nesting birds on the project site.

Response 1-A-6

This comment correctly states that the BRA did not report any observations of nesting birds on the project site. The purpose of the reconnaissance survey was to identify habitat present to establish the baseline conditions. The methods of a nesting bird survey are different and much more labor-intensive to observe the behavior of all bird species to identify the nest location and status of active nests. This is beyond the scope of the baseline survey. However, the BRA identified that trees present on the project site would be suitable for nesting birds and that the eastern portion of the project site that lacks trees would be suitable for burrowing owl (*Athene cunicularia*).

The BRA will be clarified to state that the project site would also be suitable for other ground-nesting birds. The BRA discusses nesting bird protections on page 3 under "Nesting Birds," and the Addendum includes a discussion of these protections on page 2-61 and includes RCM BIO-2 that would provide protection of these species if they were to nest on the project site. While not explicitly stated in the BRA/Addendum, RCM BIO-2 would avoid impacts on ground-nesting birds if they were to occur on the projects site. Neither this comment nor the response

[5] Allen Matkins. 2024 (August 2). California Court of Appeal Clarifies What Constitutes a "Rare" Species Under CEQA. California Court of Appeal Clarifies What Constitutes a "Rare" Species Under CEQA | Casetext

constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-7

This comment claims that burrows suitable for burrowing owl should have been detected as California ground squirrels were observed on the project site.

Response 1-A-7

Although California ground squirrel burrows generally provide suitable burrows for burrowing owl, there are cases where California ground squirrel burrows are either not suitable or are absent from any given area. These include the following:

- California ground squirrel burrows occur off-site. There is a small undeveloped portion of land adjacent to the southwest corner of the project site where California ground squirrel burrows could be present. This offsite area was fenced and not accessible to be surveyed for burrows during the reconnaissance survey.

- California ground squirrel burrows were removed by discing.

- California ground squirrel burrows were degraded to the point where they wouldn't be suitable for burrowing owl.

Therefore, the presence of California ground squirrels doesn't always correlate with the presence of suitable burrows for burrowing owl on a given project site. However, page 4 of the BRA states that "ground squirrels are active on the site, and there is a possibility that the squirrels could create suitable burrows, and that burrowing owl could move in and occupy the site prior to construction. Any burrows occupied by burrowing owl would be protected as active nests."

The comment also claims that LSA biologists did not achieve the minimum standards of the CDFW (2012) survey guideline for burrowing owls. However, the survey completed the steps necessary based on conditions at the time of the survey. The reconnaissance survey identified suitable habitat, and the biologists proceeded to conduct a burrow survey to search for suitable burrows. Because no suitable burrows were observed, no further surveys (i.e., focused surveys for burrowing owls) were warranted at the time of the survey. Due to the absence of suitable burrows on the project site the project is not anticipated to impact burrowing owl. However, consistent with the CDFW (2012) requirements, page 4 of the BRA and page 2-60 of the Addendum include RCM BIO-1, which requires a pre-construction survey within 30 days prior to construction; if a burrowing owl is observed at that time, consultation with CDFW is required. Compensatory mitigation has already been provided under the Preserve Master Plan EIR and Edgewater Communities EIR, as described on page 2-58 of the Addendum. Therefore, burrowing owl is adequately addressed in the BRA and Addendum, and no further analysis or conditions would be needed. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-8

This comment claims that the presence of trees cannot rule out the suitability of habitat for or presence of burrowing owl.

Response 1-A-8

This comment claims that the presence of trees cannot rule out the suitability of habitat for or presence of burrowing owl. LSA agrees with this; however, the trees present on the project site are a factor in determining the reduced suitability of habitat for burrowing owl on the project site as they provide suitable habitat for avian predators of burrowing owl. In addition, the project site is small in size (7.35 acres); is entirely surrounded by developed areas (i.e., a habitat fragment that is separated from larger areas of open space); and is regularly maintained, further reducing the suitability of habitat on the project site. The combination of these conditions all factor into the determination of a reduction in quality of suitable burrowing owl habitat present on the project site. Also see response 1-A-7. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-9

This comment claims that the BRA fails to mention the 300-acre conservation area, if it has been established, or if burrowing owls occupy it.

Response 1-A-9

The 300-acre conservation area established by the City of Chino is described on page 2-58 of the Addendum. Additionally, the Addendum includes measures from the Edgewater Communities EIR, described on pages 2-58 and 2-59 of the Addendum, which provide additional protective measures for burrowing owl. CEQA Section 15164 describes the requirements of an Addendum; there is no requirement to describe the outcome of mitigation implemented for the previous EIRs. The Addendum confirms that the project would not require additional mitigation over and above what was required by the previous EIR. No burrowing owls are expected to occur on the project site; therefore, no mitigation would be needed for burrowing owl. Also see response 1-A-7. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-10

This comment describes burrowing owl survey methodology and claims that BRA includes only a habitat assessment for the species.

Response 1-A-10

In response to the questions raised by the commenter:

A) The literature review conducted by LSA to support the BRA confirmed that burrowing owl occur near the project site; hence, burrowing owl were included in Table B of the BRA and discussed on pages 3-5 of the BRA and on page 2-60 of the Addendum.

B) The August 13, 2024 reconnaissance survey included a habitat assessment for burrowing owl. As discussed on pages 3-5 of the BRA and on page 2-60 of the Addendum, habitat is considered suitable for burrowing owl based on vegetation cover and height.

C) As discussed on pages 3-5 of the BRA and on page 2-60 of the Addendum, there were fossorial mammals present that typically construct burrows used by burrowing owl; however, there were no suitable burrows at the time of the survey. Therefore, no further surveys were required at the time.

Also see response 1-A-7. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-11

The comment claims that burrowing owl occurrence records are close to the project site, vegetation on site is suitable for burrowing owl, and the BRA reported California ground squirrel on the project site. In addition, the commentor claims he has observed burrowing owl on similar sites in the region.

Response 1-A-11

See response 1-A-7 and 1-A-8 above.

Comment 1-A-12

The comment provides information on the California Natural Diversity Data Base (CNDDB) and claims the CNDDB literature review in the BRA was incomplete.

Response 1-A-12

Dr. Smallwood gives an accurate account of why the CNDDB is only a starting point for the assessment of which species can occur on a given project site. However, Dr. Smallwood incorrectly states that reporting to the CNDDB "relies entirely on volunteer reporting". Professional biologists that hold USFWS 10(a)(1)(A) permits and CDFW Scientific Collecting Permits are required to report observations of special status species to the CNDDB; reporting is not voluntary. What Dr. Smallwood fails to consider is that the biologists that prepared the report also have years of experience with special status species that occur in the region, and during preparation of the report, add species to the table that could occur on the project site even if they were not listed in the CNDDB database search.

While eBird and iNaturalist can be useful tools, anyone can submit observations to these databases, from amateur birders to well-known experts. These databases are sometimes used in developing the table of species with potential to occur, but biologists typically already have a working knowledge of species that would occur based on other projects that they have worked on in the project vicinity. A review of Table 2 provided by Dr. Smallwood shows that

several of the species he suggests should be added are Bird Species of Conservation Concern, which are not treated as special status species in CEQA analyses (See Response 1-A-5). Many others have no potential to occur based on lack of suitable habitat. Dr. Smallwood's CNDDB search extends to include a 30-mile radius, which extends from the Pacific Ocean (including Huntington Beach and Newport Back Bay) to the west/southwest, the San Gabriel Mountains of the Angeles National Forest to the north, the San Bernardino Mountains (Cajon Pass) to the northeast, and the deserts (Phelen) to the northeast. The habitat on the project site is very different from these coastal areas, mountain areas, and true deserts. It is more effective to refine the literature review to quadrangles that are similar in physiography to the project site.

It should be noted that the BRA also utilized the California Native Plant Society's (CNPS) Rare Plant Inventory, as noted on page 2 of the BRA. The literature review also included the USFWS critical habitat mapper to determine the presence/absence of critical habitat. All three of these sources are industry standards for a biological resources literature review and are acceptable for the purposes of CEQA.

The comment claims that the absence of CNDDB records was used to screen out species that could occur without adequate support from field surveys. Table B of the BRA includes a species-by-species rationale for why each is not expected to occur. None of the rationale in Table B state that the reason the species is not expected is because of the lack of nearby CNDDB records. The commenter has no basis for this statement. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-13

The comment claims that based on a database review conducted in the Comment Letter 1-A (Exhibit A, Table 2), the project site supports multiple special-status species of wildlife, including western yellow bat and monarch butterfly, and has potential to support many more special-status species of wildlife than analyzed in the BRA.

Response 1-A-13

See responses 1-A-5 and 1-A-12 above.

Two special-status species were documented in the commenter's report: monarch butterfly and western yellow bat. Both of these species were included in Table B of the BRA.

The federal Candidate status for monarch butterfly applies to the overwintering population. The observation of the monarch made by Noriko Smallwood was in July 2025, which clearly was a summer observation and not an overwintering individual. The project site does not contain suitable overwintering habitat and is located outside the range of overwintering for monarch. Trees typically used by monarch include tree groves along the California coast including blue gum eucalyptus (*Eucalyptus globulus*), Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*) and is not located within the Saline Valley (Federal

Register 2024[6]). The project site also lacks milkweed (*Asclepias* sp.), required for egg laying, and diverse nectar sources required for foraging. Although monarch may occur, it is not anticipated to overwinter on the project site.

The western yellow bat typically forages along open water, desert wash, palm oases, and riparian habitat (Zeiner et al 1988-1990[7]). Western yellow bat roosts in native and ornamental palms. While there are fan palms present on the project site, at the time of the survey, the palms had all been trimmed and did not provide dead palm fronds (i.e., skirted palms) that would be suitable for roosting. While western yellow bat was observed, the individual may have been foraging in the area and roosting elsewhere; it is unknown whether this species roosts on the project site. Regardless, the loss of a limited number of ornamental fan palms is not expected to substantially reduce the roosting habitat available in the project vicinity as there are more ornamental palm trees present within surrounding developed areas.

As discussed under response 1-A-5, the "special-status" species observed by Ms. Noriko Smallwood that were not included in Table B of the BRA because they would not be considered special-status according to the industry standard. Regardless, RCM BIO-2 provides protection for any nesting bird and would apply to all of the bird species mentioned by the commentor, even though they are not specifically listed in the Addendum text. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-14

This comment claims that the baseline characterization of the wildlife community in the BRA is inaccurate and ill-suited for accurate analysis of project impacts on wildlife.

Response 1-A-14

See Response 1-A-5 above.

Comment 1-A-15

This comment claims the Addendum presents an inaccurate analysis of the potential for special-status species to occur on the project site.

Response 1-A-15

See responses 1-A-5, 1-A-12, and 1-A-13 above.

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6 Life history account for Monarch was taken from the Federal Register for the proposed listing for the species: Endangered and Threatened Wildlife and Plants: Threatened Species Status with Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat. 89 F.R. 100662 (proposed December 12, 2024).

7 Life history account for western yellow bat was taken from the California Wildlife Habitat Relationships (CWHR) System were originally published in: Zeiner, D.C., W.F.Laudenslayer, Jr., K.E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Vol. I-III. California Depart. of Fish and Game, Sacramento, California.

Dr. Smallwood's use of his model to predict the number of species on the project site is inappropriate (see response 1-A-5). Additionally, Dr. Smallwood's use of the term "special-status" is too broad and applied to more species than the industry standard. The white cuckoo bee included in the BRA table and text discussion does not meet the definition of special-status. Furthermore, it is believed to be extirpated from the area as it has not been observed since 1952. Because the project site is regularly disced, this ground-nesting bee is not expected to occur. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-16

This comment describes the uses of prediction and speculation in the CEQA framework and their merits or lack thereof.

Response 1-A-16

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-17

This comment claims that the project would have adverse impacts on nesting birds through direct loss of habitat, and by extension, permanent loss of productive capacity.

Response 1-A-17

This comment claims that the project will have adverse impacts on nesting birds through direct loss of habitat, and by extension, permanent loss of productive capacity. The CEQA analysis uses the inference method, using the loss of habitat as a proxy for the loss of wildlife that would occur as a result of a project. CEQA guidelines (Section 15151) state that analyses should be "prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences"; studies do not need to be exhaustive. Per federal (Migratory Bird Treaty Act) and State (California Fish and Game Code Section 3503 et al.) regulations, it is unlawful to take, possess or needlessly destroy protected birds or their nests. CEQA and wildlife regulations protecting bird species, such as the federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 et al., do not currently require the assessment of productive capacity over time. Furthermore, the commenter's estimates regarding the number of nests and productive capacity of the site lost as a result of development of the project site do not consider the habitat potential provided by the approximately 32,727 square feet of landscaping, including accent plantings/groundcovers, shrubs/vines, and trees, to be installed along the majority of the site perimeter and would include additional trees and landscape strips throughout the parking areas and project frontage along Schaefer Avenue and Oaks Avenue (refer to Addendum Figure 6: Landscape Plan) that could provide nesting opportunities for avian species. Therefore, the commenter's estimates regarding the number of nests and productive capacity of the site lost as a result of the proposed project is

incomplete and speculative. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-18

This comment claims the project would result in the loss of significant nesting bird habitat.

Response 1-A-18

See response 1-A-17 above.

Comment 1-A-19

This comment claims that the Addendum's focus on regional wildlife movement corridors is misdirected and that the BRA speculates on how the site is important to wildlife movement in the region.

Response 1-A-19

As noted in on page 6 of the BRA and page 2-61 of the Addendum, the project site is not within a wildlife corridor and does not contain nursery sites. The project site is immediately surrounded by development in all directions with the exception of a 0.15-acre undeveloped parcel to the southwest. There is a major arterial roadway (Schaefer Avenue) adjacent to the north with residential development north of that; a collector street adjacent to the east (Oaks Avenue) with industrial development further east; and extensive industrial development to the west and south. The project site is disconnected from other open spaces and native habitat areas. The nearest open spaces are the dairies and agricultural areas approximately 1 to 1.5 miles south and east of the project site. Highly mobile species, such as birds and bats, may reach the project site; however, because the project site lacks native habitat areas, the project site is not expected to be used as a stopover site for migratory species. The species observed by LSA and by Ms. Smallwood are all species that are urban-adapted species and can occur in developed areas, which means they will also be able to move through the project site following implementation of the project. Also see Response 1-A-17. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-20

This comment claims that the Addendum neglects to address wildlife mortality and injuries caused by project-generated traffic.

Response 1-A-20

It should be noted that the Mendelsohn et. al. (2009) study cited by Dr. Smallwood in determining the rate of fatalities per vehicle mile traveled is not a study in a peer¬reviewed journal, it is a report prepared for Contra Costa County to address a problem stretch of roadway where California tiger salamanders (*Ambystoma californiense*) and California red-legged frogs (*Rana draytonii*) were being killed in high numbers during rain events. The fact that it is not a peer-reviewed study is not a problem; however, it indicates that Contra Costa

County was seeking a solution for a problem stretch of roadway; this was not an empirical study for the sake of furthering knowledge about urban-wildlands interface issues. The roadway that was the focus of this study had open space adjacent on each side of the road and ran parallel to a riparian area, which crossed under the road multiple times in this stretch of road. Despite the availability of undercrossings, California tiger salamanders and California red-legged frogs would cross over the road during rain events, leading to high mortality of these species (i.e., 50 California tiger salamanders and 120 California red-legged frogs), as they moved from breeding habitat to aestivation habitat. These conditions are very different than those at the project site.

Dr. Smallwood's calculations are not valid because the conditions and landscape context are completely different than the referenced study; the project site is not located between an amphibian breeding area and upland aestivating habitat bringing high numbers of amphibians out during rainfall events. Medium-sized mammals, which are typically the focus of wildlife movement analyses, are typically better at avoiding traffic and crossing roads than amphibians. In fact, the Mendelsohn et. al. (2009) study cited by Dr. Smallwood reported no fatalities of San Joaquin kit fox (*Vulpes macrotis mutica*) or bobcat (*Lynx rufus*) over the same study. In summary, the calculations provided by Dr. Smallwood are based on inappropriate comparisons and are considered speculative.

Furthermore, as noted in Table 5.13.G of the Addendum, Opening Year (2024) traffic volumes without the project along Schaefer Avenue between Central Avenue to the west and Benson Avenue to the east would average 27,598 vehicle trips daily, and the proposed project would generate an average of 268 vehicle trips daily along this segment of Schaefer Avenue fronting the project site. The project-generated traffic represents approximately 1.8 percent of the average daily traffic volume along this segment of Schaefer Avenue. This incremental increase is minimal and is not expected to substantially increase mortality due to vehicle collisions, even if wildlife (such as coyotes [*Canis latrans*]) were crossing the road. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-21

This comment claims that the Addendum provides no analysis of cumulative impacts to biological resources.

Response 1-A-21

Dr. Smallwood cites a study that he conducted that is not peer-reviewed and has not yet been published; the reference is to a website that allows preliminary research to be cited. In this study, he compares the number of vertebrate wildlife species before and after development. For example, the "before" condition contains grasslands/shrublands and the "after" condition contains a warehouse development and parking lot. It is not surprising that the vertebrate wildlife species declines dramatically after development. In a CEQA analysis, the author discloses the impact and then weighs whether the impact is significant. The mere fact that there is a loss of habitat and wildlife does not make the loss significant. The CEQA preparer must consider whether the loss of habitat would substantially reduce the population numbers

or restrict the range of species (Section 15065). If this criterion is not met, then the impact is considered less than significant and no mitigation is required.

As detailed in Addendum page 11, the project site is located within the Light Industrial (M1) General Plan Land Use Designation and Zoning Designation, which are intended to "provide areas for manufacturing which can be considered light in nature by reason of its size, activity and performance characteristics…and provide for a wide variety of manufacturing uses that produce relatively limited volumes of traffic, noise, odors, or pollutants" according to the City's Land Use General Plan Element. The M1 land category allows a range of industrial and commercial uses, including but not limited to general warehousing/wholesaling and distribution facilities greater than 50,000 square feet in size, as well as restaurant uses.

As stated in the City's GPEIR, buildout of the City's General Plan would result in incremental effects to biological resources that would make a less than cumulatively considerable impact to natural communities or contribution to a regionally significant impact to raptor foraging habitat (pages 4.4-38 through 4.4-40).As buildout occurs, development such as the proposed project is subject to site-specific environmental evaluation and compliance with applicable local, State, and federal regulations. Implementation of applicable regulatory policies, General Plan goals and policies related to preservation of habitat corridors and open space, and implementation of low impact development techniques related to preservation of natural elements and hydrologic patterns, as well as site-specific mitigation where necessary, would ensure cumulatively considerable impacts to biological resources in the City remain less than significant.

As summarized in Addendum pages 10 and 2-61, the project site is a partially developed, infill site surrounded by existing commercial and industrial development. In addition, the project site lacks riparian or sensitive natural communities, designated critical habitat, jurisdictional waters, and is not a wildlife corridor or nursery site due to its infill condition and previous development. The nature of the site is generally disturbed from prior commercial and residential activity in the eastern portion of the site. Portions of the site that do not include asphalt or concrete have been left fallow and consist of ornamental and ruderal/disturbed vegetation growth on the property. These land covers (ruderal, developed) are not considered sensitive natural communities, as they either lack vegetation or are dominated by non-native weedy vegetation. There are four coast live oak (*Quercus agrifolia*) trees and 63 other trees present primarily in the eastern portion of the project, but they do not constitute an oak woodland or other woodland community, which would otherwise be considered a sensitive natural community.

Because the project site is zoned M1, the City anticipates the property to be developed with industrial uses, as proposed, in accordance with the General Plan land use designation and zoning of the property. A site-specific BRA was conducted (see Appendix D1 of the Addendum) and included a literature review and field survey to assess the potential occurrence of threatened, endangered, or candidate plant and animal species and critical habitats on the site and in the project vicinity. The site-specific BRA determined focused surveys for sensitive plant and wildlife species were not warranted. Although the site-specific biological survey did not identify burrowing owl on or near the project site, a pre-construction Burrowing Owl

Survey of the proposed development site is prescribed under project-specific RCM BIO-1 in the Addendum in accordance with the measures cited in the General Plan EIR, which require a burrowing owl survey prior to on-site construction activities on properties with the potential to harbor this species (page 4.4-31). Finally, project-specific RCM BIO-2 would be implemented to protect other avian species that could enter and occupy the project site prior to or during construction that would occur during nesting bird season pursuant to Sections 3503–3801 of the California Fish and Game Code and the federal Migratory Bird Treaty Act. Project-specific RCM BIO-1 and RCM BIO-2 prescribed to reduce impacts to biological resources, as well as low impact development practices that must be implemented during project construction in accordance with the National Pollutant Discharge Elimination System (NPDES) permit Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002) (Construction General Permit) and during project operation in accordance with NPDES Permit Order No. R8-2010-0036, also known as the Municipal Separate Storm Sewer System or MS4 permit, as well as City Ordinance 2011-07 and Objective PFS-10.1 Policies P1 and P2 of the General Plan, would implement the intent of General Plan EIR and Addendum RCMs. These RCMs and best practices pursuant to regulatory policy, in conjunction with compliance with applicable goals/policies of the City General Plan, have been determined to reduce impacts to biological resources within the City to less than significant levels through buildout of the General Plan.

Through implementation of project-specific RCM BIO-1 and RCM BIO-2 and compliance with the Construction General Permit during project construction and the MS4 permit, City Ordinance 2011-07, and Objective PFS-10.1 Policies P1 and P2 of the General Plan during project operation, the project would comply with applicable goals and policies of the City's General Plan prescribed to protect biological resources in the City. In the same manner as anticipated through buildout of the General Plan (pages 4.4-38 through 4.4-40), cumulative impacts to biological resources would therefore be reduced at the site level for the proposed project, in conjunction with site-specific mitigation and compliance with applicable regulations on a project-by-project basis throughout the City, to ensure combined cumulative impacts to biological resources associated with the proposed project's incremental effects and those of cumulative projects remain less than significant. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-22

This comment claims that the Addendum is ambiguous about weather measures from the Preserve Master Plan EIR and Edgewater Communities EIR would be required. In addition, the comment claims that the mitigation strategies in the referenced EIRs were not designed or intended to mitigate impacts of additional projects.

Response 1-A-22

The Preserve Master Plan EIR and Edgewater Communities EIR both contain measures that were implemented to avoid, prevent and mitigate impacts to migratory birds and raptors. The General Plan EIR concluded that the buildout of the General Plan would not result in impacts

beyond those analyzed in the Preserve Master Plan and Edgewater Communities EIRs (Addendum Page 2-59).As the project is consistent with the General Plan, the compensatory mitigation provided in the Preserve Master Plan and Edgewater Communities EIR would be sufficient to mitigate for potential impacts to migratory birds and raptors. With the implementation of RCM BIO-1 and RCM BIO-2, impacts would be considered less than significant. If burrowing owl is observed during the pre-construction burrowing owl survey required by RCM BIO-1 or the pre-construction nesting bird survey required by RCM BIO-2, the avoidance and relocation measures referenced on pages 2-58 and 2-59 of the Addendum would be implemented as approved during consultation with CDFW required by RCM BIO-1 if burrowing owl are observed. As these measures are already described in the Addendum, no additional measures or clarification are warranted. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-23

This comment claims that the Addendum does not identify the location of the 300-acre conservation area, disclose whether burrowing owl are utilizing the conservation area, or if the weed removal program would create high-quality raptor foraging habitats.

Response 1-A-23

The Preserve is an area of approximately 5,435 acres of former and existing farm and dairy property located south of Kimball Avenue, north of State Route 71, west of Hellman Avenue, and east of Euclid Avenue. Upon buildout of The Preserve, approximately half of the area will consist of residential, commercial, industrial and airport-related development. The other half will remain as open space, for natural, recreational, and agricultural uses and includes 300 acres for conservation of habitat, including for burrowing owl. The Preserve is located approximately 3 miles southeast of the project site. The 300-acre conservation area designated within The Preserve provides habitat for burrowing owl programmatically.

This comment states that the construction of 20 artificial burrowing owl nest boxes would provide long-term conservation of burrowing owls. The claim about the ineffectiveness of the 20 artificial burrowing owl nest boxes described in the 2010 General Plan EIR needed to be made during certification of the 2010 General Plan EIR or before the statute of limitations was up. Nevertheless, the artificial burrows were used to enhance The Preserve's conservation area and provided additional suitable burrow sites in addition to those that occur naturally. As such, the artificial burrows further served to conserve burrowing owl programmatically.

Also see responses 1-A-7, 1-A-8, 1-A-9, and 1-A-10 above.

The planting of stands of trees required by The Preserve EIR was intended to provide suitable habitat for other raptor species. This includes the use of and replacement of existing windrows within the 300-acre conservation area designated within The Preserve. This measure would not provide mitigation for burrowing owl. The Addendum text on page 2-58 will be reworded to state "Although the mitigation measures listed above would potentially reduce the effects of development on <u>burrowing owls and other</u> raptors~~, including burrowing~~

~~owls~~…" Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-24

This comment claims that the relocation of burrowing owls would not be permitted and if so, an incidental take permit would be needed from CDFW.

Response 1-A-24

The project includes RCM BIO-1, which requires a pre-construction survey for burrowing owl. If burrowing owl is observed, consultation with CDFW will be required, as described on page 2-60 of the Addendum. If relocation of burrowing owls would be needed, CDFW will require preparation of a Burrowing Owl Mitigation and Monitoring Plan, which they would need to approve prior to passive relocation of any burrowing owls. CDFW will issue an Incidental Take Permit, if one is needed, once the Burrowing Owl Mitigation and Monitoring Plan meets their requirements and is approved. If no burrowing owl are observed during the pre-construction survey, no consultation with CDFW and no Incidental Take Permit would be needed. Also see response 1-A-23. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-25

This comment summarizes mitigation measures contained in the Edgewater Communities EIR and their applicability to the proposed project.

Response 1-A-25

See responses 1-A-7 through 1-A-10, 1-A-23, and 1-A-24.

The measure to avoid burrowing owls through the use of buffers is relevant to the project. RCM BIO-1 of the Addendum includes a preconstruction survey for burrowing owl. Should owls be observed on the project site, non-disturbance buffers, as included in the Edgewater EIR measure, will be implemented to prevent impacts on active burrows. Therefore, the measure could be relevant if burrowing owl is observed during preconstruction surveys. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-26

This comment claims that compensatory mitigation is needed for the loss of habitat, should the project be developed.

Response 1-A-26

As described on page 2-61 of the Addendum, the project site consists of ruderal (weedy) habitat that is disced regularly, which limits its habitat value. Additionally, it is a small fragment of open space that is isolated from larger areas of open space and other areas of native habitat. Therefore, the loss of this small infill areas would result in a less than significant

impact on wildlife. Compensatory mitigation is typically only required if there would be a significant impact on a listed (including proposed listed or Candidate) species under the federal or State Endangered Species Acts, sensitive natural community, or jurisdictional features. As there would be no significant impacts on these resources (as described in pages 2-58 through 2-61 of the Addendum), no compensatory mitigation would be warranted. Burrowing owl is not currently present on the project site, but if burrowing owl is observed during the pre-construction survey, compensatory mitigation has already been provided by The Preserve EIR. As the Addendum did not identify any new impacts, no additional compensatory mitigation would be needed. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-A-27

This comment claims that compensatory mitigation is needed for the increased wildlife mortality that would be caused by project-generated traffic and suggests needed compensatory mitigation be directed towards funding research to identify fatality patterns and effective impact reduction methods or donations to wildlife rehabilitation facilities.

Response 1-A-27

See response 1-A-20 above.

Comment 1-A-28

This comment claims that compensatory mitigation should include funding contributions to wildlife rehabilitation facilities.

Response 1-A-28

See response 1-A-20 above.

Comment 1-A-29

This comment claims that landscaping with California native plants should be considered as opposed to lawn and exotic shrubs and trees because native landscaping benefits wildlife and requires less water and maintenance than traditional landscaping with lawn and hedges.

Response 1-A-29

Comment noted. As described in the Addendum (Page 2-63), the project includes a conceptual landscape plan (refer to Figure 6) that conforms to applicable provisions of the City's Municipal Code, including those related to site landscaping and tree replacement requirements. The conceptual landscape plan would be reviewed and approved by the City prior to any development on-site. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-B-1

This comment indicates Clark and Associates has been retained to review the Addendum to the City of Chino GPEIR.

Response 1-B-1

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-B-2

This comment summarizes the proposed project description from the Addendum to the GPEIR.

Response 1-B-2

This comment summarizes the project description from the Addendum to the GPEIR but does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-B-3

The Air Quality Analysis of the operational phase of the project fails to include back-up generators and fire pumps in the analysis.

Response 1-B-3

This comment states that CalEEMod inputs were not consistent with the information disclosed in the Addendum and that as a result, the project's operational emissions are underestimated. Specifically, the comment claims that the analysis failed to include the use of fire pumps and back-up generators in the operational analysis.

The CalEEMod model allows the user to change the default values and shows these changes in the "output files" after the model run. These output files are included as part of Appendix A of the Addendum. CalEEMod was designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence. Substantial evidence is defined in the *State CEQA Guidelines* (Section 15384(b) "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts." The model provides several opportunities for the user to change the defaults in the model; and those changes require users to provide justification for all changes made to the default settings (e.g., reference more appropriate data sources). The assumptions outlined in Appendix A of the Addendum constitute substantial evidence under CEQA that can be used to more accurately estimate project-generated emissions.

The methodology used to estimate emissions associated with project operational activities is included on Page 2-47 and 2-48 of the Addendum. The specific information used to determine land uses, building square footage, project area, trip generation rates, and project design

plans, is disclosed in Section I - Project Description of the Addendum and is accurately captured in CalEEMod.

The proposed project would include the use of an electric fire pump to support project operations, and no backup generators are proposed. The electric fire pump would only be active during emergency situations and for routine maintenance and testing and would not contribute to regular daily emissions from proposed project operations. Unlike diesel fuel pumps or backup generators, electric pumps do not produce direct emissions because they have no tailpipe or exhaust emissions. Therefore, the use of the electric fire pump would not increase emissions. Emissions of all criteria pollutants would remain below the established SCAQMD thresholds and therefore would be less than significant. Nevertheless, emergency diesel generators and fire pumps are required to comply with SCAQMD permitting and regulatory requirements, which would establish project-specific health protective requirements for the operation of a back-up generator and/or fire pump. As such, the analysis presented in the Addendum is adequate and accurately reflects project specific information in the CalEEMod outputs. Therefore, no additional analysis is required.

Comment 1-B-4

The City's cumulative impact analysis fails to incorporate a quantitative analysis of the substantial impacts from nearby warehouse projects.

Response 1-B-4

This comment claims that the Addendum does not adequately analyze cumulative impacts from the proposed project and fails to acknowledge the existing poor air quality and pollution burden due to nearby warehouse projects.

Although the project site is located near surrounding warehouse developments that may contribute to existing air quality, it is not feasible to prepare a cumulative health risk assessment (HRA) to evaluate the surrounding warehouse projects, as the operations of any warehouses that are not a part of this project are not known. There is no methodology to quantify the cumulative areawide or localized health risks within a community-wide area. The SCAQMD's recommended thresholds of significance apply to individual development projects and evaluate the incremental increase in emissions from a proposed source. These thresholds do not apply to cumulative projects. The City and the County of San Bernardino (County) relies on the SCAQMD's recommended methodology to evaluate cumulative impacts, which is to conclude that an impact, considered to be significant on a project-specific basis, would also cause a significant cumulative impact.

The Addendum includes a health risk assessment (HRA) that analyzes the impacts that the proposed project would have on the community, including the impact on children and all adults living and/or working near the project site. The HRA results, as shown in Table F and Table G of the Addendum, indicate that all health risk levels to nearby receptors from construction and operation-related emissions of TACs would be well below the SCAQMD's HRA thresholds. In developing thresholds of significance, the SCAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable.

If a project exceeds the identified SCAQMD significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As shown in Tables F and G, and as supported by the modeling outputs included in Appendix B, the proposed project would be below the SCAQMD HRA thresholds, and as such, the proposed project would not result in a cumulative air quality impact or health risk impact. Therefore, since a project's individual emissions are not cumulatively considerable, additional analysis to assess cumulative impacts is not necessary.

Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-B-5

The project site is located in the top 11 percent of zip codes in California for exposure to air pollutants, the top 7 percent for exposure to $PM_{2.5}$, and is in the top 12 percent of zip codes in the South Coast Air Basin for exposure to diesel particulate matter.

Response 1-B-5

This comment claims that the project site is located in an area with existing degraded air quality conditions due to warehouse-related pollution and that the project site ranks among the top percentages for pollution and exposure of DMP. This comment relies on analysis provided by the commenter's air quality expert, which includes data obtained from the California Environmental Protection Agency (CalEnviroScreen 4.0), census tract (6071000504), and zip code (91070).

CalEnviroScreen is a computer model released by the Office of Environmental Health Hazard Assessment (OEHHA) on behalf of the California Environmental Protection Agency (CalEPA) to identify California communities by census tract that are disproportionately burdened by, and vulnerable to, multiple sources of pollution. Pollution burden scores for each census tract are derived from the average percentiles of the seven Exposures indicators (ozone and PM2.5 concentrations, DPM emissions, drinking water contaminants, pesticide use, toxic releases from facilities, and traffic density) and the five Environmental Effects indicators (cleanup sites, impaired water bodies, groundwater threats, hazardous waste facilities and generators, and solid waste sites and facilities).

Pursuant to CEQA Guidelines Sections 15120-15132, air quality impacts are not required to be assessed based on census tract locations. Notwithstanding, the HRA contained in the Addendum and in Appendix B, demonstrate that the project would not expose any sensitive receptors, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or diesel particulate matter source emissions. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations, nor would it exacerbate existing conditions, and impacts would be less than significant (refer to Pages 2-51 to 2-53 of the Addendum).

Although the identified census tract has pollution burden percentiles as described, there is no methodology to quantify the cumulative areawide or localized health risks within a

community-wide area. The SCAQMD's recommended thresholds of significance apply to individual development projects and evaluate the incremental increase in emissions from a proposed source. In developing thresholds of significance for individual projects, the SCAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The City relies on the SCAQMD's recommended methodology to evaluate cumulative impacts, which is to conclude that an impact considered to be significant on a project-specific basis would also cause a significant cumulative impact.

Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-B-6

The project may result in significant health risk to construction workers and nearby residences from exposure to valley fever.

Response 1-B-6

This comment relies on analysis provided by the commenter's air quality expert and claims that the proposed project would pose a significant public health risk to construction workers, nearby residences, and surrounding community members from exposure to Valley Fever spores released during project construction, and that neither the 2010 General Plan EIR nor the Addendum adequately address this potential impact. Specifically, the comment argues that compliance with South Coast Air Quality Management District's (SCAQMD) Rule 403 related to fugitive dust control measures is inadequate to reduce the risks of Valley Fever exposure and that specific Valley Fever mitigation measures must be incorporated into the proposed project's mitigation plan, such as offering specific requirements in the Project's Injury and Illness Prevention Program.

Although cases of Valley Fever have been reported in San Bernardino County, Valley Fever is not highly endemic to San Bernardino County. The closest sensitive receptors are located approximately 90 feet from the project boundary. Except under high wind conditions, this distance is sufficient for particulate matter to settle prior to reaching the nearest sensitive receptor. In addition, crosswinds influenced by the adjacent roadways would help dissipate any particulate matter associated with the construction phase of the project. Therefore, any Valley Fever spores suspended with the dust would not be anticipated to reach the sensitive receptors. In addition, most homes are equipped with heating, ventilation, and air conditioning (HVAC) filters to improve indoor air quality. While some older homes might have filters only at the main HVAC unit, newer homes often incorporate filters at return air vents throughout the house as well. Therefore, it is not anticipated that sensitive receptors would be exposed to Valley Fever spores.

However, during project construction, it is possible that workers could be exposed to Valley Fever spores through fugitive dust. San Bernardino County's Public Health Department recommends dust suppression methods such as wetting the soil during work or covering bare soil. Similarly, the California Department of Public Health recommends stopping outside activity during conditions where the dust cannot be controlled well. The proposed project

would be required to comply with SCAQMD Rule 403 for dust suppression and would be required to implement measures that are consistent with the requirements of the County's Public Health Department and the California Department of Public Health. Furthermore, the proposed project would need to comply with SCAQMD Rule 403.1, which requires projects with 5,000 or more square feet of surface area disturbance to submit a Fugitive Dust Control Plan that would need to be approved by the SCAQMD or an authorized local government agency prior to initiating any construction/earth-moving activity. The California Code of Regulations, Title 8, also includes additional regulations that the proposed project would need to comply with to further reduce worker exposure, such as Section 342 (Reporting Work-Connected Fatalities and Serious Injuries), Section 3203 (Injury and Illness Prevention), Section 5141 (Control of Harmful Exposures), Section 5144 (Respiratory Protection), and Section 14300 (Employer Records-Log 300). The project would be required to implement these measures to minimize fugitive dust as a matter of policy. Therefore, with implementation of SCAQMD Rule 403, 403.1, and the California Code of Regulations, Title 8, and implementing measures consistent with the best practices recommended by the County's Public Health Department and the California Department of Public Health, dust from construction of the project is not anticipated to significantly add to the existing exposure of people to Valley Fever. As such, Valley Fever specific mitigation measures do not need to be incorporated into the proposed project's mitigation plan.

Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-B-7

The City fails to account for the potential hazards from battery storage on site.

Response 1-B-7

This comment claims that the Addendum failed to identify and disclose the potential impacts from battery storage systems or the type of batteries to be deployed at the project site and claims that an Initial Study and MND or EIR is needed to address battery storage impacts.

The proposed project would install solar photovoltaic panels in collective arrangements on the project site to provide 80 percent of the project's power needs. Currently, there are no specifications on the project's plan sets to include on-site battery storage systems. Collective solar arrangements can function as grid-tied systems or under net metering systems, which allow for excess energy to be sent back to the grid. Nevertheless, Title 24 requires solar arrangements on industrial buildings to have battery storage systems to provide backup power in case of emergencies or grid outages. Battery storage systems are required to comply with SCAQMD permitting and regulatory requirements, that focus on fire safety and set emission limits of toxic air contaminants. SCAQMD Rule 1420.1 requires negative pressure enclosures, emission control devices, and ambient air monitoring for lead, for which the project would need to comply. Furthermore, state-level legislation like Senate Bill 38 mandates safety protocols of emergency response plans for battery storage systems that are designed to complement the California Public Utilities Commission, and the SCAQMD's own Clean Energy Policy aims to promote battery systems that meet emission standards and

climate goals. Therefore, with implementation of SCAQMD Rule 1420.1, Senate Bill 38, and implementing measures consistent with the best practices recommended by the SCAQMD, any future battery storage systems that would be installed by the project, would not be anticipated to add significant operational emissions that would contribute to hazardous impacts or adverse health effects. As such, no additional analysis is required, and the preparation of an Initial Study and MND or EIR would not be necessary.

Comment 1-B-8

The project could result in significant impacts if allowed to proceed. A revised addendum to the EIR should be prepared to address these substantial concerns.

Response 1-B-8

This comment claims a revised addendum to the GPEIR should be prepared to address significant impacts. This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-1

This comment indicates Wilson Ihrig, acoustical consultants, reviewed the Addendum to the GPEIR and select supporting appendices related to the noise analysis in the Addendum. This comment also summarizes the project description in the Addendum and provides a brief description of Wilson Ihrig.

Response 1-C-1

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-2

This comment provides general information on the adverse effects of noise, including noise-induced hearing loss, speech interference, sleep disturbance, cardiovascular and physiological effects, and impaired cognitive performance.

Response 1-C-2

This comment does not provide specific comments on the adequacy of the analysis included in the Addendum. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-3

This comment suggests that the Addendum underestimates construction noise and does not disclose potentially significant impacts. It goes on to state that the anticipated construction noise levels reported in the Addendum are up to 70 dBA and the City of Chino General Plan limits noise from construction activities below 65 dBA, in accordance with Municipal Code Section 9.40.040(B) [General

Plan, p. N-10]. The comment states that the Addendum does not mention this limit or discuss how this impact will be addressed.

Response 1-C-3

This comment is correct in stating that expected noise levels during the site preparation phased were calculated conservatively at 70 dBA L_{eq} at the nearest sensitive receptor. The methodology and standards in the Addendum are consistent with the 2010 GPEIR which did not utilize Municipal Code Section 9.40.040 (B) to assess potential construction noise impacts. However, the construction noise analysis has been revised in an erratum to the Addendum to the GPEIR to show that construction noise levels of 70 dBA L_{eq}, as compared to the average daytime noise level of 68 dBA L_{eq} at the nearest sensitive receptor, would result in a combined level of 72 dBA L_{eq}, an increase of 4 dBA above ambient conditions.[8]

Table K: Existing Noise Level Measurements

Receptor Location	Average Ambient Daytime Noise Level[1] (dBA L_{eq})	Construction Noise Level (dBA L_{eq})	Combined Noise Level (dBA L_{eq})	Noise Level Increase Over Ambient (dBA L_{eq})
Residential Uses North of Schaefer Avenue	68	70	72	4

Source: Compiled by LSA (October 2025).
[1] Average Noise Level During Allowed Construction Hours = noise levels during the hours of 7:00 a.m. to 8:00 p.m.
dBA = A-weighted decibels
ft = foot/feet
L_{eq} = equivalent continuous sound level

Industry standards dictate that an increase of 3 dBA is barely perceptible, and an increase of 5 dBA or more is considered readily perceptible and typically the level at which a distinct increase of noise is noticed. The conclusion of construction noise impacts of less than significant remains correct, and no impact conclusion revision is necessary. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-4

This comment suggests that the construction noise analysis is unsupported. The Addendum discusses that noise levels are predicted from the middle of the site (400 feet), even though the Addendum acknowledges that the nearest single-family residences are located 90 feet north of the edge of the site. The comment states that the source of the range of construction levels shown in the Addendum is not cited and the report does not provide an equipment list for construction phases or equipment reference levels.

[8] The erratum to the Addendum to the GPEIR will include new text to be shown as double-underlined text and removed text to be shown as ~~strike-through text~~. The erratum will be included as Appendix L in the Addendum.

Response 1-C-4

Due to the mobile nature of the equipment associated with the louder phases of construction and the fact that construction equipment is not consistently operating at the perimeter of the project site, for a site of this size, the center of the project site is the appropriate location to assess potential construction noise impacts. Furthermore, when comparing to existing ambient noise levels, construction typically occurs for majority of, if not the full duration of an hour within a given workday, thus justifying that assessing hourly noise levels of construction noise is the most accurate assessment of noise levels experienced. Maximum noise levels or maximum conditions do not represent a typical condition experienced by surrounding uses. A list of construction equipment by phase has been added to the Addendum as Appendix I3. The assessment completed at the center of the project is supported and remains unchanged. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-5

This comment suggests that the air emissions report contains the construction equipment list for the project. The comment goes on the show the commentors calculation of construction noise levels from the perimeter of the project site utilizing the Roadway Construction Noise Model (RCNM) reference information. It concludes that the noise levels are expected to approach 81 dBA L_{eq}.

Response 1-C-5

As stated in Response 1-C-4, a list of construction equipment by phase has been added to Appendix I3 which also includes reference information from the RCNM. The construction-generated noise levels at the nearest sensitive receptor presented in the Addendum remain as 57 to 70 dBA L_{eq}. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-6

This comment states that the California Environmental Quality Act Guidelines cited in the Addendum state that impacts to noise would be significant if the proposed project would result in "generation of a substantial temporary or permanent increase in ambient noise levels". The comment suggests the Addendum lacks a significance threshold for "substantial increase" for Project construction noise. Daytime ambient levels measured at nearby homes (LT-2) are reported to be 68 to 73 dBA in the Addendum. The estimated construction noise levels from demolition and grading of 81 dBA are not only above the General Plan limit, but 8 to 13 dB above the measured ambient. The comment goes on to present information from the Federal Transit Authority Noise and Vibration Impact Assessment Manual regarding community reaction to noise increases.

Response 1-C-6

As stated above in Response 1-C-3, the construction noise analysis has been revised to show that construction noise levels of 70 dBA L_{eq} as compared to the average daytime noise level of 68 dBA L_{eq} at the nearest sensitive receptor, would result in a combined level of 72 dBA L_{eq}, an increase of 4 dBA above ambient conditions. Industry standard states that an increase of

3 dBA is barely perceptible and an increase of 5 dBA or more is considered readily perceptible and typically the level at which a distinct increase of noise is noticed. The conclusion of construction noise impacts of less than significant remains correct and no impact conclusion revision is necessary. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-7

This comment states the Addendum indicates that the Project will prepare a construction management plan to ensure construction does not take place outside of allowable hours but again omits any mention of the General Plan limit for construction noise. The comment goes on to state that the report identifies temporary noise barriers, however, it does not indicate where the barriers would be placed, how much reduction they are expected to provide, and points out that the noise barriers are not explicitly called out as a mitigation measure. The comment states that noise impacts must be re-evaluated utilizing anticipated construction activities and properly established criteria. Mitigation measures such as enclosures, relocating staging areas and stationary equipment, temporary noise barriers, and noise monitoring should be considered to reduce potentially significant construction noise impacts.

Response 1-C-7

The construction management plan as required in the 2010 GP EIR would apply to this project as with any other project in the City pursuant to Policy P1 under Objective N-1.3 of the Noise Element of the General Plan. This construction management plan is not required to reduce a significant impact but rather will assist in minimizing noise effects related to construction activities. Once the appropriate construction details associated with final building plans are available, the construction management plan will be completed pursuant to the General Plan Noise Element. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-8

This comment opines that the Addendum does not address potentially significant impacts from trucks coming in and out of the Schaefer Avenue driveway. The comment states that the industrial facility is anticipated to have 24 hour per day and 7 days a week operation. The traffic analysis in Appendix J shows that the warehouse building will generate 28 total truck trips during the P.M. peak hour [App. J, Table A]. There is no information on anticipated nighttime truck traffic activity. The comment further states that the Addendum discusses truck noise at the loading docks, which are shielded from homes, but does not give a quantitative analysis of truck noise in the driveway, which is not shielded from homes. The operational noise SoundPLAN model shown in Appendix J.2 does not include either driveway as a noise source. The Addendum cites a level of 76 dBA at 20 feet for "short term noise levels that occur during the docking process" based on previous measurements for another warehouse project and acknowledges that trucks would arrive on site and maneuver their trailers to the loading. The comment goes on to provide analysis stating truck noise at the Schaefer Avenue driveway is estimated to be 63 dBA at the nearest, which exceeds both the daytime (50 dBA) and nighttime (45 dBA) noise standards cited in the Addendum. The estimated truck noise is 4 dB above the nighttime ambient measured by the Project. Finally, the comment suggest the Addendum lacks a significance

threshold for "substantial increase" for operational noise, however, it acknowledges that a 3 dB difference would be perceptible to residents.

Response 1-C-8

The comment is incorrect regarding the truck traffic assumptions. The traffic analysis indicated that 28 total vehicles could access the site in the peak hour, however, 19 of those vehicles would be automobiles and only 9 of those vehicles would be trucks. The SoundPLAN model has been updated to include a line source for truck arrival and departure. The assumptions are conservative and assume peak hours traffic conditions for the daytime condition and assume five trucks would access the site during nighttime hours. While the specific number of trucks during a typical nighttime hour is not available at this time due to the ultimate building tenant being speculative, it is our understanding based on information from the project applicant that a busy nighttime hour would typically be one to two trucks per hour. As discussed in the erratum to the Addendum, the combined operational noise level during nighttime hours would be less than 53 dBA L_{eq} and would be at least 6 dBA below the quietest ambient noise level of 59.1 dBA L_{eq}. The expected noise level increase would be less than 1 dBA L_{eq}. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-9

This comment states that the L_{eq} represents noise from multiple truck events over a period of time (in this case, one hour). The comment goes on to opine that single event truck noise at night can cause sleep disturbance and that reliance on the hourly L_{eq} as the significance threshold is inadequate to assess the significance of truck noise on sleep disturbance. The comment goes on to provide information from the 2018 review article by Basner and McGuire, titled WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep. Finally, estimates expected exterior and interior noise impacts to the nearest residences based on a separate set of calculations.

Response 1-C-9

The ambient noise monitoring data has been updated in an erratum to the Addendum to include existing maximum noise levels experienced at surrounding uses including the residential uses to the north. Currently, residences experience daytime and nighttime maximum noise levels of 93 dBA L_{max}. Operations associated with the project would not result in levels approaching 93 dBA L_{max}. Solely comparing maximum noise levels experience due to operations as compared to maximum noise levels currently experienced often minimized the potential impacts; therefore, the assessment of hourly noise level impacts is the most accurate method to assess potential impacts. As an example, current residents are exposed to loud maximum noise levels from sirens, loud motorcycles, and other sporadic noises adjacent to an existing truck route in the City. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-10

This comment suggests that a mitigation measure could include operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations. The comment then states that General Plan Objective N-1.2, Policy P1 requires the minimization of transportation noise through street and right-of-way design or route coordination. Finally, the comment suggests that the Project should consider rerouting truck traffic away from the planned Schaeffer Avenue driveway and nearby residences.

Response 1-C-10

As presented above, there is no impact associated with project operations including trucks accessing the project site. It should also be noted that Schaefer Avenue is a designated truck route for the City of Chino, therefore, truck operations on this roadway are appropriate. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-11

This comment suggests that mechanical noise from proposed HVAC equipment has been understated. The comment goes on to provide an analysis of potential HVAC noise analysis based on assumptions generated by the commentor.

Response 1-C-11

The assumptions associated with the analysis completed by the commentor is incorrect. The noise section has been revised in an erratum to the Addendum to include that the model conservatively assumes that rooftop units would be installed at the structures on the northeast portion of the project site; however, per discussion with the project applicant, it is more likely that smaller wall units would be installed for mechanical ventilation needs. Additionally, the assumption of the project installing four rooftop HVAC units over only the office of the proposed warehouse building is correct. Mechanical ventilation equipment is not proposed for the rest of the proposed warehouse building. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-12

This comment states that the modeled levels for existing traffic along Shaeffer Avenue are lower than measured levels reported in the Addendum and summarizes the modeled traffic noise levels as compared to ambient noise levels measured. The commenter suggests that the DEIR does not discuss this discrepancy or apply a calibration factor to the traffic noise model. Further, there is no explanation for why two different metrics were used to show measured and modeled existing levels. The CNEL level includes an additional 5 dB penalty for evening hours. The comment then goes on to suggest the off-site traffic noise analysis should incorporate procedures from Caltrans documents related to traffic model validation.

Response 1-C-12

The commentor is correct that modeled traffic noise levels are lower than noise levels measured, as the traffic noise analysis is only considering modeling traffic noise as opposed to the measurement which includes traffic noise and other ambient sources. The operational noise level properly assesses expected noise levels as compared to existing conditions, which includes current traffic noise. In the condition that that the modeled traffic noise level is less than ambient levels, the focus is then the potential noise level increase associated with added traffic volumes. As the focus of off-site traffic noise impacts is the potential increase related to project induced traffic, it is not necessary to calibrate to existing levels because the increase would remain the same, as the change in traffic volumes related to the project are independent of existing, non-traffic conditions. Modeled noise levels of L_{dn} are consistent with measured noise level such that the same metrics are being used. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-13

This comment suggests that the Addendum does not properly characterize the existing noise environment and suggests that the measurement location at the back of the site should have been taken at an alternative location.

Response 1-C-13

As presented in prior comments, the ambient conditions, specifically at the closest sensitive receptors, have been accurately assessed. The noise monitoring location at the back of the site was gathered to understand general ambient noise levels not specific to Schaefer Avenue traffic noise impacts. Locating noise monitoring equipment away from individual sources, roadway or stationary uses, allows establishment of the general background noise at the project site. This is important for assurance that dominant sources are accurately identified. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

Comment 1-C-14

This comment provides a conclusory statement that the Addendum contains errors, fails to identify potential significant impacts, and fails to establish a proper baseline for traffic noise.

Response 1-C-14

The responses to all prior comments above support the findings in the Addendum to the GPEIR and indicate that all impacts were properly identified, and a proper baseline for the existing ambient noise environment was established. Neither this comment nor the response constitutes new information requiring additional CEQA review beyond that provided in the Addendum.

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ATTACHMENT A

COMMENT LETTER 1

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Comment Letter 1

September 16, 2025

VIA EMAIL

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Curtis Burton, Mayor Pro Tem
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Christopher Flores, Councilmember
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Re: Comment on Addendum to the City of Chino General Plan EIR for the Chino Gateway Terminal Project, September 16, 2025 City Council Agenda Item 17

Dear Mayor Ulloa and Honorable City Councilmembers:

This comment is submitted on behalf of Appellant Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Chino Gateway Terminal Project, which proposes the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino ("Project"), to be heard on appeal as Agenda Item 17 at the City Council's September 16, 2025 meeting.

SAFER objects to the City's reliance on an Addendum to the City of Chino General Plan Environmental Impact Report, certified in 2010 ("General Plan EIR"), for the Project. Under the California Environmental Quality Act ("CEQA"), an addendum is not appropriate because there is new information available since certification of the General Plan EIR indicating new significant impacts and the availability of new mitigation measures. 1-1

SAFER submits the following comment and related exhibits to inform the City Council of the new, significant impacts that the Project will have on individuals living and working in the City of Chino, which were not addressed or mitigated in the 2010 General Plan EIR or Addendum. Specifically, the comment and related exhibits address the Project's potentially significant biological resources, air quality, health, and noise impacts. As evidenced by the expert comments submitted by expert wildlife ecologist Dr. Shawn

Smallwood, Ph.D., air quality expert Dr. James Clark, Ph.D., and noise expert Ani Toncheva of Wilson Ihrig, CEQA requires that an updated, new initial study and a subsequent EIR, or, at the very least, an MND be prepared for the Project prior to approval. Dr. Smallwood, Dr. Clark, and Ms. Toncheva's written comments and CVs are attached as Exhibits A, B, and C, respectively.

1-1 cont.

Therefore, SAFER requests that the City Council not approve this Project or the Addendum, and instead refer it back to staff to address these shortcomings in an initial study and subsequent mitigated negative declaration or environmental impact report.

PROJECT DESCRIPTION

The Project proposes demolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet) and the development of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building, located on an approximately 7.35-acre site bounded by Schaefer Avenue and Oaks Avenue intersection in the City of Chino. The Project site is partially undeveloped.

1-2

The Project is anticipated to generate up to 72 employees (18 restaurant employees and 54 warehouse employees). The hours of operation for the proposed facilities include 8:00 a.m. to 10:00 p.m., 7 days per week for the restaurant tenants and 24 hours per day, and 7 days per week for the industrial tenants.

LEGAL STANDARD

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever there is substantial evidence in the whole record before the agency that supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code § 21082.2 ("PRC"); *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) [*"Laurel Heights II"*] 6 Cal.4th 1112, 1123; *No Oil, Inc.*, 13 Cal.3d at 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

Preparation of an Addendum Under CEQA

1-3

The City prepared the Addendum to the previously certified 2010 General Plan EIR. Pursuant to the CEQA Guidelines, an addendum to a previous EIR is proper only where "some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." (14 CCR § 15164(a).) Looking to Guidelines Section 15162, **an addendum is not appropriate when**:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

1-3 cont.

(14 CCR § 15162.)

Tiering Under CEQA

CEQA permits agencies to "tier" CEQA documents, in which general matters and environmental effects are considered in a document "prepared for a policy, plan, program or ordinance followed by narrower or site-specific [environmental review] which incorporate by reference the discussion in any prior [environmental review] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR]." (Pub. Res. Code ["PRC"] § 21068.5.) "[T]iering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous [environmental reviews]." (*Id.* § 21093.) CEQA regulations strongly promote tiering of environmental review.

1-4

"Later activities in the program must be examined in light of the program [document] to determine whether an additional environmental document must be prepared." (14 CCR § 15168(c).) The first consideration is whether the activity proposed is covered by the program. (*Id.* § 15168(c)(2).) If a later project is outside the scope of the program, then it is treated as a separate project and the previous environmental review may not be relied upon in further review. (See, *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-21.) The

second consideration is whether the "later activity would have effects that were not examined in the program." (14 CCR § 15168(c)(1).) A program environmental review may only serve "to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project . . . ." (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the program environmental review does not evaluate the environmental impacts of the project, a tiered CEQA document must be completed before the project is approved. (*Id.* at 1184.)

For these inquiries, the "fair argument test" applies. (*Sierra Club*, 6 Cal.App.4th at 1318; *see also Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164 ["when a prior EIR has been prepared and certified for a program or plan, the question for a court reviewing an agency's decision not to use a tiered EIR for a later project 'is one of law, i.e., 'the sufficiency of the evidence to support a fair argument.'"] [quoting *Sierra Club*, 6 Cal.App.4th at 1318].) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact." (*Sierra Club*, 6 Cal.App.4th at 1316 [quotations and citations omitted].) When applying the fair argument test, "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Id.* at 1318.) "[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Id.* at 1319.)

1-4 cont.

DISCUSSION

I. UNDER CEQA'S TIERING PROVISIONS, AN EIR, NOT AN ADDENDUM, MUST BE PREPARED FOR THE PROPOSED PROJECT.

A. A Project-Level MND or EIR is Required Because the Project may Result in Significant Environmental Impacts not Previously Analyzed in the 2010 General Plan EIR.

A lead agency may tier EIRs where multiple individual projects or phased projects are to be undertaken, and the individual projects are linked geographically, temporally, or in an otherwise logical manner. (14 CCR §§ 15165, 15168.) Here, the 2010 General Plan EIR is a program EIR subject to CEQA Guidelines section 15168. Under section 15168, "***[i]f a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration***." (14 CCR § 15168(c)(1) [emphasis added].) Importantly, in reviewing an agency's decision whether to prepare a tiered EIR, the "fair argument" test applies. (*Sierra Club v. Cnty. of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact." (*Id.* at 1316; see also, *Friends of Coll. of San*

1-5

Mateo Gardens v. San Mateo Cnty. Comm. College Dist. (2016) 1 Cal.5th 937, 960.) A program EIR may only serve for subsequent actions "to the extent that it ***contemplates and adequately analyzes*** the potential environmental impacts of the project . . . ." (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [emphasis added] [citations omitted].)

1-5 cont.

Here, there is substantial evidence of a fair argument that the Project will result in significant biological resources impacts to special-status species and their habitats, (Smallwood Comments, pp. 2-29, 30-34), and significant air quality, health risk, and noise impacts to construction workers and nearby residences of the Project, (Clark Comments, pp. 6-17; Wilson Ihrig Comments, pp. 3-8), which were not analyzed in the 2010 General Plan EIR.

1. There is substantial evidence supporting a fair argument that the Project will result in a significant impact to special-status species.

There is substantial evidence of a fair argument that the Project will have a significant impact on special-status species not analyzed in the General Plan EIR. Dr. Smallwood's associate, Noriko Smallwood, performed a 3-hour site visit during the day and a 2-hour nocturnal survey of the site on July 24, 2025. (Smallwood, p. 2.) During these surveys, Noriko detected 30 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status. (Smallwood, p. 3.) These special-status species included the Monarch butterfly, Allen's hummingbird, Cooper's hawk, red-tailed hawk, Great horned owl, American kestrel, Western yellow bat, and Silver-haired bat, which are listed as a candidate for listing under the federal Endangered Species Act, protected Birds of Prey (California Fish and Game Code 3503.5), California Species of Special Concern, Taxa to Watch List, U.S. Fish and Wildlife Service Bird of Conservation Concern,[1] and Western Bat Working Group priority bats. (Smallwood, pp. 2-12.) As discussed below, Dr. Smallwood found that the Project's construction and operation could result in significant impacts to these special-status species due to habitat loss and fragmentation and the increase in road mortalities. (See, Smallwood, pp. 28-29, 32-33.) Dr. Smallwood found that the current mitigation measures intended to reduce impacts to special-status species in the General Plan EIR are deficient, and recommends several other mitigation measures. (See, Smallwood, pp. 34-37.)

1-6

The Addendum fails to disclose, analyze, or mitigate significant impacts to special-status species, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

2. There is substantial evidence supporting a fair argument that the Project will result in a significant impact to wildlife from habitat loss and road mortality.

1-7

[1] *See* https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern- 2021.pdf.

i. Habitat loss and fragmentation.

Neither the 2010 General Plan EIR nor the Addendum analyzed the significant habitat loss and fragmentation that will occur as a result of the Project. Neither General Plan EIR nor the Addendum estimate the numerical or productive capacities of the site for nesting birds as a result of habitat loss and habitat fragmentation. (Smallwood, p. 28.) The Project's destruction of 7.35 acres of habitat will have a corresponding impact on breeding capacity for species utilizing the site for nesting. Dr. Smallwood calculated that as a result of this habitat loss, the Project could result in "[t]he loss of 124 birds per year" which "would be a loss of significant habitat value that is currently provided by the project site," and "[m]ost if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds." (Smallwood, p. 29.) The loss of that many birds would easily qualify as an unmitigated significant impact. (*Id.*, p. 29.) Dr. Smallwood found that the current mitigation measures intended to reduce impacts to biological resources in the General Plan EIR are deficient, and recommends several other mitigation measures to reduce the effects of habitat loss. (See, Smallwood, pp. 34-37.)

1-7 cont.

The Addendum fails to disclose, analyze, or mitigate significant impacts to birds from habitat loss and fragmentation, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

ii. Road mortality.

Neither the 2010 General Plan EIR nor the Addendum address impacts to wildlife from collisions with traffic generated by the Project. According to the Addendum, the Project would result in 1,013,614 vehicle miles traveled annually. (Smallwood, p. 32.) Dr. Smallwood estimates that collisions with vehicles as a result of the Project would kill 203 animals annually. (*Id.*, pp. 32-33.) Especially due to the special-status species likely to occur at or near the Project, these collisions represent a significant impact to wildlife that has not been addressed, discussed, or mitigated in the Addendum or General Plan EIR. Dr. Smallwood's calculations constitute substantial evidence of a fair argument that an EIR is necessary to address and mitigate this impact. Dr. Smallwood found that the current mitigation measures intended to reduce impacts to biological resources in the General Plan EIR are deficient, and recommends several other mitigation measures to reduce the effects of road mortality. (See, Smallwood, pp. 34-37.)

1-8

The Addendum fails to disclose, analyze, or mitigate this significant impact to wildlife from an increase in traffic collision-related mortalities, which was not analyzed in the 2010 General Plan EIR. Because Dr. Smallwood's expert review is substantial evidence of a fair argument of significant biological resources impacts, an EIR should be prepared to disclose and mitigate those impacts.

3. There is substantial evidence supporting a fair argument that the Project will result in a significant cumulative air quality and health risk impact as a result of nearby warehouse projects and existing degraded air quality conditions.

In the 2010 General Plan EIR, the City found that the impact of the General Plan on air quality would be cumulatively significant and unavoidable because "[t]he proposed General Plan would increase the region's VMT and air emissions beyond what was assumed in the 2007 SCAQMP. Consequently, the proposed General Plan would conflict with the adopted air plan, and would result in cumulative air quality impacts in the [South Coast Air Basin]." (Findings of Fact and Statement of Overriding Considerations for the Envision Chino - General Plan 2025 City of Chino (Apr. 19, 2010), p. 12.) Hence, the Project would likewise contribute to a significant cumulative air quality impact, which was not analyzed in the 2010 General Plan EIR. Therefore, an EIR should be prepared to disclose and mitigate those impacts. 1-9

Additionally, air quality expert Dr. James Clark, Ph.D., reviewed the Project and found that the Addendum's cumulative impact analysis failed to adequately analyze the significant impacts from nearby warehouse projects. (Clark, pp. 6-7.) Dr. Clark's expert comments and curriculum vitae are attached hereto as Exhibit B. Dr. Clark explains that the Project is located within the South Coast Air Quality Management District (SCAQMD), an area that is already in non-attainment for particles with a diameter of 10 micrometers or smaller ("PM10"), particles with a diameter of 2.5 micrometers or smaller ("PM2.5"), and ozone. (*Id.*, p. 6.)

The Addendum fails to acknowledge the existing poor air quality and pollution burden in analyzing the Project's cumulative impacts on air quality and human health. Instead, the Addendum concludes that the Project "would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard." (Addendum, p. 2-49.) As Dr. Clark explains, the Addendum ignores the sheer scale of nearby industrial development. (Clark, pp. 6-7.) For example, within 5 kilometers of the Project site, there are 167 existing warehouse projects totaling 25,011,300 square feet and 9 vacant warehouses covering 1,288,700 square feet. (*Id.*, p. 6.) According to Dr. Clark, these existing projects "generate 17,000 daily truck trips, producing 23.5 pounds (lbs) of diesel particulate matter (DPM) and 2,649 lbs of oxides of nitrogen (NOx) per day." (*Id.*, p. 7.) Dr. Clark concluded that this "cumulative analysis demonstrates that the Project will exacerbate regional issues with ozone and particulate matter, introducing additional toxic air contaminants (TACs) to an already impacted area." (*Id.*) 1-10

In addition, the Project site is located in an area with existing degraded air quality conditions due to warehouse-related pollution. (Clark, pp. 7-9.) The Project site is located in an area that ranks in the top 11% statewide for exposure to overall pollution, the top 7% for exposure to PM2.5, and the top 12% for exposure to DPM in the South Coast Air Basin. (*Id.*, 1-11

pp. 7-8.) According to Dr. Clark, the Project site "has a cumulative cancer risk of 607 in 1 million placing it in the top 12% of communities in the South Coast Air Basin (SCAB) impacted by TACs." (*Id.*, p. 9.) Therefore, Dr. Clark concludes that "[i]ncreasing the number of sources of ozone precursors within the community via the construction of the Project will exacerbate pollution levels, resulting in a substantially greater health burden on the community which the Addendum to the EIR fails to disclose." (*Id.*)

1-11 cont.

As a result, there is substantial evidence of a fair argument that the Project will have a significant cumulative air quality impact as well as a significant health risk impact on nearby residences as a result of the site's close proximity to other warehouse projects in the area that emit high levels of TAC emissions. An EIR should be prepared to disclose and mitigate those impacts.

4. There is substantial evidence supporting a fair argument that the Project will result in a significant health risk impact to construction workers and nearby residences from exposure to Valley Fever.

Dr. Clark's comments are substantial evidence of a fair argument that the project will have a significant health risk impact on construction workers and nearby residents from Valley Fever that was not analyzed in the 2010 General Plan EIR or Addendum. (Clark, pp. 9-16.) According to Dr. Clark:

> Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated, impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints. (Clark, pp. 13-14.)

The Project proposes approximately 35 acres of soil disturbance during its site preparation and grading phases, which will release large quantities of dust. (Clark, p. 10.) Dr. Clark explains that dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidioides immitis (cocci)* exposure). (*Id.*) When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and nearby sensitive receptors. (*Id.*, pp. 10-11.) Exposure to Valley Fever from the Project's construction activities is a new significant health risk impact that the Addendum and General Plan EIR failed to disclose, analyze, or mitigate. (*Id.*, pp. 10-14.)

1-12

Additionally, the Addendum's reliance on Rule 403 standard dust control measures to reduce nuisance dust are not designed to prevent the release and transport of infectious spores. (Clark, p. 14.) Dr. Clark explains that "the risk that nearby residences would be exposed to Valley Fever disturbed during Project construction is substantial," and that "risk would not be mitigated by Rule 403 standard dust control measures...because the measures do not consider the drift of spores from a Project Site to the adjacent residential structures." (*Id.*) Dr. Clark's comments provide several available, effective, and feasible mitigation measures to safeguard both onsite workers and surrounding communities. (*Id.*, pp. 14-16.)

As a result, there is substantial evidence of a fair argument that the Project will have significant health risk impacts on construction workers and nearby residences from exposure to Valley Fever. An EIR should be prepared to disclose and mitigate those impacts. 1-12 cont.

5. There is substantial evidence supporting a fair argument that the Project will result in a significant noise impact.

Noise expert Ani Toncheva of Wilson Ihrig found that the Project could result in new significant construction and operational noise impacts that were not analyzed in General Plan EIR or Addendum. Wilson Ihrig's comments and CVs are attached as Exhibit C. 1-13

i. Construction noise.

There is substantial evidence of a fair argument that the Project will have a significant construction noise impact that was not analyzed in the 2010 General Plan EIR. Wilson Ihrig found that the City fails to disclose potentially significant construction noise impacts. (Wilson Ihrig, pp. 3-4.) The Addendum reports construction noise levels up to 70 dBA, even though the City of Chino General Plan and Municipal Code limit construction noise to 65 dBA. (Addendum, p. 2-83; General Plan, p. N-10; Wilson Ihrig, p. 3.) The analysis evaluates noise at a distance of 400 feet from the middle of the Project site, rather than from the nearest homes, which are only 90 feet away. (Wilson Ihrig, p. 3.) Using the construction equipment lists in the air quality analysis and applying the Federal Highway Administration's Roadway Construction Noise Model, Wilson Ihrig estimates that construction noise levels from demolition and grading at nearby residences are as high as 81 dBA, which is 11 dB higher than the Addendum's estimate, well above the General Plan's 65 dBA limit, and 8 to 13 dB above existing ambient noise levels. (*Id.*, pp. 3-4.) Wilson Ihrig recommends several mitigation measures to reduce construction noise impacts, including noise reduction, limiting high-noise activities during sensitive hours, and implementing real-time noise monitoring. (*Id.*, p. 4.) 1-14

Because Wilson Ihrig's comments are substantial evidence of a fair argument that the Project will exceed adopted construction noise limits in the General Plan and significantly increase ambient noise levels, an EIR should be prepared to disclose and mitigate those impacts. (Wilson Ihrig, pp. 3-4.)

ii. Truck noise.

There is substantial evidence of a fair argument that the Project will have a significant truck noise impact. Wilson Ihrig found that the City failed to analyze potentially significant truck noise impacts from the Schaefer Avenue driveway, which is located 90 feet from sensitive receptors. (Wilson Ihrig, pp. 5-6.) Even though the Project is expected to operate 24 hours a day, seven days a week, the Addendum provides no information about nighttime truck traffic or its potential effects. (*Id.*, p. 5.) Using the Addendum's reference level of 76 dBA at 20 feet, Wilson Ihrig found that "truck noise at the Schaefer Avenue driveway is estimated to be 63 dBA at the nearest residences (90 feet from the site)," which is far above 1-15

the City's daytime (50 dBA) and nighttime (45 dBA) noise standards, and 4 dB higher than measured nighttime ambient levels. (*Id.*)

1-15 cont.

Wilson Ihrig explains, "Single event truck noise at night can cause sleep disturbance. Reliance on the hourly Leq as the significance threshold is inadequate to assess the significance of truck noise on sleep disturbance." (Wilson Ihrig, p. 5.) At the Schaefer Avenue driveway, modeled interior Lmax levels of 46 dBA at the nearest residence "has an approximately 10% chance of disturbing sleep." (*Id.*) These are significant new truck noise impacts not analyzed in the General Plan EIR or Addendum.

1-16

Wilson Ihrig also recommends several mitigation measures to reduce noise from trucks coming in and out of Shaefer Avenue, including:

> Operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations.

(Wilson Ihrig, p. 6.) Additionally, General Plan Objective N-1.2, Policy P1 requires the minimization of transportation noise through street and right-of-way design or route coordination. (General Plan, p. N-31; Wilson Ihrig, p. 6.) In order to avoid conflicting with General Plan's policies, the Project "should consider rerouting truck traffic away from the planned Schaeffer Avenue driveway and nearby residences." (*Id.*)

1-17

Because Wilson Ihrig's comments are substantial evidence of a fair argument that project truck noise at the Schaefer Avenue driveway will exceed noise standards and conflict with General Plan policies, an EIR should be prepared to disclose and mitigate those impacts. (Wilson Ihrig, pp. 5-6.)

1-18

6. Because the 2010 General Plan EIR Concluded that the Effects of the General Plan Would have Significant and Unavoidable Impacts, a Tiered MND or EIR is Required to Mitigate Those Impacts.

The 2010 General Plan EIR admitted that the program would have significant, unavoidable impacts in the areas of air quality, greenhouse gases, and agriculture. (See, e.g., Findings of Fact and Statement of Overriding Considerations for the Envision Chino - General Plan 2025 City of Chino (Apr. 19, 2010), pp. 12-14.) Since the General Plan will have significant unavoidable impacts, the City must conduct project-level supplemental MNDs or EIRs for specific projects proposed within the program area. The supplemental MNDs or EIRs are required to determine whether mitigation measures exist to reduce the significant unavoidable impacts identified in the General Plan EIR.

1-19

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-125, the court of appeal held that when a "first tier" EIR admits a significant, unavoidable environmental impact, then the agency must prepare second

tier EIRs for later phases of the project to ensure that those unmitigated impacts are "mitigated or avoided." (*Id.* [citing CEQA Guidelines §15152(f)].) The court reasoned that the unmitigated impacts were not "adequately addressed" in the first tier EIR since they were not "mitigated or avoided." (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been "adequately addressed," in a way that ensures the effects will be "mitigated or avoided." (*Id.*) Such a second tier EIR is required, even if the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained that "[t]he requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support." (*Id.* at 124-125) The court specifically rejected a prior version of the CEQA guidelines regarding tiering that would have allowed a statement of overriding considerations for a program-level project to be used for a later specific project within that program. (*Id.* at 124.) Even though "a prior EIR's analysis of environmental effects may be subject to being incorporated in a later EIR for a later, more specific project, the responsible public officials must still go on the record and explain specifically why they are approving the later project despite its significant unavoidable impacts." (*Id.* at pp. 124-25.) As such, a tiered MND or EIR should be prepared to mitigate the significant and unavoidable impacts to air quality, greenhouse gases, and agriculture that were identified in the General Plan EIR.

1-19 cont.

B. Under CEQA's Subsequent Review Provisions, the Addendum is Improper Because of the Availability of new Information Since the Certification of the 2010 General Plan EIR.

Under CEQA, an addendum is not allowed when "[n]ew information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified" shows that (1) the project will have one or more significant effects not discussed in the previous EIR or (2) mitigation measures considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment. (14 CCR §§ 15162, 15164.) Under the standard, the Addendum is improper because the Project's potentially significant impact to special-status species that could not have been known when the 2010 General Plan EIR was certified.

1-20

As discussed above, the Project could result in a significant impact on special-status species that could not have been known at the time of the General Plan EIR's certification in 2010. As Dr. Smallwood states, "There is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act." (Smallwood, p. 20.) However, the Monarch butterfly did not become a candidate for listing under the federal Endangered Species Act until December 15, 2020—ten years after the General Plan EIR's certification in 2010. The Monarch's status as a candidate species has been reaffirmed by the U.S. Fish and Wildlife Service annually, and the agency proposed listing the monarch as threatened in December 2024. Because the General Plan EIR was certified in 2010, the Monarch's candidate listing

1-21

and heighted protections in 2020 is new information of a significant impact to special-status species that occurred after the certification of the General Plan EIR, requiring the preparation of a subsequent EIR. As such, the Addendum is improper under CEQA Guidelines sections 15162 and 15164 and a subsequent EIR is required. (See, 14 CCR §§ 15162(a)(3), 15164(a).)

1-21 cont.

II. THE ADDENDUM'S CONCLUSIONS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

A. There is no Evidence that the Project Will not Result in New Significant Impacts to Special-Status Species.

1. The Addendum underestimated the diversity of species using the Project site.

1-22

As discussed above, Dr. Smallwood's associate, Noriko Smallwood, performed a 3-hour site visit during the day and a 2-hour nocturnal survey of the site on July 24, 2025. (Smallwood, p. 2.) During these surveys, Noriko Smallwood detected 30 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status. (Smallwood, p. 3.)

The Biological Resources Assessment prepared for the Addendum by LSA Associates, Inc. ("LSA Biological Report") states that "[a]nimal species observed on the site are typical of urban environments," but does not disclose which animal species were observed, except to report, "[n]o special-status wildlife species were observed." (Smallwood, p. 16.) Therefore, it can be assumed that LSA did not observe all 30 species of vertebrate wildlife detected by Noriko Smallwood, including the eight special-status species she observed: the Monarch butterfly, Allen's hummingbird, Cooper's hawk, red-tailed hawk, Great horned owl, American kestrel, Western yellow bat, and Silver-haired bat. (*Id.*, p. 16.)

1-23

The failure of the LSA's Report to detect these special-status species and an abundance of other wildlife at the Project site underscores the inadequacy of the Addendum's documentation of baseline conditions, skewing the subsequent impact analysis. (Smallwood, pp. 12-13.)

Although Noriko Smallwood's site visits lasted only 5 hours, Dr. Smallwood calculated that more thorough site visits would reveal an even greater diversity of wildlife. (Smallwood, pp. 13-15.) Given more time to survey the site, Dr. Smallwood predicts that Noriko would have observed an additional 17 special-status wildlife species. (Smallwood, pp. 14-15.) Based on his review of the Addendum and the site visit, Dr. Smallwood concluded, "the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort. . . . The site is far richer in special-status species than the Addendum would have the reader believe. . . . The evidence is overwhelming that the project site is important to multiple special-status species of wildlife." (*Id.*, pp. 15, 20, 27.)

1-24

An initial study and MND or EIR is needed to adequately address the impacts to special-status species from the proposed Project, and to mitigate those impacts accordingly. 1-25

2. The Addendum relied on an inadequate biological report.

In addition to the LSA Biological Report's failure to adequately disclose the diversity of species that would be impacted by the Project, Dr. Smallwood found numerous other deficiencies in the LSA Biological Report. (Smallwood, pp. 19-20.)

Dr. Smallwood found that LSA's review of available literature and databases was incomplete because it relied on only one database, the California Natural Diversity Data Base ("CNDDB") and failed to consult other available databases such as eBird and iNaturalist. (Smallwood, p. 19.) By including additional databases in the review, such as eBird and iNaturalist, Dr. Smallwood found that 139 special-status species (as opposed to the 34 species in the LSA Biological Report) were known to occur in the area. (Smallwood, pp. 19-20.) By relying on cursory review of CNDDB, the LSA Biological Report improperly "screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting." (Smallwood, p. 19.) 1-26

The LSA Biological Report also improperly relied on CNDDB to determine whether a species would *not* occur on the Project site. (Smallwood, pp. 19-20.) As Dr. Smallwood explains, "CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community." (Smallwood, p. 19.) In other words, although CNDDB can be useful in determining whether a species is likely to occur (because it has been detected and reported in CNDDB), it does not follow that the absence of a species from CNDDB means that a species is unlikely to occur. This error in the LSA Biological Report results in a further underestimation of the diversity of wildlife occurring or likely to occur at the Project site. 1-27

The Addendum and LSA Biological Report made additional flawed arguments in defending its determination that certain species were unlikely to occur on the Project site. For example, the Addendum states that "[d]ue to the absence of suitable habitat on-site and the develop[ed] nature of the project vicinity, all of the remaining special-status species identified in the literature search, including the white cuckoo bee (*Neolarra alba*), are considered absent from the project site and vicinity." (Smallwood, p. 20.) However, as Dr. Smallwood notes, "[t]here is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act." (*Id.*) As such, Dr. Smallwood concluded that "[t]he Addendum presents a profoundly inaccurate analysis of whether special-status species of wildlife occur on the project site." (*Id.*) Because "[a]n inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill-suited for formulating appropriate mitigation," the Addendum's impact analysis and conclusions should not be relied upon. (*Id.*, p. 20.) 1-28

Due to the above shortcomings in the LSA Biological Report, the Addendum's conclusions about the Project's impacts to biological resources are not supported by substantial evidence. As such, an initial study and MND or EIR is needed to adequately address the impacts to wildlife of the proposed Project, and to mitigate those impacts accordingly. 1-29

B. There is no Evidence that the Project Will not Result in New Significant Impacts on Wildlife Movement and Cumulative Impacts.

1. Wildlife movement.

Dr. Smallwood found that the Addendum, its LSA Biological Report, and the 2010 General Plan EIR's analysis of the Project's impacts to wildlife movement were all deeply flawed. (Smallwood, pp. 29-30.) According to Dr. Smallwood, the General Plan EIR lacks any serious analysis of the potential for the Project to interfere with wildlife movement in the region. (*Id.*, p. 29.) The Addendum and LSA Biological Report adopt a false standard that the Project site must represent a regional wildlife movement corridor in order to serve wildlife movement in the region. (*Id.*, p. 30.) However, under CEQA, the standard is whether the Project will impact wildlife movement "regardless of whether the movement is channeled by a corridor." (*Id.*) As Dr. Smallwood explains,

> [T]he species detected on site by Noriko would not have been detected there had their members not moved to the site for its habitat. For many species of wildlife, the project site provides stopover opportunities, and for many others it is a migratory destination.... Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor. What was needed, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have recorded flight paths, especially of birds and bats moving to or from the project site....

1-30

(*Id.*, pp. 29-30.) Dr. Smallwood concludes that neither the Addendum nor the General Plan EIR provide substantial evidence that the Project's impact on wildlife movement would be less than significant. (*Id.*) An initial study and MND or EIR is needed to adequately address the impacts to wildlife movement of the proposed Project, and to mitigate those impacts accordingly.

2. Cumulative Impacts.

Dr. Smallwood found that the Addendum failed to discuss cumulative impacts to wildlife. (Smallwood, pp. 33-34.) According to Dr. Smallwood, "Given the extent of habitat fragmentation in the region, leaving the open space of the project site as one of the last sizable patches of wildlife habitat within miles, the project's contribution to cumulative habitat destruction would be consequential." (*Id.*, p. 33.) Thus, because the Project "would cause severe declines in wildlife abundance and species richness in the region," an initial 1-31

study and MND or EIR is needed to adequately address the impacts to wildlife movement of the proposed Project, and to mitigate those impacts accordingly. (*Id.*, p. 34.)

1-31 cont.

C. There is no Evidence that the Project Will not Result in a New Significant Construction or Operational-Related Air Quality Impact.

In determining that CEQA's subsequent review provisions apply to the proposed Project, the City relied on emissions calculated with CalEEMod. 2022.1. (Addendum, p. 2-46.) This model relies on recommended default values, or on site-specific information related to a number of factors. When more specific project information is known, the user may change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. The model is used to generate a project's construction and operational emissions. Dr. Clark reviewed the Project's CalEEMod output files provided at Appendix A to the Addendum, and found that several model inputs used to generate a project's operation emissions were not consistent with information disclosed in the Addendum. (Clark, pp. 5-6.) As a result, Dr. Clark concludes that the Project's operational emissions are underestimated. (*Id.*) Because the Addendum uses incorrect estimates for emissions, its air quality analysis cannot be relied upon to determine the Project's emissions, and the City's conclusions are not supported by substantial evidence. The particular errors identified by Dr. Clark are discussed below. These errors should be corrected in a subsequent CEQA document prior to approval of the Project.

1-32

Specifically, Dr. Clark found that the Addendum's air quality analysis failed to include back-up generators and fire pumps in its operational air quality impact analysis. (Clark, pp. 5-6.) An initial study and MND or EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly.

D. There is no Evidence that the Project Will not Result in New Significant Hazards from Battery Storage on Site.

Neither the Addendum nor the 2010 General Plan EIR include any information regarding the capacity of the battery storage system or the type of batteries to be deployed at the Project site. (See, Clark, pp. 16-17.) Instead, the Addendum merely states, "Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project's power needs." (*Id.*, p. 16.) According to Dr. Clark, the Addendum's "failure to include any specifications of the battery systems results in the failure to analyze the particular hazards presented by the presence of such infrastructure." (*Id.*) Dr. Clark explains that the "hazards from battery storage systems include thermal runaway, off-gassing, and stranded energy, along with discharges of hazardous chemicals from the batteries themselves." (*Id.*, pp. 16-17.) The General Plan EIR did not analyze battery storage system and related hazard impacts at this site. The plan to include battery storage is new information and changed circumstances resulting in a potentially significant hazard impact. As such, an initial study and MND or EIR is needed to adequately address the hazards of the proposed battery storage on the Project site, and to mitigate those impacts accordingly.

1-33

E. There is no Evidence that the Project Will not Result in a New Significant Noise Impact.

The Addendum's noise analysis contains several deficiencies that underestimate the Project's construction and operational noise impacts on nearby sensitive receptors. (See, Wilson Ihrig, pp. 6-8.) As discussed below, errors in modeling mechanical systems, validating traffic noise, and establishing baseline conditions resulted in the Addendum's inadequate noise analysis and failure to disclose and mitigate the Project's potentially significant noise impacts. (*Id.*) 1-34

First, the Addendum's mechanical noise analysis contains errors and omissions. (Wilson Ihrig, pp. 6-7.) Wilson Ihrig found that the Addendum underestimates the Project's mechanical noise by modeling only four HVAC units, when a warehouse of that size would realistically require at least 25 units. (*Id.*) Moreover, even the four HVAC units assumed would exceed residential noise limits. (*Id.*, p. 6.) The analysis should be corrected to reflect actual ventilation needs of the planned building and include enforceable mitigation. (*Id.*, p. 7.) 1-35

Second, the Addendum's traffic analysis is missing validation. (Wilson Ihrig, p. 7.) Wilson Ihrig found that the "modeled levels for existing traffic along Shaeffer Avenue are lower than measured levels reported in the Addendum," with modeled CNEL levels 8 dB lower than measured levels." (*Id.*) As a result, the traffic noise modeling along Shaeffer Avenue is inconsistent and unreliable. (*Id.*) The Addendum fails to explain this discrepancy, apply a calibration factor, or reconcile the use of different metrics (CNEL vs. Ldn). (*Id.*) As such, Wilson Ihrig recommends that the Project "address this discrepancy and validate the traffic model using measured baseline data" in a subsequent EIR or MND. (*Id.*) 1-36

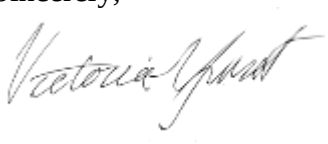
Lastly, the Addendum "does not properly characterize the existing noise environment." (Wilson Ihrig, p. 8.) Wilson Ihrig found that the Addendum failed to establish an adequate baseline because the second monitoring measurement location was conducted at the back of the Project site rather than at residences most affected by truck traffic on Shaeffer Avenue. (*Id.*) Wilson Ihrig explains that this omission obscures the existing noise environment for sensitive receptors. (*Id.*) Without an accurate baseline, the Project's noise impact analysis is inadequate. 1-37

An initial study and MND or EIR is needed to adequately address the noise impacts of the proposed Project, and to mitigate those impacts accordingly.

CONCLUSION

For the foregoing reasons, reliance on the Addendum for the Project is in violation of CEQA. Thus, an initial study and a subsequent EIR or MND must be prepared for the proposed Project and should be circulated for public review and comment in accordance with CEQA. Thank you for considering these comments. 1-38

Sincerely,



Victoria Yundt
LOZEAU | DRURY LLP

cc: Eunice M. Ulloa, Mayor — eulloa@cityofchino.org
Curtis Burton, Mayor Pro Tem — cburton@cityofchino.org
Karen Comstock, Councilmember — kcomstock@cityofchino.org
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EXHIBIT A

Comment Letter 1-A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Kim Le, Senior Planner
City of Chino
Community Development Department, Planning Division
13220 Central Avenue
Chino, California 91710

27 July 2025

RE: Chino Gateway Terminal Project

Dear Mr. Perez,

I write to comment on the analysis of potential impacts to biological resources that is reported in the Addendum to a Draft Environmental Impact Report (DEIR Addendum) prepared for the proposed Chino Gateway Terminal Project. I understand the project would add 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building on 7.35 acres at the southwest corner of Schaefer Ave and Oaks Ave in Chino, California. My comments that follow address my concerns that the Addendum mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

1-A-1

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and

1-A-2

animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/Birds/Raptors). 1-A-2 cont.

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 3 hours of morning diurnal survey from 6:16 to 9:16 hours, for 1.67 hours of evening diurnal survey from 18:25 to 20:05 hours, and for 2 hours of nocturnal survey from 19:48 to 21:48 hours on 24 July 2025. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. During the night. Noriko mounted a Pettersson M500 bat detector on a 30-foot pole, and she identified bat species by sonograms of their foraging calls with use of Sonobat Live. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level. 1-A-3

Conditions were sunny with 2 MPH west wind and temperatures of 57-70° F in the morning, and sunny with 9 MPH west wind and temperatures of 81-76° F in the evening. The western portion of the site is annual grassland that's regularly mowed, and the eastern portion of the site is a church and houses. There are multiple mature trees on site such as oak, sycamore, palm, magnolia, Chinese elm, and crepe myrtle (Photos 1 and 2).

Noriko saw Cooper's hawk and American kestrel (Photos 3 and 4), monarch (Photo 5), Allen's hummingbird and Anna's hummingbird (Photos 6 and 7), mourning dove (Photo 8), northern mockingbird (Photos 9 and 10), bushtit and house finch (Photos 11 and 12), hooded oriole (Photo 13), barn swallow and Eurasian collared-dove (Photos 14 and 15), Cassin's kingbird and black phoebe (Photos 16 and 17), European starling (Photo 18), house sparrow and American crow (Photos 19 and 20), snowy egret and Great Basin fence lizard (Photos 21 and 22), western yellow bat and silver-haired bat (Photos 23 and 24), among the other species listed in Table 1. Noriko detected 30 species of vertebrate wildlife at or adjacent to the project site, including 8 species with special status (Table 1).

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood

Photos 1 and 2. *Views of the project site, 24 July 2025. Photos by Noriko Smallwood.*

1-A-3 cont.

Photos 3 and 4. *Cooper's hawk (top), and American kestrel (bottom) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

1-A-3 cont.

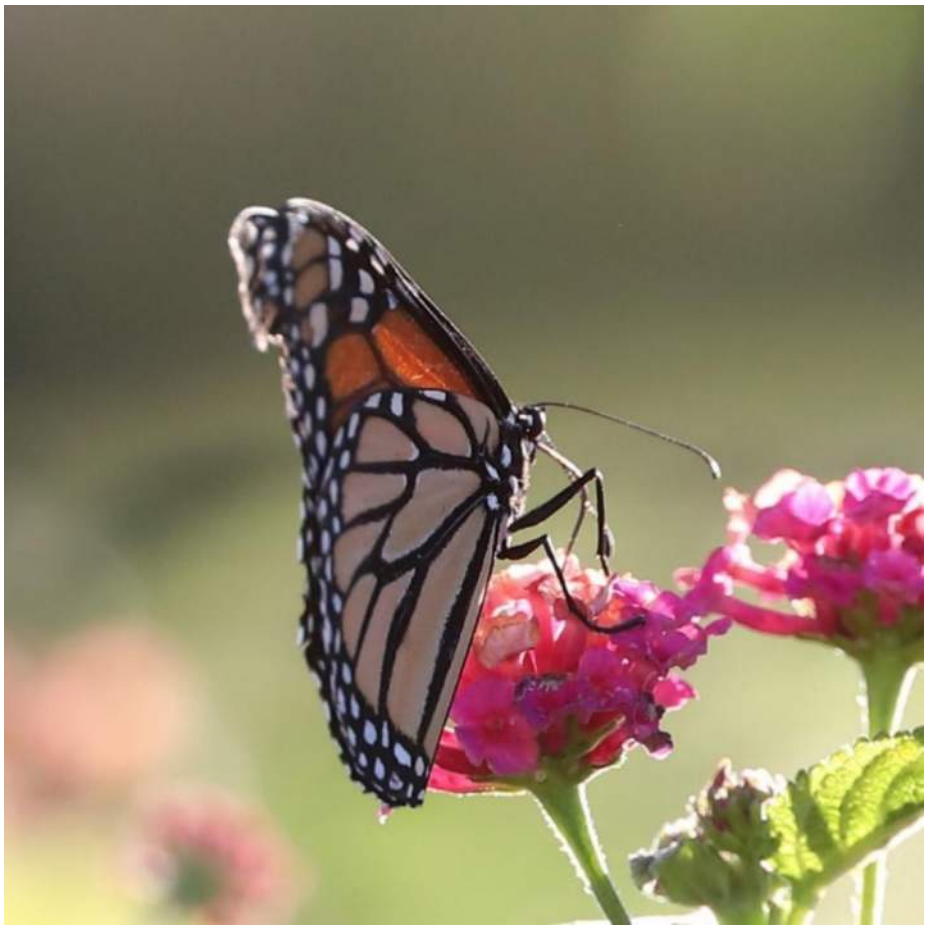


Photo 5. *Monarch just off of the project site, after flying from the project site, 24 July 2025. Photo by Noriko Smallwood.*

1-A-3 cont.

Photos 6 and 7. *Allen's hummingbird (left), and Anna's hummingbird (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photo 8. *Mourning dove on the project site, 24 July 2025. Photo by Noriko Smallwood.*

1-A-3 cont.

Photos 9 and 10. *Northern mockingbird with insects (left), and nest material (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 11 and 12. *Bushtit (left), and house finch (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photo 13. *Hooded oriole with an insects on the project site, 24 July 2025. Photo by Noriko Smallwood.*

1-A-3 cont.

Photos 14 and 15. *Barn swallow (left) and Eurasian collared-dove (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 16 and 17. *Cassin's kingbird (left), and black phoebe (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

1-A-3 cont.

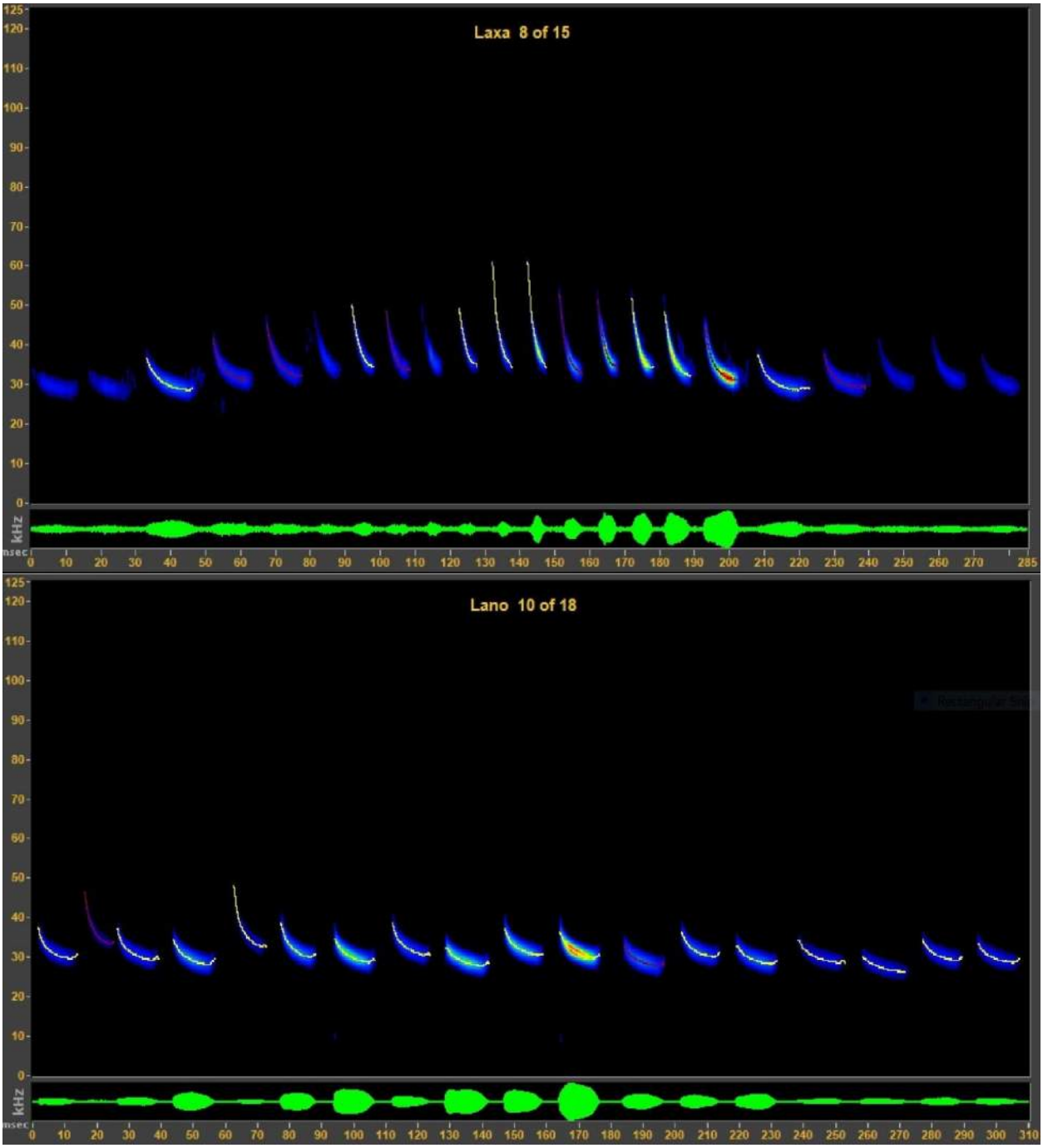
Photo 18. *Many juvenile European starlings on the project site, 24 July 2025. Photo by Noriko Smallwood.*

1-A-3 cont.

Photos 19 and 20. *House sparrow dust bathing (left), and American crow (right) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

Photos 21 and 22. *Snowy egret (top) and Great Basin fence lizard (bottom) on the project site, 24 July 2025. Photos by Noriko Smallwood.*

1-A-3 cont.



Photos 23 and 24. *Sonogram of western yellow bat (top) and silver-haired bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 24 July 2025.*

1-A-3 cont.

Table 1. *Species of wildlife Noriko observed during 3 hours of morning diurnal survey, 1.67 hours of evening diurnal survey, and 2 hours of nocturnal survey on 24 July 2025.*

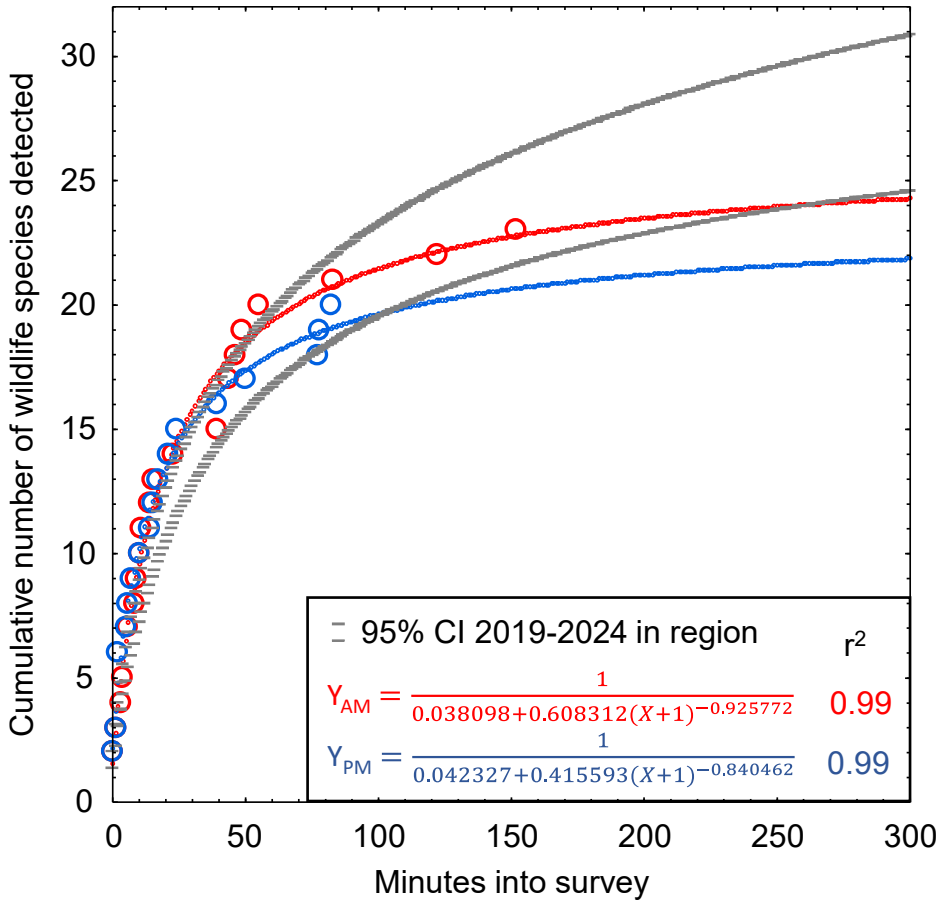
Common name	***Species name***	**Status**[1]	**Notes**
Monarch	*Danaus plexippus*	FC	Landed on plants
Great Basin fence lizard	*Sceloporus occidentalis longipes*		
Canada goose	*Branta canadensis*		Flew over off site
Rock pigeon	*Columba livia*	Non-native	
Eurasian collared-dove	*Streptopelia decaocto*	Non-native	
Mourning dove	*Zenaida macroura*		Foraged; likely nested
Anna's hummingbird	*Calypte anna*		Foraged
Allen's hummingbird	*Selasphorus sasin*	BCC	Territorial, foraged
Snowy egret	*Egretta thula*		Flew over
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Perched on sycamore
Red-tailed hawk	*Buteo jamaicensis*	BOP	Just off site
Great horned owl	*Bubo virginianus*	BOP	Called during bat survey
American kestrel	*Falco sparverius*	BOP	Flew over
Cassin's kingbird	*Tyrannus vociferans*		
Black phoebe	*Sayornis nigricans*		
American crow	*Corvus brachyrhynchos*		
Common raven	*Corvus corax*		
Barn swallow	*Hirundo rustica*		Foraged over site
Cliff swallow	*Petrochelidon pyrrhonota*		Just off site
Bushtit	*Psaltriparus minimus*		Many foraged in oak and sycamore
Northern mockingbird	*Mimus polyglottos*		Nesting on site - gathered food & nest material
European starling	*Sturnus vulgaris*	Non-native	Many juveniles
Western bluebird	*Sialia mexicana*		Just off site
House sparrow	*Passer domesticus*	Non-native	Dust bathed in fresh soil from gopher mounds
House finch	*Haemorphous mexicanus*		Foraged; likely nested
Hooded oriole	*Icterus cucullatus*		Foraged
Brown-headed cowbird	*Molothrus ater*		Many
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG:H	
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M	
California ground squirrel	*Otospermophilus beecheyi*		Burrows
Botta's pocket gopher	*Thomomys bottae*		Burrows

1-A-3 cont.

[1] On CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FC = federal candidate for listing, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern (https://www.fws.gov/sites/ default/files/documents/birds-of-conservation-concern-2021.pdf); SSC = California Species of Special Concern, WL = Taxa to Watch List; BOP = protected by Birds of Prey (California Fish and Game Code 3503.5), WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).

Noriko detected 30 species of vertebrate willdife, which was a relatively large number for the brevity of her survey effort. However, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as some species typically go undetected. To demonstrate this, I fit nonlinear regression models to Noriko's cumulative numbers of vertebrate species detected with time into her surveys to predict the numbers of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model fit to Noriko's morning survey data, for example, predicts 26 species of vertebrate wildlife were available to be detected, which equalled the number she detected (Figure 1). Her rate of species detections during both surveys mostly followed the upper bound of the 95% confidence interval I estimated from other . surveys in the region (Figure 1).

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys on 24 July 2025.*



1-A-3 cont.

The species that Noriko did and did not detect on 24 July 2025 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort due to their are high crypticity, and the members of other species would visit the

site only periodically while patrolling large home ranges. A survey on only one day cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

1-A-3 cont.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 16.6 species over my first 4.67 hours of diurnal surveys at my research site in the Altamont Pass (4.67 hours to match the 4.67 hours Noriko surveyed during daylight hours at the project site), which composed 29.2% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 27 diurnally active species Noriko detected after her 4.67 hours of daylight survey at the project site likely represented 29.2% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $27/0.292 = 92$ species of diurnally active vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 92 predicted species, then continued surveys would eventually detect 17 special-status species of diurnally active vertebrate wildlife.

Because my prediction of 92 species of vertebrate wildlife, including 17 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal

mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort. The patterns in the data and what I know of nocturnal species, I predict at least 110 species of vertebrate wildlife rely on the project site as habitat.

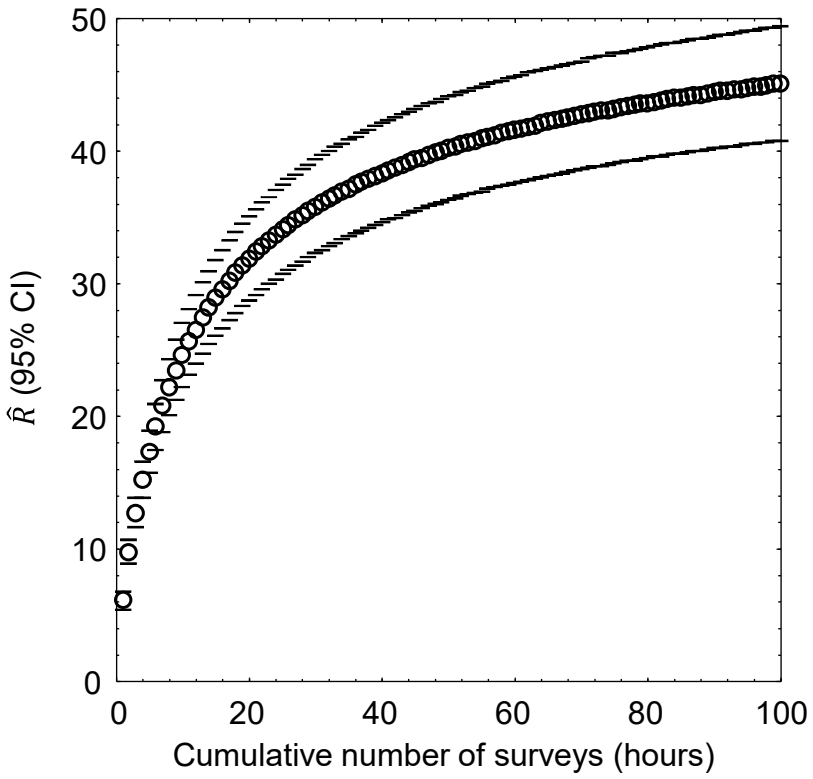


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*

1-A-3 cont.

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of the CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these required steps remain incomplete and misleading.

1-A-4

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources. In the case of this project, however, the reconnaissance survey was inadequate for the needed analysis, and the analysis misinterpreted the survey's findings.

The survey's first shortfall was the attitude going into it. The Addendum (p. 10) characterizes the project site as "routinely disced for weed abatement and is covered in ruderal vegetation," implying there is no habitat to be found on this site. Except for possibly proving nesting opportunities for birds, LSA (2025:1) starts by asserting "No endangered, rare, or threatened species are expected to inhabit the project site. The site is not within the designated critical habitat of any species. No substantial project impacts to other special-status species are anticipated." All this decided already, then one must wonder why LSA bothered to survey for wildlife. But a survey was performed. 1-A-5

According to LSA (2025:2), two biologists "conducted a general biological resources assessment and arborist study on August 13, 2024," beginning at 09:15 hours and lasting 1.75 hours. The survey was conducted to record "notes on general site conditions, vegetation, wildlife, potential jurisdictional waters, and suitability of habitat for various special-status species." Specific to wildlife, LSA (2025:2) reports "Animal species observed on the site are typical of urban environments," thereby indicating that LSA's biologists observed wildlife. Although LSA (2025) discloses a complete list of plant species observed on the project site, it does not disclose which animal species were observed, except to report, "No special-status wildlife species were observed." Remarkably, perhaps, Noriko detected seven special-status species among the 30 species of vertebrate wildlife, and additionally she detected monarch which is a candidate for listing under the federal Endangered Species Act. How many of these were observed by LSA's biologists cannot be known without additional disclosures of what they observed. Considering that one in four species detected by Noriko were special-status species, it is likely that LSA's biologists observed at least one special-status species assuming they observed at least four species altogether. (Noriko detected her first four species within her first four minutes from the start of her morning survey, and she detected her first six species within the first three minutes from the start of her evening survey.)

LSA (2025:3) notes that "The project site has trees suitable for nesting." Yet LSA reports no observations of signs of breeding on the project site. In contrast, Noriko reports members of one bird species nesting on site (see Photo 10), and three more bird species that likely nested on site due to the presence of juveniles. More than being suitable, the trees on site serve as nest substrate, and it is likely that ground-nesting birds also nest on site. 1-A-6

LSA (2025:3) reports "The eastern portion of the project site has habitat potentially suitable for burrowing owl … A survey for burrows of this species was conducted during the initial site visit. No burrows suitable for burrowing owls were found. However, ground squirrels are active on the site, and there is a possibility that the squirrels could create suitable burrows, and that burrowing owl could move in and occupy the site prior to construction." However, LSA cannot assert that no burrows suitable for burrowing owls were found while also reporting to have found California ground squirrels on the project site. California ground squirrels construct burrows, and burrowing owls utilize ground squirrel burrows. I have never found California ground squirrels in the absence of burrows, and I have never found ground squirrel burrows that are unsuitable for burrowing owls. Moreover, LSA's biologists did not achieve the minimum standards of the CDFW (2012) survey guidelines for burrowing owls.

1-A-7

Further downplaying the potential occurrence of burrowing owls, LSA (2025:5) speculates, "Although the project site has low vegetation, it is surrounded by trees, which provide cover for avian predators of burrowing owls, is surrounded by urban development, and is frequently disked, all of which reduce the quality of the habitat and its potential for use by burrowing owl." Yet, I have found burrowing owls nesting under and near trees (e.g., Photo 25). Rather than speculating about the likelihood of occurrence of a special-status species, the appropriate action is to implement the existing survey protocol (CDFW 2012).

1-A-8

Finally, LSA appeals to the existence of a larger mitigation strategy that would conserve burrowing owls even if the project would result in take. LSA (2025:5) assures that "The Draft Environmental Impact Report (EIR) [to the City of Chino General Plan] specifies mitigation for impacts of development projects to burrowing owl, including the establishment of a 300-acre conservation area to provide burrowing owl habitat, and relocation, in accordance with CDFW protocols, of any burrowing owls that are found on development project sites." LSA is silent on whether this 300-acre conservation area has been established or whether burrowing owls reside on it. Regardless, a breeding-season detection survey is warranted, as explained below.

1-A-9

There are three types of surveys recommended and described in the CDFW's (2012) survey and mitigation guidelines: (1) Habitat assessment, (2) Detection surveys, and (3) Preconstruction survey. The habitat assessment is intended to evaluate the likelihood that the site supports burrowing owls, and to decide whether detection surveys should be performed. The detection surveys, otherwise described as either or both breeding-season or non-breeding-season surveys, are intended to detect whether the site truly does presently support burrowing owls, and if so, where and how many. The preconstruction survey, otherwise known as a take-avoidance survey, is intended to determine whether burrowing owls immigrated to the site since completion of the detection survey, or whether they returned to the site since passive or active relocations were performed as mitigation. The three types of survey carry distinct but inter-related purposes, and they are to be completed in chronological order.

1-A-10

Photo 25. *Burrowing owl chick standing to the right of its mother and its natal burrow located under an oak tree in east Davis, California, 2020. This chick was one of three. This was the last nest attempt in Davis, as it appears the species has been extirpated from Davis.*

The first two types of survey support impacts analysis, whereas the third type of survey is a mitigation measure. Burrowing owls can be determined absent based on evidence derived from the habitat assessment or detection survey, but only if the surveys achieved the minimum standards of CDFW (2012). Whereas an absence determination naturally follows from the negative findings of properly performed detection surveys, the following three questions must be answered negatively to determine absence based on the habitat assessment, which would be the closest type of survey to what LSA (2025) completed:

A) Are there occurrence records nearby the project site?
B) Is the site's vegetation cover and height typical of where burrowing owls are found?
C) Are there fossorial mammals present which typically construct burrows useable by burrowing owls, or are there surrogate cavities that can serve as nest sites?

If the answers to these questions are compellingly negative, then detection surveys are not necessary, but the surveys could be implemented to make certain the site is absent of burrowing owls. If the answers to these questions are affirmative or not compellingly negative, then it should be assumed that burrowing owl habitat exists on the site until detection surveys prove otherwise.

1-A-10 cont.

To question A, there are burrowing owl occurrence records very close to the project site. To question B, the vegetation on site is typical of vegetation often used by burrowing owls. Noriko and I have detected burrowing owls at sites in the region with very similar vegetation cover. To question C, LSA (2025) reports that California ground squirrel occurs on the project site. The answers to all three questions are affirmative. Burrowing owl habitat is present on the project site. Breeding-season detection surveys are needed.

1-A-11

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths. In the case of this project, the desktop review was incomplete, and the review that was completed was distorted to minimalize the likelihoods of occurrence of special-status species.

In its desktop review, LSA (2025) reportedly queried the California Natural Diversity Data Base (CNDDB) for species occurrence records within USGS Quadrangles abutting to and inclusive of the project site. LSA (2025) does not report having reviewed eBird (https://eBird.org) or iNaturalist (https://www.inaturalist.org), which are additional species occurrence databases. By querying the CNDDB to establish the pool of special-status species for analysis of occurrence likelihoods, LSA (2025) screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting. The CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.*" LSA (2025) and hence the Addendum misuse the CNDDB. 1-A-12

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

In my assessment based on a database review and a site visit, 139 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence 1-A-13

potential (Table 2). Of these 139 special-status species, 8 (6%) were recorded on or just off the project site, and another 28 (20%) special-status species have been documented within 1.5 miles of the site (Very close), another 27 (19%) within 1.5 and 4 miles (Nearby), and another 64 (46%) within 4 to 30 miles (In region). Almost half (45%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the Addendum would have the reader believe.

Of the 139 special-status species listed in Table 2, the Addendum analyses the occurrence likelihoods of only 34 (24%) of them, all of which are given occurrence likelihoods of "Absent." Of the species determined to be "absent," four of them have been observed within 4 miles of the site, and seven of them have been observed within 1.5 miles of the site. Two of the species determined to be "absent," western yellow bat and monarch, were detected on site by Noriko. The occurrence likelihoods assigned to 34 special-status species fail to comport with the available occurrence records in public databases and with what Noriko saw on the project site. LSA's and the Addendum's absence determinations are not credible.

1-A-13 cont.

Of the 139 special-status species listed in Table 2, the DEIR fails to analyze the occurrence likelihoods of 75% of them. Of these species not analyzed for occurrence potential, Noriko detected six of them on the project site. LSA's and the Addendum's analyses of occurrence likelihoods are incomplete.

An inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill-suited for formulating appropriate mitigation.

1-A-14

Special-status Species

The Addendum presents a profoundly inaccurate analysis of whether special-status species of wildlife occur on the project site. According to the Addendum (p. 2-61), "Due to the absence of suitable habitat on-site and the develop nature of the project vicinity, all of the remaining special-status species identified in the literature search, including the white cuckoo bee (*Neolarra alba*), are considered absent from the project site and vicinity." These absence determinations were not supported by protocol-level detection surveys, nor by appropriate interpretation of species occurrence records. And too often they were proven inaccurate.

1-A-15

There is no doubt that eight special-status species of wildlife occur on the project site, including the Monarch which is a candidate for listing under the federal Endangered Species Act. Modeling the rate of species detections during Noriko's survey, and analytically bridging Noriko's survey results to a larger research effort, predicts 17 diurnally-active special-status species should be detectable on the project site after a larger survey effort conducted over the period of a year or longer. Indeed, species

Table 2. *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood.*

Common name	***Species name***	**Status[1]**	**Occurrence potential**	
			LSA 2025	**Databases, Site visits**
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT		In region
San Diego fairy shrimp	*Branchinecta sandiegonensis*	FE		In region
Riverside fairy shrimp	*Streptocephalus woottoni*	FE		In region
Delhi sands flower-loving fly	*Rhaphiomidas terminatus abdominalis*	FE	Absent	In region
Monarch	*Danaus plexippus*	FC	Absent	Very close/**On site**
Quino checkerspot butterfly	*Euphydryas editha quino*	FE		In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Absent	Nearby
Western spadefoot	*Spea hammondii*	FC, SSC	Absent	In region
Western pond turtle	*Emys marmorata*	FC, SSC	Absent	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	Absent	In region
Orange-throated whiptail	*Aspidoscelis hyperythra*	WL	Absent	In region
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC	Absent	In region
San Diegan legless lizard	*Anniella stebbinsi*	SSC	Absent	In region
California glossy snake	*Arizona elegans occidentalis*	SSC	Absent	In region
Coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC		In region
Two-striped gartersnake	*Thamnophis hammondii*	SSC	Absent	In region
South coast gartersnake	*Thamnophis sirtalis pop. 1*	SSC		In region
Red-diamond rattlesnake	*Crotalus ruber*	SSC	Absent	Nearby
Fulvous whistling-duck	*Dendrocygna bicolor*	SSC1		In region
Brant	*Branta bernicla*	SSC2		In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		Nearby
Redhead	*Aythya americana*	SSC2		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC		Nearby
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	Absent	In region

1-A-15 cont.

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Black swift	*Cypseloides niger*	SSC3, BCC		In region
Vaux's swift	*Chaetura vauxi*	SSC2		Very close
Calliope hummingbird	*Selasphorus calliope*	BCC		In region
Rufous hummingbird	*Selasphorus rufus*	BCC		Very close
Allen's hummingbird	*Selasphorus sasin*	BCC		Very close/**On site**
Mountain plover	*Charadrius montanus*	SSC2, BCC		In region
Snowy plover	*Charadrius nivosus*	BCC		In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC		In region
Long-billed curlew	*Numenius americanus*	WL		Nearby
Marbled godwit	*Limosa fedoa*	BCC		Nearby
Red knot (Pacific)	*Calidris canutus*	BCC		In region
Pectoral sandpiper	*Calidris melanotos*	BCC		Nearby
Short-billed dowitcher	*Limnodromus griseus*	BCC		In region
Lesser yellowlegs	*Tringa flavipes*	BCC		Nearby
Willet	*Tringa semipalmata*	BCC		Nearby
Laughing gull	*Leucophaeus atricilla*	WL		In region
Franklin's gull	*Leucophaeus pipixcan*	BCC		In region
Heermann's gull	*Larus heermanni*	BCC		In region
Western gull	*Larus occidentalis*	BCC		In region
California gull	*Larus californicus*	BCC, WL		Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP		In region
Black tern	*Chlidonias niger*	SSC2, BCC		In region
Elegant tern	*Thalasseus elegans*	BCC, WL		In region
Black skimmer	*Rynchops niger*	BCC, SSC3		In region
Common loon	*Gavia immer*	SSC		In region
Double-crested cormorant	*Phalacrocorax auritus*	WL		Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1		Very close
Least bittern	*Ixobrychus exilis*	SSC2		In region
Reddish egret	*Egretta rufescens*	BCC		In region
White-faced ibis	*Plegadis chihi*	WL		Very close

1-A-15 cont.

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Turkey vulture	*Cathartes aura*	BOP		Very close
Osprey	*Pandion haliaetus*	WL, BOP		Nearby
White-tailed kite	*Elanus luecurus*	CFP, BOP	Absent	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	Absent	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP		Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP		Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP		Very close/**On site**
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP		Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP		Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Absent	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP		Very close/**Very close**
Ferruginous hawk	*Buteo regalis*	WL, BOP		Nearby
Zone-tailed hawk	*Buteo albonotatus*	BOP		Nearby
Harris' hawk	*Parabuteo unicinctus*	WL, BOP		In region
Rough-legged hawk	*Buteo lagopus*	BOP		In region
American barn owl	*Tyto furcata*	BOP		Very close
Western screech-owl	*Megascops kennicotti*	BOP		Nearby
Great horned owl	*Bubo virginianus*	BOP		Very close/**On site**
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Absent	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	Absent	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP		In region
Lewis's woodpecker	*Melanerpes lewis*	BCC		In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC		Nearby
American kestrel	*Falco sparverius*	BOP		Very close/ **On site**
Merlin	*Falco columbarius*	WL, BOP		Nearby
Peregrine falcon	*Falco peregrinus*	BOP		Very close
Prairie falcon	*Falco mexicanus*	WL, BOP		Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2		In region
Willow flycatcher	*Empidonax trailii*	CE		Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	Absent	In region

1-A-15 cont.

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		Very close
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Absent	Very close
Loggerhead shrike	*Lanius ludovicianus*	SSC2		Very close
Oak titmouse	*Baeolophus inornatus*	BCC		Very close
California horned lark	*Eremophila alpestris actia*	WL		Very close
Bank swallow	*Riparia riparia*	CT		Nearby
Purple martin	*Progne subis*	SSC2		Very close
Wrentit	*Chamaea fasciata*	BCC		Nearby
California gnatcatcher	*Polioptila c. californica*	FT, SSC2	Absent	In region
California thrasher	*Toxostoma redivivum*	BCC		Very close
Cassin's finch	*Haemorhous cassinii*	BCC		In region
Lawrence's goldfinch	*Spinus lawrencei*	BCC		Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2	Absent	Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL		In region
Bell's sparrow	*Amphispiza b. belli*	WL		In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2		In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL		Nearby
Yellow-breasted chat	*Icteria virens*	SSC3	Absent	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3		Nearby
Bullock's oriole	*Icterus bullockii*	BCC		Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Absent	Very close
Lucy's warbler	*Leiothlypis luciae*	SSC3		In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC		In region
Prothonotary warbler	*Protonotaria citrea*	BCC		In region
Prairie warbler	*Setophaga discolor*	BCC		In region
Yellow warbler	*Setophaga petechia*	SSC2	Absent	Very close
Summer tanager	*Piranga rubra*	SSC1		Nearby
Little brown bat	*Myotis lucifugus*	WBWG: M		In range

1-A-15 cont.

Common name	*Species name*	Status[1]	Occurrence potential	
			LSA 2025	Databases, Site visits
Yuma myotis	*Myotis yumanensis*	WBWG: LM		In region
Long-eared myotis	*Myotis evotis*	WBWG: M		In region
Fringed myotis	*Myotis thysanodes*	WBWG: H		In range
Long-legged myotis	*Myotis volans*	WBWG: H		In range
California myotis	*Myotis californicus*	WBWG:L		In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M		In range
Canyon bat	*Parastrellus hesperus*	WBWG: M		In region
Big brown bat	*Episticus fuscus*	WBWG: L		In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M		In range/**On site**
Hoary bat	*Lasiurus cinereus*	WBWG: M		In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG: H	Absent	In region
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG: H	Absent	In region/**On site**
Spotted bat	*Euderma maculatum*	SSC, WBWG: H		In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H		In range
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H	Absent	In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L		Very close
Pocketed free-tailed bat	*Nyctinomops femorosaccus*	SSC, WBWG: M	Absent	In range
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	Absent	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC		In region
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	SSC	Absent	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC		In range
Stephens' kangaroo rat	*Dipodomys stephensi*	FE, CT	Absent	In region
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	Absent	In region
San Diego Bryant's woodrat	*Neotoma bryanti*	SSC	Absent	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC		In range

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT, FE or FC = federal threatened, endangered, or candidate for listing, BCC = US Fish and Wildlife Service Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), CT or CE = California threatened or

1-A-15 cont.

endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, WL = Taxa to Watch List, WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors); and BGEPA = Bald and Golden Eagle Protection Act.

1-A-15 cont.

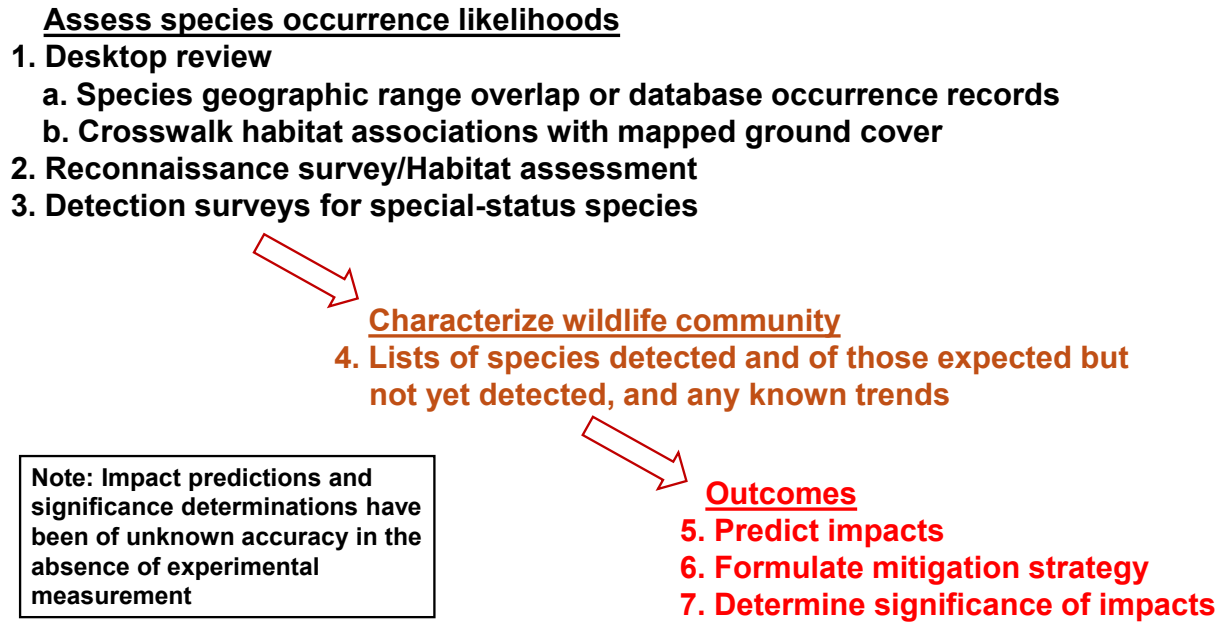
occurrence records reveal that 36 special-status species of vertebrate wildlife have been detected within 1.5 miles of the site, and 63 have been detected within four miles of the site. The evidence is overwhelming that the project site is important to multiple special-status species of wildlife.

The occurrences of eight special-status species observed on the project site by Noriko, and the occurrence records of multiple other special-status species very close to the project site defines the project site as habitat, consistent with the accepted definition of habitat (Hall et al. 1997). These species are using the site for survival and reproduction. These species are members of the local wildlife community.

1-A-15 cont.

BIOLOGICAL IMPACTS ASSESSMENT

Whether the impacts analysis is made by the lead agency or by an expert, the analysis involves prediction. Predictions are necessary because measuring the impacts directly could not happen until after the impacts occur, and this type of measurement would prevent the formulations of avoidance and minimization mitigation strategies that are prioritized by the CEQA. Impact predictions are necessary as part of the environmental review. The accuracy of the predictions of impacts and their significance ultimately relies on the degree of accuracy in the characterization of the existing environmental setting (Figure 3).



1-A-16

Figure 3. *General flow of information from the gathering stage through the characterization of the existing environment to predictions of impacts and their significance.*

Impact predictions can derive from speculation or from some level of experience (Figure 4). Speculation is repeatedly discouraged in the CEQA Guidelines, and for good reason because prediction accuracy improves with experience. But the experience that can be

brought to bear on impact predictions ranges from anecdotes to careful use of scientific inference. Any type of experience is usually better than relying on speculation, but careful scientific inference, especially inference drawn from experiments, have proven most effective. An analogy would be predicting the boiling temperature of water at a certain place with a known atmospheric pressure after having measured it hundreds of times at other places under various atmospheric pressures. The experience of measuring the boiling temperature at all these other places would certainly result in a more accurate prediction of the boiling point as compared to a speculative prediction. We know that use of inference in this example is certainly more predictive, and not potentially more predictive, because we have a long successful history with the application of this type of experimentation to draw predictive inference.

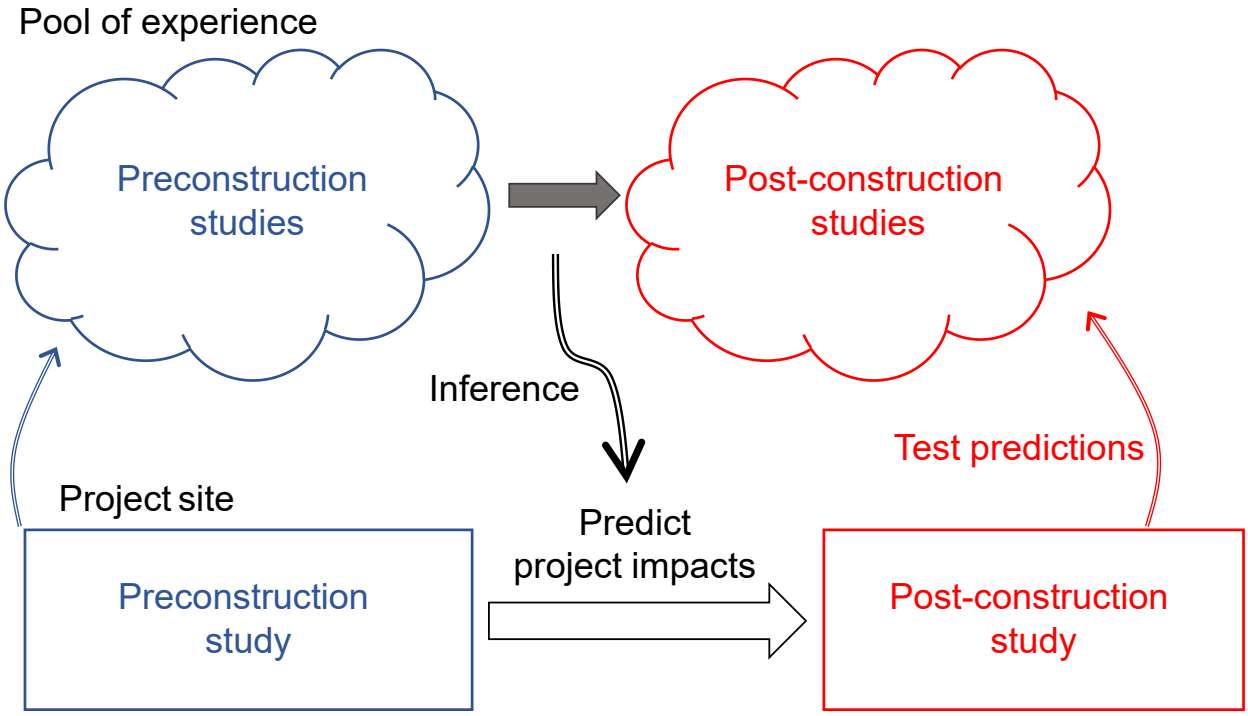


Figure 4. *A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.*

In the following, I analyze several types of impacts likely to result from the project, none of which is adequately analyzed in the Addendum.

1-A-16 cont.

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species, but the Addendum does not attempt to estimate the numerical or productive capacities of the site for nesting birds. Noriko's observations prove that the site provides habitat for at least 30 species of wildlife, but the number of avian nest sites remains unknown. Because Noriko's surveys were only reconnaissance surveys and therefore unsuitable for

1-A-17

detecting all bird nests on the site, estimating total nest density of birds was not possible. The alternative method would be to infer productive capacity from estimates of total nest density elsewhere. Noriko has completed several studies to estimate total avian nest density in similar environments in the local area.

1-A-17 cont.

Noriko estimated 5.56 nests/acre on a 3.6-acre site of ruderal grassland bordering a woodland strip in Murrieta, and 1.86 nests/acre on another 4.83-acre grassland site bordering a strip of woodland in Murietta. The average of the above two estimates is 3.71 nests/acre. This density applied to the 7.35 acres of the project site would predict 27 nest sites. Due to periodic weed control, the grassland portion of the site might support fewer nests sites per acre than found at Noriko's study sites, but the trees on the site likely more than make up for any difference. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 38 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 110 fledglings/year at the project site.

The loss of 27 nest sites and 38 nest attempts per year would qualify as significant impacts that have not been analyzed in the Addendum. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 110 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 124 birds per year denied to California.

1-A-18

The loss of 124 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, the DEIR provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. LSA (2025:6) claims, "The project site is not in a wildlife corridor, and, being surrounded by dense urban development, would not substantially limit wildlife movement. The Addendum (p. 2-61) claims, "Due to the developed nature of the surrounding properties and distance to open space, the project site does not act as a migratory corridor for wildlife." However, the species detected on site by Noriko would not have been detected there had their members not moved to the site for its habitat. For many species of wildlife, the project site provides stopover opportunities, and for many others it is a migratory destination.

1-A-19

The Addendum's focus on whether the site represents a regional wildlife movement corridor is misdirected. The principal phrase of the CEQA question at issue goes to wildlife movement in the region regardless of whether the movement is channeled by a corridor. The CEQA question uses the existence of a corridor as an example of a feature that pertains to wildlife movement in the region, but only a fraction of wildlife movement occurs along corridors,[1] most of which are human artefacts of habitat fragmentation (Smallwood 2015). Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor.

1-A-19 cont.

What was needed, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have recorded flight paths, especially of birds and bats moving to or from the project site. Biologists know how to detect patterns of wildlife movement; they were just not assigned the task in the case of this environmental review. A consequence is that LSA and the City of Chino can only speculate on whether and how the site is important to wildlife movement in the region. And in this case, the speculation lacks credibility due to Noriko's observations of wildlife that only got to the project site by moving to it.

TRAFFIC IMPACTS TO WILDLIFE

The Addendum neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 26—29), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

1-A-20

[1] Wildlife are often channeled in their movements by natural features such as streams and valleys, but if all wildlife moved along such features, then predators would always know where to capture prey, and prey would always know where to expect predators. For these reasons, wildlife often move outside of natural corridors. Constructed corridors are different by serving as the only pathways remaining to wildlife in the face of habitat fragmentation (see Smallwood 2015).

Photo 26. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 27. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

1-A-20 cont.

Photos 28 and 29. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a California road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study

found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

1-A-20 cont.

Predicting project-generated traffic impacts to wildlife

The Addendum's Air Quality analysis predicts 1,013,614 annual VMT for the warehouse and 897,716 annual VMT for the retail portion of the project, or a total 1,911,330 annual VMT generated by the project. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 813 vertebrate wildlife fatalities per year due to project-generated traffic. Assuming wildlife abundance is lower in the vicinity of the project site as compared to Vasco Road in Contra Costa County, collision mortality could also be assumed lower. However, even if it is 75% lower, the predicted mortality would be 203 wildlife fatalities per year, which would still be many

fatalities, the impact of which the Addendum has not analyzed nor formulated mitigation.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The Addendum does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that, as the Addendum is currently written, these impacts would be unmitigated.

1-A-20 cont.

CUMULATIVE IMPACTS

The CEQA Guidelines state that "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065 (a)(3)." Incremental effects are those in combination with related effects of other projects. Additionally, the Guidelines state, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence…" The Guidelines describe two general approaches to analyzing cumulative impacts, one approach consisting of a listing of past, ongoing, planned and foreseeable future projects. Despite the CEQA's stated requirements and despite the suggested approaches to analysis, the Addendum provides no analysis of potential project contributions to cumulative impacts related to biological resources.

Given the extent of habitat fragmentation in the region, leaving the open space of the project site as one of the last sizable patches of wildlife habitat within miles, the project's contribution to cumulative habitat destruction would be consequential. Habitat fragmentation acts as a multiplier of the adverse effects of simple habitat loss (Smallwood 2015), but the loss of one of the final habitat patches vastly expands the magnitude of the multiplied effect. This added effect of the loss of the last patches of habitat in severely fragmented settings is evident in a study summarized below.

1-A-21

In collaboration with Noriko Smallwood, I measured the impacts – inclusive of cumulative impacts – of wildlife habitat loss that was caused by mitigated development projects. We revisited 80 sites of proposed projects that we had originally surveyed in support of comments on the CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. We found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds

(-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures per existing laws, policies and regulations. We also specifically tested for the cumulative effects of projects on wildlife in neighboring habitats, and found significant decreases in species richness and overall abundance in those areas as well. Regarding the effects of losing the last remaining patches of habitat in a region, as discussed above, Figure 12 of Smallwood and Smallwood (2023) shows the added effect, which was significant and very substantial. The proposed project would cause severe declines in wildlife abundance and species richness in the region, as has been measured elsewhere.

1-A-21 cont.

MITIGATION MEASURES

Before I comment specifically on the mitigation strategy, I will repeat that the formulation of an appropriate mitigation strategy can follow only from an adequate survey effort for wildlife on and around the project site. The characterizations of the plant and wildlife communities need to be sufficiently accurate to accurately characterize the existing environmental setting. This accuracy is needed to formulate the appropriate mitigation strategy.

The Addendum refers to measures in the Preserve Master Plan EIR to reduce impacts to migratory birds and raptors, and to measures in the Edgewater Communities EIR. The Addendum is ambiguous about whether these measures would be required, but these measures are the only mitigation measures presented in the Addendum. Because these measures were formulated to mitigate the impacts of other projects, it would be inappropriate to rely on them to mitigate impacts of the proposed project. The mitigation strategies in the referenced EIR were not designed or intended to mitigate the impacts of additional projects.

1-A-22

Below I summarize each of the Preserve Master Plan EIR and Edgewater Communities EIR measures in italics, followed by my comment(s) in regular font.

The Preserve Master Plan EIR:

♦ **Conservation Area.** *A 300-acre conservation area will be established to provide burrowing owl habitat. A weed removal program will be established for this area to create high-quality raptor foraging habitat. Twenty artificial burrowing owl nesting sites will be constructed on the site. Stands of trees will be planted to provide burrowing owl habitat.*

1-A-23

The Addendum does not identify the location or status of this 300-acre conservation area. It does not disclose whether burrowing owls already occur on the conservation area, nor how the owls there are faring. There is no explanation how the weed removal program would create high-quality raptor foraging habitat.

The construction of 20 artificial burrowing owl nest boxes would not help to conserve burrowing owls. I have monitored many such artificial nest sites and found that their benefits to burrowing owls last no longer than a few years, after which time the owls decline as the boxes are destroyed by neglect and predators (Smallwood and Morrison 2018, 2024).

Contrary to the statement in the measure, the planting of stands of trees would not provide burrowing owl habitat. While burrowing owls occasionally nest under or near trees, stands of trees are not burrowing owl habitat. As the stands of trees mature, the burrowing owls would disappear, just as I have witnessed before.

1-A-23 cont.

♦ **Relocation.** *If burrowing owls are found on any development site, the developer will be required to follow CDFG burrowing owl relocation protocols, including the creation of artificial burrows.*

The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls. Relocation would probably not be permitted.

♦ **Existing Windrows.** *Existing windrows that provide raptor habitat will be incorporated into the design of future development wherever practical. If incorporated windrows are not practical, the developer will provide replacement windrow trees as specified by an ornithologist specializing in raptor biology. … Although the mitigation measures listed above would potentially reduce the effects of development on raptors, including burrowing owls, The Preserve Master Plan EIR finds that this impact would remain significant after mitigation.*

1-A-24

The planting of windrow trees would not benefit burrowing owls, and would instead pose an added threat to burrowing owls. But the project, as planned, includes no plan to plant windrow trees, and doing so in the context of the project would add no habitat value to burrowing owls. This measure is irrelevant to burrowing owls that might occur on the project site.

<u>Edgewater Communities EIR:</u>

♦ *Establish 30 acres of restored native grassland habitat as a conservation easement and deed it to a land stewardship organization.*

The Addendum does not identify where these 30 acres would be located, whether they already support burrowing owls, and how the acreage would be managed for burrowing owls.

1-A-25

♦ *Provide a planting plan to establish and manage vegetation for three detention basins and perimeter slopes.*

This measure might be relevant to the Edgewater Communities project, but not to the Chino Gateway project.

♦ *Avoid burrowing owls by 75 meters during the nesting season and by 50 meters outside of the nesting season. Do not disturb occupied burrows during the nesting season.*

This measure is irrelevant. The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls.

♦ *Use passive relocation techniques if burrowing owls must be moved away from disturbance areas.*

The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls. Relocation would probably not be permitted.

1-A-25 cont.

♦ *Conduct a 30-day preconstruction survey for burrowing owls to map all occupied burrows and develop a strategy to avoid harm resulting from project construction.*

This measure would be out of sequence to the steps recommended in CDFW (2012). The survey guidelines specify that detection surveys need to be completed prior to preconstruction survey.

♦ *Submit a burrowing owl relocation and habitat management plan prior to passive relocation.*

The burrowing owl is a candidate for listing under California's Endangered Species Act. An incidental take permit would be needed. To obtain this permit, the City of Chino would need to consult with the CDFW before taking any other actions that could affect burrowing owls. Relocation would probably not be permitted.

RECOMMENDED MEASURES

Habitat loss: Should the project go forward, compensatory mitigation is needed for the loss of habitat. Habitat of equal or greater area should be protected as close to the project site as feasible.

1-A-26

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments.

1-A-27

Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

1-A-27 cont.

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles traveling to and from the buildings.

1-A-28

Landscaping: If the project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as importance sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threated insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

1-A-29

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in Sacramento, California. Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 477 professional publications, including:
- 81 peer reviewed publications
- 24 in non-reviewed proceedings
- 370 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 87 public presentations of research results at meetings
- Reviewed many professional papers and reports
- Testified in 4 court cases.

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The

five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

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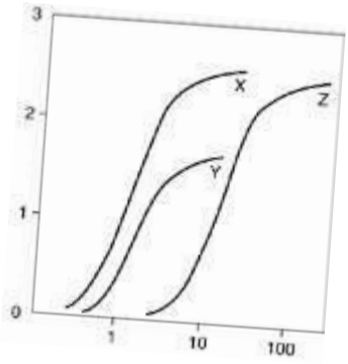
EXHIBIT B



Comment Letter 1-B

September 10, 2025

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Attn: Ms. Victoria Yundt

Subject: Comment Letter on Addendum To The City Of Chino General Plan Environmental Impact Report, City of Chino, CA. SCH No. 2008091064

Dear Ms. Yundt:

At the request of Lozeau Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project. 1-B-1

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the Addendum to the GP-EIR. If we do not comment on a specific item, this does not constitute acceptance of the item.

Project Description:

In 2010, the City certified the City of Chino General Plan Environmental Impact Report (GPEIR), State Clearinghouse No. 2008091064, for the City of Chino General Plan (General Plan). The Chino Gateway Terminal Project (herein referred to as the "project," or "proposed project,") consists of a 158,548 square-foot warehouse and a 3,520 square-foot multi-tenant restaurant building on a 7.35-acre project site at 5885 Schaefer Avenue in Chino. The Project would include 128 passenger vehicle parking spaces, 10 truck parking spaces, 20 loading 1-B-2

docks, and 1 ground-level roll-up door. Development of the project site for industrial uses was evaluated programmatically in the GPEIR because specific details of a project-specific development on the site were not known at the time of certification of the GPEIR. According to the Addendum, the purpose for creating the Addendum was to analyze any potential differences between the impacts identified in the GPEIR for buildout of the General Plan and impacts that would be associated with the proposed project.

Project Location: The project site is southwest of the Schaefer Avenue and Oaks Avenue intersection in Chino, western San Bernardino County, California. The project site is in Section 13 of Township 2 South, Range 8 West of the San Bernardino Baseline and Meridian, as depicted on the United States Geological Survey 7.5-minute series Ontario, California quadrangle.5 Specifically, the center of the project site is at latitude 34°00'13.60" N and longitude 117°40’38.31" W at an elevation of 697 feet above mean sea level and consists of four parcels (Assessor’s Parcel Numbers 1021-052-04, 1021-052-06, 1021-052-09, and 1021-052-11).

Access to the project site is provided via three existing driveways along Oaks Avenue that facilitate access to the church and one of the former residential properties, and five existing driveways along Schaefer Avenue, one of which serves the church, two of which serve the former residential property west of the church, and two of which lead to the vacant lot on the western portion of the site. The Project Site is designated as light industrial (L1) in the general plan and (M1) light industrial in the zoning district.

1-B-2 cont.

The City Municipal Code does not include maximum building heights for the M1 zoning district; therefore, in accordance with Section 504.3 (Height in feet) of the California Building Code (CBC), the height of the proposed buildings would not exceed 75 feet. The warehouse building would reach a maximum height of approximately 47 feet. The multi-tenant restaurant building would reach a maximum height of approximately 25 feet.

The warehouse building would be a concrete tilt-up building with a contemporary architectural design, consisting of various exterior materials including spandrel glass and metal accents. Building design would use vertical and horizontal lines and color and material changes to provide visual relief and varied massing. Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project’s power needs.

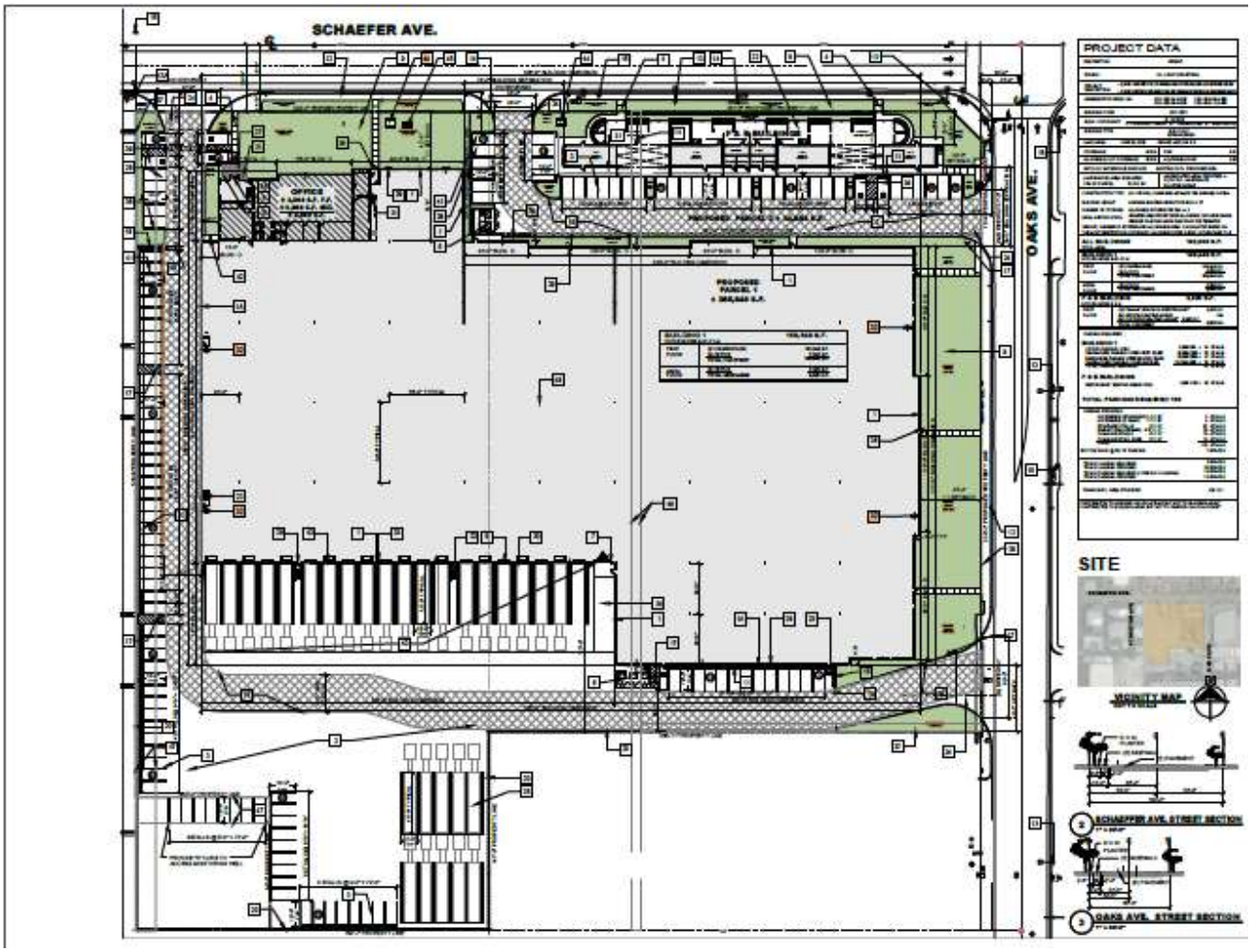
The proposed project is anticipated to generate up to 72 employees, with 18 employees generated by the restaurant uses and 54 employees generated by the warehouse use. The hours of

operation for 10 the proposed facilities include 8:00 a.m. to 10:00 p.m. 7 days per week for the restaurant tenants and 24 hours per day and 7 days per week for the industrial tenant.

Figure 1: Project Site Location

1-B-2 cont.

Construction of the project is anticipated to commence in October 2025 and finish in late 2026, resulting in a total construction duration of approximately 14 months. Construction activities would include the emolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet), pavement, and fencing, and removal of all existing vegetation. Construction would also include grading, paving, and construction of the proposed buildings and parking areas. Construction would also include the installation of perimeter fencing and screen walls, landscaping, lighting, curb, gutter, sidewalk, and utility interconnections within the Oaks Avenue and Schaefer Avenue ROWs. During grading, on-site soils would be excavated and recompacted in accordance with the CBC to accommodate the proposed buildings, drive aisles, and parking areas. Construction equipment anticipated to be used includes bulldozers, loaders/backhoes, scrapers, cranes, forklifts, rollers, concrete pumps, and paving equipment equipped with Tier 2 or better engines and Level 3 diesel particulate filters.



1-B-2 cont.

Figure 2: Conceptual Site Plan

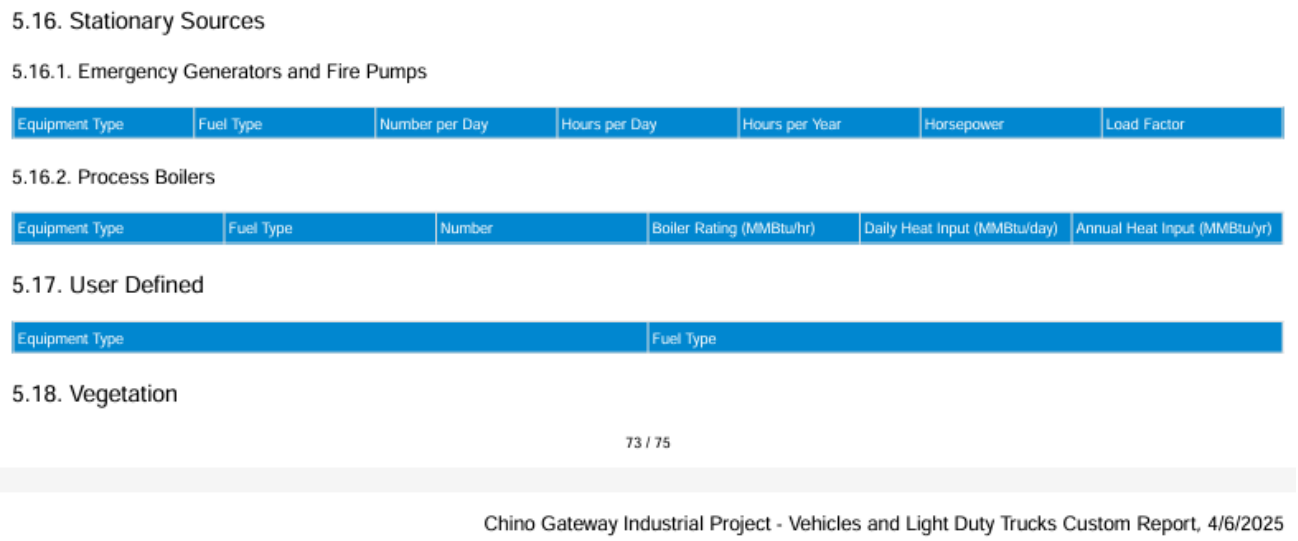
The air quality analysis for the Project assumes that construction of the proposed project is anticipated over a period of 14 months, beginning in October 2025 and ending in late 2026. Construction activities include demolition of three existing buildings and associated ancillary structures (totaling 17,716 square feet). Construction equipment anticipated to be used includes bulldozers, loaders/backhoes, scrapers, cranes, forklifts, rollers, concrete pumps, and paving equipment. The CalEEMod analysis assumed that construction equipment would use Tier 2 engines with Level 3 diesel particulate filters. In addition, the proposed project would result in a cut of approximately 112 cubic yards of soil for export. Default CalEEMod parameters were used for remaining construction details, such as construction equipment, construction worker and truck trips, and fleet activities. 1-B-2 cont.

This conclusion that no mitigation measures are required for air quality impacts is in conflict with the facts provided within the Addendum to the EIR.

Specific Comments:

1. **The Air Quality Analysis Of The Operational Phase Of The Project Fails To Include Back-Up Generators And Fire Pumps In The Analysis.**

To be compliant with the California Fire Code (CFC) and local fire authorities, the Project will be required to install fire pump systems and are likely to have a back-up generator (BUG) onsite. The fire pump and BUG will need to be tested and maintained annually. Under the California Air Resources Board (CARB) Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines Guidance, the District may allow a new stationary emergency standby diesel-fueled Cl engine (> 50 hp) to operate up to 100 hours per year for maintenance and testing purposes on a site-specific basis, provided the diesel PM emission rate is less than or equal to 0.01 g/bhp-hr. In addition to the testing emissions the air quality analysis in the IS must include the substantial increase in operational emissions from BUGs in the Air Basin due to unscheduled events, including but not limited to Public Safety Power Shutoff (PSPS) events and extreme heat events. Nowhere in the City's analysis of the operational emissions of stationary equipment (i.e., fire pumps and or BUGs) or emissions from those sources included in the CalEEMOD analysis. 1-B-3



5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

73 / 75

Chino Gateway Industrial Project - Vehicles and Light Duty Trucks Custom Report, 4/6/2025

Figure 3: CalEEMOD Analysis Of Operational Emissions

1-B-3 cont.

This failure to include the emissions from the fire pumps and BUGS are a significant unaddressed emission source for the Project. The City's analysis is therefore incomplete and must be corrected in a revised addendum to the EIR for the Project.

2. The City's Cumulative Impact Analysis Fails To Incorporate A Quantitative Analysis To The Substantial Impacts From Nearby Warehouse Projects.

The Project is located within the South Coast Air Quality Management District's (SCAQMD's) boundaries, an area currently in non-attainment for ozone (O_3), respirable particles (PM_{10}), and fine particulate matter ($PM_{2.5}$). The City[1] concludes that "the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard. Impacts are less than significant, and there is no new information requiring the preparation of an EIR or new or more severe impact beyond that previously identified in the GPEIR."

1-B-4

Within 5 kilometers of the project site, there are 167 existing warehouse projects totaling 25,011,300 square feet, with an additional nine (9) vacant warehouses covering 1,288,700 square feet.

[1] LSA 2025. Addendum to GP-EIR. Pg 2-49.

Figure 4: Existing And Approved Warehouse Projects Near Project

1-B-4 cont.

According to data from the Redford Conservancy at Pitzer College and Radical Research LLC (presented on the Warehouse CITY website)[2], the existing projects generate 17,000 daily truck trips, producing 23.5 pounds (lbs) of diesel particulate matter (DPM) and 2,649 lbs of oxides of nitrogen (NO_x) per day. The Project itself will further contribute to air pollution during both construction and operation.

The cumulative analysis demonstrates that the Project will exacerbate regional issues with ozone and particulate matter, introducing additional toxic air contaminants (TACs) to an already impacted area. The City has concluded that no mitigation measures are required for the air quality impacts, yet it is clear that the cumulative air quality and public health impacts from the Project have not been fully evaluated and appropriately mitigated, providing transparency and protection for the public.

3. The Project Site Is Located In The Top 11% Of Zipcodes In California For Exposure To Air Pollutants, The Top 7% For Exposure To $PM_{2.5}$, And Is In The Top 12% Of Zipcodes In The South Coast Air Basin For Exposure To Diesel Particulate Matter

1-B-5

[2] Warehouse City v. 1.21. Accessed September 10, 2025. https://radicalresearch.shinyapps.io/WarehouseCITY/

The Project Site is located in census tract 6071000504 (zip code 91710). Using the Office of Environmental Health and Hazard Assessment's (OEHHA's) California Communities Environmental Health Screening Tool Version·4.0 (CalEnviroScreen) it is possible to assess the existing concerns for the census tract in which the Project is located.

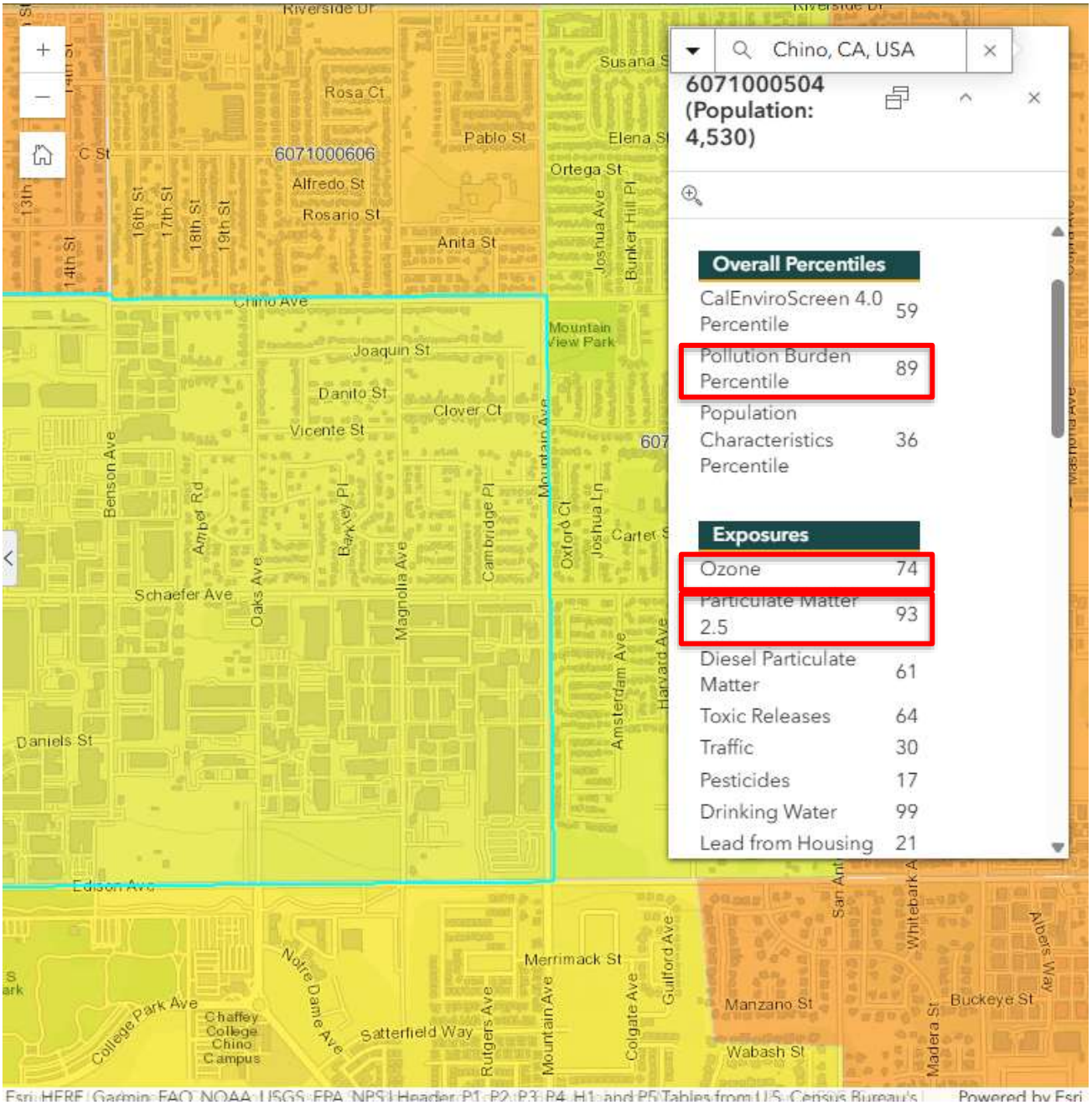


Figure 5: Enviroscreen 4.0 Map Of Project Site

1-B-5 cont.

Based on the CalEnviroScreen summary of zipcode 91070, it is clear that the area is in the top 11% of all communities in the State of California impacted by pollution.

According to the SCAQMD's Multiple Air Toxics Exposure Study (MATES) study, zip code 91070 (the location of the Project Site) has a cumulative cancer risk of 607 in 1 million placing it in the top 12% of communities in the South Coast Air Basin (SCAB) impacted by TACs.

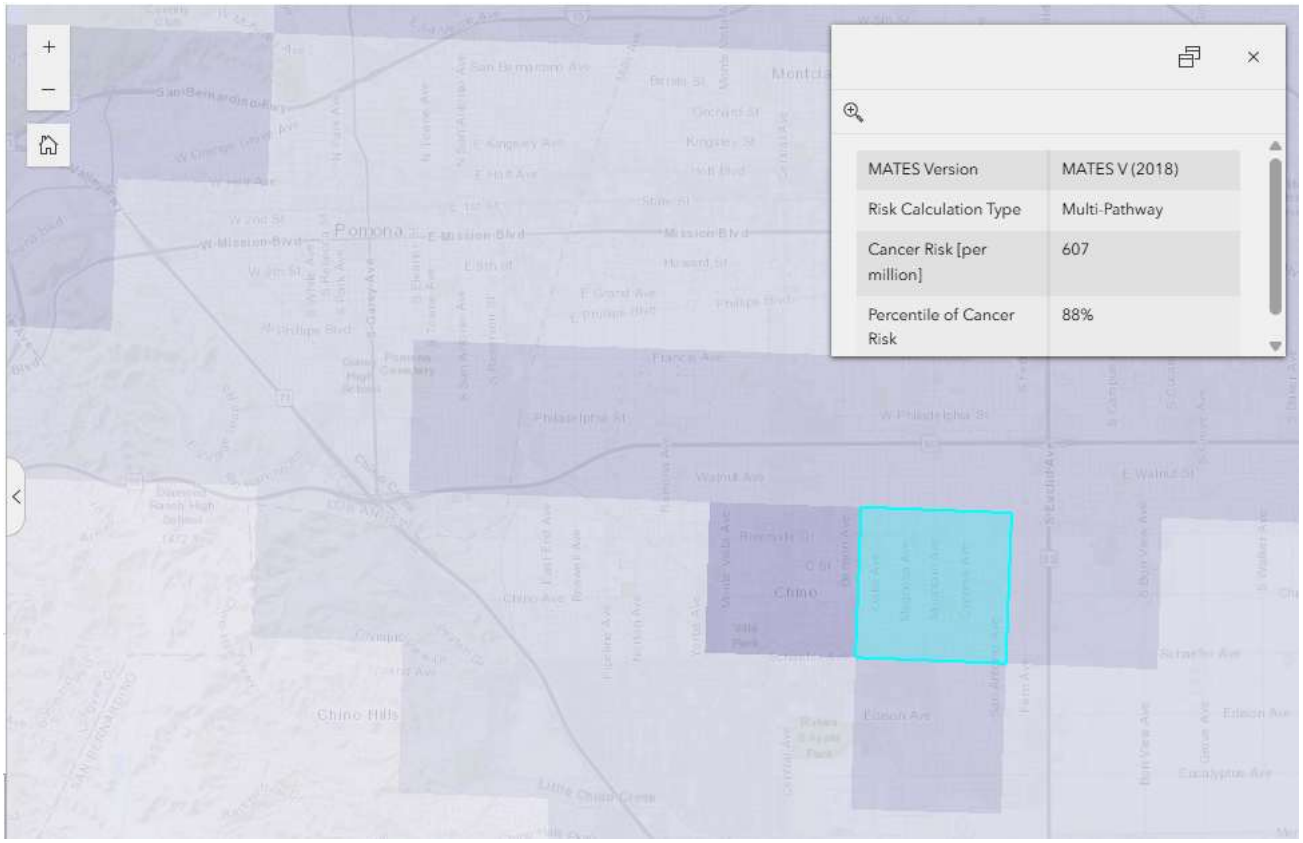


Figure 5: MATES Cancer Risk Analysis Of Project Location

1-B-5 cont.

Increasing the number of sources of ozone precursors within the community via the construction of the Project will exacerbate pollution levels, resulting in a substantially greater health burden on the community which the Addendum to the EIR fails to disclose.

4. The Project May Result in Significant Health Risk to Construction Workers and Nearby Residences from Exposure to Valley Fever.

1-B-6

Given the proximity of the Project Site to nearby residential receptors to the west of the Site, it is clear that sensitive receptors as well as workers at the project site could be exposed to Valley Fever (*Coccidiodes imimitis)* from fugitive dust generated during construction.

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	10/6/2025	11/3/2025	5.00	20.0	—
Site Preparation	Site Preparation	11/4/2025	11/18/2025	5.00	10.0	—
Grading	Grading	11/19/2025	12/17/2025	5.00	20.0	—
Building Construction	Building Construction	12/18/2025	11/5/2026	5.00	230	—
Paving	Paving	11/6/2026	11/19/2026	5.00	10.0	—
Architectural Coating	Architectural Coating	7/6/2026	12/4/2026	5.00	110	—

Figure 6: Construction Schedule

According to the CalEEMod model provided in the Air Quality Analysis, the Project will involve 30 days of site preparation and grading. During that time approximately 35.0 acres will be disturbed during the site preparation and grading phases. These activities will release large quantities of dust.

1-B-6 cont.

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (Cubic Yards)	Material Exported (Cubic Yards)	Acres Graded (acres)	Material Demolished (Building Square Footage)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	17,716	—
Site Preparation	0.00	0.00	15.0	0.00	—
Grading	0.00	112	20.0	0.00	—
Paving	0.00	0.00	0.00	0.00	3.63

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	2	61%	61%
Water Demolished Area	2	36%	36%

Figure 7: Earthmoving Activities

Dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidiodes imimitis (cocci)* exposure). When soil containing the *cocci* spores are disturbed by construction activities,

the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.

The fungus lives in the top 2 to 12 inches of soil. When soil containing this fungus is disturbed by activities such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become airborne. The most at-risk populations are construction and agricultural workers.[3] Here, construction workers are the population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that "[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations."[4]

The potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters ("mm"), into nonendemic areas, potentially exposing large non-Project-related populations.[5,6] These very small particles are not controlled by conventional construction dust control mitigation measures.

Recent data from the California Department of Public Health underscore the severity of this public health issue. Since 2016, the number of cases of Valley Fever in San Bernardino County has increased from 1.8 per 100,000 in 2016 to 10.5 in 2022 (an increase of 583%).[7] In 2021, the number

1-B-6 cont.

[3] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.

[4] *Ibid.*, p. 110.

[5] Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

[6] Pappagianis and Einstein, 1978, p. 527 ("The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as 'a mud storm' that vexed the residents of much of California." The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

[7] CDPH. 2022. Epidemiologic Summary of Valley Fever (Coccidiodomycosis) In California, 2022. Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases,

of cases of Valley Fever in San Bernardino County reached a high of 250 cases. In the first 8 months of 2024, San Bernardino County reported 210 cases, representing a nearly 552% increase over the baseline year of 2016 in only three quarters of the year. Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project's construction phase will have on the community.

A study in Antelope Valley identified a clear link between soil disturbance - due to large-scale renewable energy construction projects, agricultural management practices and PM_{10} fugitive dust emissions - and increased incidence of coccidioidomycosis.[8]

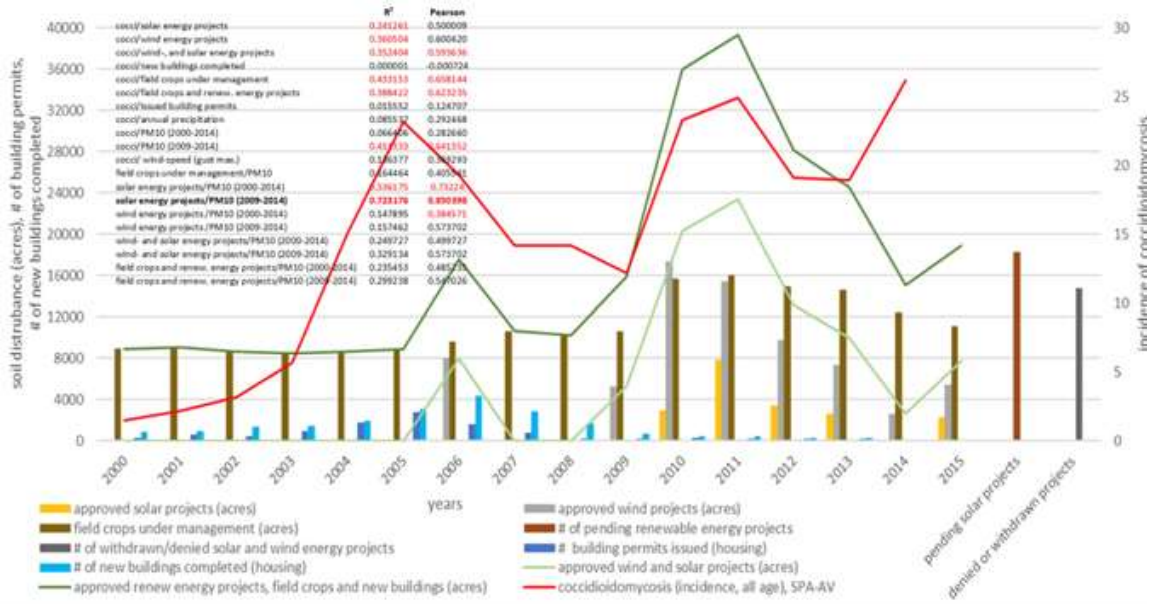


Figure 8: Valley Fever Incidence And Soil Disturbance

It is evident from the figure above that, as the number of acres of soil in the Antelope Valley were disturbed, the incidence rate of Valley Fever also increased. The mass disturbance of soils

1-B-6 cont.

California Department of Public Health. https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2022.pdf

[8] Colson. 2017. Large-Scale Land Development, Fugitive Dust, and Increased Coccidioidomycosis Incidence in the Antelope Valley of California, 1999-2014. https://knowthecause.com/wp-content/uploads/2017/03/Colson2017FugitiveDustCoccidiodes.pdf

anticipated by the proposed Project will create the same conditions that were detailed in the study by Colson. [9]

According to research on Valley Fever, outbreaks in populations with intense exposure to aerosolized arthroconidia are at greater risk for infection.[10] These groups include agricultural or construction workers, or persons who participate in outdoor activities such as hunting or digging in the soil. Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.[11,12,13,14] Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project's construction phase will have on the community.

Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated,

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[9] *ibid*

[10] Frederick S. Fisher, Mark W. Bultman, and Demosthenes Pappagianis, Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever), U.S. Geological Survey Open-File Report 00-348, 2000, pp. 5, 7; https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf.

1-B-6 cont.

[11] Brown. Et al. 2013. Coccidioidomycosis: epidemiology. *Clinical Epidemiology*. 5:185-197.

[12] Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, Annals of the New York Academy of Sciences, v. 111, 2007, pp. 20–22, available at https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.004; Frederick S. Fisher, Mark

W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, Coccidioides Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, Annals of the New York Academy of Sciences, v. 111, 2007, pp. 47–72 ("All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected."), available at https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.031.

[13] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, American Journal of Public Health and the Nation's Health, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.

[14] Frederick S. Fisher, Mark W. Bultman, and Demosthenes Pappagianis, Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever), U.S. Geological Survey Open-File Report 00-348, 2000, pp. 5, 7; https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf.

impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints.

As shown above, the risk that nearby residences would be exposed to Valley Fever disturbed during Project construction is substantial. This risk would not be mitigated by Rule 403 standard dust control measures, as discussed in the Addendum to the EIR, because the measures do not consider the drift of spores from a Project Site to the adjacent residential structures.

The City should require that the Applicant implement mitigation measures to actively suppress the spread of Valley Fever by implementing the following methods:

1. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
2. Control dust exposure:
   - Rule 403 requires application of nontoxic chemical soil stabilizers according to manufacturers' specifications to inactive construction areas. Additionally, chemical stabilizers should be applied at least 24-hours prior to high wind event.
   - In addition to Rule 403's requirement to apply water to all disturbed areas a minimum of three times per day, watering frequency should be increased to a minimum of *four times per day* if there is any evidence of visible wind-driven fugitive dust.
   - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
   - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
   - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
   - Avoid outdoor construction operations during unusually windy conditions or in dust storms.
   - Consider limiting outdoor construction during the fall to essential jobs only, as the

1-B-6 cont.

risk of cocci infection is higher during this season.

3. Prevent transport of cocci outside endemic areas:
    - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
    - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate.
    - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.
    - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
    - Clothing should be changed after work every day, preferably at the work site.
    - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
    - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.

1-B-6 cont.

4. Improve medical surveillance for employees:
    - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
    - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
    - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
    - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.

- Skin testing is not recommended for evaluation of Valley Fever.[15]
- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

The City must disclose the risk of Valley Fever exposure as a significant impact and should adopt these evidence-based mitigation measures – proven effective in similar construction projects in endemic areas – in a revised addendum to the EIR to ensure comprehensive protection of public health. Standard dust control measures are insufficient for preventing Valley Fever exposure, and only concrete, enforceable steps like those listed above will safeguard both onsite workers and surrounding communities. 1-B-6 cont.

The City should also add a requirement to offer filtration for the residences near the Project Site. The use of minimum efficiency reporting value (MERV) 16 filters on the residences nearby would reduce exposure to the spores by as much as 95 percent (95%). Given that the Project will be directly responsible for the generation of the spores into the local environment it is reasonable that they provide the necessary mitigation measures for the surrounding community. This measure should be included in an EIR for the Project.

5. The City Fails To Account For The Potential Hazards From Battery Storage On Site.

According to the Addendum to the EIR, "Solar photovoltaic panels would be installed in collective arrangements on the project site such that the total power generated would augment 80 percent of the project's power needs." The Addendum to the EIR fails to include any information regarding the capacity of the battery storage system or the type of batteries to be deployed at the site. The City's failure to include any specifications of the battery systems results in the failure to analyze the particular hazards presented by the presence of such infrastructure. Frequently identified hazards from battery storage systems include thermal runaway, off-gassing, and stranded energy, along with 1-B-7

[15] Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain.

discharges of hazardous chemicals from the batteries themselves.

- Thermal runaway - Thermal runaway is the uncontrollable self-heating of a battery cell. It begins when the heat generated within a battery exceeds the amount of heat that can be dissipated to its surroundings. The initial overheated cell then generates flammable and toxic gasses and can reach a heat high enough to ignite those gasses. This phenomenon can cascade to adjacent cells and progress through the battery energy storage system (BESS), thus the term "runaway".
- Off Gassing – The gasses that ae released from battery energy storage systems are highly flammable and toxic. The type of gas released depends on the battery chemistry involved but typically includes gases such as: carbon monoxide, carbon dioxide, hydrogen, methane, ethane, and other hydrocarbons. If the gas is able to reach it's lower explosive limit before finding an ignition source then there is the potential for an explosion
- Stranded Energy – Standard energy is the term used for when a battery has no safe way of discharging its stored energy. This commonly occurs after an BESS fire has been extinguished and the battery terminals have been damaged. This is a shock hazard to those working with the damaged BESS since it still contains an unknown amount of electrical energy. Stranded energy can also lead to reignition of a fire within minute, hours, or even days after the initial event.

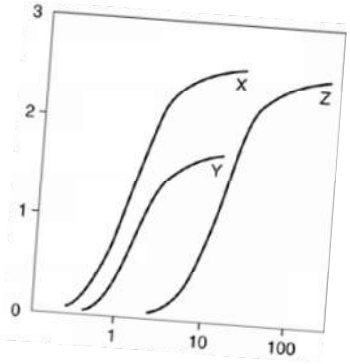
1-B-7 cont.

Additionally, the environmental impacts from the placement of batteries in the environment needs to be assessed. Specifically, environmental impacts can lead to battery failure. This can be the result of ambient temperature extremes, seismic activity, floods, ingress of debris or corrosive mists such as dust (deserts) or salt fog (marine locations), or rodent damage to wiring. Rapid temperature variations that exist in the foothills of the Sacramento Valley can result in dewing leading to damage within the battery storage systems located outdoors if not well-controlled. The Addendum to the EIR fails to include any meaningful information regarding the proposed battery storage systems. The City must prepare a revised addendum to the EIR to analyze and mitigate the foreseeable environmental impacts from the use of battery storage at the Project site.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. A revised addendum to the EIR should be prepared to address these substantial concerns. 1-B-8

Sincerely,



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Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litgation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment.*

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (M*t*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of M*t*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of M*t*BE, and is suspected to be the primary cause of M*t*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment.* Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment.* Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equialency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, Volume 70 (2008) page 002254.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. Organohalogen Compounds, Volume 70 (2008) page 000527

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research.* 105:194-199.

Rosenfeld, P.E., **Clark, J. J.,** Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" Water Science & Technology. 55(5): 345-357.

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.

Clark, J.J.J. 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophnoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.

Clark, J.J.J., Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.

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Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Clark, J.J.J., Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.

Clark J.J.J., Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.

Clark, J.J.J.; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. Toxicologist. 30(1):14.

Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. Toxicologist. 30(1):117-118.

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Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

Tierney, D.F. and **J.J.J. Clark.** (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. American Review of Respiratory Disease. 139(4):A41.

EXHIBIT C

Comment Letter 1-C

WI #25-002.12

August 6, 2025

Victoria Yundt
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

SUBJECT: Chino Gateway Terminal Project
City of Chino, CA
Review and Comment on Noise Study

Dear Ms. Yundt,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the following documents:

Envision Chino, City of Chino General Plan 2025, July 2010 (General Plan)
Chino Gateway Terminal Project
Addendum to the City of Chino General Plan EIR, June 2025 (Addendum)
Appendix A Vehicles and Light Dury Truck Custom Report (App. A)
Appendix I.1 Noise Survey Sheets (App. I.1)
Appendix 1.2 SoundPLAN Day and Night Noise Levels (App. I.2)
Appendix J Traffic Impact Analysis (App. J)

1-C-1

The Proposed Chino Gateway Terminal Project (Project) would result in the demolition of existing structures and construction of a 158,548 square-foot warehouse building and a 3,520 square-foot multi-tenant restaurant building. The project site is surrounded by industrial uses to the east, west and south and single family house across Schaefer Avenue to the north.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as cognitive decline, increased fatigue, depressed mood, and decreased work performance.

1-C-2

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://iris.who.int/handle/10665/66217)

Potentially Significant Construction Noise Impacts

The Addendum underestimates construction noise and does not disclose potentially significant impacts. The anticipated construction noise levels reported in the Addendum are up to 70 dBA [p. 2-83]. The City of Chino General Plan limits noise from construction activities below 65 dBA, in accordance with Municipal Code Section 9.40.040(B) [General Plan, p. N-10]. The Addendum does not mention this limit or discuss how this impact will be addressed. 1-C-3

Further, the construction noise analysis is unsupported. The Addendum discusses noise levels predicted from the middle of the site (400 feet), even though the Addendum acknowledges that the nearest single-family residences are located 90 feet north of the edge of the site [p. 2-83]. The source of the range of construction levels shown in the Addendum is not cited and the report does not provide an equipment list for construction phases or equipment reference levels. 1-C-4

The air emissions report provided in Appendix A does contain construction equipment lists. The Federal Highway Administration's Roadway Noise Construction Model (RCNM) provides reference Lmax levels for construction equipment and usage factors, which account for power variation and the fraction of time each piece is typically used on site. The Addendum could have used this information to calculate noise levels based on the actual anticipated construction activities on site. As shown in Table 1 below, noise levels from construction activities at residences closest to the Project site are expected to be up to 81 dBA, 11 dB higher than the reported construction levels. 1-C-5

Table 1 Estimated Construction Noise Levels at Nearest Residences

Activity	Equipment	Usage (%)	Ref. Lmax at 50 ft. (dBA)	Dist. to Nearest Residence (ft.)	Lmax at Residence (dBA)	Leq at Residence (dBA)
Demo	concrete saw	20	90	90	85	78
	excavator	40	85	90	80	76
	dozer	40	85	90	80	76
	Total:					**81**
Site Prep	dozer	40	85	90	80	76
	loader/backhoe	40	80	90	75	71
	Total:					**77**
Grading	excavator	40	85	90	80	76
	grader	40	85	90	80	76
	dozer	40	85	90	80	76
	loader/backhoe	40	80	90	75	71
	Total:					**81**

California Environmental Quality Act Guidelines cited in the Addendum state that impacts to noise would be significant if the proposed project would result in "generation of a substantial temporary or permanent increase in ambient noise levels" [p. 2-33]. The Addendum lacks a significance threshold for "substantial increase" for Project construction noise. Daytime ambient levels measured at nearby homes (LT-2) are reported to be 68 to 73 dBA in the Addendum [p. 2-85]. The estimated 1-C-6

construction noise levels from demolition and grading of 81 dBA are not only above the General Plan limit, but 8 to 13 dB above the measured ambient.

As shown in Figure 3-6 of the Federal Transit Authority Noise and Vibration Impact Assessment Manual Noise (FTA Manual)[2], which is based on actual case studies, community reaction to newly introduced noise gets stronger as noise above existing levels increases. Reactions to increases between 5 to 10 dB varied from "widespread complaints" to "threats of legal action."

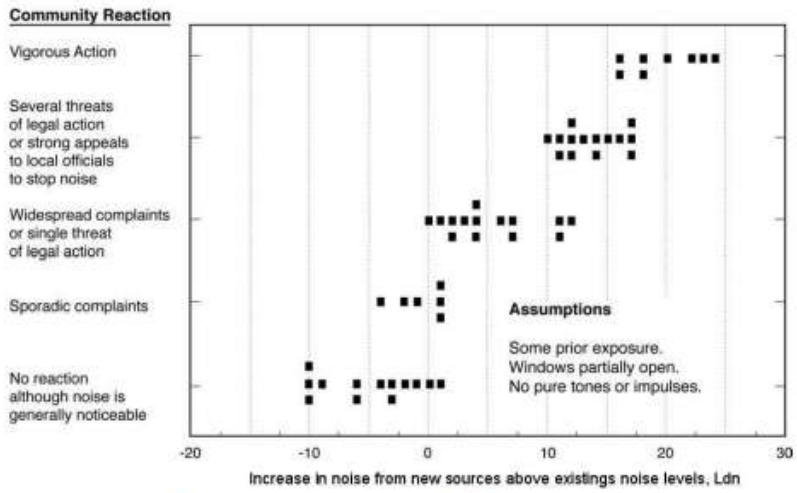

Figure 3-6 Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment

Figure 1 FTA Noise and Vibration Impact Assessment, Section on Construction Noise and Vibration (FTA page 18)

1-C-6 cont.

The Addendum indicates that the Project will prepare a construction management plan to ensure construction does not take place outside of allowable hours, but again omits any mention of the General Plan limit for construction noise [p. 2-85]. The report states that temporary noise barriers would be used. However, it does not indicate where the barriers would be placed (which impacts their effectiveness) or how much reduction they are expected to provide. The noise barriers are not explicitly called out as a mitigation measure.

The errors and omissions in the underlying data render the construction noise analysis unreliable. Noise impacts must be re-evaluated utilizing anticipated construction activities and properly established criteria. Mitigation measures such as enclosures, relocating staging areas and stationary equipment, temporary noise barriers, and noise monitoring should be considered to reduce potentially significant construction noise impacts.

1-C-7

[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

Potentially Significant Truck Noise Impacts

The Addendum does not address potentially significant impacts from trucks coming in and out of the Schaefer Avenue driveway. The Project Description indicates that trucks will use the western driveway along Schaefer Avenue and the southern driveway along Oaks Avenue [p. 12]. As shown in Figure 4 of the Addendum, the Schaefer Avenue driveway is planned to be directly across from sensitive residences, located 90 feet from the Project site. As further discussed in the Project Description, the industrial facility is anticipated to have 24 hour per day and 7 days a week hours of operation [p. 12]. The traffic analysis in Appendix J shows that the warehouse building will generate 28 total truck trips during the P.M. peak hour [App. J, Table A]. There is no information on anticipated nighttime truck traffic activity.

The Addendum discusses truck noise at the loading docks, which are shielded from homes, but does not give a quantitative analysis of truck noise in the driveway, which is not shielded from homes. The operational noise SoundPLAN model shown in Appendix J.2 does not include either driveway as a noise source. The Addendum cites a level of 76 dBA at 20 feet for "short term noise levels that occur during the docking process" based on previous measurements for another warehouse project and acknowledges that trucks would arrive on site and maneuver their trailers to the loading docks [p. 2-88]. 1-C-8

Using the reference level provided by the Addendum, truck noise at the Schaefer Avenue driveway is estimated to be 63 dBA at the nearest residences (90 feet from the site), which exceeds both the daytime (50 dBA) and nighttime (45 dBA) noise standards cited in the Addendum. The estimated truck noise is 4 dB above the nighttime ambient measured by the Project. The Addendum lacks a significance threshold for "substantial increase" for operational noise. However, it acknowledges that a 3 dB difference would be perceptible to residents [p. 2-85].

The Leq represents noise from multiple truck events over a period of time (in this case, one hour). Single event truck noise at night can cause sleep disturbance. Reliance on the hourly Leq as the significance threshold is inadequate to assess the significance of truck noise on sleep disturbance. A 2018 review article by Basner and McGuire, titled *WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep* and published in the International Journal of Environmental Research and Public Health (shown in Figure 2) uses data from two fairly large studies of sleep disturbance due to road traffic to estimate the effect of single traffic noise events on sleep.[3]

Lmax levels used in Figure 2 describe the highest "instantaneous" noise level during a specified time period, caused by short duration noises such as a truck passby, pneumatic brake air release, backup alarm, etc. As explained by FHWA-HEP-17-053, the maximum sound level is important in judging the interference caused by a noise event with common activities.[4] FHWA RCNM uses a reference Lmax of 84 dBA for truck noise at 50 feet. As show below, this would result in an interior Lmax level of 46 dBA at the nearest residence. This assumes 15-dB reduction from a partially open window, which is standard practice for acoustical analyses in California. As shown in Figure 2, this level has an approximately 10% chance of disturbing sleep. 1-C-9

[3] International Journal of Environmental Research and Public Health 2018, 15, 519; doi:10.3390/ijerph15030519
[4] https://www.fhwa.dot.gov/Environment/noise/resources/sound_descr.cfm

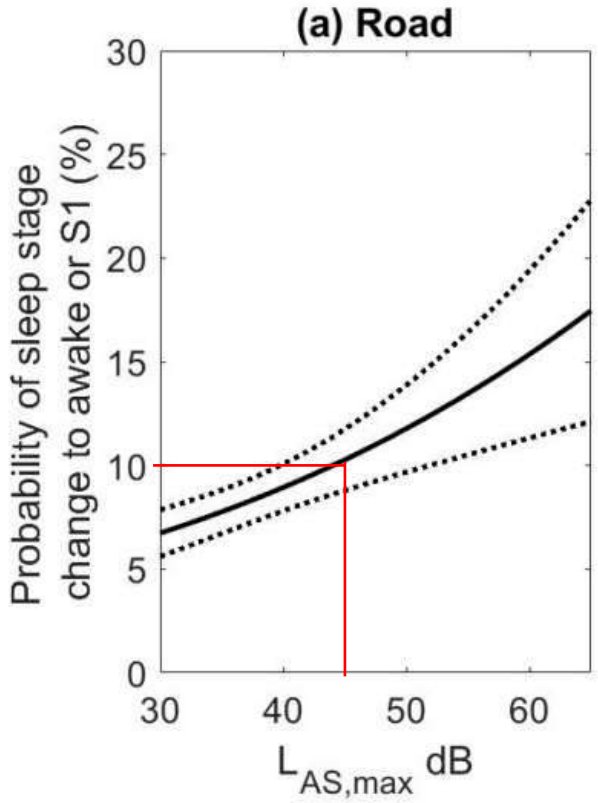

Figure 2 From Basner (2018), Figure 4 Probability of Sleep Disturbance

1-C-9 cont.

Mitigation measures could include operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations. General Plan Objective N-1.2, Policy P1 requires the minimization of transportation noise through street and right-of-way design or route coordination [General Plan, p. N-31]. The Project should consider rerouting truck traffic away from the planned Schaeffer Avenue driveway and nearby residences.

1-C-10

Mechanical Noise Analysis Contains Errors and Omissions

The Addendum acknowledges that the results of the SoundPLAN model presented in Appendix I.2 exceed nighttime limits but does not discuss mitigation measures [p. 2-88]. Further, it appears that the SoundPLAN contours in Appendix I.2 do not include the contribution from all of the noise sources in the model and underestimates mechanical noise. The Addendum states the analysis used a reference sound power level of 87 dBA for HVAC units [p. 2-88]. The SoundPLAN model shows four HVAC units for the warehouse facility, about 180 feet from sensitive receptors, but does not show a contour from these sources. Four HVAC units at the referenced sound power level would result in a sound pressure level of 50 dBA at 180 feet, which is over the daytime and nighttime residential limits.

1-C-11

Further, four HVAC units are not sufficient for the ventilation needs of the planned building. For warehouses, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) minimum ventilation rate is 0.06 CFM per square foot, per person, which must be adjusted

for occupancy rates, indoor air quality, and other factors.[5] The most common large unit size is 25 tons. A simple calculation using a rule of thumb for industrial buildings (see Figure 1 below) shows that a warehouse of this size would need at least 25 units (spread out across the roof) to properly ventilate the space. Ten of these units along the edge of the building would result in noise levels of 54 dBA at 180 feet.

$$158{,}148 \text{ sq. ft} \div 250 \text{ sq. ft. per ton} = 634 \text{ ton load}$$
$$634 \text{ ton load} \div 25 \text{ tons per unit} = 25 \text{ units}$$

The SoundPlan model for operational noise should have at the very least included the units along the roof parameter closest to sensitive receptors. **The HVAC noise predictions should be updated to reflect realistic equipment assumptions.**

1-C-11 cont.

Figure 3 Industrial Building Cooling Load, Rule of Thumb[6]

Traffic Analysis Missing Validation

The modeled levels for existing traffic along Shaeffer Avenue are lower than measured levels reported in the Addendum. Table K shows a CNEL of 67.4 dBA between Benson Avenue and Oaks Avenue [p. 2-86]. Table J shows a measured Ldn of 75.3 dBA at LT-2, 8 dB higher [p. 2-85]. The DEIR does not discuss this discrepancy or apply a calibration factor to the traffic noise model. Further, there is no explanation for why two different metrics were used to show measured and modeled existing levels. The CNEL level includes an additional 5 dB penalty for evening hours.

1-C-12

The Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (TeNS) provides procedures for traffic studies, including a discussion of model accuracy tolerances.[7] The TeNS recommends that "differences of 5 dBA or more should be approached with caution" when validating traffic noise models [TeNS p. 4-13]. **The Project should address this discrepancy and validate the traffic model using measured baseline data.**

[5] https://www.ashrae.org/file%20library/technical%20resources/standards%20and%20guidelines/standards%20addenda/62_1_2013_p_20150707.pdf
[6] https://www.engproguides.com/hvac-rule-of-thumb-calculator.html
[7] https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf

Baseline Noise is Not Properly Established

The Addendum does not properly characterize the existing noise environment. The second measurement location is at the back of the site, which does not represent any sensitive receivers. A second measurement would have been better suited at residences further down Schaeffer Avenue to show noise levels from the existing warehouse driveways on Shaeffer and compare those levels to the tomes across the Project site.

1-C-13

Conclusion

The Addendum operational and construction noise analysis contains errors and fails to identify potentially significant impacts. The Addendum fails to establish a proper baseline for traffic noise.

Please feel free to contact me with any questions on this information.

1-C-14

Very truly yours,
Ani Toncheva, Senior Consultant, WILSON IHRIG

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

ANI TONCHEVA

Senior Consultant

Since joining the firm in 2011, Ani has conducted analyses for transit systems, vibration-sensitive research facilities, public infrastructure, construction, and other environmental noise. She has contributed to literature reviews, including research on current practices of historical preservation. She has extensive experience working on construction projects in New York City and is well-versed in local noise codes.

Education

- B.A., Physics; Bard College, New York

Professional Associations

- *Member*, National Council of Acoustical Consultants (NCAC)
- *Member*, Acoustical Society of America (ASA)
- *Board Member,* Transportation Research Forum (TRF), NY Chapter and International Board

Research Paper

- NCHRP 25-25, *Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects*

Project Experience

ARCHITECTURAL

180 Jones Street Mixed-Use Development, San Francisco, CA
Prepared a CCR Title 24 Noise Study Report for a new mixed-use building. The project included 70 residential units and on-site community facilities.

1801 Haight Street Mixed-Use Development, San Francisco, CA
Prepared a CCR Title 24 Noise Study Report for a new low-rise mixed-use building.

Analog (ArtX) Hotel, Palo Alto, CA
Prepared preliminary basis of design guidelines for a new five-story boutique hotel in a residential area. Work included evaluation of exterior noise from a project that may affect guest areas and interior noise and vibration isolation measures.

First Congregational Church of Berkeley Pilgrim Hall Replacement, Berkeley, CA
Responsible for developing 3D computer model of a new hall to prepare a basis of design guidelines for room acoustics and noise control and assist in the development of acoustic specifications for various disciplines.

Gansevoort Cooperative, New York, NY
Conducted measurements inside several units in a mixed-use building to characterize commercial noise levels and recommend mitigation measures.

Hollis Life Science, Emeryville, CA
Conducted a drawing review regarding the new air handler units, exhaust fans, and related noise, and vibration-generating equipment, to recommend base isolation requirements to control vibration within the building, and to assess noise control requirements.

Sunnydale Block 3A & 3B Mixed-Use Residential Development, San Francisco, CA
Prepared a CCR Title 24 Noise Study Report for two, mixed-use, 5-story buildings. The project was part of the complete rebuild of the existing Sunnydale-Velasco Housing Authority site through the HOPE SF Program.

CONSTRUCTION
Columbia University Medical Center Medical and Graduate Education Building, New York, NY
Conducted baseline noise survey and performed attended noise measurements during preliminary construction work. Installed long-term noise monitors and assisted with the implementation of a sophisticated remote noise monitoring system for a six-month construction phase including building demolition.

East Side Coastal Resiliency Noise Monitoring Plan, New York, NY
Prepared noise monitoring plan for residences located near planned construction activities involving the use of pile driving methods for the installation of a flood protection system.

Fulton Municipal Manufactured Gas Plant Environment Remediation, New York, NY
Conducted a baseline noise and vibration study in the vicinity of planned Gowanus Canal remediation for the former MGP site, including long-term unattended and short-term noise and vibration measurements.

Former Citizens Gas Works MGP Site Pilot Test Program, New York, NY
Collected long-term baseline noise and vibration data. Conducted short-term attended noise and vibration measurements at during pile operations. Vibration measurements were conducted at nearby residence and at the MTA NYCT structure near the project site.

Gowanus Canal Remediation, New York, NY
Conducted baseline noise measurements and ongoing long-term noise and vibration monitoring in vicinity of Gowanus Canal Superfund Site 4th street turning basin dredging and capping pilot study.

Hudson Yards Tower C Foundations and Utilities, New York, NY
Conducted a baseline noise survey prior to construction work including a combination of long-term unattended and short-term attended noise measurements.

PANYNJ Lincoln Tunnel Helix Rehabilitation, NJ
Assisted in developing construction noise control and mitigation plan and implementing a remote long-term noise monitoring program at three locations. Performed noise measurements of nighttime construction activities in vicinity of sensitive receptors.

MSK 74th Street, New York, NY
Conducted baseline noise survey, assisted in developing construction noise control and mitigation plan, and implemented a long-term noise monitoring program at two locations. Provided weekly reports of monitoring data with on-going assessments of Contractor compliance with project noise limits and coordinated interior short-term measurements in nearby residential buildings.

NYMTA No. 7 Line Subway Extension, New York, NY
Performed long-term noise monitoring for the ventilation shaft construction site.

NYMTA No. 7 Line Subway Extension Site L Ventilation Facility Construction, New York, NY
The project involved the mining and lining of two shafts and the construction of a 2-story ventilation building at Site L near Dyer Avenue on West 41st Street. Assisted with long-term noise compliance monitoring and preparation of monthly noise monitoring reports.

NYMTA ESA/LIRR Grand Central Terminal Fit-Out, New York, NY
Prepared the Contractor's noise and vibration control plan updates for fit-out work conducted underground at the Grand Central Terminal Suburban Level. Performed field measurements of construction equipment noise and prepared noise emission certificates.

San Francisco Planning Department, Alameda Street Wet Weather Tunnel and Folsom Area Sewer Improvement, San Francisco, CA
Project Manager in charge of noise and vibration analysis for Folsom Area stormwater infrastructure improvements, as part of the San Francisco Public Utilities Commission's (SFPUC) flood resilience efforts under the Sewer System Improvement Program. Work included baseline noise survey, noise and vibration predictions, evaluation of applicable criteria and recommendations for noise and vibration control measures.

SLAC National Accelerator Laboratory, San Mateo, CA
Generated a site-specific vibration propagation model and analyzed the potential for vibration impacts to ongoing scientific experiments during the construction of a new building on the SLAC campus. Testing included measuring transfer mobilities, determining the vibration response of particle beamline equipment, and vibration generated by construction equipment.

World Trade Center Vehicle Security Center, New York, NY
Conducted baseline noise surveys, assisted in developing construction noise control plans, and implementing a remote long-term noise monitoring program at six locations around the perimeter of the site at noise sensitive receptors. Provided weekly reports of monitoring data with on-going assessments of Contractor compliance with project noise limits.

ENVIRONMENTAL
CEQA Peer Reviews, CA
Peer review of noise and vibration analyses prepared per CEQA. These projects have primarily focused on the construction and operation of new facilities including residential in-fill, office and mixed-use projects, and educational buildings.

Millennium Bulk Terminal, Longview, WA
Prepared noise analysis for the project's NEPA and SEPA environmental impact statements. Tasks included future rail traffic modeling using CadnaA and preparation of noise contours using GIS.

Peninsula Humane Society & SPCA Haskin Hill Sanctuary, Loma Mar, CA
Prepared an environmental study for a planned animal sanctuary in Loma Mar. Work included baseline noise measurements, predictions of expected noise from the completed project and a review of compliance with local regulations and CEQA.

HIGHWAY AND OTHER TRAFFIC STUDIES

Alameda CTC, I-880 Interchange Improvements Project (Whipple Road-Industrial Southwest and Industrial Parkway West), Hayward, CA

Project Manager for a traffic noise study. The work included noise modelling and impact assessments consistent with FHWA and Caltrans procedures and methodology for multiple project alternatives.

Alameda CTC, I-80/Ashby Avenue Interchange Improvements, Berkeley, CA

Project Manager for a traffic noise study. The work included noise modelling and impact assessments consistent with FHWA and Caltrans procedures and methodology for multiple project alternatives.

Riverstone Apartments, Seattle, WA

This street will serve the future Star Lake Station currently under construction for Sound Transit's Federal Way Link Extension. As part of the Federal Way project, improvements to the street include the addition of a turning lane and traffic light (currently in place) at the end of a roadway. The study provided an independent assessment of the potential for traffic noise impacts on the residents of Riverstone based on FTA project noise criterion.

Junipero Serra Roadway Noise, South San Francisco, CA

Noise analysis of existing traffic noise and potential benefits of noise abatement measures such as sound walls and quieter pavement.

LEGAL

50 Pine Street Condominiums, New York, NY

The project involved evaluating noise at residential dwelling units for NYC noise code compliance. Measured noise levels from mechanical equipment in an enclosed courtyard.

Uptown Newport, Newport Beach, CA

Evaluation of noise levels due to mechanical equipment at adjacent property. Assisted heavily with data analysis from long-term monitoring and data presentation for the legal team.

RAIL TRANSIT

BART Berryessa Station Transit Noise Impact and Mitigation, San Jose, CA

Assisted with noise predictions and barrier design recommendations. Project is a 10.2-mile extension of a heavy rail transit system in the San Francisco Bay Area, and this is one of the stations along the new route.

BART to Silicon Valley Phase II

Acoustics, noise, and vibration discipline lead for a large single-bore tunnel project through downtown San Jose. The largest single public infrastructure project ever constructed in Santa Clara County, this phase of VTA's BART to Silicon Valley project will extend BART service six miles from the Berryessa Transit Center into San Jose and ending in the City of Santa Clara. Responsibilities include station acoustics and speech intelligibility design and evaluation of operational train noise and vibration.

California High-Speed Rail Fresno-Merced Corridor, Fresno-Merced, CA
Lead noise analyst for the project's environmental impact assessment. Tasks included characterizing the existing noise conditions and assessing noise impacts from transit operations and construction-related activities.

Caltrain Peninsula Corridor Electrification, San Francisco Peninsula, CA
Analysed previous noise study. Assisted in developing current noise prediction model and GIS model for vibration. Helped prepare FEIR. This project included extensive ambient noise and vibration measurement surveys; the development of noise and vibration prediction models for HST operations; prediction of wayside noise and vibration levels for HST operations; evaluation of environmental noise and vibration impacts using FRA procedures and criteria and determining the need for and type of noise mitigation.

LA Metro Purple Line Section 3 Design-Build, Los Angeles, CA
Responsible for developing detailed 3D computer models for two transit stations using EASE software.

Maryland Purple Line Station Acoustics, Baltimore, MD
Responsible for developing detailed 3D computer models for three transit stations using EASE software.

Massachusetts Bay Transportation Authority (MBTA) Green Line Extension (GLX), Boston, MA
Lead analyst on noise predictions and barrier design. Work included planning field measurements, conducting data analysis, predicting noise impacts from project operations, and making barrier design recommendations.

RTD Eagle P3 Northwest Corridor Noise and Impacts, Denver, CO
Assisted with data analysis and helped prepare the final technical report. The project consists of 33 miles of EMU Commuter Rail connecting downtown Denver Union Station to the Denver International Airport. This project also includes a Commuter Rail Maintenance Facility with a capacity to store and service 100 EMU.

Santa Clara VTA, Vasona LRT Corridor Tire-Derived Aggregate (TDA) Underlayment Performance Testing, San Jose, CA
Project Manager in charge of planning a series of tests to document the performance of TDA ballast underlayment over time, as required by FTA. Previous tests were done in 2006, 2006, and 2009. Work will include documenting vibration isolation performance, rail strain, and rail deflection.

Sound Transit Northgate Link Vibration Attenuation Estimates, Seattle, WA
Provided general field support for all elements of testing. Tasks included moving equipment into/out of the tunnel, deploying sensors on campus, and attending to wireless antennas during testing. To derive the relationship between vibration measured in the Northgate link tunnel and building vibration at research facilities on the University of Washington campus, field tests were conducted using a shaker in the tunnel while simultaneously measuring the vibration response in UW buildings using a wireless data collection system.

Toronto Transit Commission (TTC) Eglinton Crosstown LRT, Toronto, ON, Canada
Reviewed historic reports for relevant data, assisted with GIS model and preparation for noise and vibration measurements. The TTC is planning to construct the Eglinton Tunnel subway line and needed to address what mitigation could be necessary to reduce ground-borne noise and vibration impacts. The proposed study would determine the most likely range of ground-borne noise and vibration levels in residences and other sensitive buildings along the planned alignment.

Toronto Transit Commission (TTC) Scarborough Subway Extension, Toronto, ON, Canada
Conducted force density level (FDL) measurements and analysis for the Toronto Rocket vehicles on TTC standard double ties on the Toronto-York Spadina Subway Extension. Predicted ground-borne noise and vibration levels at sensitive receptors along the Scarborough extension and prepared project memos.

Transbay Program Downtown Rail Extension (DTX), San Francisco, CA
Project Manager in charge of preliminary engineering noise and vibration analysis. The project consists of a 2.4-mile at-grade and tunnel alignment starting at the existing Caltrain terminal station and railyard and ending at the Salesforce Transit Center. Provided updated noise and vibration predictions for the project based on current design and abasement measure design recommendations based on new field testing and updated analysis.

Washington Metropolitan Area Transit Authority (WMATA) On-Call Services, Washington, DC
Conducted extensive field measurements inside homes and along tunnels to document ground-borne noise and vibration due to WMATA Green Line trains. Performed rail roughness measurements along sections of track within the study area. Analyzed recordings to determine train passby levels and plotted data to compare results for the different vehicle fleets and compare to applicable criteria.

Washington Metropolitan Area Transit Authority (WMATA) Vehicles Out-of-Round Wheel Study, DC
Assisted with modal analysis on nine wheelsets of WMATA vehicles.

STRUCTURES
101 Mass Avenue (aka Parcel 12), Boston, MA
Responsible for developing a Finite Element model of mixed-use development, built over MBTA commuter railway tracks, and spanning I-90 to analyse predicted building response to ground-borne vibration.

206th Street Theater Vibration Study, New York, NY
Analyzed ground vibration measurements at the site of the planned theater located near NYCT rail lines.

Centene Corporation Theater, Clayton, MO
Conducted vibration measurements on the site to define and identify frequency and levels of vibration. The purpose of the study was to assess possible intrusion from trains and other sources into the proposed auditorium.

David Geffen Hall Renovation, Lincoln Center Development, New York, NY
Conducted vibration measurements on multiple levels of the existing David Geffen Hall structure to measure ground-borne vibration from subway trains. Performed background noise measurements inside the hall to determine ground-borne noise from subway trains.

Pace University Performing Arts, New York, NY
Conducted a vibration feasibility study for the proposed fit-out in an existing mixed-use commercial/residential building to accommodate the university's dance program. The analysis included vibration measurements of the existing space to characterize the floor response and determine vibration transmission between the dance spaces and residences on the upper floors. Estimated dance-induced vibration and provided recommendations on possible structural modifications to reduce vibration.

The Perelman Performing Arts Center at World Trade Center, New York, NY
Conducted structure-borne vibration measurements as part of building vibration isolation design for future flexible space performing arts center. Conducted quality control field visits during isolation pad installation.

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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

EXHIBIT A

DEPARTMENTAL
CONDITIONS OF APPROVAL

DATE: July 16, 2025

PROJECT FILE NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval), and PL24-0120 (Special Conditional Use Permit)

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09 and -11)

APPLICANT: Gateway Terminal LLC

The departments listed below have reviewed the above referenced application. Those departments marked with an "X" have required conditions of approval to be imposed on the project.

Development Services Department –
- [X] Planning Division
- [ ] ADA Accessibility Division

Public Works Department –
- [X] Engineering Division
- [ ] Traffic Division

[X] Chino Valley Independent Fire District

[ ] Police Department

[ ] Finance Department

[ ] Community Services, Parks & Recreation Department

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION CONDITIONS OF APPROVAL

DATE: July 16, 2025

PROJECT FILE NO.: PL24-0097 (Special Conditional Use Permit), PL24-0098 (Site Approval) and PL24-0120 (Special Conditional Use Permit)

LOCATION: Southwest corner of Schaefer Avenue and Oaks Avenue (APN: 1021-052-04, -06, -09 and -11)

APPLICANT: Gateway Terminal LLC

NOTE: CONDITION IN BOLD WAS ADDED BY THE PLANNING COMMISSION.

1.0 TIME LIMITS:

1.1. The above referenced Site Approval and Special Conditional Use Permits shall expire on July 16, 2026, if building permits are not obtained and/or the approved uses have not commenced. The expiration date may be extended upon written request by the applicant on a City application form. The request must be received by the Director of Development Services at least 30 days prior to expiration of the application.

1.2. Should any of the special conditionally permitted uses cease to exist for 180 or more consecutive days, then the permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS:

2.1. Failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the Planning Commission and/or City Council.

2.2. The project shall proceed only in accordance with the approved plans on file with the Development Services Department, and with the conditions contained herein and the Chino Municipal Code.

2.3. The Director of Development Services shall have the authority to approve minor deviations in the site plan, architecture and/or landscape providing the total approved building area is not exceeded. If it is determined that

the changes will be substantial, approval from the Planning Commission will be required.

2.4. Approval of this request shall not waive compliance with any section of the Chino Municipal Code, or any other applicable City ordinances, or applicable specific plan provision.

2.5. Pursuant to Government Code Section 66020, upon approval of the project, the applicant has a 90-day period in which to protest the fees, dedications, reservation or other exaction imposed on this project through the conditions of approval.

2.6. In the event that any condition contained herein is determined to be invalid or legally unenforceable, all remaining conditions shall remain in force.

2.7. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the applicant and/or other parties in an action filed in a court of law, which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the applicable section of the entire project shall be reviewed by the City and substitute conditions may be imposed.

2.8. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, claims, liabilities, losses, damages, penalties, obligations and expenses, including but not limited to attorneys' fees and costs, (collectively "claims") against the City for any such claims and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City, including for the City's required participation in defense of the claims. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant.

2.9. The City of Chino has an executive contract with Waste Management for all solid waste collection and hauling services within the City. The

applicant shall be responsible for making arrangements with Waste Management for disposal of any/all construction debris or trash generated as a result of this permit. Waste Management can be reached at 1-800 423-9986.

2.10. Any change in the project shall be reviewed by the Development Services Department for compliance with CEQA.

2.11. All proposed signs shall be designed to conform with the City's Sign Code (Chino Municipal Code, Title 16 – Signs) and shall require separate application and approval by the Director of Development Services prior to installation.

2.12. Pursuant to Public Resources Code Section 21089 and Fish and Wildlife Code Section 711.4, the developer shall provide those fees marked [X] below in the form of a check made payable to the ***San Bernardino County Clerk of the Board of Supervisors*** within 5 days of Planning Commission approval. **Project approval shall not be complete until the required fee(s) is (are) paid:**

[X] $50 for the Notice of Determination filing fee.

3.0 PRIOR TO THE ISSUANCE OF A BUILDING AND/OR GRADING PERMIT:

3.1. The applicant/developer shall pay development impact fees at the established rate. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, building permit and plan check fees.

3.2. Revised plans, incorporating all conditions of approval, shall be submitted and approved by the Director of Development Services.

3.3. All plans shall be coordinated for consistency.

3.4. The applicant/developer shall submit two sets of structural plans/construction documents. The plans shall include one set of structural calculations, one set of Title 24 energy calculations, and one soils report. The applicant/developer shall also submit the above documents in digital format to the Building Division once approved.

3.5. A construction management plan shall be submitted and approved by the Director of Development Services. The plan shall coordinate and address construction activities that may impact residents and/or surrounding businesses in adjacent areas. Elements of the plan shall contain, but not be limited to, the following:

a. Routing of construction equipment
b. Hours of operation
c. Dust control
d. Vector control
e. Vehicle, equipment, and personnel staging
f. Pre-construction meetings
g. Contractor/subcontractor acknowledgement, obligations, and penalties
h. Traffic control and coordination
i. Security and interim fencing
j. Signs posted on the site with a contact number for the job site construction manager and the City's Code Enforcement Division. Signs shall measure at least four feet by eight feet and shall be posted along every street frontage. The developer shall contact the City immediately upon any change in contact numbers.
k. Building and landscape phasing. This plan shall show which buildings and landscaping will be completed in which phases, and how each completed phase will be closed off from phases under construction so as to minimize conflict between construction vehicles, construction equipment, employees, and residents, as applicable.

3.6. A precise wall plan identifying the design, location and construction details of all walls and fences shall be submitted and approved by the Planning and Building Divisions. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature.

3.7. Prior to the issuance of any grading permit, detailed on-site landscaping and irrigation construction drawings along with a copy of the Planning Commission approved conceptual landscape plans and a copy of the conditions of approval shall be submitted for review and approval by the Director of Development Services. A grading permit will not be issued until the City's outside plan checker has completed one review of detailed landscape and irrigation plans for the development. Payment of the Landscape & Irrigation Plan Review Fee shall be due at the time of submittal. Plans shall be prepared to comply with the City's Water Efficient Landscape Ordinance, adopted on October 6, 2015, Ordinance No. 2015-008, meet the requirements for a Landscape Documentation Package in accordance with Section 20.19.030 of the Landscape Ordinance, and shall bear the seal of a landscape architect registered with the state of California. If the site includes areas proposed to be placed within a City-maintained Landscape Maintenance District, then the plans shall be prepared on City of Chino, Engineering Division base sheets, and shall bear the seal of a landscape architect registered with the state of California. Original mylars shall be submitted to the City upon approval of plans by the City Engineer.

3.7.1. To minimize damage to paved areas due to tree root growth, trees located within five (5) feet of any paved surface area, shall be provided with root barriers unless it can be demonstrated, to the satisfaction of the Planning Division, that the root growth characteristics of the type of tree proposed does not warrant their installation.

3.8. Approval of the conceptual landscape plan by the Planning Commission does not constitute final approval. The final landscape approval (during the plan check process and/or following installation) shall be subject to the review and approval of the City's Landscape Architect Consultant and the Director of Development Services. The City Landscape Architect or Director of Development Services may require additional/fewer trees, shrubs, vines, and ground cover as necessary, based on final site conditions during the landscape plan check process or field review process in order to mitigate any site conditions that were not apparent during either the Planning Commission review or plan check review process.

3.9. All new ground-mounted utilities, including but not limited to cable television facilities, and telephone/fiber optic facilities, shall be undergrounded. Equipment that is not placed underground such as SCE transformers, backflow prevention devices, irrigation valves and controllers used for common landscape areas shall be placed in areas out of public view and sufficiently screened. The location and method of screening shall be reflected in a plan and shall be subject to the review and approval by the Director of Development Services.

3.10. All electrical panels and cabinets shall be completely screened. All electrical panels and cabinets shall be fully enclosed and integrated into and architecturally compatible with the building to the satisfaction of the Director of Development Services. The locations of the electrical panels and cabinets shall be reflected on a site plan and elevation(s) to be reviewed and approved by the Director of Development Services.

3.11. Prior to the issuance of a building permit, the approved grading plans shall be attached to the construction plan set. The project shall be built according to the plans approved by the Planning Commission on July 16, 2025, as prepared by Gateway Terminal LLC, O.C. Design & Engineering, Phil May Landscape Architecture and Pacific Consulting Group, Inc. Any substantial modification to the project shall require Planning Commission review and approval. If minor in nature, the modification may be reviewed and approved by the Development Services Director.

3.12. A detailed on-site exterior lighting plan shall be submitted and approved by the Director of Development Services. Plans shall be designed pursuant to Chino Municipal Code Section 20.10.090 *(Outdoor Lighting)* and shall identify fixture design, illumination (photometric), location, height and method of shielding, so as not to adversely affect adjacent properties.

3.13. Upon submittal of construction drawings to the Building Division for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. The condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.

3.14. The applicant is required to contact the West Valley Mosquito and Vector Control District to determine if an inspection or field survey of potential vectors and their ectoparasites is necessary. If the District so determines, an inspection or field survey shall be conducted by the District, at the applicant's expense, prior to demolition or grading in order to protect the health of and reduce the risk of neighboring residents to vector-borne diseases. Based on the inspection or survey results, the applicant shall take appropriate vector control methods as recommended by the District.

3.15. A Water Quality Management Plan shall be prepared in accordance with County of San Bernardino requirements and submitted and approved by the City.

3.16. No grading permits shall be issued until all applicable biological resource mitigation measures, identified in the Addendum to the City of Chino General Plan Certified Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project, prepared by LSA Associates, Inc., dated June 2025, as they apply to the project area, have been complied with to the satisfaction of the Director of Development Services.

3.17. **Special Condition:**

3.17.1. **The applicant shall reinforce the outdoor seating area to protect patrons and minimize damage in the event of a vehicular collision, subject to review and approval of the Director of Development Services.**

4.0 PRIOR TO START OF CONSTRUCTION:

4.1. A pre-construction meeting, scheduled with the Building Division, shall be held with all applicable City staff members, developer, contractor, superintendent, and all applicable subcontractors.

4.2. The final landscape and irrigation plans for the development shall be approved by the Director of Development Services.

4.3. The approved construction management plan shall be distributed to all contractors and subcontractors and shall be maintained on-site through the duration of construction.

5.0 PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

5.1. All conditions of approval shall be completed to the satisfaction of the Director of Development Services.

5.2. The fee for review of the landscaping and irrigation plans by both the City and the City's landscape architect shall be paid by the developer.

5.3. All landscaping and irrigation shall be installed in accordance with the approved Planning Commission plans on file with the Development Services Department, and irrigation systems fully operational. In addition, all hardscaped and landscaped areas shall be free of trash and debris.

5.4. A licensed landscape architect or contractor, or other licensed certified professional in a related field shall conduct a final field inspection and shall prepare a certificate of completion, which shall be filed with the Director of Development Services. The certificate of completion shall be prepared in accordance with Section 20.19.030.J of the Landscape Ordinance, and shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed. All landscape and irrigation audits shall be conducted by a landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

5.5. A landscape maintenance program for the entire project site shall be reviewed and approved by the Director of Development Services. The maintenance program shall include general landscape maintenance provisions for pruning, trimming, the replacement of any dead, decayed, or diseased vegetation, ongoing weed abatement, and replacement/repair of the irrigation system, when necessary. The landscape maintenance program shall be included with the contract with the landscape maintenance company to ensure they implement the maintenance program. In addition, the maintenance program should include provisions for periodic inspections to ensure the irrigation system is working properly, and all landscaping is being properly maintained.

5.6. Prior to issuance of a certificate of occupancy for the final unit, any temporary sales and/or construction office buildings/trailers shall be removed from the site.

5.7. The project site shall be clean and free of trash and construction debris, and all construction equipment shall be removed from the site.

6.0 ENVIRONMENTAL REQUIREMENTS & MITIGATION MEASURES:

6.1. Comply with all mitigation measures identified in the attached *Mitigation Monitoring and Reporting Program* contained within the Addendum to the City of Chino General Plan Certified Environmental Impact Report (SCH# 2008091064) for the Chino Gateway Terminal Project and attached as Exhibit "A" to the conditions of approval, which identifies each environmental mitigation measure, the time in which it will be implemented and the responsible party for monitoring its implementation.

7.0 OTHER REQUIREMENTS:

7.1. The applicant shall disclose to all potential tenants or owners of units or buildings that the businesses/uses must be consistent with the standards of the land use designation/zoning district in which the project site is located.

7.2. All existing buildings or structures on the project site that are proposed to be demolished shall be removed or razed within 90 days of the existing church vacating the site or issuance of a grading permit, whichever occurs first. The Director of Development Services may approve an extension of time to complete the demolition, based on evidence that the applicant has exercised reasonable progress. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time periods.

7.3. The project site shall be cleared of all trash, debris, weeds, and other discarded items within two weeks of Planning Commission approval. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time period.

7.4. A coating that will facilitate the removal of graffiti shall be applied over the complete height of one side/both sides of walls and/or fences, and to a height of eight feet on building walls. If a coating is not provided, the owner of the property shall paint the buildings and/or walls to remove graffiti within 72 hours of notice.

7.5. All signs, including subdivision and/or realty signs proposed for this development shall be designed to conform to the Sign Ordinance and shall require separate application and approval by the Planning and Building Divisions prior to installation.

7.6. Building and Site Design:

7.6.1. Exterior building color shall be reviewed and approved by the Director of Development Services. Colors shall be coordinated between structures, utilizing compatible hues and intensities. Final review and approval of paint colors utilizing a color test may be required prior to painting any structure, if determined necessary in the field by the Director of Development Services.

7.6.2. All building drainage gutters, downspouts, vents, etc., located on the exterior walls shall be architecturally compatible with the exterior building design and color, to the satisfaction of the Director of Development Services, or shall be completely concealed from view. They shall not be located on the exterior of building walls near office areas or other prominent locations on the building(s).

7.6.3. All new mechanical equipment and appurtenances of any type (including, but not limited to, electrical cabinets, HVAC equipment, skylights, stack vents or fans) whether located on rooftops, ground level or anywhere on the building structure, shall be completely screened so as not to be visible from any public street and/or adjacent property, subject to review and approval by the Director of Development Services. The parapet wall should serve as the primary method of screening, or the facilities shall be enclosed within the structure of the building. Such enclosure of facilities shall be of compatible design related to building structure for which such facilities are intended to serve.

7.6.4. Returns for parapet walls shall not be visible from public view and shall be evaluated in the field during construction, and modified if necessary so as not to be visible. All parapet returns shall be a minimum of 4 feet deep.

7.6.5. New ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from view for commercial and industrial projects.

7.6.6. All new overhead doors, mechanical doors and/or man doors shall be color coordinated with the building.

7.6.7. An outdoor employee break area shall be provided at the northwest corner of the project site, in front of the industrial warehouse building. This area shall be provided with seating, tables, enhanced paving treatments, hose bibs, decorative trash receptacles, a shade trellis structure, and shade trees, to the satisfaction of the Director of Development Services.

7.6.8. All landscaping shall be designed and installed in accordance with Section 20.19 of the Chino Municipal Code.

7.7. Parking and Lighting:

7.7.1. All exterior lighting fixtures shall be installed in accordance with plans on file with the Development Services Department and shall be fully operational prior to occupancy.

7.7.2. All building-mounted light fixtures within public areas shall be decorative in nature and architecturally compatible with the building. Building-mounted light fixtures shall be reviewed and approved by the Director of Development Services prior to installation. “Wall-paks” or other standardized exterior lighting shall not be permitted within public areas.

7.7.3. All parking and loading areas shall be paved and double-striped in accordance with plans on file with the Development Services Department, Chino Municipal Code Chapter 20.18 *(Parking)* and the disabled parking and accessibility requirements of state law (see the CalDAG—California Disabled Accessibility Guidebook).

7.7.4. Drive surfaces contiguous with planter areas shall have a 6-inch raised curb separation.

7.7.5. All parking spaces, aisles, entrances and exits shall be double-striped per City standards.

7.7.6. All parking spaces for compact cars shall be clearly identified as "Compact Car Only" on the pavement, at the opening of the space. Compact parking spaces shall be reasonably distributed throughout the parking area, subject to review and approval by the Director of Development Services.

7.8. Refuse and Recycling:

7.8.1. Separate receptacles (bins) for the collection of refuse, recyclable, and organics materials shall be provided. An adequate

number of bins to allow for the collection of refuse recyclable, and organic materials generated by the development shall be provided.

7.8.2. Refuse, recyclable, and organics materials bins shall be enclosed by a 6-foot-high (1.83 m) wall with a solid roof that is designed to be architecturally compatible with the building(s), with solid view obstructing gates fitted with self-closing door devices and be designed with cane bolts in front of the block walls to secure the gates when in the open position. The gates should also be equipped with rod locks and corresponding rod holes in both the open and closed gate positions. Bins containing recyclable materials shall be provided protection from adverse environmental conditions that might render the collection materials unmarketable.

7.8.3. No refuse/recycling/organic enclosure shall be located within any required setback area.

7.8.4. All refuse, recyclable and organic material bin enclosures not located in private yard areas shall be screened with landscaping on all sides, with the exception of the gate area. All sides of the enclosure, with the exception of the gate area, shall be surrounded by a minimum 18” wide planter area for the purpose of providing landscape material.

7.8.5. Refuse storage, recycling and organic areas shall not be used for the storage of materials other than that for which it is designed (refuse, recyclable and organic materials). The premises shall be kept in a neat and orderly condition, and in good repair and appearance at all times.

7.9. Phased Projects:

7.9.1. All required street improvements and a minimum of 10 feet of landscaping on private property shall be installed in conjunction with the construction of Phase 1 of the proposed project. The landscaping within this area shall be included in the landscape maintenance program.

7.9.2. Prior to the first occupancy permit, all undeveloped building pads shall be improved according to the following requirements:

7.9.3. For an undeveloped building pad located adjacent to the street or main drive aisle of the site, the area shall be landscaped with a

planting scheme consisting of a low-maintenance drought tolerant erosion control mix of Cucamonga brome (20 lbs/acre), tomcat clover (4 lbs/acre and small fescue (8 lbs/acre) at a minimum of 85% PLS (pure live seed). The irrigation system shall consist of low precipitation sprinkler heads and/or drip system. In addition, shrubs may be required to provide screening from the street, if determined needed by the Director of Development Services. Said treatment shall be incorporated into the required landscape and irrigation plans.

7.9.4. For a larger phased area located on the interior of the site, a construction fence/green screen may be provided in lieu of the landscape treatment. The fence shall be maintained in good condition at all times.

7.10. Chino Climate Action Plan:

7.10.1. Per Section 15.45.070 of the Chino Municipal Code, demonstrate consistency with the Chino Climate Action Plan by implementing one of the following three options:

a) Exceed the mandatory California Energy Code Title 24, Part 6 standards in effect at the time of application submittal by 5%; or
b) Achieve an equivalent reduction through voluntary measures in the California Green Building Standards Code, Title 24, Part 11 (CALGreen) in effect at the time of application submittal; or
c) Provide other equivalent greenhouse gas (GHG) reductions through measures including but not limited to, non-vehicle transportation infrastructure, transit, ZEV (zero emission vehicle) infrastructure or other incentives, waste diversion, water conservation, tree planting, renewable energy option packages, or any combination of these or other measures such that GHG emissions are reduced by 0.74 MT CO2e per residential dwelling unit per year and/or per TSF of commercial/industrial use per year.

Applicants that choose Option a described above will be required to verify that their project meets the 5% improvement above the mandatory standards through the appropriate certificate of compliance form for residential construction (CF-1R) or for commercial/industrial construction (PERF-1C). Applicants that choose Options b or c described above will be required to utilize the GHG Performance Standard Checklist developed by the City, or provide other valid documentation, such as CalEEMod or other methodologies, as verified by the Director of Development

Services to demonstrate the required GHG reductions consistent with the City's CAP.

8.0 CONSTRUCTION SITE SECURITY:

8.1. Each site shall be completely encircled by a minimum 6' tall security-quality chain link fence once precise grading has been completed or as determined by the Deputy Director of Development Services.

8.2. Tennis court or similar screening material shall be securely attached for the length of the fence, excluding gates and 10' on either side of gates.

8.3. Each site shall have only one entry/exit gate, or as approved by the Planning Division.

8.4. Gate hinge pins shall be spot-welded or altered in such a way as to prevent easy removal.

8.5. Each gate shall have a casehardened lock and chain, or other equivalent security hardware.

8.6. “No Trespassing” signs shall be attached to the exterior of the fence at a minimum distance of a third of a mile and at all entrances.

8.7. On or near the exterior of each gate will be a sign with the address of the site in no less than 6" letters. Both the number and street name will be listed on the sign. The address posted will be used for the entire site until the fence is removed and individual addresses assigned.

8.8. Office trailers and tool bins shall be placed adjacent to gates inside the property to allow observation from outside.

8.9. Lighting on trailers and bins is desirable but shall be directed into the property so as not to impede outside observation or endanger nearby traffic with glare.

8.10. Tool bins shall be secured with casehardened locks, preferably with lock guards.

8.11. A sign stating that theft is not acceptable on the site and will be reported to the police, or wording to that effect, will be displayed prominently near each entrance.

8.12. Each site will have an assigned Crime Prevention Manager who is responsible for the following:

a. Providing his/her name and 24-hour telephone access number to the Chino Police Department.
b. Have available at all times the names and 24-hour contact numbers for all subcontractors.
c. Have the authority to speak for the development/owners on matters concerning trespassing and other criminal matters.
d. Complete routine fence inspections and arrange for prompt repairs or removal of any damage, graffiti, or loose screening.
e. Ensure that no work or maintenance of construction equipment is being performed on the site between 8 PM and 7 AM.
f. Ensure that all above security requirements are complied with, and that all security hardware, fencing, and lighting are maintained in working order.
g. Ensure that thefts are immediately reported to the police department and that reasonable steps are taken, if evident, to prevent future similar incidents.

9.0 THE APPROVED USES SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:

9.1. All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.

9.2. The operation or activity shall not cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution that can cause damage to human health, vegetation, or other forms of air pollution that can cause excessive soiling on any other parcel. No emission shall be permitted which exceeds the requirements of the South Coast Air Quality Management District or the requirements of any Air Quality Plan adopted by the City of Chino.

9.3. The operation or activity shall not emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable with or without the aid of instruments at or beyond the project site boundary.

9.4. The operation shall not discharge, at any point, into any public or private street, public sewer, storm drain, private stream, body of water, or into the ground, any material which can contaminate any water supply, interfere with bacteriological processes in sewerage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with the standards approved by the California Department of Public Health, or any other federal, state or local government agency.

9.5. No operation or activity shall emit heat or cold that would cause a temperature increase or decrease on any adjacent parcel in excess of 10^0F (5.56^0C).

9.6. No operation or activity shall cause any impermissible source of electronic disturbance that adversely affects persons or the operation of any equipment on any other parcel that is not in conformance with the regulations of the Federal Communications Commission (FCC). Impermissible interference for the purposes of this document shall mean any interference that violates the rules and regulations of the FCC and/or the Communications Act of 1934, as amended.

9.7. No operation or activity shall be permitted to cause a steady state, earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute beyond the project site. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from this requirement.

9.8. Noise emanating from the project site, and which is received by adjacent land uses, shall not exceed the levels specified below, except that loudspeakers, bells, gongs, buzzers or other noise attention or attracting devices shall not exceed a maximum daytime dBA level of 60 and nighttime dBA of 40, measured anywhere beyond the boundaries of the property within which the noise is created.

Maximum Time of Exposure	Noise Metric	Noise Level Not To Be Exceeded	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
30 Minutes/Hour	L50	55 dBA	50 dBA
15 Minutes/Hour	L25	60 dBA	55 dBA
5 Minutes/Hour	L8.3	65 dBA	60 dBA
One Minute/Hour	L1.7	70 dBA	65 dBA
Any Period of Time	Lmax	75 Dba	70 dBA

Attachment:

Exhibit “A” – Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation for the:

Chino Gateway Terminal Project
Special Conditional Use Permits (PL24-0097 and PL24-0120), Site Approval (PL24-0098)

The program has been prepared in compliance with State law and Addendum to The City of Chino General Plan Environmental Impact Report (State Clearinghouse No. 2008091064) prepared for the project by the City of Chino (City).

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant effects on the environment (Public Resource Code Section 21081.6). The law states the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in The City of Chino General Plan Environmental Impact Report (State Clearinghouse No. 2008091064).

MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City shall monitor and report on all mitigation activities. Mitigation measures shall be implemented at different stages of development throughout the project site. In this regard, the responsibilities for implementation have been assigned to the Applicant, City, Contractor, or a combination thereof. If, during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City shall then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, shall then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

REGULATORY COMPLIANCE MEASURES

Regulatory Compliance Measures are presented in instances where the proposed project would not create a significant impact but would be required to adhere to regulatory requirements in order to ensure impacts do not become significant. Regulatory Compliance Measures outline compliance with various federal, State, and/or local acts, laws, rules, regulations, municipal codes, policies, etc.

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MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 13, 2025

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.1. AESTHETICS					
Since there are no significant impacts related to aesthetics as a result of the project, no mitigation measures are required.					
V.2. AGRICULTURAL RESOURCES					
Since there are no significant impacts related to agricultural resources as a result of the project, no mitigation measures are required.					
V.3. AIR QUALITY AND GREENHOUS EGAS EMISSIONS					
Since there are no significant impacts related to air quality and greenhouse gas emissions as a result of the project, no mitigation measures are required.					
V.4. BIOLOGICAL RESOURCES					
Since there are no significant impacts related to biological resources as a result of the project, no mitigation measures are required.					
V.5. CULTURAL RESOURCES					
Since there are no significant impacts related to cultural resources as a result of the project, no mitigation measures are required.					
V.6. GEOLOGY/SOILS and MINERAL RESOURCES					
Since there are no significant impacts related to geology/soils and mineral resources as a result of the project, no mitigation measures are required.					
V.7. HAZARDS & HAZARDOUS MATERIALS					
Since there are no significant impacts related to hazards and hazardous materials as a result of the project, no mitigation measures are required.					
V.8. HYDROLOGY/WATER QUALITY					
Since there are no significant impacts related to hydrology/water quality as a result of the project, no mitigation measures are required.					
V.9. LAND USE and PLANNING					
Since there are no significant impacts related to land use and planning as a result of the project, no mitigation measures are required.					

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 13, 2025

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.10. NOISE					
Since there are no significant impacts related to noise as a result of the project, no mitigation measures are required.					
V.11. POPULATION/HOUSING					
Since there are no significant impacts related to population/housing as a result of the project, no mitigation measures are required.					
V.12. PARKS and PUBLIC SERVICES					
Since there are no significant impacts related to parks and public services as a result of the project, no mitigation measures are required.					
V.13. TRANSPORTATION/TRAFFIC					
Since there are no significant impacts related to transportation/traffic as a result of the project, no mitigation measures are required.					
V.14. UTILITY SYSTEMS and INFRASTRUCTURE					
Since there are no significant impacts related to utility systems and infrastructure as a result of the project, no mitigation measures are required.					
V.15. ENERGY					
Since there are no significant impacts related to energy as a result of the project, no mitigation measures are required.					
V.16. VEHICLE MILES TRAVELED					
Since there are no significant impacts related to vehicle miles traveled as a result of the project, no mitigation measures are required.					
V.17. TRIBAL CULTURAL RESOURCES					
Since there are no significant impacts related to tribal cultural resources as a result of the project, no mitigation measures are required.					
V.18. WILDFIRE					
Since there are no significant impacts related to wildfire as a result of the project, no mitigation measures are required.					

MITIGATION MONITORING AND REPORTING PROGRAM
CHINO GATEWAY TERMINAL PROJECT

REGULATORY COMPLIANCE MEASURES

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 16, 2025

Regulatory Compliance Measure / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
V.4. BIOLOGICAL RESOURCES					
REGUATORY COMPLIANCE MEASURE BIO-1: A preconstruction survey for burrowing will be conducted within 30 days prior to initial ground disturbance. If burrowing owl is found on the site, the developer will consult with California Department of Fish and Wildlife (CDFW) and relocate the owls in accordance with CDFW burrowing owl relocation protocols, including the creation of artificial burrows.	City of Chino Director of Development Services, or designee.	Within 30 days prior to initial ground disturbance and during construction.	Evidence to the City a qualified biologist is retained, the required pre-construction survey has been completed, and, if necessary, appropriate consultation with the CDFW and relocation of owls in accordance with CDFW burrowing owl relocation protocols, including the creation of artificial burrows, has occurred.		Withhold grading permit and/or issuance of a stop work order.
REGUATORY COMPLIANCE MEASURE BIO-2: If tree removal is to be conducted during the nesting season (February through August), a preconstruction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests would not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial clearing of vegetation. The nesting bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriately sized non-disturbance	City of Chino Director of Development Services, or designee.	No more than three days prior to initial clearing of vegetation if tree removal is to be conducted during the nesting season (February through August).	Evidence to the City a qualified avian biologist is retained, the required pre-construction survey has been completed, and, if necessary, appropriate buffers have been implemented and enforced until the nest is deemed inactive by the qualified avian biologist.		Withhold grading permit and/or issuance of a stop work order.

Project Name: Chino Gateway Terminal Project **Applicant: Gateway Terminal, LLC.**

Date: June 16, 2025

Regulatory Compliance Measure / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
buffer between 100 and 300 feet (500 feet for raptors) around the nest, depending on bird species, behavior, and level of construction activity, using flagging or staking. Construction activities shall not occur within any non-disturbance buffer zones until the nest is deemed inactive by the qualified avian biologist.					

PUBLIC WORKS CONDITIONS OF APPROVAL
PROJECT NO. PL24-0097 (SCUP)/-0098 (SA)/-0120(SCUP)

DATE: July 1, 2025 PC MEETING DATE: July 16, 2025

PROJECT DESCRIPTION: Proposal for a new mixed use development of two buildings: a building with 158,548 sq ft of industrial warehouse uses and 3,520 sq ft of food and beverage use building. Existing structures, totaling 17,716 SF, are to be demolished. Four (4) lots will be merged into two (2) lots.

PROJECT LOCATION: 5849 Schaefer Avenue

APPLICANT: Gateway Terminal LLC PROJECT ENGINEER: Daniel Aguirre

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PRIOR TO THE THREE MAJOR DEVELOPMENT EVENTS, THE APPLICANT SHALL SATISFY AND FULFILL ALL CONDITIONS OUTLINED BELOW. FAILURE TO COMPLY WITH ANY CONDITIONS OF APPROVAL SHALL BE DEEMED JUST CAUSE FOR REVOCATION OF PROJECT APPROVAL BY THE PLANNING COMMISSION. HOWEVER, THE PUBLIC WORKS DIRECTOR SHALL HAVE THE AUTHORITY TO APPROVE MINOR DEVIATIONS IN THE CONDITIONS OF APPROVAL, AND ALL PLANS INCLUDING THE CONSTRUCTION DRAWINGS.

1.0 **PRIOR TO ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS:**

1.1. All required plans and studies shall be prepared by a Registered Professional Engineer and submitted to the Project Engineer for review and approval. All project plans must be approved by the City Engineer's office before a Building Permit will be issued. All maps, studies, calculation sheets, reports, etc. must be on and/or folded in an 11-inch by 8½-inch standard format.

1.2. Make the following dedications:

Street Name	Distance	Direction From C/L
Oaks Ave	33-ft total from CL to ROW	West
	(3-ft dedication)	

1.2a Dedicate to the City of Chino, a corner cutoff dedication at the southwest corner of Schaefer Ave. and Oaks Ave., per the City's Municipal Code.

1.2b Prepare and record necessary drainage easements to implement the project in accordance with drainage law.

1.3. Apply for and record a Lot Merger (LM) prior to the issuance of building permits. Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the LM to conform the new legal description. Submit a copy of the recorded Conforming Deed to the Public Works Department.

1.4. Prepare and submit a drainage study, including supporting hydraulic and hydrological data to the project engineer for approval. The study shall confirm or recommend changes to the City's adopted Master Drainage Plan by identifying off-site and on-site storm water runoff impact resulting from build-out of permitted General Plan land uses. In addition, the study shall identify the project's contribution and shall provide locations and sizes of catchments and system connection points and all downstream drainage mitigation measures.

1.5. Prepare and submit a final grading plan showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements and other pertinent information in accordance with Appendix J of the California Building Code, latest edition.

1.6. Provide a certificate, from a Registered Civil Engineer, certifying that the finished grading has been completed in accordance with the City approved grading plan.

1.7. Submit a soils/geology report in accordance with Appendix J of the California Building Code, latest edition to the project engineer for review and approval.

1.8. Design per City Standards and construct full public improvements for all impacted and interior streets/facilities in accordance with City Code, Standards and Specifications. Such public improvements shall include, but not be limited to, the following [1]:

	Street Names			
	Schaefer Ave	Oaks Ave		
Curb & Gutter (Offset from Centerline)	36’	22’		
Sidewalk (Width)	5’ [2]	5’ [2]		
Asphalt Concrete Pavement on Aggregate Base (Width from Centerline)				
Asphalt Concrete Overlay [3]	X	X		
Street Lights [4]	X	X		
Median Island and Landscaping				
Parkway Landscaping [5]	X	X		
Striping and Traffic Controls [6]	X	X		
Traffic Signal Interconnect				
Conduit System for CATV				
Sewer [7]		X		
Storm Drain		X		
Domestic Water [8]	X	X		
Recycled Water				
Fire Hydrants as required by CVIFD [9]	X	X		
Driveways approaches [10]	X	X		

1. The public improvements listed above are required along the south side of Schaefer Avenue and the west side of Oaks Avenue as specified in our municipal code and per the City of Chino’s General Plan. All required street improvements should follow the new City standard for street trenching backfill and repair. Repair all damage to existing public improvements due to the proposed construction activities and as requested by the Public Works Inspector.
2. The sidewalk shall be extended along the project frontage on Schaefer Ave to the existing catch basin located near the northwesterly corner of the project site. ADA ramps shall be constructed at the southwest and southeast corners of Schaefer and Oaks to align with ADA standards.
3. Grind and overlay a minimum of 2 inches of the existing asphalt pavement along the project frontage in accordance with City of Chino standards. The limits of work shall extend to the street centerline along Oaks Avenue. The extent of asphalt pavement along Schaefer Avenue shall be determined based on the limits shown on the approved precise grading plan, including any areas impacted by new driveway installation, utility connections, or accessibility improvements.
4. Streetlights shall be installed per City of Chino standards and shall utilize an unmetered service pedestal.
5. The parkway maintenance shall be the responsibility of the property owner.
6. Extent of the signing & striping plan shall be dictated by the City Traffic Engineer.
7. Abandon unused sewer service(s) where applicable, per City standards.

8. Provide new water meters and services and abandon unused water meters and services where applicable, per City standards.
9. All existing fire hydrants that require relocation will need to be upgraded to the latest model per City of Chino standards.
10. All proposed driveway approaches shall be constructed per City Std. No. 250 with 5-ft sidewalks. Minimum width shall be 30-ft. Minimum radii per City and Chino Valley Independent Fire District (CVIFD) requirements.

1.9. All improvements shall comply with federal, state, and local accessibility regulations and standards.

a. The review or approval of plans and specifications by the City does not permit the violation of any section of the federal law, state law, building code, or local ordinance.

b. Where accessibility standards are contradictory, the provision that provides the most accessible (restrictive) condition shall apply.

c. Where the project's conditions of approval conflict with accessibility regulations and standards, the prevailing provision shall be determined by City's Accessibility Coordinator and City Engineer.

Pedestrian facilities (privately or publicly owned) that are open to the public shall comply with the City's Policy on Accessible Pedestrian Facilities, accessibility standards in the CBC, and ADA regulations at Part 36 of Title 28, which include the 2010 (ADA) Standards.

Accessibility of existing and proposed building improvements will be evaluated by the City's building department. Those comments and requests are in addition to those provided herein.

1.10. Design and install a monitoring manhole (per City Standard No. 530) on each domestic sewer lateral connection from any industrial building into the City's main sewer or into a private sewer main that is tributary to the City's main sewer. In addition, design and install a sampling Wye on a stubbed-out sewer lateral connection into the main sewer for each industrial building in this development.

1.11. Execute a Public Improvement Agreement and submit security in an amount acceptable to the City Engineer to guarantee construction of the public improvements listed in 1.8. All security must be accessible to the City at any time and in a form acceptable to the City Engineer, pursuant to Government Code, Section 66499.

1.12. Complete and file the petition for annexation of your project property to the City's Landscape and Street Lighting Maintenance District MD 2002-01.

1.13. Annex into the current services special tax community facilities district of the City (the "City Services CFD") through the submission of an application to the City's Finance Department along with the payment of $11,000.00 plus the per parcel fee, for the City's outside costs of the annexation process, or (II) form a new City community facilities district with a services special tax component commensurate with the City Services CFD, or (III) provide a lump sum payment to the City which, based on current interest rate conditions, is projected to finance in perpetuity the same services projected to be provided through annexation into the City Services CFD. Upon completion of the annexation, an annual special tax will be assessed on the property tax bill to each Assessor Parcel at an established rate set by the City Services CFD document entitled "Rate and Method of Apportionment" available for review in the CFD Annual Report located at:

https://www.cityofchino.org/222/Community-Facilities-District-Mello-Roos

This annual tax is used to fund Police, Fire and other municipal services provided to residents and businesses in the general City.

1.14. Obtain design and plan approval from appropriate utility companies for undergrounding all utility lines adjoining and interior to the project, including power lines of 34.5kV or less in accordance with City Code, Chapter 13.32.

1.15. Comply with all applicable requirements of the City Code.

1.16. The project must ensure that all pedestrian facilities (private or publicly owned) that are open to the public shall comply with accessibility standards in the City's Policy on Accessible Pedestrian Facilities, the current edition of the CBC in effect at the time of building permit issuance or, if no permit, the date construction commences, and Part 36 of Title 28 of the Americans with Disabilities Act (ADA) regulations, which include the 2010 ADA Standards. This includes the following structures and facilities:

a. Sidewalks and walks (public right of way sidewalk, walks within the development);
b. Curb ramps (should be directional with one curb ramp provided for each pedestrian crossing and shall comply with the City' Policy on Accessible Pedestrian Facilities);
c. Pedestrian crossings at driveways; and
d. Crosswalks (marked, unmarked, signalized)

1.17. Existing pedestrian facilities on the frontage of the development, open to the public within the development, shall be evaluated for accessibility. The street frontage includes all adjacent pedestrian facilities, created by, extended from, or connected to any required or provided sidewalks improvements. The frontage may include sidewalks, curb ramps, connecting crosswalks (marked and unmarked), and other associated pedestrian facilities (on-street parking space, etc.).

a. The following existing improvements shall be made compliant with accessibility regulations as a part of this project:
   i. sidewalks/walks
   ii. curb ramps near the southwest and southeast corners of Schaefer Ave and Oaks Ave
   iii. crosswalk pavement and associated pedestrian facilities (pedestrian push buttons, maneuvering space, clear space)
   iv. driveway approaches crossings
   v. parking space

b. Improvements that are non-compliant with the accessibility standards in effect at the time of construction or alteration, shall be brought up to current accessibility standards. This work shall be incorporated into the scope of this project and shall be completed prior to acceptance by the City.

c. Improvements that are compliant with the accessibility standards in effect at the time of construction, shall be documented on a separate construction plan with detailed specifications (running and cross slopes of all pedestrian walking surfaces, locations, dimensions and slopes of maneuvering spaces and landings, width of sidewalk, clear width and vertical clearance from obstructions). The accessibility of existing improvements will be verified by City inspection staff upon completion of the project. Discrepancies between documented existing conditions and existing conditions as measured by City staff shall be remediated and brought up to accessibility standards as part of the project.

1.18. Pay all applicable fees pursuant to City Code including, but not limited to, the Development Impact Fees (DIF) and Sewage Facilities Development Fee (SFDF). The actual amount of fees due to the City will be based on the fee schedule in place on the date that the fees are due, or the date that they are paid, whichever occurs last. The fee amount stated in this notice is subject to change based on (1) annual adjustments for inflation, pursuant to Chino Municipal Code Section 3.40.100

or 3.45.100, (2) revisions to the Chino Municipal Code, and (3) updates to the fee studies and nexus reports adopted by the City.

Developer is solely responsible for remaining informed about changes in the fee amounts. City shall have no obligation to inform Developer of changes in the fee amounts unless Developer requests notice of such changes, pursuant to Government Code Section 66019(b) and Chino Municipal Code Section 3.40.080(B) or 3.45.080(B).

1.19. All projects developing one (1) acre or more of total land area, or which are part of a larger phased development that will disturb one acre of land, are required to obtain coverage under the State Water Resources Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required. A copy of the Waste Discharger's Identification Number (WDID), issued by the SWRCB, must be submitted to the Project Engineer prior to issuance of grading permits. More detailed information regarding this General Permit, applicable fee information and the necessary forms to complete the NOI are available by calling (916) 341-5537 or on the SWRCB web site at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

1.20. Pursuant to Santa Ana Regional Water Quality Control Board Order Number R8-2010-0036, NPDES Permit No. CAS618036, prepare a project-specific Water Quality Management Plan (WQMP) and submit to the project engineer for review and approval. To address NPDES Permit requirements to the maximum extent practicable, the project shall be designed to specify preferential use of Low Impact Development Best Management Practices that reduce pollutants and runoff volume through structural measures (e.g., infiltration, harvesting, and bio-treatment) and non-structural measures (e.g., preserving natural areas, clustering development, and reducing impervious areas). The WQMP shall conform to the requirements of the San Bernardino County Stormwater Program, 2013 WQMP Technical Guidance Document and include the Trash Order Implementation Plan requirements.

1.21. Any future maintenance and repair of sewer laterals, except for the portion of lateral located within the public right-of-way or public easement, and domestic water or fire service laterals to the project site shall be the sole responsibility of the applicant/property owner in accordance with City Code, Chapter 13.04.175 and 13.12.150.

1.22. City staff shall determine the type of water (potable or recycled) to be used for grading operations, dust control activities, and common area/public landscape irrigation at the time of permit issuance.

1.23. All public street corners shall have a minimum curb radii per City Code, Chapter 19.06 and City Standards and Specifications.

1.24. Provide adequate sight distance per City Standard No. 865 for each project driveway and at all intersections. Landscaping type and height shall be maintained to ensure sight distance requirements are perpetuated.

1.25. Comply with all requirements of the Traffic Impact Analysis (TIA) dated May 21, 2025 including participation in fair share contributions (if applicable) and construction of required improvements.

1.26. If the design of the proposed curb ramps requires modifications to the existing traffic signal at the intersection of Schaefer Avenue and Oaks Avenue, the developer shall be responsible for implementing those modifications. During construction, the developer shall be responsible for any damages attributed to the construction of related public improvements and shall coordinate with the Transportation Division and the City's designated traffic signal maintenance company for technical support of the traffic signal during construction until such time as the improvements are accepted by the City to the satisfaction of the City Engineer.

1.27. Submit to the City electronic files, in Adobe Acrobat PDF format, of all submittals, including reports, studies, improvement plans and City redlines of previous submittals. Include AutoCAD and Esri GIS shape files as an e-transmitted zip file of all approved improvement plans.

1.28. The Developer may coordinate with the City to identify any eligible development impact fee (DIF) credits in accordance with the Chino Municipal Code. If any credits are identified, the Developer shall enter into a mutually agreed-upon DIF credit agreement with the City, which shall be subject to City Council approval.

2.0 PRIOR TO REQUEST FOR AND RELEASE OF OCCUPANCY PERMITS/ACCEPTANCE OF PUBLIC IMPROVEMENTS:

2.1. Construct and secure Public Works Department approval of all public facilities enumerated under Section 1.0 above (per Resolution No. 88-23).

2.2. Underground all utility lines adjoining and interior to the project, including power lines of 34.5kV or less in accordance with City Code, Chapter 13.32

2.3. Distribute for signature of all buyers, the information and disclosure notice announcing that the development will be annexed to the City's Landscape and Street Lighting Maintenance Assessment District before transfer of property title and completion and acceptance of all public improvements.

2.4. The applicant's Civil Engineer shall field verify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP. BMPs shall also be inspected by Public Works Environmental staff. Coordinate inspection with staff and submit a completed City of Chino BMP field verification form for review and approval.

2.5. Provide and record a reciprocal use and maintenance agreement to assure common ingress and egress and joint maintenance of all common access, parking areas and drives.

2.6. Pay all remaining applicable fees pursuant to City Code.

2.7. Rehabilitate all street pavement impacted by utility trench repairs as directed by City staff. Install signing and striping per approved plans.

2.8. Submit to the City, electronic files of Tract/Parcel Map and "as-built" improvement plans in AUTOCAD, Esri GIS shape and Adobe Acrobat PDF formats. AUTOCAD files shall be submitted as an etransmitted zip file of the CAD drawings with all base files attached. Scanned resolution of PDF shall be a minimum of 360 dpi.

3.0 PRIOR TO FINAL ACCEPTANCE/PROJECT CLOSEOUT:

3.1 Complete all Conditions of Approval listed under Sections 1-3 above.

3.2 Submit to the City, electronic files of "as-built" improvement plans in AUTOCAD, Esri GIS shape and Adobe Acrobat PDF formats. AUTOCAD files shall be submitted as an etransmitted zip file of the CAD drawings with all base files attached. Scanned resolution of PDF shall be a minimum of 360 dpi.

Attachment

CITY OF CHINO
PUBLIC WORKS DEPARTMENT
DEVELOPMENT ENGINEERING DIVISION

PROJECT NO. PL24-0097(SCUP)/-0098 (SA)/-0120 (SCUP)

PROJECT ENGINEER: Daniel Aguirre
DATE: 7/1/2025

A COPY OF THIS CHECK LIST MUST BE PROVIDED ALONG WITH A COMPLETED PLAN CHECK REVIEW APPLICATION TO THE ENGINEERING TECHNICIAN WHEN MAKING AN APPOINTMENT FOR FIRST PLAN CHECK SUBMITTAL

- ☒ Copy of Development Engineering Division Conditions of Approval
- ☒ Plan Check Fee Calculation Form
- ☐ Maps (Subdivision Only)
- ☒ Preliminary Title Report (no older than six months) (Subdivision Only)
- ☐ Closure Calculations (Subdivision Only)
- ☐ Referenced Maps (Subdivision Only)
- ☒ Preliminary Soils Report (no older than sixty days)
- ☐ Lot line adjustment certificate
- ☒ Lot merger
- ☒ Right-of-way dedication
- ☐ Rough Grading Plans
- ☒ Precise Grading Plans
- ☐ Storm Drain Plans
- ☒ Hydrology and Hydraulic Calculations with Backup Data (Signed and Sealed by a Registered Civil Engineer)
- ☒ Engineering Cost Estimate (On City Forms) with Engineer's Wet Signature and Stamp
- ☐ Street Improvements Plans
- ☐ Cross-Sections (if street plans are required) at 50' intervals and extended a minimum of 100' beyond limits of improvements
- ☒ Sewer Plans (Delta revisions for proposed connections)
- ☒ Domestic Water Plans (Delta revisions for proposed connections)
- ☐ Recycled Water Plans
- ☒ Street Light Plans
- ☒ Voltage Drop Calculations (Signed and Sealed by a Registered Engineer)
- ☒ Signing and Striping Plans
- ☐ Traffic Signal Interconnect Plans
- ☒ Traffic Signal Plans (dependent on curb ramp design)
- ☒ Water Quality Management Plan
- ☐ Construction Management Plan

Chino Valley Fire District

14011 City Center Drive
Chino Hills, CA 91709
(909) 902-5260 Administration
(909) 902-5250 Fax
Chinovalleyfire.org

Board of Directors

Sarah-Ramos Evinger
President
Mike Kreeger
Vice President
Tom Haughey
Harvey Luth
Andrew Romaine

Fire Chief
Dave Williams

June 25, 2025

2024-00002066

GATEWAY TERMINAL LLC 13925 CITY CENTER DR STE 200 CHINO HILLS, CA - California 91709	Project Name: GATEWAY TERMINAL, PL24-0097(SCUP), PL24-0098 (SA), PL24-0120 Project Address: 5835 & 5885 Schaefer Ave. Chino, CA. 91710

It is a recommendation of the Fire District that the developer of every new construction project facilitate a preconstruction meeting. The meeting is to be scheduled with the Fire District Inspector for said project.

The following are the conditions of the above referenced permit/project. All conditions shall be adhered to, failure to comply with said conditions may result in the revocation of said permit and/or punitive fines as outlined in the Fire District fee schedule.

We look forward to a cooperative working relationship throughout the project. Should you have any questions regarding the project, including the conditions as set forth herein, please feel free to contact our office at (909) 902-5280.

Fire Protection Requirements

1.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO RECORDATION:

1.1 Fire access roads shall be designed and plans submitted to the Fire District for approval. Fire access roads shall be constructed of an all-weather hard surface, such as, asphalt or concrete, and be a minimum unobstructed width of 26 feet and minimum clear height of 13'6". The road grade shall not exceed twelve percent (12%) maximum. An approved turn around shall be provided at the end of each roadway in excess of 150 feet in length. Aerial access shall be provided for any buildings 30' ft. and higher per 2019 CFC. Appendix D. A 26' ft. wide access road shall be a minimum of 15' ft. to the building and a maximum of 30' ft. from the building. Access roads shall comply with Fire District Standard No. 111.

1.2 The development and each phase shall have two (2) points of vehicular access during construction. Fire District Standard No. 111 shall be complied with.

1.3 Water systems shall be designed to meet the required fire flow of this development and be approved by the Community Risk Reduction Division. Buildings in excess of 100,000 square feet shall have a minimum of two (2) connections to a public main. The developer shall furnish the Community Risk Reduction Division with three (3) copies of the water system working plans done by the installing contractor for approval, along with the Fire Flow Availability Form completed by the water purveyor prior to recordation. The required fire flow shall be determined by using the California Fire Code, current adopted edition. For all private systems, the water systems shall comply with Fire District Standard Nos. 101, 102, and 103. In areas without water-serving utilities, fire protection water systems shall be based on NFPA Pamphlet 1231. For water connections and work conducted in the public right of way, please refer to separate plans reviewed and approved by the water purveyor.

1.4 Fire hydrants shall be six-inch (6") diameter with a minimum one four-inch (4") and one two and one-half inch (2-1/2") connections. All fire hydrants shall be spaced a maximum of three hundred feet (300') apart. Private water systems shall comply with Fire District Standard Nos. 101, 102, and 114. All hydrants shall be installed with pavement markers to identify their locations.

1.5 Access drives which cross property lines shall be provided with CC & R's, access easements or reciprocating agreements and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

1.6 Underground fire mains which cross property lines shall be provided with CC & R's, easements, or reciprocating agreements addressing the use and maintenance of the mains and hydrants and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

2.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMIT:

2.1 Fire access roads shall be constructed and approved by the Community Risk Reduction Division prior to combustibles being brought onto the site.

2.2 Approved street signs shall be installed prior to issuance of building permits, as well as a job site address.

2.3 Fire Protection water systems shall be tested, operational, and approved by the Community Risk Reduction Division prior to combustible materials being brought to the site.

2.4 All flammable vegetation shall be removed from each building site for a minimum distance of thirty feet (30') from any flammable building material including all structures.

2.5 A detailed site plan of the development is required to be submitted in electronic (pdf.) format. The plan must show and be limited to: locations of property lines, buildings, and equipment and hazards for emergency response purposes. Please refer to Fire District Standard No. 143. Additional or revised files may be required during construction and/or prior to final signoff.

2.6 The Developer shall submit, as an electronic file, a drawing of the new streets in pdf format to the Fire District with the building construction plans. Format must contain and be restricted to the following layers: A. Right of way; B. Parcel Lines; C. Street Names; D. Address numbers; E. Fire Hydrants. Additional or revised files may be required during construction and/or prior to final signoff.

3.0 THE ITEMS BELOW ARE CONDITIONS OF APPROVAL AND ARE TO BE COMPLETED PRIOR TO OCCUPANCY:

3.1 An automatic protection fire sprinkler system is required for all buildings 5,000 sq. ft or greater. and/or when used for allowable area increase, if applicable. This system shall comply with NFPA Standard No. 13 and Fire District Standard No. 110. An electronic/PDF set of detailed plans along with hydraulic calculations and material specifications shall be submitted to the Community Risk Reduction Division. The system shall be installed, tested and approved prior to system final. Fire sprinkler systems shall be installed by a licensed C-16 contractor and the contractor is required to submit a report to The Compliance Engine (TCE).

3.2 An automatic fire alarm system is required. An electronic/PDF set of detailed plans shall be submitted showing the design, system components, signaling devices, fire alarm power supply, control panel and auxiliary devices and functions of the alarm system. Please refer to Fire District Standard No. 133 and current adopted editions of the California Building Code, as well as NFPA Standard 72. The contractor is required to submit a report to The Compliance Engine (TCE).

3.3 Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings, if ERRC evaluation determines the need for installation of system. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. System shall comply with current adopted edition of the California Fire Code, NFPA 70, 72 & 1221 and the contractor is required to submit a report to The Compliance Engine (TCE).

3.4 An automatic fixed fire extinguishing system may be required. An electronic/PDF set of detailed plans shall be submitted to the Community Risk Reduction Division for approval. System shall comply with current adopted edition of the California Fire Code, NFPA Standard 17-A, and UL 300. Please refer to Fire District Standard No. 112. The contractor is required to submit a report to The Compliance Engine (TCE).

3.5 Insulated liquid carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide used in beverage dispensing applications shall comply with CFC, Section 5307.3.1., and shall be provided with mechanical ventilation or a gas detection system. The contractor is required to submit a report to The Compliance Engine (TCE).

3.6 A maximum occupant load sign shall be posted in a conspicuous location neat the main entrance/exit of the room, if occupant load is greater than 49 people. Such sign shall be legible.

3.7 Hand-held portable fire extinguishers are required to be installed. The location, type and cabinet design shall be approved by the Community Risk Reduction Division.

3.8 Exits, doors, signs and approved path marking shall be installed in accordance with the current adopted edition of the California Building Code, Section 1007

3.9 "No Parking - Fire Lane" signs shall be installed in interior access drives at locations designated by the Community Risk Reduction Division. Curbs shall be painted red at locations designated by the Community Risk Reduction Division. Please refer to Fire District Standard No. 121.

3.10 An approved recessed Fire Department "KNOX" brand key box is required. The key box shall be located at or near the main entrance(s), and shall be provided with a tamper switch and shall be monitored by an approved central station monitoring service. Please refer to Fire District Standard No. 117.

3.11 An approved Knox key switch and/or Knox lock is required on each automatic electric or manual gate that crosses an EVA. All automatic gates shall be provided with a manual override. Fire District Standard No. 116 & 117 shall be complied with.

3.12 Commercial, industrial, and multi-family building addresses shall be posted with a minimum eight inch (8") numbers, visible from the street and during the hours of darkness they shall be internally or externally electrically illuminated. Posted numbers shall contrast with the background used and be legible from the street.

Where building set back exceeds 100 feet from the roadway, additional non-illuminated six inch (6") numbers shall be displayed at the property access entrance. These numbers shall also contrast with the background used. Fire District Standard No. 122 must be complied with.

3.13 An electronic/PDF set of plans shall be submitted separately for each of the following listed items to the Fire District for review, approval and permit prior to any installation or work being done. Approved plans must be maintained at the worksite during construction. Fees are due at the time of submittal.

a) Building Construction, includes tenant improvement work
b) Private (onsite) Underground Fire Protection Water Systems, if applicable
c) Fire Sprinkler Systems, designed by C16 contractor or registered engineer
d) Fire Alarm Systems or Sprinkler Monitoring Systems designed by a C7, C10 contractor or registered engineer.
e) Knox box and/or security gate locations.
f) Gas detection systems
g) Emergency Responder Radio Coverage Systems

Applicable Standards:

101, 102, 103, 110, 111, 114, 117, 121, 122, 133, 141, 143

CVFD Standards available online at http://www.chinovalleyfire.org

MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **WARREN MORELION, AICP, DIRECTOR OF DEVELOPMENT SERVICES**

SUBJECT

Community Development Block Grant (CDBG) FY 2022-23 Action Plan – Substantial Amendment.

RECOMMENDATION

1) Conduct a Public Hearing; 2) adopt Resolution 2025-067, approving the substantial amendment to the City of Chino's FY 2022-23 Annual Action Plan for the Community Development Block Grant (CDBG) Program; 3) transfer $31,500 in Fund 350 allocated funds from project G6231 to project SN240; 4) authorize the City Manager to execute all required documents pertaining to the amendment; and 5) approve submission of the amendment to the United States Department of Housing and Urban Development (HUD).

FISCAL IMPACT

Requires the transfer of $31,500 from the Economic Development Façade Improvements Project (G6231) to the Alley Improvement Project (SN240) with an adjustment to revenue in an equal amount.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Responsible Long-Range Planning

Revenue:	Expenditure: CDBG FUND 350
Transfer In:	Transfer Out:

BACKGROUND

Amendments to a CDBG Annual Action Plan are required whenever proposed changes to current project/program allocations are equal to or greater than 20% of the project funds, or if a project will be newly added or cancelled. Amendments that meet or exceed this standard are considered "Substantial Amendments." In compliance with the City's Citizen Participation Plan under regulation 24 CFR 91.105, Substantial Amendments require that a public hearing be conducted to solicit comment on the proposed amendment.

Staff is proposing that the City of Chino's FY 2022-23 CDBG Annual Action Plan be amended to reallocate $31,500 in funding from the Economic Development Façade Improvements Project (G6231) to the Alley Improvement Project (SN240). This amendment, which qualifies as a "Substantial Amendment" under CDBG Program regulations, will provide the following benefits: 1) ensure fund utilization during the current fiscal year; 2) aid in meeting HUD's timeliness compliance requirements; and 3) meet immediate funding needs for the completion of the Alley Improvement Project (SN240).

On September 20, 2025, a public notice was published in the *Chino Champion*, advising the public of 1) the availability of the proposed amendment for review; 2) the opportunity to submit comments or concerns regarding the amendment; and 3) a public hearing to consider the proposed amendment and receive public comment at the October 21, 2025, City Council meeting. Tonight's public hearing fulfills HUD's public hearing requirements.

Following final adoption, the Substantial Amendment as shown in Exhibit 1-CDBG 2022-23 Action Plan-Substantial Amendment to the FY 2022-23 CDBG Annual Action Plan, will be submitted to HUD for review and approval.

ISSUES/ANALYSIS

The FY 2025-26 CDBG Annual Action Plan outlines the City of Chino's planned use of CDBG funds, including unspent CDBG funds carried over from prior years. The proposed changes outlined in the amendment are as follows:

Alley Improvement Project (SN240)	**Amended Budget**
Original Budget - $518,124.65 (FY 2023-2024 funds) Additional Allocation - $31,500.00 (FY 2022-23 funds)	$549,624.65
Economic Development Façade Improvement Program (G6231)	**Amended Budget**
Original Budget - $31,500 (FY 2022-23 funds) Revised Budget - $0	$0

It is recommended that the City Council conduct a Public Hearing, adopt Resolution 2025-067, approving the substantial amendment to the City of Chino's FY 2022-23 Annual Action Plan for the Community Development Block Grant (CDBG) Program, transfer $31,500 in Fund 350 allocated funds from project G6231 to project SN240, authorize the City Manager to execute all required documents pertaining to the amendment, and approve submission of the amendment to HUD.

Attachments: Exhibit 1 – CDBG 2022-23 Action Plan-Substantial Amendment

Resolution No. 2025-067

Exhibit 1:

CDBG 2022-2023 Action Plan-Substantial Amendment

The proposed amendment will reallocate funding within the City's CDBG program to enable sufficient funding for the completion of the project as described below.

Alley Improvement Project SN240:

The proposed project expands the limits of work for SN240 - CDBG FY25-26 Alley Rehabilitation to fully capture the east-west alley between D Street and Chino Avenue (from Monte Vista Avenue to 5th Street). This area is primarily residential and entirely within the City's CDBG Low- and Moderate-Income area.

The scope of work includes pavement rehabilitation of the asphalt alley, installation of a concrete ribbon gutter to facilitate drainage, and improved ADA access at alley driveway-approaches. This project will enhance pedestrian access and remove barriers, allowing increased access to the western-adjacent Monte Vista Park.

The program performance categories for this project promote Availability/Accessibility and Livable or Viable Communities. The project targets the older part of the community, Census Tract 605, block group 1. Improvement of both the motorist and pedestrian travel ways will enhance the overall appearance of the neighborhood and will directly benefit 12 households adjacent to the alleyway.

The City's Public Works Department will administer and monitor the project design and construction. The estimated cost of design and construction to complete the project scope is $588,000.

Proposed Project Budget Increase over 25%	**Amended Allocation**
FY 2023-24 Alley Improvement Project SN240 Original Budget Allocation	**$219,256.00**
Action Plan Reallocation of Funds	
FY 2024-25 Community Garden Pumpkin Patch Project- (FY 2024-2025 sub-amendment)	$298,868.65
FY 2023-24 Alley Improvement Project SN240 Total Budget Allocation	***$518,124.65***
Proposed Action Plan Reallocation of Funds	
FY 2022-23 Economic Development Façade Improvement Program- G6231 (cancel and reallocate)	*$31,500*
FY 2025-26 Alley Improvement Project SN240 New Total Budget Allocation	***$549,624.65***

RESOLUTION NO. 2025-067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY OF CHINO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR FISCAL YEAR (FY) 2022-2023.

WHEREAS, the City of Chino is proposing a Substantial Amendment to the City of Chino's CDBG Annual Action Plan 2022-23 and adopted FY 2025-26 CDBG program budget; and

WHEREAS, the proposed amendment will transfer $31,500 in CDBG program funds as outlined in the table below:

Proposed Project Budget Increase	**Amended Budget Allocation**
FY 2023-24 Alley Improvement Project SN240 Original Budget Allocation	$219,256.00
FY 2024-2025 Sub-Amendment Alley Improvement Project SN240 (additional funds allocated in PY 24-25 due to cancelled project)	$298,868.65
Proposed Action Plan Reallocation of Funds	
FY 2022-23 Façade Improvement Program G6231 - (cancel and reallocate)	$31,500.00
FY 2025-26 Alley Improvement Project SN240 Total Budget Allocation	**$549,624.65**

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

Section 1. That the City Council approves the proposed amendment to the City's FY 2025-26 CDBG Program budget described above by adopting this Resolution.

Section 2. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Attorney, City Treasurer, and City Clerk.

Section 3. That the Mayor shall sign, and the City Clerk shall attest to the adoption of this resolution.

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) ss
CITY OF CHINO)

I, Natalie Gonzaga, City Clerk of the City of Chino, do hereby certify that the foregoing resolution was duly adopted by the City Council of the City of Chino at their regular meeting on the 21st day of October 2025, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on this 21st day of October 2025.

_____
NATALIE GONZAGA
CITY CLERK

MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **WARREN MORELION, AICP, DIRECTOR OF DEVELOPMENT SERVICES**

SUBJECT

Amending Title 15 of the Chino Municipal Code.

RECOMMENDATION

Conduct a public hearing and approve the introduction of Ordinance No. 2025-007, amending the Title 15, Building and Construction, of the Chino Municipal Code, to be read by number and title only, and waive further reading of the Ordinance.

FISCAL IMPACT

The cost to enforce the updated codes and provide staff training has been included in the annual Building Division budget for Fiscal Year 2025-2026. No other fiscal impacts are anticipated.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above furthers the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Responsible Long-Range Planning

Revenue:	Expenditure:
Transfer In:	Transfer Out:

BACKGROUND

Every three years, the International Code Council, the California Building Standards Commission, and other professional organizations update the national building codes in consideration of new legislation, technology, materials, and procedures in the building industry. These updated codes are mandatory and published by the California State Building Standards Commission. By law, all California cities and counties must adopt and enforce the updated building codes. The City's building requirements are in Title 15 of the Chino Municipal Code that was the last updated in 2023.

ISSUES/ANALYSIS

California Building Standards Codes provide minimum requirements to ensure public safety and welfare in the design, construction, and maintenance of buildings and structures, addressing issues like fire and life safety, structural integrity, energy efficiency, and accessibility. These codes are contained in Title 24 of the California Code of Regulations and are updated and adopted every three years by the California Building Standards Commission.

The California Building Standards Commission recently adopted the 2025 Edition of the California Building Standards Codes, also known as Title 24 of the California Code of Regulations. The 2025 California Codes include the Building Code; the Residential Code; the Plumbing Code; the Mechanical Code; the Electrical Code; the Green Building Standards Code; the Energy Code; the Administrative Code; the Existing Building Code; the Wildland Urban Interface Code; and the Fire Code. The City of Chino, along with every other city and county in the State, must adopt the new codes with an effective date of January 1, 2026. Failure to comply with the California Building Standards Law can result in penalties, including fines and potential loss of control over zoning and development. The State may also apply its own code directly if local jurisdictions don't comply. In conjunction with the Chino Valley Fire District, staff has updated the City's building and Fire codes to meet all 2025 State requirements.

Attachment: Ordinance 2025-007

ORDINANCE NO. 2025-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CHINO MUNICIPAL CODE, ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, INCLUDING THE 2025 EDITION OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA FIRE CODE, CALIFORNIA ENERGY CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA REFERENCED STANDARDS CODE, CALIFORNIA WILDLAND INTERFACE CODE, AND THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, the City of Chino ("City") has previously adopted Title 15 (Buildings and Construction) of the City of Chino Municipal Code ("CMC")

WHEREAS, the City now desires to update the provisions of Title 15, Buildings and Construction to ensure that the regulations therein are consistent with current standards and suited to current conditions and circumstances in the City of Chino.

WHEREAS, the City now desires to amend CMC Title 15 to attain the foregoing objectives.

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

Section 1: Recitals Incorporated. The City Council finds the foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2: Amendment to CMC Title 15. Title 15 of the City of Chino Municipal Code shall be amended in its entirety as follows:

"TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.01 - FINDINGS

Sections:

15.01.010 - Findings.

15.01.010 - Findings.

The city council finds that the requirements set forth in this title are reasonable and necessary modifications because of climatic, geological, and topographical conditions within the City of Chino.

The "findings of need" contained herein address each of these conditions and present the local situations which cause the established amendments to be adopted.

A. The community experiences frequent low humidity, summer temperatures exceeding one hundred degrees Fahrenheit, and severe Santa Ana winds reaching gusts of ninety

miles per hour. Adverse climatic conditions increase the likelihood of fire. Minor fires can rapidly spread because of the climate and vegetation.

B. The community periodically experiences drought and a resultant limited water supply. The limited rainfall and storage capacities, and continued consumption demands require sound management of water resources and conservation where possible. There is a need for changes and modifications in the California Building and California Plumbing Code, which will contribute to water conservation and water for suppression of large fires.

C. The community is situated in a region with ongoing seismic activity, placing both existing and future developments at risk of damage and potential fire.

D. There are a number of significant barriers and obstructions to quick emergency response. These include: increased vehicular traffic on surface streets; additional traffic signals; freeway, expressways, and storm drain channels which bisect the city; and the California Institution for Men. Existing older streets were in some cases designed as storm drains and become impassable during heavy rainfall.

F. The community is located in an air quality nonattainment region. Research conducted by the South Coast Air Quality Management District and reflected in the 2022 Air Quality Management Plan, promotes zero emission vehicles, appliances, and equipment.

Chapter 15.02 - ADMINISTRATIVE CODE

Sections:

15.02.010 - Adopted.
15.02.020 - Additions, deletions and amendments.
15.02.030 - Building Code—Incorporated.
15.02.040 - Permit fees.

15.02.010 - Adopted.

There is hereby adopted by reference the Uniform Administrative Code, 1997 Edition. That certain document, three copies of which are on file with the city of Chino, being marked and designated as the Uniform Administrative Code, 1997 Edition, is adopted as the Uniform Code of Administration of the various other building and structural codes adopted in this chapter. This code will replace the administrative and enforcement provisions of the other codes. Each and all regulations in the code are referred to, adopted, and made a part thereof as though fully set out in this section, excepting such portions as are deleted, modified or amended by this chapter.

15.02.020 - Additions, deletions and amendments.

The Uniform Administrative Code, adopted by Section 15.02.010, is amended as set out in this chapter.

15.02.030 - Building Code—Incorporated.

Amendments to the 2025 California Building Code, with errata, as detailed in Chapter 15.04 of this title, are referenced and incorporated into the corresponding sections of the 1997 Uniform Administrative Code.

15.02.040 - Permit fees.

All permit fees shall be evaluated every three years and be set by resolution of the city council.

Chapter 15.04 - BUILDING CODE

Sections:

15.04.010 - Adopted.
15.04.020 - Additions, deletions and amendments.
15.04.030 - Section 501.2 amended—Address identification.
15.04.040 - Section 705.8.7 added—Industrial building doorways.
15.04.050 - Section 903.2 amended—Automatic sprinkler systems.
15.04.059 - Section 3109.2 amended—Definition of swimming pool.
15.04.060 - Section 3109.2.1 added—Applicability to residential settings.
15.04.061 - Section 3109.3 added—Residential swimming pools.
15.04.062 - Section 3109.3.1 added—Barrier height and clearances.
15.04.063 - Section 3109.3.2 added—Indoor swimming pools.
15.04.180 - Chapter 1, Division II, Section 105.2 amended—Work exempt from permit.
15.04.181 - Chapter 1, Division II, Section 109.1 amended—Payment of fees.
15.04.182 - Chapter 1, Division II, Section 109.2.1 added—Permit fees.
15.04.183 - Chapter 1, Division II, Section 109.2.2 added—Plan review fee.
15.04.184 - Chapter 1, Division II, Section 109.2.3 added—Inspection fee.
15.04.185 - Chapter 1, Division II, Section 109.4.1 added—Work commencing before permit issuance penalty.
15.04.186 - Chapter 1, Division II, Section 109.6 amended—Refunds.
15.04.191 - Appendix J—Definition of Building Official.
15.04.192 - Section J103.1 amended—Permits required.

15.04.010 - Adopted.

There is adopted by reference the 2025 California Building Code, with errata, incorporating the 2024 International Building Code, Volumes I, II, including Chapter 1, Division II, and appendices C, I, and J. That certain document, three copies of which are on file with the city of Chino, being marked and designated as California Building Code, 2025 Edition, Volumes I, II as copyrighted 2025 by the International Code Council, is adopted as the Building Code of the City of Chino, for regulating the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in the city of Chino, providing for the issuance of permits therefor; and each and all such regulations are referred to, adopted and made part hereof as though fully set out in this section, excepting such portions as are hereinafter deleted, modified, or amended by this chapter.

15.04.020 - Additions, deletions and amendments.

The California Building Code, adopted by Section 15.04.010, is amended as set out in this chapter.

15.04.030 - Section 502.1 amended—Address identification.

Section 502.1 of the California Building Code is amended to read as follows:

502.1 Address identification. Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street

or road fronting the property. These numbers shall contrast with their background. Address numbers shall be numerals or alphabetical letters. Numbering for one and two-family residential dwellings shall be four inches (102 mm) high with a minimum stroke width of one-half inch (12.7 mm). Numbering for buildings other than one and two-family residential dwellings shall be a minimum of eight inches (203 mm) high with a minimum stroke width of one inch (25.4 mm). Address identification shall be maintained.

15.04.040 - Section 705.8.7 added—Industrial building doorways.

Section 705.8.7 is added to the California Building Code and shall read as follows:

705.8.7 Industrial building doorways. When adjoining industrial properties are owned by the same person or entity, the fire-resistive exterior walls of an existing industrial building located within the ten feet of the common property line may contain a doorway provided that the following conditions must be met:

a. The doorway would be permitted if the common property line did not exist.

b. The plans for the construction of the doorway must be approved and a building permit issued by the building official who is authorized to require reasonable fire protection measures as a condition of the issuance of the building permit.

c. Prior to the issuance of a building permit, the owner must record a covenant as to each property that, upon the sale of the property, the fire-resistive exterior wall shall be restored to meet the requirements of this section for each property qualifying for such doorway.

15.04.050 - Section 903.2 amended—Automatic sprinkler systems.

Section 903.2 of the California Building Code is amended by adding the following three paragraphs:

In addition to the requirements of Section 903, fire sprinklers are required for the construction of buildings five thousand square feet or more, regardless of fire walls, except for Group R-3 (one- and two-family dwelling) and Group U accessory to Group R-3 occupancies.

Fire Sprinklers are required when additions exceed five thousand square feet. When the addition is less than fifty percent of the original building square footage, the addition shall be equipped with a sprinkler system. When the addition is fifty percent or greater than the original building square footage, the entire structure shall be equipped with a sprinkler system.

Alternate automatic fire extinguishing systems complying with sections 904 of the California Building Code may be permitted in lieu of automatic sprinkler protection where recognized and approved by the Building Official and the Fire Marshall.

15.04.059 - Section 3109.2 amended—Definition of swimming pool.

The definition of *"swimming pool"* in Section 3109.2 of the California Building Code is amended to read as follows:

"Swimming pool" Any structure intended for swimming, recreational bathing, wading, or other purposes, that contains water over eighteen inches (457 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas, fixed-in-place wading pools, water fountains, or any other constructed water feature.

15.04.060 - Section 3109.2.1 added—Applicability to residential settings.

Section 3109.2.1 is added to the California Building Code and shall read as follows:

3109.2.1 Applicability to residential settings. Notwithstanding anything to the contrary in this code, the provisions of Chapter 31 in this code shall apply to all residential single-family homes.

15.04.061 - Section 3109.3 added—Residential swimming pools.

Section 3109.3 is added to the California Building Code and shall read as follows:

3109.3 Residential swimming pools. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R-3 occupancy and shall comply with Sections 3109.3.1 through 3109.3.3.

15.04.062 - Section 3109.3.1 added—Barrier height and clearances.

Section 3109.3.1 is added to the California Building Code and shall read as follows:

3109.3.1 Barrier height and clearances. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected, and approved prior to plastering or filling the pool with water. The top of the barrier shall be at least sixty inches (1,524 mm) above grade, measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than forty-five inches (1,143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool such as protrusions, indentations or cutouts, which renders the barrier easily climbable, is prohibited.

3109.3.1.1 Openings. Openings in the barrier shall not allow passage of a four-inch (102 mm) diameter sphere.

EXCEPTIONS:

a. When vertical spacing between such openings is forty-five inches (1,143 mm) or more, the opening size may be increased such that the passage of a four-inch (102 mm) diameter sphere is not allowed.

b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to four inches (102 mm) when the distance between the top and bottom of horizontal members is forty-five inches (1,143 mm) or more.

3109.3.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.3.1.3 Chain link fences. Chain link fences used as the barrier shall not be less than eleven gauge, with an approved filler material interwoven between openings that provide a smooth surface free of foot and hand holds.

3109.3.1.4 Access gates. Access gates shall comply with the requirements of 3109.3.1 through 3109.3.1.3 and in no case shall any gate have a width greater than four feet (1,290 mm). Any access gate through the barrier must swing away from the pool or spa. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-seven inches (1,448 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least three inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than one half inch (12.7 mm) within eighteen inches (457 mm) of the release mechanism. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

3109.3.1.5 Dwelling wall as a barrier. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provides direct access to the pool, a separation fence meeting the requirements of Section 3109.3.1 shall be provided.

EXCEPTIONS: When approved by the Building Official, two of the following may be used.

a. An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home.

b. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

c. An approved safety pool cover, as defined in subdivision (d) of Section 115921.

d. Exit alarms on the private single-family home’s doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”

e. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home’s doors providing direct access to the swimming pool or spa.

f. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 “Standard Safety Specification for Residential Pool Alarms,” which includes surface motion, pressure, sonar, laser and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

g. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

3109.3.1.6 Pool structure as a barrier. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is

a ladder or steps, the (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.3.1 through 3109.3.1.4. When ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter (102 mm) sphere.

15.04.063 - Section 3109.3.2 added—Indoor swimming pools.

Section 3109.3.2 is added to the California Building Code and shall read as follows:

3109.3.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.3.1.5.

15.04.180 - Chapter 1, Division II, Section 105.2 amended—Work exempt from permit.

Section 105.2 of Division II of Chapter 1 of the California Building Code is amended to read as follows:

105.2 Work exempt from permit. A building permit will not be required for the following:

1. One story detached accessory structures used as tool and storage sheds, gazebos, playhouses, temporary tents, and similar uses, provided the structure area, measured from the exterior, does not exceed one hundred twenty square feet and meets all required setbacks. Open structures, such as gazebos, will be measured from the roof line, not the support posts. It is permissible that these structures still be regulated by California Building Code Section 710A, despite exemption from permit.

2. Oil derricks.

3. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet, nine inches in height.

4. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons.

5. Platforms, decks, walks, and driveways not more than thirty inches above grade and not over any basement or story below and are not part of an accessible route.

6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

7. Temporary motion picture, television, and theater stage sets and scenery.

8. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.

9. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy that are less than eighteen inches deep, do not exceed five thousand gallons, and are installed entirely above the ground.

10. Block walls and fences less than three feet in height.

11. Retaining walls under eighteen inches in height.

12. Swings and other playground equipment accessory to detached one- and two-family dwellings.

13. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

14. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be in violation of any other laws or ordinances of this jurisdiction.

15.04.181 - Chapter 1, Division II, Section 109.1 amended—Payment of fees.

Section 109.1 of Division II of Chapter 1 of the California Building Code is amended to read as follows:

109.1 Payment of fees. The application plans, and specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans shall be reviewed by other departments of the city to verify compliance with any applicable laws or ordinances under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code, and other pertinent laws and ordinances, and that the fees specified in Section 109.2.1 and the fees required by other departments of the city have been paid, the Building Official shall issue a permit therefor to the applicant.

15.04.182 - Chapter 1, Division II, Section 109.2.1 added—Permit fees.

Section 109.2.1 is added to Division II of Chapter 1 of the California Building Code and shall read as follows:

109.2.1 Permit fees. A fee for each building permit shall be paid to the Building Official as set forth in a resolution adopted by the city council.

15.04.183 - Chapter 1, Division II, Section 109.2.2 added—Plan review fee.

Section 109.2.2 is added to Division II of Chapter 1 of the California Building Code and shall read as follows:

109.2.2 Plan review fee. When a plan or other data is required to be submitted by Section 107, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be at an amount set by resolution of the city council.

15.04.184 - Chapter 1, Division II, Section 109.2.3 added—Inspection fee.

Section 109.2.3 is added to Division II of Chapter 1 of the California Building Code and shall read as follows:

109.2.3 Inspection fee. That in lieu of the permit fees otherwise provided for in this section, the fee for the inspection of a structure to be moved into the City shall be paid as set by resolution of the city council.

15.04.185 - Chapter 1, Division II, Section 109.4.1 added—Work commencing before permit issuance penalty.

Section 109.4.1 is added to Division II of Chapter 1 of the California Building Code and shall read as follows:

109.4.1 Work commencing before permit issuance penalty. When the building official has determined that work which requires a permit by this code has commenced prior to permit issuance, a penalty equal to double the cost of the permit, may be charged.

15.04.186 - Chapter 1, Division II, Section 109.6 amended—Refunds.

Section 109.6 of Division II of Chapter 1 of the California Building Code is amended to read as follows:

109.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder in accordance with the department policies and procedures.

15.04.191 - Appendix J—Definition of Building Official.

Throughout Appendix J of the California Building Code where the word "Building Official" appears it shall be amended to read "City Engineer.”

15.04.192 - Section J103.1 amended—Permits required.

Section J103.1 of the California Building Code is amended to read as follows:

Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit thereof from the City Engineer. A grading permit does not include the construction of retaining walls or other structures.

A fee for each grading permit shall be paid as set forth in the City of Chino's Comprehensive Fee Schedule. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities. The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in the City of Chino's Comprehensive Fee Schedule. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code.

For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

Chapter 15.06 - RESIDENTIAL CODE

Sections:

15.06.010 - Adopted.
15.06.020 - Additions, deletions and amendments.
15.06.030 - Chapter 1, Division II, Section R105.2 amended—Work exempt from permit.
15.06.031 - Chapter 1, Division II, Section R105.3.1.1 deleted.
15.06.032 - Chapter 1, Division II, Section R108.1 amended—Payment of fees.
15.06.033 - Chapter 1, Division II, Section R108.2.1 added—Permit fees.
15.06.034 - Chapter 1, Division II, Section R108.2.2 added—Plan review fees.
15.06.035 - Chapter 1, Division II, Section R108.2.3 added—Inspection fee.
15.06.036 - Chapter 1, Division II, Section R108.5 amended—Refunds.
15.06.100 - Section R301.1.3.2 amended—Wood frame structures greater than two stories.
15.06.101 - Table R301.2(1) amended—Climatic and Geographic Design Criteria.

15.06.010 - Adopted.

There is adopted by reference the 2025 California Residential Code, with errata, incorporating the 2024 International Residential Code, including Chapter 1, Division II, and Appendix V. That certain document, three copies of which are on file with the city of Chino, being marked and designated as California Residential Code, 2025 Edition, as copyrighted 2025 by the International Code Council, is adopted as the Residential Code of the City of Chino, for regulating the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Chino, providing for the issuance of permits therefor; and each and all such regulations are referred to, adopted, and made part hereof as though fully set out in this section, excepting such portions as are hereinafter deleted, modified, or amended by this chapter.

15.06.020 - Additions, deletions and amendments.

The California Residential Code, adopted by Section 15.06.010, is amended as set out in this chapter.

15.06.030 - Chapter 1, Division II, Section R105.2 amended—Work exempt from permit.

Section R105.2 of the California Residential Code is amended to read as follows:

R105.2 Work exempt from permit. A building permit will not be required for the following:

1. One story detached accessory structures used as tool and storage sheds, gazebos, playhouses, temporary tents, and similar uses, provided the structure area, measure from the exterior, does not exceed one hundred twenty square feet and meets all required setbacks. Open structures, such as gazebos, will be measured from the roof line, not the support posts. It is permissible that these structures still be regulated by Section 710A of the California Building Code, despite exemption from permit.

2. Oil derricks.

3. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet, nine inches in height.

4. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons.

5. Platforms, decks, walks, and driveways not more than thirty inches above grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

7. Temporary motion picture, television, and theater stage sets and scenery.

8. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.

9. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy that are less than eighteen inches deep, do not exceed five thousand gallons, and are installed entirely above the ground.

10. Block walls and fences less than three feet in height.

11. Retaining walls under eighteen inches in height.

12. Swings and other playground equipment accessory to detached one- and two-family dwellings.

13. Driveways, sidewalks, and walks that are not part of an accessible route.

14. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be in violation of any other laws or ordinances of this jurisdiction.

15.06.031 - Chapter 1, Division II, Section R105.3.1.1 deleted.

Chapter 1, Division II, Section R105.3.1.1 of the California Residential Code is deleted.

15.06.032 - Chapter 1, Division II, Section R108.1 amended—Payment of fees.

Section R108.1 of the California Residential Code is amended to read as follows:

R108.1. Payment of fees. The application plans, and specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans shall be reviewed by other departments of the City to verify compliance with any applicable laws or ordinances under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code, and other pertinent laws and ordinances, and that the fees specified in Section 108.2.1 and the fees required by other departments of the City have been paid, the Building Official shall issue a permit therefor to the applicant.

15.06.033 - Chapter 1, Division II, Section R108.2.1 added—Permit fees.

Section R108.2.1 is added to the California Residential Code and shall read as follows:

R108.2.1 Permit fees. A fee for each building permit shall be paid to the Building Official as set forth by resolution of the city council.

15.06.034 - Chapter 1, Division II, Section R108.2.2 added—Plan review fees.

Section R108.2.2 is added to the California Residential Code and shall read as follows:

R108.2.2 Plan review fee. When a plan or other data is required to be submitted by Section 106 a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plans review fee shall be set by resolution of the city council.

15.06.035 - Chapter 1, Division II, Section R108.2.3 added—Inspection fee.

Section R108.2.3 is added to the California Residential Code and shall read as follows:

R108.2.3 Inspection fee. That in lieu of the permit fees otherwise provided for in this section, the fee for the inspection of a structure to be moved into the City shall be paid as set by resolution of the city council.

15.06.036 - Chapter 1, Division II, Section R108.5 amended—Refunds.

Section R108.5 of the California Residential Code is amended to read as follows:

R108.5 Refunds. The building official may authorize refunding of any fee paid hereunder in accordance with the department policies and procedures.

15.06.100 - Section R301.1.3.2 amended—Wood frame structures greater than two stories.

Section R301.1.3.2 of the California Residential Code is amended to read as follows:

R301.1.3.2 Wood frame structures greater than two stories. The building official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood frame construction more than two stories in height located in Seismic Design Category A, B, or C. Notwithstanding other sections, the law establishing these provisions is found in Business and Professions Code Sections 5537 and 6737.1.

The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood frame construction more than one story in height located in Seismic Design Category D_0, D_1, D_2, or E.

15.06.101 - Table R301.2(1) Amended—Climatic and Geographic Design Criteria.

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY [f]	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP [e]	ICE BARRIER UNDER-LAY-MENT REQUIRED [h]	FLOOD HAZARDS [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
	Speed [d] (mph)	Topo-graphic effects [k]		Weathering [a]	Frost line Depth [b]	Termite [c]					
Zero	110	No	D_2 or E	Negligible	12-24"	Very Heavy	43	No	See footnote g	0	60

Footnotes: For S1: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R30l.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

   (a) Chino became a "Community" per the National Flood Insurance Program (NFIP) on June 30, 1976 .....Community No. is 060272A/060272.

   (b) The latest Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) is August 28, 2008.

   (c) Plan Numbers of applicable FIRMs for our community are: 06071C: 8615H, 8616H, 8620H, 9330H, 9335H, 9345H, and 9375H.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R30 1.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

Chapter 15.08 - MECHANICAL CODE

Sections:

15.08.010 – Adopted.

15.08.020 – Chapter 1, Division II, Section 104.5 amended—Permit Fees.

15.08.010 - Adopted.

There is adopted by reference the 2025 California Mechanical Code, with errata, incorporating the 2024 Uniform Mechanical Code, including Chapter 1, Division II. That certain document, three copies of which are on file with the city of Chino, being designated and marked as the California Mechanical Code, 2025 Edition, copyrighted 2024 by the International Association of Plumbing and Mechanical Officials is adopted for regulating the installation, maintenance, and repair of heating and cooling within the city of Chino and prescribing standards of inspection therefor, and each and all such regulations are referred to, adopted and made a part hereof, as though fully set out in this chapter.

15.08.020 - Chapter 1, Division II, Section 104.5 amended—Permit Fees.

Chapter 1, Division II, Section 104.5 of the California Mechanical Code is amended to read as follows:

104.5 Fees. Fees shall be assessed in accordance with the provisions of this section and as designated in the fee schedule adopted by resolution of the city council.

Chapter 15.12 - INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

15.12.010 - Adopted.
15.12.020 - Additions, deletions and amendments.
15.12.030 - Section 101.1 amended—Title.
15.12.050 - Section 103.3 amended—Fees.
15.12.051 - Section 112.4 amended—Failure to comply.
15.12.052 - Section 303 deleted—Swimming pools, spas and hot tubs.
15.12.060 - Reserved.
15.12.062 - Section 304.14 amended—Insect screens.
15.12.064 - Section 602.3 amended—Heat supply.
15.12.066 - Section 602.4 deleted—Occupiable work spaces.

15.12.010 - Adopted.

There is hereby adopted by reference the International Property Maintenance Code, 2024 Edition. That certain document, three copies of which are on file with the city of Chino, being marked and designated as the International Property Maintenance Code, 2024 Edition, sponsored by the International Code Council, is adopted as the International Property Maintenance Code of minimum requirements of residential buildings and providing for enforcement thereof and penalties for violations of such code, and each and all the regulations, provisions, penalties, conditions and terms of such International Property Maintenance Code, 2024 Edition, are referred to, adopted and made a part hereof as though fully set forth in this chapter.

15.12.020 - Additions, deletions and amendments.

The International Property Maintenance Code adopted by Section 15.12.010, is amended as set out in this chapter.

15.12.030 - Section 101.1 amended—Title.

Section 101.1 of the International Property Maintenance Code is amended as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the city of Chino, herein referred to as "this code."

15.12.050 - Section 103.3 amended—Fees.

Section 103.5 of the International Property Maintenance Code is amended as follows:

103.5 Fees. The fees for activities and services performed by the City of Chino in carrying out its responsibilities under this code shall be indicated in the most current adopted User Fee Schedule.

15.12.051 - Section 110.4 amended—Failure to comply.

Section 110.4 of the International Property Maintenance Code is amended as follows:

110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to administrative citations as set forth in section 1.15 of the Chino Municipal Code, or any successor ordinance.

15.12.052 - Section 303 deleted—Swimming pools, spas and hot tubs.

Section 303 of the International Property Maintenance Code is deleted.

15.12.060 - Reserved.

15.12.062 - Section 304.14 amended—insect screens.

Section 304.14 of the International Property Maintenance Code is amended to read as follows:

304.14 Insect screens. At all times, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum sixteen mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition.

15.12.064 - Section 602.3 amended—Heat supply.

Section 602.3 of the International Property Maintenance Code is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who occupies, rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants at all times to maintain a minimum temperature of sixty-eight degrees F in all habitable rooms, bathrooms and toilet rooms.

15.12.066 - Section 602.4 deleted—Occupiable work spaces.

Section 602.4 of the International Property Maintenance Code is deleted.

Chapter 15.16 - ABATEMENT OF DANGEROUS BUILDINGS

Sections:

15.16.010 - Adopted.
15.16.011 - Section 202.1 added—Immediate hazardous condition.
15.16.020 - Section 801.1 amended—Procedure.
15.16.030 - Section 801.2 amended—Costs.
15.16.040 - Sections 802.1 and 802.2 deleted.
15.16.050 - Section 901 amended—Expense account for repair or demolition.

15.16.010 - Adopted.

There is hereby adopted by reference the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition. That certain document, three copies of which are on file with the city of Chino, is designated and marked as the Uniform Code for the Abatement of Dangerous Buildings, whereby buildings and structures that endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

15.16.011 - Section 202.1 added—Immediate hazardous condition.

Section 202.1 is added to the Uniform Code for the Abatement of Dangerous Buildings and shall read as follows:

202.1 Immediate Hazardous Condition. Whenever the Building Official determines by inspection that a structure constitutes an immediate hazardous condition, the Building Official shall first make a reasonable effort to locate and notify the owner or other persons having charge or control of the structure. If neither can be located, the Building Official shall issue an order directed to the owner or other person in control of the structure to have the hazardous condition either removed or repaired immediately. If no one in charge of the structure can be located, the Building Official shall order the hazardous condition abated either by City personnel or by a private contractor.

Recovery of cost of repair or removal shall be as specified in Section 905.

15.16.020 - Section 801.1 amended—Procedure.

Section 801.1 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

801.1 Procedure. When any work or repair or demolition is to be done pursuant to Section 701.3 of this code, the Building Official shall issue his order therefor and the work shall be accomplished by City personnel or by private contract. Plans and specifications therefor may be prepared with architectural and engineering assistants on a contract basis. If any part of the work is to be accomplished by private contract, standard contractual procedures shall be followed.

15.16.030 - Section 801.2 amended—Costs.

Section 801.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

801.2 Costs. The cost of such work may be paid by a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the city council shall determine is appropriate.

15.16.040 - Sections 802.1 and 802.2 deleted.

Sections 802.1 and 802.2 of the Uniform Code for the Abatement of Dangerous Buildings are deleted.

15.16.050 - Section 901 amended—Expense account for repair or demolition.

Section 901 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Where the phrase "Director of Public Works" appears, it shall be amended to read "Building Official."

Chapter 15.20 - HAZARDOUS AND UNSAFE COMMERCIAL BUILDINGS

Sections:

15.20.010 - Definitions.
15.20.020 - Scope.
15.20.030 - Determination of compliance.
15.20.040 - Design and construction criteria.
15.20.050 - Maintenance of parapets or other appendages.
15.20.060 - Voluntary repairs or alterations—Compliance to California Building Code.
15.20.070 - Design criteria for buildings two or more stories in height.
15.20.080 - Immediately hazardous conditions—Notice to abate.
15.20.090 - Hazardous condition—Notice to abate.
15.20.100 - Expenses incurred by city—Collection.
15.20.110 - Reserved.
15.20.120 - Violation—Penalty.

15.20.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

A. *"A matter of personal safety"* means a situation where because of the conditions of a building or portions thereof a person or persons including the owner, tenants, or any occupants thereof may be potentially in danger of loss of life, property, or physical personal injury.

B. *"A matter of public safety"* means a situation where, because of the condition of a building or portions thereof, a person or persons other than the owners and tenants thereof are very likely to be in danger of loss of life, property, or physical injury.

C. *"Commercial building"* means any building used either partially or wholly for commerce at the inception date of this chapter.

D. *"Hazardous building"* means a building or structure which is structurally inadequate as required by the provisions of this chapter, or is otherwise potentially dangerous to human life, safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment.

E. *"Immediately hazardous condition"* means a condition involving a building or portions thereof that if not immediately corrected constitutes a real, present and immediate danger to life, safety, or health of any person.

F. *Substandard building"* means a building or portion thereof in which there exists defective conditions as required by the provisions of this chapter.

15.20.020 - Scope.

The provisions of this chapter apply to the construction, alteration, or repair of all commercial buildings either occupied or unoccupied within the city.

15.20.030 - Determination of compliance.

Whenever, in the opinion of the building official of the city, there is insufficient evidence of compliance with the provisions of this chapter, or the building official has determined that there is insufficient evidence that a structure or methods of construction do not conform to all the requirements of this chapter, the building official shall require tests and engineering as proof of compliance to be made at the expense of the owner or his agent by an approved agency. Copies of required tests or engineering calculations shall be submitted to the building department and shall be retained by such department in a permanent file.

15.20.040 - Design and construction criteria.

A. Every existing building constructed prior to May 26, 1933, except a building to which this chapter does not apply, shall contain sufficient structural elements to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

    1. Two percent of the total vertical design load for buildings over forty feet in height from the top of their foundations, and three percent of the total vertical load for buildings less than forty feet in height from the top of their foundations;

    2. Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than sixty feet in height, and fifteen pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building sixty feet or less in height.

B. In computing the resistance of any building to horizontal forces the stresses resulting from the combined vertical and horizontal forces shall not exceed one and one-third times the allowable working stress as adopted and specified in the current building code or as amended.

15.20.050 - Maintenance of parapets or other appendages.

A. No building shall have any parapet or appendage attached to or supported by an exterior wall of the building and located adjacent to a public way or to a way set apart for exit from building or passage of pedestrians. If such parapet or appendage is not so adequately constructed, anchored, or braced as to remain wholly in its original position in event of an earthquake having the effect designed by Section 2305 of the California Building Code, compliance pursuant to Section 15.20.030 is required.

B. Whenever the building department determines by inspection that an existing parapet or appendage is not so adequately constructed, anchored, or braced as to remain wholly in its original position, the building official shall, by written notice addressed to the owner,

person, or agent in control of the building, designate and describe the hazards and inadequacies of construction, anchorage, or bracing determined by such inspection and direct that the necessary correction be made to insure that all of the parapets or appendages remain in its original position. Upon receipt of such notice, the owner, person, or agent in control of the building where such parapet exists shall:

1. Within three months from the date of such notice submit to the building department, for its review and approval, suitable corrective plans; all such corrective plans shall have the intent of eliminating the parapet or appendage, or reconstructing such parapet or appendage so that it will conform structurally with the requirements of the California Building Code, or strengthening such parapet or appendage by bracing or other means so that it will resist the forces of an earthquake and remain in its original position;

2. Obtain the necessary alteration permit;

3. Within one year from the date of such notice, complete all work necessary or ordered; however, the city council may, upon application to it for an extension of such one year period, grant an extension of time not to exceed a total of three years from the date of such notice, where good cause is shown; the factors that the city council shall consider in determining whether an extension of time should be granted shall include, but not be limited to, the following factors:

    a. The eminence and extent of the structural hazard and the degree of inadequacy of construction as determined by the city building division,

    b. The estimated cost to complete all work necessary or ordered in comparison to the fair market value of the building in question,

    c. The amount of progress, if any, shown by the applicant towards resolution of the problems described in the notice from the building division.

C. The city council may revoke any extension of time granted hereunder, after notice has been given to the applicant and public hearing held on the matter, at any time it determines that reasonable progress is not being made by the applicant to complete all work necessary or ordered.

15.20.060 - Voluntary repairs or alterations—Compliance to California Building Code.

All voluntary repairs or alterations shall be required to meet the standards, construction and engineering as provided in Chapter 1 Division II of the California Building Code as adopted by the city.

15.20.070 - Design criteria for buildings two or more stories in height.

It will be required that the owner or agent in control of all structures of two stories or more built prior to May 26, 1933, within the city shall be required to perform as follows:

A. Submit to the building department within a period of three years from the effective date of this chapter adequate engineering, including calculations, based upon the design criteria as adopted in this chapter, which would justify the story or stories above the first

floor remaining, or corrective plans to bring the structure up to a standard equal to or better than the adopted design criteria;

B. When the corrective plans have been approved, obtain the necessary alteration or repair permits;

C. Complete all of the work necessary so the structure will conform structurally to all requirements of the adopted criteria within a period not to exceed three and one-half years from the effective date of this chapter.

15.20.080 - Immediately hazardous conditions—Notice to abate.

Whenever the building department determines by inspection that a structure or structures constitutes all immediately hazardous conditions as defined in this chapter, the building official shall give written notice to the owner or agent in control of the subject structure to abate such hazard. The notice shall describe the hazard and shall set forth a maximum time of thirty days to abate the hazard either by removal of the hazard or by repair or rehabilitation of the elements that constitute the hazard. If structural repairs are necessary to eliminate the hazard, such repairs shall meet the requirements of the design and construction criteria as adopted by this chapter.

15.20.090 - Hazardous condition—Notice to abate.

Whenever the building department determines by inspection that a structure or structures constitutes a hazardous condition as defined in this chapter, the building official shall give written notice to the owner or agent in control of the subject structure to abate such hazard. The notice shall describe the hazard and shall set forth a maximum time of ninety days to abate the hazard either by removal of the hazard or by repair or rehabilitation of the elements that constitute the hazard. If structural repairs are necessary to eliminate the hazard, such repairs shall meet the requirements of the design and construction criteria as adopted by this chapter.

15.20.100 - Expenses incurred by city—Collection.

Whenever such insufficient evidence or lack of compliance causes the city to incur an expense in order to obtain proper evidence or full compliance in accordance with the provisions of this chapter, such costs or expenses shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.

15.20.110 - Reserved.

15.20.120 - Violation—Penalty.

It is unlawful for any person to enlarge, alter, repair, improve, convert, use, occupy, or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this chapter.

Chapter 15.24 - PLUMBING CODE

Sections:

15.24.010 - Adopted.
15.24.020 - Chapter 1, Division II, Section 1.4.5 amended—Fees.

There is adopted by reference the 2025 California Plumbing Code, with errata, incorporating the 2024 Uniform Plumbing Code, including Chapter 1, Division II. That certain document, three copies of which are on file with the city of Chino, being designated and marked as the California Plumbing Code, copyrighted 2024 by the International Association of Plumbing and Mechanical Officials, is adopted for regulating the installation, maintenance and repair of plumbing within the city, and prescribing standards of inspection therefor, and each and all such regulations are referred to, adopted and made a part hereof as though fully set out in this chapter.

15.24.020 - Chapter 1, Division II, Section 104.5 amended—Fees.

Chapter 1, Division II, Section 104.5 of the California Plumbing Code is amended to read as follows:

104.5 Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth by resolution of the city council.

Chapter 15.28 - ELECTRICAL CODE

Sections:

15.28.010 - Adopted.
15.28.015 - Fees.
15.28.020 - Article 590 amended—Temporary electrical power and lighting installations.
15.28.030 - Requirements for cable television wiring in residential dwelling units.

15.28.010 - Adopted.

There is adopted by reference the 2025 California Electrical Code, with errata, incorporating the 2023 National Electrical Code. That certain document, three copies of which are on file with the city of Chino, being designated and marked as the California Electrical Code, 2025 Edition, as copyrighted 2023 by the National Fire Protection Association, is adopted as the Electric Code of the city of Chino for regulating the installation, maintenance and repair of electrical wiring and equipment within the city and prescribing standards of inspection and requirements therefor; and each and all such regulations are referred to, adopted and made a part hereof as though fully set out in this chapter.

15.28.015 - Fees.

All permits shall be paid as set forth by Resolution of the City Council.

15.28.020 - Article 590 amended—Temporary electrical power and lighting installations.

Article 590 of the California Electrical Code is amended as follows:

590 Temporary electrical power and lighting installations.

a. During the Period of Construction. Temporary electrical power and lighting installations shall be permitted during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

b. 80 Days. Temporary electrical power and lighting installations shall be permitted for a period not to exceed eighty days, between November 1 and January 19, for decorative lighting and similar purposes.

c. Emergencies and Tests. Temporary electrical power and lighting installations shall be permitted during emergencies and for tests, experiments, and developmental work.

d. Removal. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

15.28.030 - Requirements for cable television wiring in residential dwelling units.

The following provision is added to the California Electrical Code:

Each single-family occupancy and each occupancy of a multifamily, Group R occupancy shall have installed therein a separate coaxial cable wiring system consisting of at least two outlet boxes, coaxial cable, junction boxes, and other necessary fixtures for the supply of Community Antenna Television (C.A.T.V.). The wiring system shall be installed such that a C.A.T.V. supply can be connected in the general vicinity of telephone service connections and said wiring system shall be installed in conformance with Article 820 of the California Electrical Code, 2025 Edition. The outlet boxes shall be located in the dwelling to the satisfaction of the building official so as to make best future use of the C.A.T.V. system.

Chapter 15.30 - EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS (EVCS)

Sections:

15.30.010 - Intent and purpose.
15.30.020 - Title, words and phrases.
15.30.030 - Applicability.
15.30.040 - Expedited review process.
15.30.050 - Electronic submittals.
15.30.060 - Association approval.
15.30.070 - Permit application processing.
15.30.080 - Technical review.
15.30.090 - Checklist.

15.30.090.a- Residential EV charger checklist.

15.30.090.b- Non-Residential EV charger checklist.

15.30.010 - Intent and purpose.

The intent and purpose of this chapter is to adopt an expedited, streamlined electric vehicle charging system permitting process to achieve timely and cost-effective installations of electric vehicle charging systems in compliance with California Government Code Section 65850.7, Assembly Bill No. 970 and Assembly Bill No. 1236. This chapter is designed to encourage the use of electric vehicles by removing barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install electric vehicle charging systems. This chapter allows the city to achieve these goals while protecting the public health and safety.

15.30.020 - Title, words and phrases.

This ordinance [from which this chapter derives] shall be known as the City of Chino Electric Vehicle Charging Station Permit Expediting Ordinance. The terms, phrases, and words used in this chapter shall be construed in compliance with the definitions set forth by California Government Code Section 65850.7.

15.30.030 - Applicability.

Electric vehicle charging stations which qualify for expedited permit processing, pursuant to Government Code Section 65850.7, shall be subject to the administrative permitting procedures set forth in the city's Electric Vehicle Charging Station Permit Expediting Ordinance.

15.30.040 - Expedited review process.

Consistent with Government Code Section 65850.7, the building official shall implement an expedited administrative permit review process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the governor's office of planning and research. The city's adopted checklist shall be published on the city's website.

A. EVCS Projects with 1-25 stations: 5 business days to deem an application complete or incomplete, once application is complete, 20 business days to issue an approval to build.

B. EVCS Projects with 26 or more stations: 10 business days to deem an application in/complete, 40 business days to issue an approval to build.

C. Parking Considerations: If EV Charging Stations and Support Equipment take place of parking spaces, city/county is required to reduce the number of required parking spaces.

15.30.050 - Electronic submittals.

Consistent with Government Code Section 65850.7, the building official shall allow for electronic submittal of permit applications covered by this chapter and associated supporting documentation. In accepting such permit applications, the building official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

15.30.060 - Association approval.

Consistent with Government Code Section 65850.7, the building official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

15.30.070 - Permit application processing.

A permit application that satisfies the information requirements in the city's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the building official that the permit application and supporting documents meet the requirements of the city's adopted checklist, and are consistent with all applicable laws, the building official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. All permit applications require a zoning clearance determination. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the city. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

15.30.080 - Technical review.

It is the intent of this chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations, so long as the action does not supersede the building official's authority to address higher priority life-safety situations.

15.30.090 - Checklist.

The checklists authorized by this chapter are depicted in the following tables:

/ / /

/ / /

/ / /

Table 15.30.090.a

COUNTY OF SAN BERNARDINO			
	CITY OF CHINO **DEVELOPMENT SERVICES** **BUILDING & SAFETY**		
	RESIDENTIAL ELECTRIC VEHICLE (EV) CHARGER CHECKLIST		
PHONE 909-334-3251 INSPECTION 909-334-3252	13320 CENTRAL AVE, CHINO, CA		
FAX 909-334-3279	1/1/26	ELECTRICAL VEHICLE CHARGER CHECKLIST	PAGE 1 OF 5

The purpose of this checklist is to assist permit applicants in streamlining the permitting, installation and inspection process for Residential EV Chargers.
PLEASE REFER TO THE CURRENT CALIFORNIA ELECTRIC CODE (CEC)
For more specific regulations and requirements.

Be aware that there are different types of Electric Vehicle (EV) Chargers. There are 2 basic types of EV chargers for home use (Level 1 and Level 2). Level 1 Chargers are smaller units that plug directly into a standard 120 volt receptacle outlet. These types of chargers typically require a longer duration to recharge the vehicle. If the receptacle outlet being used to plug-in the Level 1 Charger is existing, there is no requirement to secure a permit from the Building and Safety Division. On the other hand, if you will be installing a new 120 volt receptacle outlet for the charger, you will need to obtain a permit – however, you will not need to provide any plans or electrical load calculations as would be required for the more powerful Level 2 type charging systems.

A Level 2 EV Charging system requires 240 volt and charges the vehicle much faster than a Level 1 Charger. Level 2 Charger installations require permits. To obtain the permit, you will need to provide some basic information to show that your existing electrical service can handle the added load.

What information do I need to provide to obtain the permit? This Residential EV Charger Permit Guideline has been developed to streamline the permit, installation and inspection process. In most cases, you or your contractor merely need to fill-in the blanks on this document, complete a building permit application with required project information, attach the manufacturer's installation instructions, charger specifications, and submit it to the Building and Safety Division for review and permit issuance. If all the information is accurately provided and the proposal complies with the applicable codes, the review and approval process will be expedited. Once the permit is issued, the installation may begin. When the installation is complete an inspection of the work will be scheduled with the Building Inspector upon request by the owner or contractor. Inspections are typically performed on the business day following your request for inspection. Keep in mind that someone will need to be present during the inspection so that the Building Inspector can access the location of the EV Charger (typically in the garage).

Installing a Level 2 EV Charging system sometimes requires changes to building wiring and utility electric services. Before installing charging equipment and associated infrastructure, talk to your EV manufacturer for information about what you need to charge your vehicle.

When installing your EV charger, be sure to use a licensed Electrical contractor whose state contractor's license and insurance are current. The contractor should follow the installation instructions of the EV charger manufacturer and the requirements of California Electrical Code.

Why is the Electric Utility concerned about your EV charger installation? Though an individual Level 2 EV charger may have a negligible impact on the utility electric system, the combined effect of several chargers in the same neighborhood could result in overloads on utility secondary wires and transformers. It is

crucial that the Electrical Utility provider be notified of any Level 2 Charging station installations to ensure that utility electrical system components are adequately sized to maintain high levels of service reliability.

LEVEL 2 ELECTRIC VEHICLE CHARGER - SERVICE LOAD CALCULATION

INSTRUCTIONS: Review the list of electrical loads in the table below and check (✓) all that exist in the home (don't forget to include the proposed Level 2 EV Charger). For each item checked (✓), fill-in the corresponding "Watts used" (refer to the "Typical Usage" column for wattage information). Add up all the numbers that are written in the "Watts Used" column. Write that number in the "Total Watts Used" box at the bottom of the table and proceed to the next page.

(Loads shown are rough estimates; actual loads may vary – for a more precise analysis, use the nameplate ratings for appliances and other loads and consult with a trained electrical professional.)

✓Check All Applicable Loads	Description of Load	Typical usage	Watts used
GENERAL LIGHTING AND RECEPTACLE OUTLET CIRCUITS			
✓	Multiply the Square Footage of House X 3	3 watts/sq. ft.	
KITCHEN CIRCUITS			
✓	Kitchen Circuits	3,000 watts	3,000
	Electric oven	2,000 watts	
	Electric stove top	5,000 watts	
	Microwave	1,500 watts	
	Garbage Disposal under kitchen sink	1,000 watts	
	Automatic Dish washer	3,500 watts	
	Garbage Compactor	1,000 watts	
	Instantaneous hot water at sink	1,500 watts	
LAUNDRY CIRCUIT			
✓	Laundry Circuit	1,500 watts	1,500
	Electric Clothes Dryer	4,500 watts	
HEATING AND AIR CONDITIONING CIRCUITS			
	Central Heating (gas) and Air Conditioning	6,000 watts	
	Window mounted AC	1,000 watts	
	Whole-house or attic fan	500 watts	
	Central Electric Furnace	8,000 watts	
	Evaporative Cooler	500 watts	
OTHER ELECTRICAL LOADS			
	Electric Water Heater (Storage type)	4,000 watts	
	Electric Tankless Water Heater	15,000 watts	
	Swimming Pool or Spa	3,500 watts	
	Other: (*describe*)	watts	
	Other:	watts	
	Other:	watts	
ELECTRIC VEHICLE CHARGER CIRCUIT			
	Level 2 Electric Vehicle Charger wattage rating*		
(Add-up all of the watts for the loads you have checked ✓) **TOTAL WATTS USED ➔**			

****Use name plate rating in watts or calculate as: (Ampere rating of circuit X 240 volts = Watts)***

INSTRUCTIONS: Using the ***Total Watts Used*** number from the previous page, check (✓) the appropriate line in column 1 and follow that line across to determine the minimum required size of the electrical service panel shown in column 3. In column 4, write-in the size of your existing service panel (main breaker size). If your existing service panel (column 4) is smaller than the minimum required size of the existing service (column 3), then you will need to install a new upgraded electrical service panel to handle the added electrical load from the proposed Level 2 EV Charger.

Table based on CEC 220.83(A), 230.42, and Annex D.

1	2	3	4
✓Check the appropriate line	**Total Watts Used (from previous page)**	**Minimum Required Size of Existing 240 Volt Electrical Service Panel *(Main Service Breaker Size)***	**Identify the Size of Your Existing Main Service Breaker *(Amps)*****
	up to 48,000	100 amps	
	48,001 to 63,000	125 amps	
	63,001 to 78,000	150 amps	
	78,001 to 108,000	200 amps	
	108,001 to 123,000	225 amps	

Please note that the size of your **Existing service (column 4) MUST be equal to or larger than the Minimum **Required** Size (column 3) or a new larger electrical service panel will need to be installed in order to satisfy the electrical load demand of the EV charger.

STATEMENT OF COMPLIANCE

By my signature, I attest that the information provided is true and accurate.

Job Address: _____
(Print job address)

Signature: _____ _____
(Signature of applicant) (Date)

In addition to this document, you will also need to provide a copy of the manufacturer's installation literature and specifications for the Level 2 Charger you are installing.

Please note that this is a voluntary compliance alternative and you may wish to hire a qualified individual or company to perform a thorough evaluation of your electrical service capacity in lieu of this alternative methodology. Use of this electrical load calculation estimate methodology and forms is at the user's risk and carries no implied guarantee of accuracy. Users of this methodology and these forms are advised to seek professional assistance in determining the electrical capacity of a service panel.

OTHER HELPFUL INFORMATION FOR EV CHARGER INSTALLATIONS:

The Table below illustrates the type and size of wire and conduit to be used for various Electric Vehicle Charger circuits.

Size of EV Charger Circuit Breaker	Required minimum size of Conductors (THHN wire)	Conduit Type and Size***		
		Electrical Metallic Tubing (EMT)	Rigid Nonmetallic Conduit – Schedule 40 (RNC)	Flexible Metal Conduit (FMC)
20 amp	#12	1/2"	1/2"	1/2"
30 amp	#12	1/2"	1/2"	1/2"
40 amp	#10	1/2"	1/2"	1/2"
50 amp	#8	3/4"	3/4"	3/4"
60 amp	#6	3/4"	3/4"	3/4"
70 amp	#6	3/4"	3/4"	3/4"

******Based on 4 wires in the conduit (2-current carrying conductors, 1-grounded conductor, 1-equipment ground).***

As an alternate, Nonmetallic Sheathed Cable (aka: Romex Cable or NMC) may be used if it is protected from physical damage by placing the cable inside a wall cavity or attic space which is separated from the occupied space by drywall or plywood.

The Table below illustrates the required supports for various types of electrical conduit or cable.

Conduit Support	Electrical Metallic Tubing (EMT)	Rigid Nonmetallic Conduit – Schedule 40 (RNC)	Flexible Metal Conduit (FMC)	Nonmetallic Sheathed Cable (NMC)
Conduit Support Intervals	10'	3'	4-1/2'	4-1/2'
Maximum distance from box to conduit support	3'	3'	1'	1'

In addition to the above noted requirements, the 2025 California Electrical Code contains many other provisions that may be applicable to the installation of a new electrical circuit. Installers are cautioned to be aware of all applicable requirements before beginning the installation. For additional information or guidance, consult with the Building and Safety Division staff or a qualified and experienced Electrical Contractor.

GENERAL INSTALLATION GUIDELINES FOR LEVEL 2 RESIDENTIAL EV CHARGERS

1. GENERAL REQUIREMENTS - All Electrical Vehicle Charging Systems shall comply with the applicable sections of the 2025 California Electrical Code, including Article 625.

2. EQUIPMENT LOCATION - The coupling means of the electric vehicle supply equipment shall be stored at a height of 18 – 48 inches above the finished floor. (CEC Art 625.50)

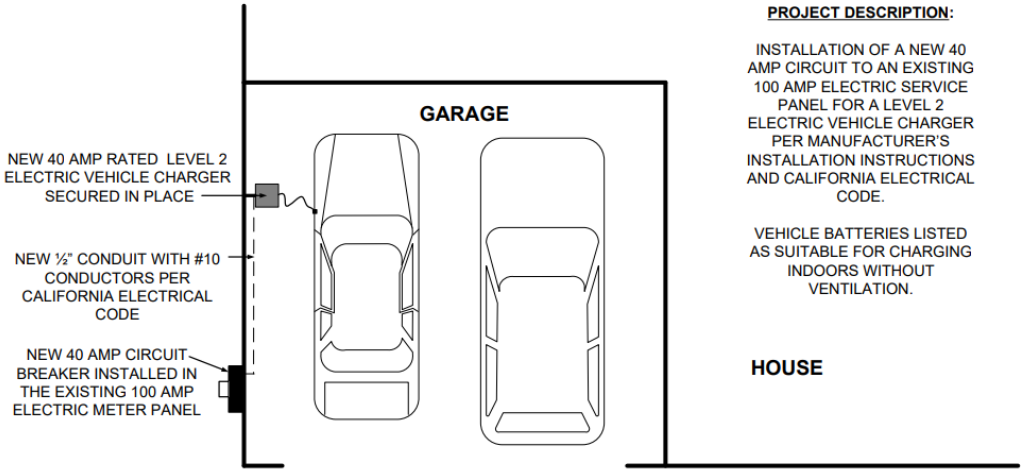
3. LISTED EQUIPMENT - All electric vehicle supply equipment shall be listed by a nationally recognized testing laboratory.

4. FASTENED IN PLACE – Where the electric vehicle supply equipment or charging system is fastened in place, the usable length of the output cable shall be measured from the cable exit of the electric vehicle supply equipment or charging system to the face of the electric vehicle connector. (CEC Article 625.17.C.2).

5. PROTECTION FROM PHYSICAL DAMAGE - Electrical Vehicle Supply Equipment shall be protected against vehicle impact damage when located in the path of a vehicle. In order to avoid the installation of a substantial pipe bollard as an equipment guard, locate the Electrical Vehicle Supply Equipment on a garage side wall, out of vehicular path. (CEC Article 110.27(B))

6. IF MORE THAN 60 AMPS- When equipment is rated at more than 60 amps or more than 150 volts to ground, the disconnect means shall be provided and installed in a readily accessible location and shall be capable of being locked on the open position. (CEC Article 625.42 & 110.25)

SAMPLE ELECTRICAL PLAN FOR LEVEL 2 ELECTRIC VEHICLE CHARGER CIRCUIT INSTALLATION



PROJECT DESCRIPTION:

INSTALLATION OF A NEW 40 AMP CIRCUIT TO AN EXISTING 100 AMP ELECTRIC SERVICE PANEL FOR A LEVEL 2 ELECTRIC VEHICLE CHARGER PER MANUFACTURER'S INSTALLATION INSTRUCTIONS AND CALIFORNIA ELECTRICAL CODE.

VEHICLE BATTERIES LISTED AS SUITABLE FOR CHARGING INDOORS WITHOUT VENTILATION.

Table 15.30.090.b

COUNTY OF SAN BERNARDINO			
	CITY OF CHINO **DEVELOPMENT SERVICES** **BUILDING & SAFETY**		
	NON-RESIDENTIAL ELECTRIC VEHICLE (EV) CHARGER CHECKLIST		
PHONE 909-334-3251 INSPECTION 909-334-3252	13320 CENTRAL AVE, CHINO, CA		
FAX 909-334-3279	1/1/2026	VEHICLE CHARGER CHECKLIST	PAGE 1 OF 10

This document provides all the needed links to forms and checklists necessary to utilize Permit Chino's Expedited Permitting Process for Electric Vehicle Charging Stations (EVCS). This process provides an expedited and streamlined permitting process for qualifying EVCS systems. Once all the documentation is correctly and fully completed and submitted, a permit will be processed and approved for issuance in a timely manner.

Step 1. Download, review and complete the Non-Residential Electric Vehicle Charging Stations (EVCS) Checklist below. Submit all information requested on the checklist.

Step 2. Fully complete and sign a Building Permit Application form. https://www.cityofchino.org/DocumentCenter/View/5624/Building-Permit-Application-PDF-

Step 3. Submit all of the required documentation (Steps 1 and 2) You will be notified by email when documents have been processed, reviewed and approved for permit issuance.

Submittal Requirements Checklist for Permitting of Electric Vehicle Charging Stations (EVCS)

This checklist is provided to guide applicants through a streamlined permitting process for Electric Vehicle Charging Stations (EVCS).

1. Approval Requirements

a) The Building Department will conduct the plan review and inspection for EVCS installations.

b) Planning Department plan review approval is not required for EVCS installations unless the Building Official determines that the proposed EVCS will have a specific, adverse impact upon the public health or safety.

c) Fire Department plan review and inspection approval is not required for EVCS installations unless the system includes a stationary storage battery system as defined in the CA Fire Code.

2. Submittal Information

a) All forms and checklists described herein are available on the Chino web site located at https://www.cityofchino.org/180/Building-Applications-Forms Building Permit Application (available at Chino web site) is required for all EVCS installations.

c) One copy of this checklist must be completed and submitted to the building division along with the Building Permit application. Please provide an explanation for any checklist item not completed or met.

d) The project shall be submitted online https://aca-prod.accela.com/CHINO/Default.aspx Plan submittals shall include, but not be limited to:

1) A Title Page

2) A Site Plan [Not required for Level One or Level Two EVCS equipment installed within an existing one- or two-family residential structure (i.e., garage or carport)].

3) An Electrical Floor Plan [Not required for exterior EVCS equipment installations].

4) A Single-Line Electrical Diagram [Not required for Level 1 charging station installations].

5) EVCS Manufacturer Installation Details and Specifications.

6) Electrical Service Load Calculations.

3. General Requirements for EVCS to be Shown and Noted on Plans

Use the following checklist items for preparation and submittal of your plans. The level of detail and the specific plan requirements will depend upon the extent, nature and complexity of the work to be done. All applicable checklist items must be noted or specified on the plans. Indicate the plan sheet number where the applicable requirement is shown or specified.

4. Type of EVCS (Please check one)

Check one	Type of charging station (s) Proposed	Power levels (proposed circuit rating)
	Level 1	110/120 volt alternating current (VAC) at 15 or 20 Amps
☐	Level 2-3.3 kilowatt (KW) (Low)	208/240VAC at 20 or 30 Amps
☐	Level 2-6.6kw (medium)	208/240VAC at 40 Amps
☐	Level 2-9.6kw (high)	208/240 VAC at 50 Amps
☐	Level 2-19.2kw (highest)	208/240 VAC at 100 Amps
☐	DC Fast Charging	440 or 480 VAC
☐	Other (specify and provide details)	

5. Submittal Requirements Checklist for EVCS (Please check one)

Yes ☐ or No ☐	1. The permit application is complete with the following information: • Project address and parcel number. • Owner name, address, and phone number. • Contractor name, address and phone number and contractor's license number; and

	• Other information requested on the permit application form?
Yes ☐ or No ☐	2. An electrical load calculation is included with the permit application. (CEC Article 220)
Yes ☐ or No☐ N/A ☐	3. Based on the required load calculation, is an electrical service panel upgrade required? If yes, do plans show and specify the electrical service panel upgrade?
Yes ☐ or No☐	4. The EVCS branch circuit conductor is appropriately sized for a continuous load of 125% of the EVCS equipment plus any other non-continuous loads per CEC 210.19?

Plans	**GENERAL**
Yes☐ No ☐	**5**. The plans include a Title Page with property information including, but not limited to: • Property Address. • Name, address, phone number of the property owner. • Name, address, phone number and license number(s) of the person responsible for the EVCS system design. • Applicable codes for the project. • Occupancy and use of the facilities; and • Narrative description and scope of the proposed work?
Yes ☐ No ☐	**6.** A Site Plan is included with the permit application and includes the following information? [Not required for Level One or Level Two EVCS equipment installed within an existing one- or two-family residential structure (i.e., garage or carport)]: • Location and name of structure(s) on the site. • Property lines, streets, lot dimensions, north arrow, the distance from property lines to structures and the proposed EVCS equipment. • Dimensioned parking improvements, driveways, etc. • EVCS equipment, main electric service panel, disconnects and overcurrent protection locations. • Underground conduit locations and routing. • Location of additional meter, if applicable. • All site related accessibility requirements prescribed by CA Building Code (CBC) Sections 11B-228 and 11B-812 are shown and fully specified. [Applicable only to commercial facilities, public and common use areas, public accommodations and public housing as defined in the CA Building Code.] • Detailed and specific site of all related proposed work. [See additional requirements below.]
Yes ☐ No ☐ N/A ☐	**7.** An Electrical Floor Plan is included with the permit application and includes the following information? [Not required for exterior installations.] • Plan view of the location of the proposed EVCS equipment including the use of the space or area where the EVCS will be installed. • All applicable electrical plan related requirements of CEC Article 625 are shown or specified on the plan. • All electrical plan related accessibility requirements prescribed by CA Building Code (CBC) Sections11B-228 and 11B-812 are shown and fully specified. [Applicable only to commercial facilities, public and common use areas, public accommodations and

	public housing as defined in the CA Building Code.] • Detailed and specific plan of all related proposed work. [See additional requirements below.]
Yes ☐ **No ☐** **N/A ☐**	**8.** A Single-Line Electrical Diagram is included with the permit application and includes the following information? [Not required for Level 1 charging station installations.] • List and label all EVCS supply equipment. • Conductor and conduit size, type and location. • Size of the over current device (circuit breaker) supplying the EVCS; • The size and location of the main electric panel, distribution panels (sub panels), overcurrent protection, disconnects, additional meters, and EVCS equipment. • The type (level), voltage and ampacity for each charging station. • All equipment listing requirements per CEC 625.6.
Yes ☐ **No ☐** **N/A ☐**	**9.** EVCS Manufacturer Installation Details and Specifications are included with the permit application?
Yes ☐ **No ☐** **N/A ☐**	**10.** Electrical Service Load Calculations are provided for sizing of the electrical service panel(s) pursuant to CA Electrical Code (CEC) Article 220? [NOTE: Make sure to include 125% of the EV charging station load in the calculation.]
Yes ☐ **No ☐** **N/A ☐**	11. If the EVCS equipment is listed for charging electric vehicles that require ventilation for indoor charging, is a Mechanical Plan showing and specifying all of the ventilation requirements prescribed by CEC 625.52 included with the permit application?
Yes ☐ **No ☐** **N/A ☐**	**12.** The project site is located outside of a 100-year flood hazard zone? [NOTE: If the charging equipment is located within a 100-year flood hazard zone, the EVCS equipment shall be elevated above the base flood elevation. The base flood elevation must be determined, and an elevation certificate submitted by a registered land surveyor. (Chino Municipal Code 8.60.190)]

Plans	**2025 CALIFORNIA ELECTRICAL CODE - MINIMUM PLAN REQUIREMENTS**
Yes No **Sheet#_____**	13.The plans indicate that the installation shall meet all requirements of the Electrical Code - Article 625 for Electric Vehicle Charging Systems.
Yes No **Sheet#_____**	14.The plans identify the amperage and location of the existing (or new) electrical service panel and the service panel is sized in accordance with the electrical service load calculations? (CEC 220)
Yes No **Sheet#_____**	15.The plans indicate the size of the service entrance conductors.
Yes No **Sheet#_____**	16.The plans indicate that the charging equipment shall have a Nationally Recognized Testing Laboratory (NRTL) approved listing mark? (UL 2202/UL 2200)
Yes No **Sheet#_____**	17. The single-line electrical diagram shows and specifies the required overcurrent protection for the proposed EVCS?
Yes No **Sheet#_____**	18. Conduit and conductor size and type are specified and the routes and requirements for their installation (i.e., within framing, mounted to structures, underground, etc.) are shown?
Yes No **Sheet#_____**	19. The plans specify that the electric vehicle charging system shall be installed in accordance with manufacturer's installation instructions and shall be suitable for the environment (indoor/outdoor) in which they will be installed?

Yes No Sheet#_____	20. The plans specify where the labeling of the EVCS equipment (i.e., "FOR USE WITH ELECTRIC VEHICLES", "VENTILATION NOT REQUIRED", "VENTILATION REQUIRED", etc.) is required? (CEC Article 625 and CA Code of Regulations)
Yes No Sheet#_____	21. An approval letter from SCE is provided to the building department if a dedicated electrical meter is to be installed for the electric vehicle charging system? [NOTE: If a single mast will continue to be used to serve two meters, ensure that the service entrance conductors are sized for the sum of the two meters, in accordance with CEC Article 310.]
Yes No Sheet#_____	22. If the EV charging equipment is rated more than 60 amps or more than 150V to ground, the plans specify that the disconnecting means shall be lockable open and shall be provided in a readily accessible location? (CEC 625.42)
Yes No Sheet#_____	23. The plans specify that the EVCS equipment disconnecting means shall be identified with a durable label stating, "Emergency Power Off – Electric Vehicle Charging Station"? (CEC110.22)
Yes No Sheet#_____	24. The plans specify that the main service conductors and the equipment for the protection of electrical service (i.e., disconnecting means, overcurrent protection, etc.) will be installed in accordance with CEC Article 230?
Yes No Sheet#_____	25. If trenching is required, a trenching detail is provided on the plans showing compliance with the minimum cover requirements pursuant to CEC 300.5? [NOTE: trenching for electrical feeders from structure to structure must comply with CEC Article 300.]
Yes No Sheet#_____	26. Physical protection such as a bollard is shown and detailed on the plans when vehicle impact protection for EVCS equipment is required? (CEC 110.27 (B)) [NOTE: Typically, not required for Level 1 EVCS. Physical protection from damage is often a 4" diameter steel pipe filled with concrete, a minimum of 40" above the finished floor/grade, installed in a footing measuring 12" in diameter and 3' deep].
Yes No Sheet#_____	27. The plans show and specify the mounting height for the charging coupling (the connector nozzle) and the operable controls? [NOTE: If installed indoors, the electric vehicle charging coupling shall be located between 18" and 48" above the finished floor. If installed outdoors, the electric vehicle charging coupling shall be located between 24" and 48" above the finished grade. (CEC 625.50 and CBC 11B-309)
Yes No Sheet#_____	28. If the EVCS is installed within in a building containing an R (residential) occupancy, the plans show and specify the location for all required smoke and carbon monoxide alarms within the dwelling(s)? (CBC 907.2.11, CBC 915, CRC R314 and CRC R315) [NOTE: In lieu of showing and specifying the location for all required smoke and carbon monoxide alarms within the dwelling(s), a Smoke & Carbon Monoxide Alarm Self Verification Form, available on the City of Chino website, may be completed, signed and submitted with the application or provided to the city inspector.]

Plans	**2025 CALGREEN REQUIREMENTS**
Yes No Sheet#_____	29. Does the number of proposed electric vehicle charging spaces conform to the Tier 1 requirements of California Green Building Code (CGBC)? (CGBC A4.106.8.2 and A5.106.5.3) [Only applies to newly constructed multi-family residential and newly constructed non-residential projects.]

PLANS 2025 CALIFORNIA BUILDING CODE ACCESSIBILITY REQUIREMENTS

Plans	**2025 California Building Code Accessibility Requirements**
Yes ☐ N/A ☐ No ☐	30. [NOTE: Accessibility requirements are required for public and common use areas, public accommodations, commercial facilities, and public housing as defined in the CA Building Code.] The plans show and specify all the applicable accessibility requirements prescribed in CBC Chapter 11B, including but not limited to the requirements of the following sections:
Yes ☐ N/A ☐ No☐ Sheet#_____	11B-202.4 (Path of Travel Requirements in Alterations, Additions and Structural Repairs) [See 11B-202.4 Exception 10 for Path of Travel Requirement Exceptions]
Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____ Sheet#_____	• 11B-302 Floor or Ground Surfaces) • 11B-303 Changes in Level • 11B-305 Clear Floor or Ground Space • 11B-308 Reach Ranges • 11B-309 Operable Parts • 11B-402 Accessible Route • 11B-703.3 Braille • 11B-703.7 Symbols of Accessibility • 11B-703.7.2.1 (International Symbol of Accessibility • 11B-707.2 (Clear Floor or Ground Space); • 11B-707.3 Operable Parts • 11B-707.7.2 Characters • 11B-707.9 Point-of-Sale Devices • 11B-812 Electric Vehicle Charging Stations)

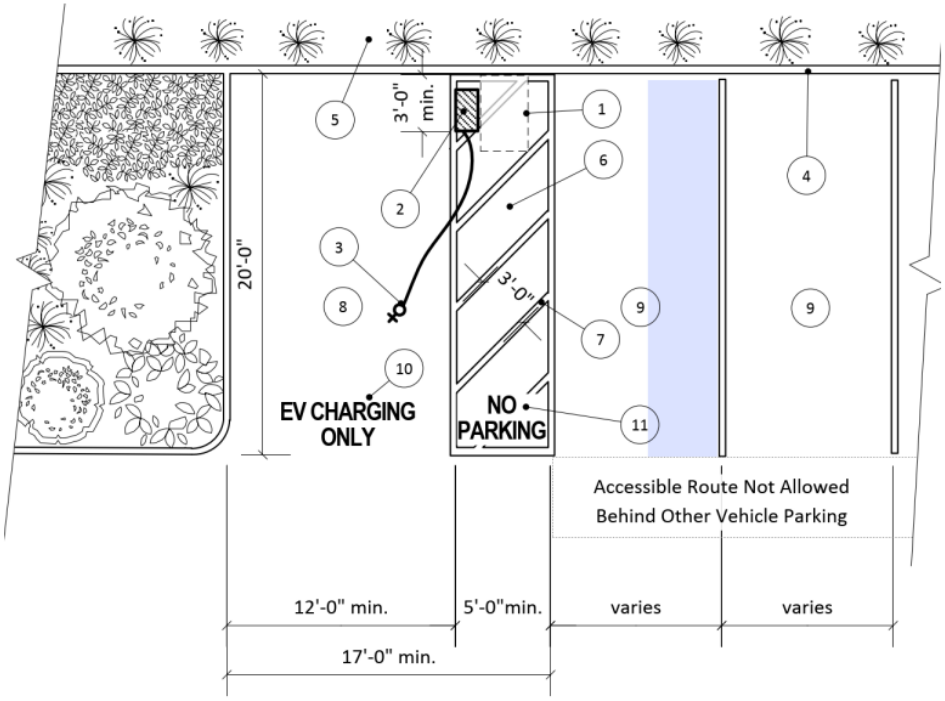
Electrical plans shall be completed, stamped, and signed by a California Licensed Electrical Engineer or a C-10 electrical contractor.

Project Address _____

Name of person completing the Checklist (Please Print) _____

Signature _____

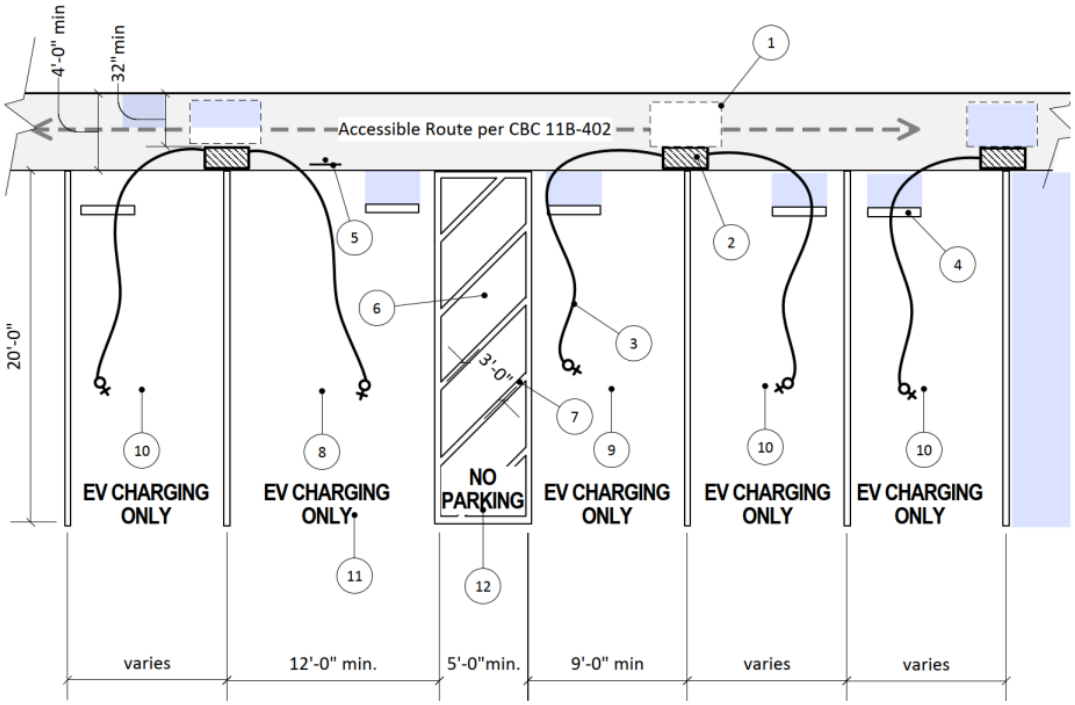
Electrical Engineer or Contractor's License Number # and Type _____



Typical Single Electric Vehicle Charging Station Configuration
For an **Existing** Commercial Facility or Public Accomodation

KEY LEGEND

1. 30" x 48" clear space for parallel approach (CBC 11B-302).
2. Electric Vehicle Charging Station (EVCS)(see CBC 11B-228.3 & 11B-812 for requirements).
3. Electric Vehicle Charging Station coupling (nozzle) and conductor.
4. Curb
5. No International Symbol of Accessibility (ISA) sign or "Van Accessible" sign is required (see CBC 11B-812.8)
6. 60" minimum width access aisle located on the passenger side of a van accessible space and at the same level as the adjacent vehicle space. (CBC 11B-812.7)
7. Contrasting border and 36" maximum on center diagonal hatched lines designating the access aisle. Access aisles borderlines and hatched lines for EVCS spaces shall not be painted blue. (CBC 11B-812.7.2)
8. Minimum 144" wide by 216" long van accessible lined EVCS space (ISA sign and "Van Accessible" sign NOT required). (CBC 11B-812.6.1 and 11B-812.8)
9. Parking space not regulated by CBC 11B-812.
10. 12" letters "EV CHARGING ONLY" surface marking at the end of each EVCS space. (CBC 11B-812.9)
11. 12" letters "NO PARKING" surface marking within the access aisle. (CBC 11B-812.7.3)



Typical Electric Vehicle Charging Station Configuration for Public Use

KEY LEGEND

1. 30" x 48" clear space for parallel approach (CBC 11B-302).
2. Electric Vehicle Charging Station (EVCS)(see CBC 11B-228.3 & 11B-812 for requirements).
3. Electric Vehicle Charging Station coupling (nozzle) and conductor.
4. Wheel stop.
5. 70 sq. in reflectorized International Symbol of Accessibility (ISA) sign required at van accessible charging station when 5 or more EVCS spaces are provided. “Van Accessible” sign shall also be provided. (see CBC 11B-812.8 for additional requirements)
6. 60" minimum width access aisle located on the passenger side of a van accessible space and at the same level as the adjacent vehicle space. (CBC 11B-812.7)
7. Contrasting border and 36" maximum on center diagonal hatched lines designating the access aisle. Access aisles borderlines and hatched lines for EVCS spaces shall not be blue. (CBC 11B-812.7.2)
8. Minimum 144" wide by 216" long van accessible lined EVCS space (ISA sign and “Van Accessible” sign required). (CBC 11B-812.6.1 and 11B-812.8)
9. Minimum 108" wide by 216" standard accessible lined EVCS space (ISA sign not required unless 26 or more EVCS are provided). (CBC 11B-812.6.2)
10. EVCS space not regulated by CBC 11B-812.
11. 12" letters “EV CHARGING ONLY” surface marking at the end of each EVCS space. (CBC 11B-812.9)
12. 12" letters “NO PARKING” surface marking within the access aisle. (CBC 11B-812.7.3)

Plan Review Permit applications must be submitted online building permit porta https://aca-prod.accela.com/CHINO/Default.aspxl Permit applications eligible for the expedited permitting process will receive a high priority and be reviewed as early as practical with a processing goal of maximum of five business days for 1-25 EVCS station at a site and ten business days for 26 or more EVCS stations at a same site following receipt of the submittal.

7. ***Inspections***

Once all permits to construct the EVCS have been issued rough electrical, underground burial (if applicable) inspections will be required. After the system has been installed, it must be inspected before final approval is granted for the EVCS system. On-site inspections can be scheduled by visiting the Permit chino Inspection Scheduling page at https://aca-prod.accela.com/CHINO/Default.aspx or by contacting the Permit Chino's automated scheduling system at (909) 334-3252. Inspection requests must be received before 3:00 P.M. one day prior scheduled inspection.

Permit holders must provide the inspector with the Building Department Approved Job Plans, the Building Permit Inspection Record Card, and access to the location of the work. The permittee must be prepared to show conformance with all technical requirements in the field at the time of inspection. The inspector will verify that the installation is in conformance with applicable code requirements and the approved plans.

Chapter 15.31-Wildland-Urban Interface Code

Sections:

15.31.010 - Adopted.
15.31.020 - Chapter 1, Division II, Section 101.1 amended—Title.
15.31.030 - Chapter 1, Division II, Section 102.4.1 amended-Conflicts
15.31.040 - Chapter 1, Division II, Section 104.7 amended-Official Records
15.31.050- Chapter 1, Division II, Section 105.4.2 amended- Time limitation of application
15.31.060- Chapter 1, Division II, Section 106.4 amended- Vegetation management compliance
15.31.070- Chapter 1, Division II, Section 108.5 amended- Related fees
15.31.080- Chapter 1, Division II, Section 109.3.7 amended- Violation penalties
15.31.090- Chapter 1, Division II, Section 112.1 amended- General
15.31.100- Chapter 1, Division II, Section 112.5 amended- Appeals procedure
15.31.110- Chapter 1, Division II, Section 112.6 amended- Fees
15.31.120- Chapter 6 Fire Protection Requirements, Section 602.1- General
15.31.130- Chapter 6 Fire Protection Requirements, Section 602.2.1- Permits
15.31.140- Chapter 6 Fire Protection Requirements, Section 602.2- Contents
15.31.150- Chapter 6 Fire Protection Requirements, Section 604.1- General
15.31.160- Chapter 6 Fire Protection Requirements, Section 604.2- Application

15.31.010 - Adopted.

There is adopted by reference the 2025 California Wildland-Urban Interface Code, with errata, incorporating the 2024 International Wildland-Urban Interface Code, that certain document, three copies of which are on file with the city of Chino, being marked and designated as 2025 California Wildland-Urban Interface Code, as copyrighted and published in 2025 by the International Code Council, including any additions, insertions, deletions, and changes prescribed in this chapter, regulating and governing the safeguarding of life and property from wildfire.

15.31.020 - Chapter 1, Division II, Section 101.1 amended—Title.

Chapter 1, Division II, Scope and Administration Part I General Provisions, Section 101.1 shall be changed to read as follows:

101.1 Title. These regulations shall be known as the California Wildland-Urban Interface Code of the City of Chino, hereinafter referred to as “this code”.

15.31.030 - Chapter 1, Division II, Section 102.4.1 amended-Conflicts

Chapter 1, Division II Scope and Administration, Part I General Provisions, Section 102.4.1 shall be changed to read as follows:

102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the fire code official shall determine which provision meets the general intent of this code

15.31.040 - Chapter 1, Division II, Section 104.7 amended-Official Records

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 104.7 shall be changed to read as follows:

104.7 Official Records. The jurisdiction shall keep official records as outlined by Sections 104.7.1 through 104.7.5. Such official records shall be retained for 3 years or as otherwise stipulated in the District's records retention policy.

15.31.050- Chapter 1, Division II, Section 105.4.2 amended- Time limitation of application

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105.4.2 shall be changed to read as follows:

105.4.2 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued for said application; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each and the Fire District may charge an extension fee as outlined in the adopted fee schedule. The extension shall be requested by a means acceptable to the jurisdiction and shall be justifiable.

15.31.060- Chapter 1, Division II, Section 106.4 amended- Vegetation management compliance

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 106.4 shall be changed to read as follows:

106.4 Vegetation management compliance. Prior to the building permit final approval, the property shall be compliance with the vegetation management requirements prescribed in Section 603, including California Public Resources Code 4291 or California Government Code Section 51182 and or the requirements prescribed in the District's Vegetation Management Ordinance as adopted by the jurisdiction. Acceptance methods of compliance inspection and documentation shall be determined by the enforcing agency and shall be permitted to include any of the following:
1. Local, state or federal fire authority or designee authorized to enforce vegetation management requirements.
2. Enforcing agency.
3. Third-party inspection and certification authorized to enforce vegetation management requirements.
4. Property owner certification authorized by the enforcing agency.

15.31.070- Chapter 1, Division II, Section 108.5 amended- Related fees

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 108.5 shall be changed to read as follows:

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees or penalties that are prescribed by law or adopted in the jurisdiction's fee schedule.

15.31.080- Chapter 1, Division II, Section 109.3.7 amended- Violation penalties

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 109.3.7 shall be changed to read as follows:

109.3.7 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall fail to obtain approval by the fire code official for the commencement of construction, alteration, or repair or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than 1,000 dollars or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to, or in place of, the foregoing penalties, administrative penalties pursuant to the District's Administrative Citation Ordinance may be imposed in connection with any violation of this code or any District Ordinance. Any person violating or who has violated any section of this code or District Ordinance may be issued an administrative citation in accordance with the Administrative Citation Ordinance.

15.31.090- Chapter 1, Division II, Section 112.1 amended- General

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 112.1 shall be changed to read as follows:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be selected by the Fire Chief and shall hold office as its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adhere to the rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

15.31.100- Chapter 1, Division II, Section 112.5 amended- Appeals procedure

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 112.5 shall be added to read as follows:

112.5 Appeals procedure. The applicant may file an appeal with the Fire District's Clerk of the Board within thirty (30) days of a final order, decision or determination made by the fire code official relative to the application and interpretation of this code. Upon receipt of an appeal, the Clerk of the Board shall fix the time and place of the hearing, which shall be at a District meeting facility not more than sixty (60) days after the date of the appeal. The Clerk of the Board shall give written notice of the time and place of the hearing to the initiating party, the Fire Chief, the fire code official and the Appeals Board. The Appeals Board shall keep a record of the proceedings of each hearing. The Appeals Board shall issue written findings and a decision within fifteen (15) days of the conclusion of the hearing which shall be mailed to the parties' first-class mail, postage prepaid, at such address as they have provided.

15.31.110- Chapter 1, Division II, Section 112.6 amended- Fees

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 112.6 shall be added to read as follows:

112.6 Fees. The fire code official and staff shall act as staff to the Appeals Board and for that purpose may determine and set fees to charge the appellant to cover the cost of preparation of the record for appeal.

15.31.120- Chapter 6 Fire Protection Requirements, Section 602.1- General

Chapter 6 Fire Protection Requirements, Section 602.1 shall be changed to read as follows:

602.1 General. The code official is authorized to require the owner or owner's authorized agent for all new buildings or developments to be built or installed in a wildland-urban interface area or designated fire hazard severity zone to prepare and submit a fire protection plan. The fire protection plan shall be prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration. The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes. A preliminary fire protection shall be submitted to the Fire District for review prior to the submission of the final fire protection plan.

15.31.130- Chapter 6 Fire Protection Requirements, Section 602.2.1- Permits

Chapter 6 Fire Protection Requirements, Section 602.2.1.1 shall be added to read as follows:

602.2.1 Permits. Permits shall be required as set forth in Section 105.1 of the 2025 California Wildland Urban Interface Code and Section 105.6 of the 2025 California Fire Code. Permits require that plans and specifications be submitted to the fire code official for review and approval prior to the issuance of a building permit or the installation or alteration of landscaping or fuel modification of hazardous vegetation. All work shall be inspected and approved by the fire code official.

15.31.140- Chapter 6 Fire Protection Requirements, Section 602.2- Contents

Chapter 6 Fire Protection Requirements, Section 602.2. shall be changed to read as follows:

4903.2 Contents. The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, climatic and fire history. The plan shall identify conformance with all applicable state wildfire protection regulations, statues and applicable local ordinances, whichever are more restrictive. The plan shall address fire department access, egress, road and address signage, water supply in addition to fuel reduction in accordance with Public Resources Code (PRC) 4290; the defensible space requirements in accordance with PRC 4291 or Government Code 51182; and applicable codes and standard for wildfire safety. The plan shall identify mitigation measures to address the project's specific wildfire risk and shall include the information required in Section 602.3 through 602.3.2. In addition to the requirements of Section 602.3 through 602.3.2, The fire protection plan shall be provided with recommendations for a fuel modification area. Fuel modification areas shall be included into all entitlement documents and shall include the

requirements set forth Section 603. A minimum fuel modification of 100 feet is required from each structure within the development. The overall width of the fuel modification shall consider the findings in the project-specific wildfire hazard assessment.

15.31.150- Chapter 6 Fire Protection Requirements, Section 604.1- General

Chapter 6-Fire Protection Requirements, Section 604.1 shall be changed to read as follows:

604.1 General. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.

All elements of the final fire protection plan and fuel modification plans shall be maintained in accordance with said plans and are subject to the enforcement process outlined in the Section 109 and or the notice served to the property owner and or owners' agent.

15.31.160- Chapter 6 Fire Protection Requirements, Section 604.2- Application

Chapter 6 Fire Protection Requirements, Section 604.2 shall be changed to read as follows:

604.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated as a State Responsibility Area (SRA). 2. Land designated as a Very High Fire Hazard Zone by a city or local agency.
3. Land designated in a city or local agency ordinance as a wildland-urban interface (WUI) area.

In addition to the aforementioned, properties as required by the District's Vegetation Management Ordinance shall comply with the provisions set forth herein as well as the requirements set forth in the adopted Ordinance.

Chapter 15.32 - FIRE CODE

Sections:

15.32.010 - Adopted.
15.32.020 - Findings.
15.32.030 - Definitions.
15.32.040 - Fees.
15.32.050 - Chapter 1, Division II, Section 101.1 amended—Title.
15.32.060 - Chapter 1, Division II, Section 102.7 amended—Conflicts.
15.32.070 - Chapter 1, Division II, Section 102.7.2 amended—Provisions in referenced codes and standards.
15.32.080 - Chapter 1, Division II, Section 104.10 amended—Fire Investigations.
15.32.090 - Chapter 1, Division II, Section 105.5.59 amended- Additional Permits.
15.32.100 - Chapter 1, Division II, Section 105.6.15.1 added—Fixed extinguishing systems.
15.32.110 - Chapter 1, Division II, Section 105.6.26 added—. Additional construction permits
15.32.120 - Chapter 1, Division II, Section 108.5 amended- Related fees
15.32.130 - Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 108.7 added-False or nuisance alarms.

15.32.140 - Chapter 1, Division II, Section 112.1 amended— General.
15.32.150 - Reserved
15.32.160 - Chapter 1, Division II, Section 112.5 added—Appeals procedure.
15.32.170 - Chapter 1, Division II, Section 112.6 added—Fees.
15.32.180 - Chapter 1, Division II, Section 113.4 amended—Violation penalties.
15.32.190 - Chapter 1, Division II, Section 114.4 amended—Failure to comply.
15.32.200 - Section 304.1 amended—Waste accumulation prohibited.
15.32.210 - Section 304.1.3 amended—Vegetation.
15.32.220 - Sections 304.1.3.1 through 304.1.3.2.3.4 added.
15.32.230 - Section 305.6 added—Spark arrestor.
15.32.231 - Sections 307.1, 307.1.1, and 307.3 amended- General
15.32.232 - Section 311.5 amended- Placards.
15.32.240 - Sections 313.1.2 and 313.1.2.1 added.
15.32.250 - Section 503.1.2.1 added—Remoteness.
15.32.260 - Section 503.1.2.2 added—Aerial access.
15.32.270 - Section 503.2.1 amended—Dimensions
15.32.280 - Section 503.2.3 amended—Surface.
15.32.281 - Section 504.5 added- Fire service features.
15.32.290 - Section 505.1 amended—Address identification.
15.32.291 - Section 901.6 amended- Inspection, testing, and maintenance.
15.32.300 - Section 903.2 amended—Where required.
15.32.310 - Reserved
15.32.320 - Reserved
15.32.330 - Reserved
15.32.340 - Section 5601.1.3 amended—Fireworks.
15.32.341 - Section 5601.2.1 amended- Residential uses.
15.32.350 - Section 5601.7 amended—Seizure of fireworks.
15.32.360 - Appendix D, Section D101.1 amended—Scope.
15.32.370 - Appendix D, Section D102.1 amended—Access and loading.
15.32.380 - Appendix P, Section P103.7 amended—Access and loading.
15.32.390 - Geographical limits.

15.32.010 - Adopted.

There is adopted by reference the California Fire Code, 2025 Edition, with errata, together with those portions of the 2024 International Fire Code as published by the International Code Council, including Chapter 1, Sections 305, 307, 308, 309, 310, 311-311.5, Chapter 4, Chapter 11, Appendix F, I, J, K, N, and P not included in the 2025 California Fire Code, collectively referred to as the "fire code," and with the additions, insertions, deletions, and changes prescribed in this chapter, regulating and governing the safeguarding of life and property from fire and explosion hazards, hazardous materials arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions, and terms of said fire code on file in the office of the clerk of the City of Chino and of the District are referred to, adopted, and made part hereof.

15.32.020 - Findings.

The city council hereby finds that the amendments to the 2025 California Fire Code contained in this Chapter are reasonable and necessary because of local climactic, geologic and

topographical conditions within the Chino Valley Independent Fire District's jurisdiction. This finding is supported and based upon the following express findings, which address each of these conditions and present the local situation which make the amendments necessary:

1. The climate and weather patterns within the City include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.

2. During the summer months, the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss vegetation and structure fires. Summer temperatures exceeding one hundred degrees, and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.

3. Because of weather patterns, the City has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.

4. Major roadways, highways, freeways and flood control channels located throughout the City create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the City and the large California Institute for Men property.

5. The topography is also very steep in large areas of the City affecting the rate of fire spread and response times.

6. Due to the sloping in the regional valley where the City is located, as well as the present street and storm drain design, heavy rainfall causes roadway flooding and landslides, which at times may make an access route impassable.

7. The City has within its boundaries active seismic hazards. Seismic activity within the City occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.

8. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.

9. For practical and cost reasons, many new structures are built of wood construction. The potential for a conflagration exists due to the design and density of current structures.

10. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.

11. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

15.32.030 - Definitions.

A. The term *"jurisdiction"* as used in the 2025 California Fire Code, shall mean the territory within the Chino Valley Independent Fire District.

B. The term *"fire department"* and "District" as used in the 2025 California Fire Code shall mean the Chino Valley Independent Fire District.

C. The term *"Board of Directors"* or "Board" as used in the 2025 California Fire Code shall mean the governing body of the Chino Valley Independent Fire District. The "governing body" shall mean the Board of Directors of the Chino Valley Independent Fire District.

D. The term *"Chief"* as used in the 2025 California Fire Code shall mean the Fire Chief of the Chino Valley Independent Fire District.

E. The term *"fire code official"* and or “code official” as used in the 2025 California Fire Code shall mean the Fire Marshal and or Deputy or employee charged with the enforcement of this code with Chino Valley Independent Fire District.

F. The term *"fire prevention"* as used in the 2025 California Fire Code shall mean the Division, Department or Office of Community Risk Reduction of Chino Valley Independent Fire District.

15.32.040 - Fees.

A. Reasonable fees, not to exceed actual costs, may be collected by the fire code official for fire protection planning and services included in the Fire Code and in this Ordinance.

B. Fire Suppression, investigation, rescue, and emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009, 13009.1, and 13009.6. Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to a traffic accident or spill of toxic or flammable liquids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150 et seq. Any expense incurred by the District for securing such an emergency situation shall constitute a public debt of such person and shall be collectible by the District in the same manner as in the case of an obligation under contract, expressed or implied.

15.32.050 - Chapter 1, Division II, Section 101.1 amended—Title.

Chapter 1, Division II, Section 101.1 of the California Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Chino, hereinafter referred to as "this code."

15.32.060 - Chapter 1, Division II, Section 102.7 amended—Conflicts.

Chapter 1, Division II, Section 102.7 of the California Fire Code is amended to read as follows:

102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the fire code official shall determine which provision meets the general intent of this code.

15.32.070 - Chapter 1, Division II, Section 102.7.2 amended—Provisions in referenced codes and standards.

Chapter 1, Division II, Section 102.7.2 of the California Fire Code is amended to read as follows:

102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall be reviewed along with the referenced codes and standards. After said review, the fire code official shall determine which provisions meet the general intent of this code.

15.32.080 - Chapter 1, Division II, Section 104.10 amended—Fire Investigations.

Chapter 1, Division II, Section 104.10 of the California Fire Code is amended to read as follows:

104.10 Fire Investigations. The District shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition, including but not limited to the unauthorized release of hazardous materials. If it appears to the investigation unit that such fire, explosion or other hazardous condition is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the incident and are authorized to pursue the investigation to its conclusion. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

15.32.090 - Chapter 1, Division II, Section 105.5.59 amended- Additional Permits.

Chapter 1, Division II, Section 105.5.59 is amended to the California Fire Code and shall read as follows:

105.5.59 Additional permits. In addition to the permits required by Section 105.5 and Section 105.6, the following permits shall be obtained from the fire code official prior to engaging in the following activities, operations, practices or functions:

1. Production facilities. To change use or occupancy, or allow the attendance of live audience, or for wrap parties.

2. Filming and special effects. To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production or for any film permit application as required from the cities served by the District.

3. Live audiences. To install seating arrangements for live audiences for the purpose of film, other events or entertainment, where approved seating will increase the occupant load at the premise, building or production location. See Chapter 48.

4. Fixed Extinguishing Systems. An operational permit is required for a fixed extinguishing system for a Type I Hood, excluding mobile food trucks

5. General use permit. A general use permit for any activity or operation not specifically addressed in this Chapter, which in the judgement of the fire code official, is possible or likely to produce conditions hazardous to life or property. A general use permit may include the temporary use of a facility for business or operations or for helicopter operations.

6. Special event. A special event permit is required when in the judgement of the fire code official the event is possible or likely to produce conditions hazardous to life or property.

15.32.100 - Chapter 1, Division II, Section 105.6.15.1 added—Fixed extinguishing systems.

Chapter 1, Division II, Section 105.6.15.1 is added to the California Fire Code and shall read as follows:

105.6.15.1 Fixed Extinguishing Systems. An operational permit is required for a fixed extinguishing system for a Type I Hood.

15.32.110 - Chapter 1, Division II, Section 105.6.26 added— Additional construction permits.

Chapter 1, Division II, Section 105.6.26 of the California Fire Code is added to read as follows:

105.6.26 Additional construction permits. In addition to the permits required by Section 105.6, the following construction permits shall be obtained from the fire code official:

1. Construction. A new construction or tenant improvement permit is required to be obtained in order to construct, enlarge, alter, repair, move, or change the occupancy or use of a building or structure or premise or to cause any new such work to be done.

2. Special equipment. A construction permit shall be obtained for the installation or modification of special equipment needed or required for the operations outlined in this code, such special equipment includes but is not limited to pick-modules and dust collection systems.

3. Generator. A construction permit is required for the installation of a generator as regulated by this code. Exception: A permit is not required for the installation or use of a portable generator.

4. Fuel modification. To install or alter landscaping related to designated or required fuel modification areas in designated fire hazard severity zones.

5. Plan checks and field inspections when required by the fire code official and not otherwise addressed in this chapter.

15.32.120 - Chapter 1, Division II, Section 108.5 amended- Related fees

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 108.5, shall be changed to read as follows:

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees or penalties that are prescribed by law or adopted in the jurisdiction’s fee schedule.

15.32.130 - Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 108.7 added-False or nuisance alarms.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 108.7 shall be added to read as follows:

107.7 8.7 False alarms or nuisance alarms. The fire code official is authorized to assess a service charge, as set forth by resolution, against the person owning or responsible for an alarm system when a fire department response occurs as a result of the third false alarm or nuisance alarm at the same address or location within any twelve month period, and for each subsequent false alarm or nuisance alarm thereafter, or against any person who intentionally, or in violation of the law reports, or causes to be reported, a false alarm or nuisance alarm to any department of the District.

15.32.140 - Chapter 1, Division II, Section 112.1 amended— General.

Chapter 1, Division II, Section 112.1 of the California Fire Code is amended to read as follows:

112.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be selected by the Fire Chief. Those selected shall hold office as its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adhere to the rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

15.32.150 - Reserved.

15.32.160 - Chapter 1, Division II, Section 112.5 added—Appeals procedure.

Chapter 1, Division II, Section 112.5 is added to the California Fire Code and shall read as follows:

112.5 Appeals procedure. The applicant may file an appeal with the Fire District's Clerk of the Board within thirty days of a final order, decision or determination made by the fire code official relative to the application and interpretation of this code. Upon receipt of an appeal, the Clerk of the Board shall fix the time and place of the hearing, which shall be at a District meeting facility not more than sixty days after the date of the appeal. The Clerk of the Board shall give written notice of the time and place of the hearing to the initiating party, the Fire Chief, the fire code official and the Appeals Board. The Appeals Board shall keep a record of the proceedings of each hearing. The Appeals Board shall issue written findings and a decision within fifteen days of the conclusion of the hearing which shall be mailed to the parties' first class mail, postage prepaid, at such address as they have provided.

15.32.170 - Chapter 1, Division II, Section 112.6 added—Fees.

Chapter 1, Division II, Section 112.6 is added to the California Fire Code and shall read as follows:

112.6 Fees. The fire code official and staff shall act as staff to the Appeals Board and for that purpose may determine and set fees to charge the appellant to cover the cost of preparation of the record for appeal.

15.32.180 - Chapter 1, Division II, Section 113.4 amended—Violation penalties.

Chapter 1, Division II, Section 113.4 of the California Fire Code is amended to read as follows:

113.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall fail to obtain approval by the fire code official for the commencement of construction, alteration, or repair or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not exceeding six months, or both such fine and imprisonment. The fire code official with the concurrence of the chief and the District Attorney, is authorized to use administrative citations and fines as allowed by an ordinance of the District in place of the violation penalties contained in this section. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

In addition to, or in place of, the foregoing penalties, administrative penalties pursuant to the District's Administrative Citation Ordinance may be imposed in connection with any violation of this code or any District Ordinance. Any person violating or who has violated any section of this code or District Ordinance may be issued an administrative citation in accordance with the Administrative Citation Ordinance.

15.32.190 - Chapter 1, Division II, Section 114.4 amended—Failure to comply.

Chapter 1, Division II, Section 114.4 of the California Fire Code is amended to read as follows:

114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to violation penalties as specified in Section 110.4. Each day that the work continues in violation of a stop work order shall be deemed a separate offense.

15.32.200 - Section 304.1 amended—Waste accumulation prohibited.

Section 304.1 of the California Fire Code is amended to read as follows:

304.1 Waste accumulation prohibited. Combustible waste material, as outlined in Section 304.1.1 and 304.1.2, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. In the event that abatement is not performed as required by a Notice of Violation or Notice to Destroy Weeds, the Fire District may seek approval from its governing body to abate said fire hazard and place a lien upon the property in which such conditions exist.

15.32.210 - Section 304.1.3 amended—Vegetation.

Section 304.1.3 of the California Fire Code is amended to read as follows:

304.1.3 Vegetation. Cut and uncut weeds, grass, tumbleweeds, vines, trees, or other vegetation that is capable of being ignited and endangering property, shall be removed by the owner or occupant of the premises. Parcels five acres or less in size shall be completely cleared of all combustible vegetation deemed hazardous by the fire official. Parcels greater than five acres shall provide a minimum one hundred feet of clearance around the perimeter of the parcel and additional clearance as required by the fire code official.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

5.32.220 - Sections 304.1.3.1 through 304.1.3.2.3.4 added.

Sections 304.1.3.1 through 304.1.3.2.3.4 are added to the California Fire Code and shall read as follows:

304.1.3.1 Clearance of brush or vegetative growth from roadways. Fire apparatus access roads shall be provided with a minimum of twenty feet clearance and driveways shall be provided with a minimum of ten feet of clearance.

304.1.3.2 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

304.1.3.2.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 304.1.3.2.

Exception: Section 304.1.3.2 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

301.1.3.2.2 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall provide a combustible free space consisting of a clearing of not less than ten feet (3048 mm) in each direction from the outer circumference of such pole or tower and directly under and adjacent to electrical transmission or distribution lines.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communications circuits by a public utility.

304.1.3.2.3 Electrical distribution and transmission line clearances.

304.1.3.2.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with this Section.

304.1.3.2.3.2Trimming clearance. Clearances not less than those established by Table 304.1.3.2.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

TABLE 304.1.3.2.3.2
MINIMUM CLEARANCE BETWEEN VEGETATION AND ELECTRICAL LINES AT THE TRIMMING

Line Voltage	Minimum Radial Clearance From Conductor (feet)
2,400—72,000	4
72,001—110,000	6
110,001—300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

Exception: The fire code official is authorized to establish minimum clearances different than those specified by Table 304.1.3.2.3.2 when evidence substantiating such other clearances is submitted to and approved by the fire code official.

304.1.3.2.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table 304.1.3.2.3.3 shall be maintained during such periods of time as designated by the fire code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to high voltage lines.

Exception: The fire code official is authorized to establish minimum clearances different than those specified by Table 304.1.2.2.3.3 when evidence substantiating such other clearances is submitted to and approved by the fire code official.

TABLE 304.1.3.2.3.3
MINIMUM CLEARNACES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750—35,000	6
35,001—60,000	12
60,001—115,000	19

115,001—230,000	30.5
230,001—500,000	115

For SI: 1 inch = 25.4 mm.

304.1.3.2.3.4 Electrical power line emergencies. During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 304.1.3.2.3.3.

15.32.230 - Section 305.6 added—Spark arrestor.

Section 305.6 is added to the California Fire Code and shall read as follows:

305.6 Spark arrestor. All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrestor. The spark arrestor shall meet all of the following requirements:

1. Openings shall not permit the passage of spheres having a diameter larger than one-half inch and shall not block the passage of spheres having a diameter of less than three-eighths inch.

2. The spark arrestor shall be a visible from the ground and the screen or chimney cap shall be accessible and removable to allow for cleaning of the chimney flue.

3. The net free area of the spark arrester shall not be less than four times the net area of the outlet of the chimney.

4. The spark arrestor screen shall have heat or corrosion resistance equivalent to twelve gauge steel wire, nineteen gauge galvanized wire or twenty-four gauge stainless steel.

15.32.231- Sections 307.1, 307.1.1, and 307.3 amended.

Chapter 3 General Requirements, Section 307.1, 307.1.1, and 307.3 shall be changed to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning or recreational fires unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning. Opening burning and recreational fires shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous. This shall include when a red-flag warning or a fire weather watch condition has been issued by the National Weather Service.

307.3 Extinguishment authority. Where open burning, recreational fires, or the use of a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of said operation or use.

15.32.232- Section 311.5 amended.

Chapter 3 General Requirements, Section 311.5 shall be changed to read as follows:

311.5 Placards. Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 111 relating to structural or interior hazards shall be marked with a placard bearing the word “UNSAFE” and a statement of the penalties for noncompliance regarding the matters pertaining to the conditions of the sign and or removal of said sign.

15.32.240 - Sections 313.1.2 and 313.1.2.1 added.

Sections 313.1.2 and 313.1.2.1 are added to the California Fire Code and shall read as follows:

313.1.2 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrestor as defined in Section 313.1.2.1 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exception:

1. Engines used to provide motor power trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section of the exhaust system is equipped with a muffler as defined in the California Vehicle Code.

2. Turbocharged engines are not subject to this section of all exhausted gases pass through the rotating turbine wheel, there is not exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition.

313.1.2.1 Spark arrestors.

1. A spark arrester is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

2. Spark arrestors affixed to the exhaust system of engines or vehicles subject to Section 313 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

15.32.250 - Section 503.1.2.1 added—Remoteness.

Section 503.1.2.1 is added to the California Fire Code and shall read as follows:

503.1.2.1 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

15.32.260 - Section 503.1.2.2 added—Aerial access.

Section 503.1.2.2 is added to the California Fire Code and shall read as follows:

503.1.2.2 Aerial access. Buildings exceeding three stories in height or thirty feet in height shall be provided with aerial fire apparatus access. One or more of the required access routes shall be located not less than fifteen feet (4572 mm) and not greater than thirty feet (9144 mm) from the building. The side of the building on which the aerial access fire apparatus road is positioned shall be approved by the fire code official.

15.32.270 - Section 503.2.1 amended—Dimensions.

Section 304.1.2 of the California Fire Code is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than thirteen feet, six inches (4115 mm).

15.32.280 - Section 503.2.3 amended—Surface.

Section 503.2.3 of the California Fire Code is amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads (78,000 lbs.) of fire apparatus and shall be surfaced by either asphalt or concrete, except when alternate surfaces are approved by the jurisdiction.

15.32.281- Section 504.5 added- Fire service features.

Section 504.5 shall be added to read as follows:

504.5 Door signage. When required by the fire code official, interior and exterior doors shall be provided with permanent signs to facilitate fire department emergency access. Signage shall be approved by the fire code official.

15.32.290 - Section 505.1 amended—Address identification.

Section 505.1 of the California Fire Code is amended to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of four inches (102 mm) high with a minimum stroke width of one-half inch (12.7 mm) for one- and two-family residential dwellings, and shall be illuminated during hours of darkness. Each character shall be a minimum of eight inches (204 mm) high with a minimum stroke width of one inch (25.5 mm) for buildings other than one- and two-family residential dwellings. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building and/or address

identification cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

15.32.291 – Section 901.6 amended- Inspection, testing, and maintenance.

Section 901.6 shall be amended to read as follows:

901.6 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection and life safety systems and equipment shall be inspected, test and maintained or removed in accordance with Section 901.8. The fire code official is authorized to require periodic inspection, testing and certification of all such systems, equipment and appurtenances. Personnel shall be qualified to perform the inspection, testing, and certification in accordance with Table 901.6.1. In addition to provisions of the applicable test standards, the required certification shall be provided to the Fire District as required by Section 110.3 of the fire code.

Table 901.6.1 shall be amended to read as follows:

Fire Protection and Life Safety Systems		**TESTER QUALIFICATIONS (a)**	**REQUIRED MINIMUM TESTING FREQUENCIES (b)**				**FREQUENCY TO SUBMIT REPORTS TO FIRE DISTRICT. (c)**
			Semi-annual	**Annual**	**Triennial**	**Every 5 years**	
ENGINEERED FIXED EXTINGUISHING SYSTEM							
Dry Chemical System		1, 5	X				Annually
Carbon Dioxide System		1, 5		X			Annually
Halogenated System		1, 5	X				Annually
Clean Agent System		1, 5		X			Annually
Wet Chemical Extinguishing System		1, 5	X				Annually
STANDPIPE SYSTEMS		1, 5		X		X	Annually
AUTOMATIC FIRE SPRINKLER SYSTEMS		1, 5		X		X	Annually
FIRE PUMPS		1, 5		X			Annually
FIRE ALARM SYSTEMS, MONITORING SYSTEMS		8	Frequency ranges from quarterly to annually depending upon equipment; see NFPA 72				Annually
MISCELLANEOUS							
Commercial Cooking Equipment	Fire Protection Systems	1, 5	X				Annually
	Duct Cleaning		Frequency ranges from 1 month to 12 months; see NFPA 96				Not required
Private Fire Hydrants		1, 9		X			Annually
Single Station Smoke Alarms		2, 6		X			Annually
Fire Extinguishers		5		X			Annually
Smoke Control System	Dedicated	3	X				Annually
	Non-Dedicated	4		X			Annually
Emergency and Standby Power Systems		2		X			Annually
Electrical Buss Ducts	Torque and Electrical Testing	2			X		Triennially
	Infrared Testing	2		X			Annually
Fire Doors and Shutters		4, 7		X			Annually
Fire Escapes		7		X			Annually
Emergency Responder Radio Coverage Systems		10		X			Annually

Table 901.6.1 Footnotes:

a. Other concerns or individuals may be qualified to test and certify subject to approval of the fire code official.

b. The testing frequencies listed herein are intended as a convenient summary based on the applicable standards. The applicable standards shall always govern if there is any conflict. It is important to note that many standards mandate inspections on more frequent bases than shown herein. It is not the intent to supersede, modify, or reduce the requirements found in the applicable standards.

c. Reports of tests and certifications need not be submitted to the Fire District more frequently than annually, unless specifically requested by the fire code official.

1. State Licensed Fire Protection Contractor (C-16)

2. State Licensed Electrical Contractor (C-10)

3. State Licensed HVAC Contractor (C-20)

4. May be performed by Owner

5. Licensed by the State Fire Marshal

6. 25 or less units, qualified owner may perform test

7. State Licensed General Contractor (A or B); see also footnote (a)

8. State Licensed Electrical Contractor (C-10) and, for systems installed after 1989, holding the U.L. Certificate (or approved equal) for the building fire alarm system

9. State Licensed Plumbing Contractor (C-36)

10.FCC-issued General Radio Operators License (GROL) and certification by an approved school, organization, or the equipment manufacturer

15.32.300 - Section 903.2 amended—Where required.

Section 903.2 of the California Fire Code is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.

In addition to the requirements of Section 903.2.1 through 903.2.12, automatic fire sprinklers are required for the construction of any new building(s) 5,000 square feet or more, regardless of the use of fire walls and occupancy type, except for Group U occupancies not required by Section 903.2.18.

In all existing buildings or structures, except one and two-family dwellings, not equipped with an automatic fire sprinkler system, when additions cause the structure to exceed five thousand square feet, the following provisions shall apply:

A. When such addition exceeds five thousand square feet, but is less than fifty percent of the original building square footage, the addition shall be equipped with an automatic fire sprinkler system.

B. When such addition is fifty percent or greater than the original building square footage, the entire structure shall be equipped with an automatic fire sprinkler system.

15.32.310 - Reserved

15.32.320 - Reserved

15.32.330 - Reserved

15.32.340 - Section 5601.1.3 amended—Fireworks.

Section 5601.1.3 of the California Fire Code is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks is prohibited. If found to be in violation of this requirement, penalties as outlined in Chapter 1, Section 113.4 shall be assessed.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.

2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.

3. The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks and Health and Safety Code Division 11.

15.32.341 – Section 5601.2.1 amended- Residential uses.

Section 5601.2.1 shall be amended to read as follows:

5601.2.1 Residential uses. Persons shall not keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation, or within 100 feet thereof. Fireworks shall not be used or possessed in wildland-urban interface areas or areas designated as a fire hazard severity zone. If found to be in violation of this requirement, penalties as outlined in Chapter 1, Section 113.4, shall be assessed.

15.32.350 - Section 5601.7 amended—Seizure of fireworks.

Section 5601.7 is amended in the California Fire Code and shall read as follows:

5601.7 Seizure. The fire code official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter or of any local ordinances or regulations.

15.32.360 - Appendix D, Section D101.1 amended—Scope.

Appendix D, Section D101.1 of the California Fire Code is amended to read as follows:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix, Section 503, and all other applicable requirements.

15.32.370 - Appendix D, Section D102.1 amended—Access and loading.

Appendix D, Section D102.1 of the California Fire Code is amended to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt or concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

15.32.380 - Appendix P, Section P103.7 amended—Access and loading.

Appendix P, Section P103.7 of the California Fire Code is amended to read as follows:

P103.7 Fire Protection. Haunted houses and ghost walks shall be provided with fire protection systems, as required by the fire code official.

15.32.390 - Geographical limits.

The geographical limits referred to in certain sections of the 2025 California Fire Code are hereby established as follows:

A. **Establishment of geographical limits of districts in which storage of Class I and Class II liquids in above-ground tanks outside of buildings is to be prohibited.**

The limits referred to in Section 5704.2.9.6.1 of the 2025 California Fire Code in which storage is prohibited are established as commercial and residential areas, except where the fire code official has issued written approval of such storage.

B. **Establishment of geographical limits of districts in which storage of Class I and Class II liquids in above-ground tanks is to be prohibited.**

The limits referred to in Section 5706.2.4.4 of the 2025 California Fire Code in which storage is prohibited are established as commercial and residential area, except where the fire code official has issued written approval of such storage.

C. **Establishment of geographical limits of districts in which the storage of flammable cryogenic fluids in stationary containers is to be prohibited.**

The limits referred to in Section 5806.2 of the 2025 California Fire Code in which storage is prohibited are established as commercial and residential areas, except where the fire code official has issued written approval of such storage.

D. **Establishment of geographical limits of districts in which storage of liquefied petroleum gas is to be restricted.**

The limits referred to in Section 6104.2 of the 2025 California Fire Code in which storage is restricted are established as:

Heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of two thousand gallons (7570 L).

All areas, when in the opinion of the fire code official the location of storage would create a hazard to occupants or property owners, the aggregate capacity of any one installation shall not exceed a water capacity of two thousand gallons.

Chapter 15.34 - CALIFORNIA EXISTING BUILDING CODE

Sections:

15.34.010 - Adoption of California Existing Building Code.

15.34.010 - Adoption of California Existing Building Code.

There is adopted by reference the 2025 California Existing Building Code, with errata, incorporating the 2024 International Existing Building Code. That certain document, three copies of which are on file with the city of Chino, being marked and designated as California Existing Building Code, 2025 Edition as copyrighted 2025 by the International Code Council, is adopted as the California Existing Building Code of the city of Chino, to promote public safety and welfare by reducing the risk of death or injury that may result from effects of earthquakes on existing unreinforced masonry bearing wall buildings in the city of Chino and prescribing standards of inspection thereof; and each and all such regulations are referred to, adopted and made a part hereof as though fully set out in this chapter.

Chapter 15.36 - POSTING OF UNREINFORCED MASONRY BUILDINGS

Sections:

15.36.010 - Purpose.
15.36.020 - Scope.
15.36.030 - Definitions amended.
15.36.040 - General requirements.
15.36.050 - Validity.

15.36.010 - Purpose.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on buildings of unreinforced masonry bearing wall construction.

15.36.020 - Scope.

The requirements of this chapter shall apply to all buildings as required by other provisions of this code including all unreinforced masonry bearing wall structures constructed prior to the adoption of earthquake design requirements by this jurisdiction. (Exception: This chapter shall not apply to a detached Group R, Division 1 occupancy containing less than five dwellings used solely for residential purposes.)

15.36.030 - Definitions amended.

For the purpose of this chapter, certain terms, phrases, words, and their derivations shall have the meaning herein.

A. The word *"shall"* is mandatory and the word *"may"* is permissive. Words not defined shall be given their common and ordinary meanings.

B. *"Unreinforced masonry bearing walls"* are masonry walls having all of the following characteristics:

1. Provide the vertical support for a floor or roof;

2. Have a total superimposed load over one hundred pounds per lineal foot;

3. Have an area of reinforcing steel less than fifty percent of that required by the California Building Code.

15.36.040 - General requirements.

A. It shall be the responsibility of the owner of an identified unreinforced masonry building to post in a conspicuous place visible before or upon entry into the structure with the following wording:

"NOTICE

This building has been identified by City of Chino as having potentially hazardous unreinforced masonry bearing walls subject to Chapter 122 of Division 1 of Title 2 of the California Government Code.

In the event of an earthquake, this building could be subject to structural damage that could cause death or injury to its occupants and/or persons near the building exterior."

B. The posting notice shall be of durable metal and shall be a minimum of eight and one-half inches by fourteen inches. Lettering shall be no smaller in size than one-quarter inch and shall have a contrasting color as a background. Posting notice shall be printed in both English and Spanish.

C. Posting shall be completed within thirty days from adoption of the ordinance codified in this chapter or as determined by the building official.

15.36.050 - Validity.

The city council declares that should any section, paragraph, sentence, or word of this chapter or of the code hereby adopted for any reason be invalid, it is the intent of the city council that it would have passed all other portions of this chapter independent of the elimination hereof any such portion as may be declared invalid.

Chapter 15.40 - NEW HOME CONSTRUCTION

Sections:

15.40.010 - Definitions.
15.40.020 - Notice to buyers.
15.40.030 - Features and amenities.
15.40.040 - Developer's security deposit.
15.40.050 - City's inspection.
15.40.060 - Buyer's inspection.
15.40.070 - Occupancy permits.
15.40.080 - City's remedies.
15.40.090 - Attorney's fees and costs.

15.40.010 - Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

A. *"Building official"* refers to the building official of development services or his/her designee. As such, the building official shall have authority to adopt rules and regulations to clarify and interpret the provisions of this chapter. He may also approve the variations when such variations are not detrimental to the life, health, safety or welfare of the public and are necessary because of particular or peculiar circumstances, and do not violate the intent or purpose of this chapter.

B. *"Developer"* means any natural person, corporation, partnership, association or other entity seeking to construct new residential dwellings for sale or reconstructing existing residential dwellings for sale.

C. *"Residential dwelling"* means a building or portion thereof designed and constructed exclusively for residential occupancy, including one-family, two-family or multiple dwellings, excepting motels, hotels and rental dwelling units not for resale.

15.40.020 - Notice to buyers.

A. A developer of any residential dwelling shall provide the following information to every potential buyer:

1. The list of features and amenities;

2. The brand names of each of the major components contained in the features and amenities list which were installed in the residential dwelling sought to be sold to the potential buyer;

3. The manufacturer's warranties for each component contained in the features and amenities list;

4. Any and all representations regarding the quality of construction of the residential dwelling including the warranty that the dwelling is constructed in a good, workmanlike manner;

5. Any and all discrepancies between the residential dwelling unit sought to be sold to the potential buyer and the developer's model dwelling displayed by the developer;

6. The buyer's right to inspect and approve the functionality of each major component contained in the features and amenities list and the quality of construction of the residential dwelling and to require the developer to remedy any substantial defects therein pursuant to Section 15.40.060 of this chapter;

7. The distance between the residential dwelling unit sought to be sold from any property which is being used or zoned for an agricultural use and a disclaimer regarding the length of time that the agricultural use or zone shall continue. The disclaimer shall read as follows:

"NOTICE REGARDING AGRICULTURAL USES

Please be advised that many properties within the city of Chino are presently being used for agricultural purposes or are zoned for agricultural purposes. The distance between this residential dwelling and the nearest property currently being used for agricultural purposes is _____. The distance between this residential dwelling and the nearest property zoned for agricultural purposes is _____.

In addition, you are hereby advised that the seller of this residential unit cannot represent the period of time that nearby properties used or zoned for agricultural purposes will continue to be so used or zoned. Because the nearby properties used or zoned for agricultural purposes involve complex and legal factual questions, no representation can be made, nor should be made, regarding the length of time that these nearby properties will continue to be used or zoned for agricultural purposes."

8. The current zoning of all surrounding properties within six hundred sixty feet of the residential dwelling offered for sale by the developer; provided, that such notice has been approved by the Director of Development Services;

9. The name, address and phone number of the developer's representative authorized to effectuate and coordinate compliance with the provisions of this chapter; and

10. The schedule and procedure by which the developer intends to comply with the provisions of this chapter.

B. Concurrent with the execution of any documents for the sale and purchase of a residential dwelling, the developer shall again provide the information contained in subsection A of this section and obtain the buyer's acknowledgment of receipt thereof. Furthermore, the developer, as a condition for the issuance of occupancy, shall make available upon request, the buyer's acknowledgment of receipt of said information to the building official.

15.40.030 - Features and amenities.

Prior to the issuance of building permits for any residential dwelling, the developer shall create and maintain a list of features and amenities. The list of features and amenities shall contain the following information:

A. Each major component to be installed in each residential dwelling including, but not limited to, refrigerators, stoves, microwave ovens, dishwashers, garbage disposals, trash compactors, heating and air conditioning units, solar units, vacuum units, swimming pools, spas, patios, landscaping and alarm systems;

B. Any and all representations to be made to the buyers of the residential dwellings pertaining to the features and amenities to be installed, the quality of construction of the residential dwellings including the normal warranty that the residential unit will be constructed in a good workmanlike manner, and any other representation regarding the developer's efforts to comply with the provisions of this chapter;

C. The name, address and phone number of the developer's representative authorized to effectuate and coordinate compliance with the provisions of this chapter; and

D. The schedule and procedure by which the developer intends to comply with the provisions of this chapter.

15.40.040 - New home security fee.

A. Prior to the issuance of building permits, the developer shall pay a fee for the inspection of each residential dwelling to ensure compliance with the city's building ordinances, the functionality of the dwelling's major components as contained in the developer's warranties, conditions of approval as may be imposed by the approving authority in accordance with the provisions of Title 20 (Zoning) of this code, environmental mitigation measures imposed in accordance with the California Environmental Quality Act (Public Resources Code Sections 21000 through 21177) and the provisions of Chapter 9.40 (Noise) of this code.

B. The fee to be paid by the developer shall be in an amount and in the form specified by the building official, who may require cash, bonds, letters of credit or any combination thereof.

15.40.050 - City's inspection.

A. At the request of the new homeowner, within ninety days after the close of escrow, the building official shall inspect, or cause to be inspected, each residential dwelling to ensure the developer's compliance with the requirements of this chapter. For this purpose, the building official may contract with independent inspectors to conduct the inspections required by this chapter and is authorized to execute said contracts subject to the approval of the city attorney. The costs of the services of any such inspector shall be paid by the developer.

B. The building official shall require the developer to make any and all corrections reasonably necessary to bring each residential dwelling into compliance with the requirements of this chapter. The building official's corrections shall be based upon the inspector's findings and recommendations.

15.40.060 - Buyer's inspection.

A. Prior to the close of escrow for the sale of each residential unit, the developer shall afford the buyer the opportunity to inspect and approve the operational aspects of each major component contained within the features and amenities list and the quality of construction of the residential dwelling.

Thereafter, the developer and each buyer shall prepare a joint statement containing all corrections agreed to be made and all disputes for which no agreement has been reached. The joint statement shall also contain a time period by which all agreed corrections are to be made by the developer provided that the period shall not exceed ninety days from the date of the joint statement. Furthermore, the developer shall file the joint statement and make available upon request to the building official as a condition for the issuance of an occupancy for each residential dwelling.

B. Following occupancy, each buyer shall have ninety days from the close of escrow in which to register complaints with the developer regarding substantial defects or deviations of the requirements set forth in this chapter. Thereafter, the developer and buyer shall meet and confer in good faith regarding the resolution of the buyer's complaints or objections.

15.40.070 - Occupancy permits.

The building official may refuse to issue occupancy permits for any residential dwelling unless and until the developer has complied with the requirements of this chapter including any and all corrections reasonably required by the building official.

15.40.080 - City's remedies.

A. In the event the developer fails to make the required corrections, the building official may, after fifteen days written notice to the developer to make such corrections, utilize the developer's security and cause the corrections to be performed.

B. In the event a developer fails to comply with the requirements of this chapter, the building official may also refuse to issue any additional building permits or occupancy permits to said developer. Prior to doing so, the building official shall notify the developer in writing that occupancy permits or building permits are being withheld pending compliance with this chapter, the reasons therefor, and notice the decision may be appealed pursuant to Chapter 15.70; provided, that a written notice of appeal and reasons therefor is filed with the city clerk within fifteen days of the decision of the building official.

C. In refusing to issue any additional building permit or occupancy permit to a developer, the building official may also issue such permits in phases so as to require the developer to comply with the provisions of this chapter on certain designated residential dwellings before receiving such permits on other residential dwellings.

15.40.090 - Attorney's fees and costs.

In the event that the buyer of a residential dwelling unit institutes legal action against the developer to compel compliance with this chapter and prevails, the buyer shall be entitled to reasonable attorney's fees and costs.

Chapter 15.42 - GREEN BUILDING STANDARDS CODE

Sections:

15.42.010 - Adopted.

15.42.010 - Adopted.

There is adopted by reference the 2025 California Green Building Standards Code, with errata. That certain document, three copies of which are on file with the city of Chino, being marked and designated as the California Green Building Standards Code, 2025 Edition as copyrighted 2025 by the California Building Standards Commission, is adopted as the California Green Building Standards Code of the city of Chino.

Chapter 15.43 - CALIFORNIA ENERGY CODE

Sections:

15.43.010 - Adopted.

15.43.010 - Adopted.

There is adopted by reference the 2025 California Energy Code For Residential and Nonresidential Buildings as published by the California Energy Commission. That certain document, three copies of which are on file with the city of Chino, being marked and designated as the California Energy Code, 2025 Edition, is adopted as the California Energy Code of the city of Chino.

Chapter 15.44 - ON-SITE CONSTRUCTION DEVELOPMENT

Sections:

15.44.010 - Plan checking and inspection—Required.
15.44.020 - Plan checking and inspection—Fee.
15.44.030 - Construction hours.

15.44.010 - Plan checking and inspection—Required.

To ensure compliance with state or local laws, each person constructing or causing to be constructed any building, dwelling, private, public, or semipublic development for commercial or industrial or related purposes, which proposes to utilize on-site drainage, shall prepare engineering drawings in accordance with the requirements, standards and specifications of the city, which shall be approved and inspected by the city engineer.

15.44.020 - Plan checking and inspection—Fee.

A fee shall be charged for all plans, reviewed and approved by the city engineer, and for inspection of the construction for such on-site drainage facilities construction development. The fee shall be in the amount prescribed in the Comprehensive Fee Schedule of the city, codified in Appendix I of this code, to offset the city's costs for all personnel, time, equipment, facilities and administration performed pursuant to this section.

15.44.030 - Construction hours.

A. Construction shall occur only between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, with no construction allowed on Sundays and federal or state holidays. For the purposes of this section, construction shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or pile driving.

B. The director of development services may approve exceptions to the hours of construction noted in Subsection A of this section, provided that the change in hours does not adversely impact the adjacent neighborhood.

Chapter 15.45 - CLIMATE ACTION PLAN IMPLEMENTATION

Sections:

15.45.010 - Purpose
15.45.020 - Mandatory and Voluntary Measures
15.45.030 - Residential Development
15.45.040 - Non-Residential Development
15.45.050 - Model Homes
15.45.060 - Energy Efficiency for Existing Buildings
15.45.070 - GHG Performance Standard for New Development

15.45.010 - Purpose.

The city's climate action plan (CAP) incorporates a variety of reduction approaches and strategies, including mandatory measures, incentive-based measures, public outreach and education, and coordination with county, regional, and state strategies in order to accomplish emission reductions in an efficient and cost-effective manner. The purpose of this chapter is to establish CAP implementation requirements for existing buildings and new development that will contribute to the reduction of greenhouse gas (GHG) emissions.

15.45.020 - Mandatory and Voluntary Measures.

The 2025 California Green Building Standards Code, Title 24, Part 11 ("CALGreen") contains both mandatory and voluntary green building measures. Mandatory and voluntary measures are identified in the appropriate application checklists contained in CALGreen. All new residential development shall comply with the mandatory measures of CALGreen Chapter 4, and are encouraged to implement voluntary measures to further reduce greenhouse gas (GHG) emissions related to development. In addition to mandatory measures of CALGreen, all new residential development shall comply with the measures identified in Section 15.45.030 of this code. All new non-residential development shall comply with the mandatory measures of CALGreen Chapter 5, and are encouraged to implement voluntary measures to further reduce GHG emissions related to development. In addition to the mandatory measures of CALGreen, all new non-residential development shall comply with the measures identified in Section 15.45.040 of this code.

15.45.030 - Residential Development.

The following measures are hereby adopted as mandatory measures, applicable to all new residential development:

A. Electric Vehicle (EV) Charging. Dwellings shall comply with the following requirements for future installation of electric vehicle supply equipment (EVSE).

1. One-and Two-family Dwellings. Install a listed raceway to accommodate a dedicated branch circuit. The raceway shall not be less than trade size 1. The raceway shall be securely fastened at the main service or subpanel and shall terminate in close proximity to the proposed location of the charging system into a listed cabinet, box, or enclosure. Raceways are required to be continuous at enclosed or concealed areas and spaces. A raceway may terminate in an attic or other approved location when it can be demonstrated that the area is accessible and no removal of materials is necessary to complete the final installation.

i. Exception: Other pre-installation methods that provide sufficient conductor sizing and service capacity to install Level 2 EVSE.

ii. Labeling Requirement. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

2. Appliance Rating. Each appliance provided by the builder must be a qualified ENERGY STAR appliance if an ENERGY STAR designation is applicable for that appliance.

3. Enhanced Construction Waste Reduction. Divert to recycle or salvage at least seventy percent of nonhazardous construction and demolition debris generated at the site.

15.45.040 - Non-Residential Development.

The following measures are hereby adopted as mandatory measures, applicable to all new non-residential development:

1. Appliance Rating. All equipment and appliances provided by the builder shall be ENERGY STAR labeled if ENERGY STAR is applicable to that equipment or appliance.

2. Enhanced Construction Waste Reduction. Divert to recycle or salvage at least seventy percent of nonhazardous construction and demolition debris generated at the site.

15.45.050 - Model Homes.

At least one model home/unit for each residential development shall offer and display energy-saving options and signage identifying standard and optional features that contribute to the overall efficiency of the home. Handout materials shall be made available in the model home describing the optional features, including costs, benefits, energy savings, etc.

15.45.060 - Energy Efficiency for Existing Buildings.

Energy efficiency upgrades are required when a building permit is issued for any addition or alteration to non-residential buildings, or when a building permit is issued for any addition or alteration with a project valuation of sixty-five thousand dollars or more to a residential building.

In all cases of additions or alterations that trigger the requirement, compliance is required as follows:

1. Applicants will dedicate an additional amount of ten percent of project valuation toward energy upgrades, up to a maximum of twenty thousand dollars beyond the original permit valuation for the addition or alteration.

2. Energy upgrades that can be counted toward meeting this requirement include those that are part of the original addition or alteration that exceed local and state requirements, and those that are beyond the original scope of the project that meet or exceed local and state requirements.

3. The building official will have the flexibility to determine substantial compliance with this section in cases where practical difficulties make it infeasible to meet the requirements. A project proponent would need to demonstrate in writing that the requirements are financially infeasible, that they are infeasible within the project timeframe, that the products needed are not available, or that other practical difficulties exist.

15.45.070 - GHG Performance Standard for New Development.

All new development in the city shall contribute to the reduction of greenhouse gas emissions by demonstrating consistency with the climate action plan by implementing one or a combination of the following three options:

1. Exceed by three percent the mandatory California Energy Code Title 24, Part 6 standards, in effect at the time of development application submittal for discretionary review; or

2. Achieve an equivalent reduction through voluntary measures in the California Green Building Standards Code, Title 24, Part 11 (CALGreen) in effect at the time of development application submittal for discretionary review; or

3. Provide other equivalent GHG reductions through measures including, but not limited to, non-vehicle transportation infrastructure, transit, ZEV (zero emission vehicle) infrastructure or other incentives, waste diversion, water conservation, tree planting, renewable energy option packages, or any combination of these or other measures such that GHG emissions are reduced by 0.04 MT CO2e per residential dwelling unit per year and/or 0.11 MT CO2e per thousand square feet of commercial/industrial development per year.

Applicants that choose Option 1 described above will be required to verify that their project meets the three percent improvement above the mandatory standards through the appropriate certificate of compliance form for residential construction (CF-1R) or for commercial/industrial construction (PERF-1C). Applicants that choose Options 2 or 3 described above will be required to utilize the GHG Performance Standard Checklist developed by the city, or provide other valid documentation, such as CalEEMod or other methodologies, as verified by the director of community development to demonstrate the required GHG reductions consistent with the city's CAP.

Chapter 15.46 - ROOFTOP SOLAR ENERGY SYSTEMS

Sections:

15.46.010 - Small Residential Rooftop Solar Energy System Review Process

15.46.010 - Small Residential Rooftop Solar Energy System Review Process.

A. The following words and phrases as used in this section are defined as follows:

Electronic submittal means the utilization of one or more of the following:

1. E-mail;

2. Online permit software available through the City of Chino website.

3. Facsimile.

4. SolarApp+, per SB 379

Small residential rooftop solar energy system means all of the following:

1. A solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating or thirty kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined in this Code or applicable provisions of state law.

Solar energy system has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

B. Prior to submitting an application, the applicant shall:

1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground, and bonding wiring, as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

C. An applicant may submit the permit application and associated documentation to the city's building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documentation may be used in lieu of a wet signature.

D. For a small residential rooftop solar energy system eligible for expedited review, only one inspection from the building division shall be required, which shall be done in a timely manner. A separate fire inspection is required to be performed by the Chino Valley Independent Fire District. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection.

E. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

F. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits and authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

Chapter 15.48 - SECURITY AND SAFETY STANDARDS FOR CONSTRUCTION

Sections:

15.48.010 - Purpose.
15.48.020 - Application.
15.48.030 - Definitions.
15.48.040 - Compliance—Required.
15.48.050 - Compliance—Time—Procedure.
15.48.060 - Security standards—Generally.
15.48.070 - Security standards—Residential units.
15.48.080 - Security standards—Commercial/industrial building.
15.48.090 - Exceptions—Criteria for approval.
15.48.100 - Testing.
15.48.110 - Reserved.
15.48.120 - Enforcement.
15.48.130 - Violation—Penalty.

15.48.010 - Purpose.

The city declares the provisions contained in this chapter both desirable and necessary for the safety and protection of human life and property.

15.48.020 - Application.

The provisions of this chapter shall be applied at such times as building permits are issued for new building construction or any structural addition to an existing building. The existing structure shall meet the provisions of this code when additions thereto are constructed.

15.48.030 - Definitions.

For the purpose of this chapter, the definitions given in this section shall govern the meanings of the following words and phrases:

A. *"Building official"* means the building official of the city.

B. *"Building permit"* means approval to commence construction issued by the building official upon determination that all plans and specifications for a proposed building or structure conform to the city's codes and standards.

C. *"Locks"* include the following:

1. *"Cylinder spring dead latchset"* means a latching device and strike plate which is positively held in deadlatch position when the door is closed by means of an added integral slide trigger mechanism. The complete set shall consist of pin tumbler cylinder key operation from the exterior and a knob, thumbturn, or lever handle from the interior.

2. *"Dead-latching lockset"* means a lock similar to the cylinder spring dead latchset, except the lockset shall consist of a knob on both sides and shall be locked or unlocked by a pin tumbler cylinder key from exterior and a turn button from interior.

3. *"Panic-free lockset"* means a high security lockset with a one-inch throw deadbolt and a cylinder guard. The deadbolt is retracted simultaneously by single action of the interior knob for panic escapement.

4. *"Double cylinder deadlock"* means a bolt with one-inch throw which has no automatic spring action and which is operated by a pin tumbler cylinder key from either side of the door. The bolt must be steel or contain steel embodiments.

5. *"Single cylinder deadlock"* means a bolt similar to the double cylinder deadlock, but actuated by a pin tumbler cylinder key from the outside and a thumbturn on the inside and is positively held fast when in the projected position.

D. *"Lock components"* include the following:

1. *"Cylinder guard"* means a hardened free-turning steel ring surrounding the exposed portion of the lock cylinder and is so fastened as to protect the cylinder from wrenching, prying, cutting, or pulling by attack tools.

2. *"Insert"* means a hardened steel pin contained in the bolt and located to prevent bolt cutting with common tools.

3. *"Security strike"* means a heavy gauge steel strike with four off center screws one and one-half inches long permitting full penetration into the rough buck. Approximate dimensions: three and five-eighths inches by one and one-fourth inches.

15.48.040 - Compliance—Required.

Materials, methods of construction or structural design limitations provided for in this chapter are to be used unless an exception is granted.

15.48.050 - Compliance—Time—Procedure.

All construction plans and drawings for structures and additions thereto submitted to the city for a building permit shall note the requirements of this chapter and incorporate the provisions into

the plans and drawings. After the effective date of the ordinance codified in this chapter, the building official shall not issue a building permit to any person, firm or corporation that proposes to erect, construct or enlarge any building or structure, or cause the same to be done, without providing verification that the building or addition conforms to the regulations set forth in this chapter.

15.48.060 - Security standards—Generally.

A. Louvered windows shall not be used.

B. Overhead garage doors shall be equipped with slide bolts, which shall be capable of utilizing padlocks with minimum nine thirty-seconds inch shackle.

C. Where sliding or accordion doors are utilized, they shall be equipped with guide tracks which shall be designed so that the door cannot be removed from the track when in the closed and locked position.

D. Sliding glass windows and doors shall be equipped with a pin-joined locking mechanism containing a heavy duty bolt which locks the door securely to adjacent stationary window.

E. Windows and sliding glass doors may have iron grill work for protection if the grillwork can be opened easily from the inside without the use of any tool or key.

15.48.070 - Security standards—Residential units.

The following special provisions shall apply to residential buildings in the city in addition to the general security standards contained in Section 15.48.060:

A. Doors shall comply with the following regulations:

1. All exterior swinging doors shall be of solid core construction with a minimum thickness of one and three-fourths inches, or with panels not less than nine-sixteenths inch thick.

2. Any swinging door leading from a garage into a residence, shall be of solid core construction with a minimum thickness of one and three-eighths inches.

3. All swinging exterior doors and doors leading from garage areas into dwellings shall be equipped with a one-inch deadbolt locking mechanism. The deadbolt shall have a minimum bolt throw of one-inch and shall be equipped with a steel insert and a free turning cylinder guard.

EXCEPTION. Exterior swinging doors leading into garages have a minimum requirement to be equipped with a dead latch locking mechanism.

4. Main entrance door shall be operable from the inside without the use of a key or any special knowledge or effort.

5. All entry doors on upper floors to apartments not containing alternate emergency escape routes shall use panic-free double locksets.

6. When entry doors are doubles, one leaf shall be held in position by hand bolts at top and bottom with a minimum penetration into floor and jamb of one inch.

7. Hinges which are exposed to the exterior shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

8. All front exterior doors shall be equipped with a wide angle one hundred eighty-degree door viewer, except where occupant has clear vision of the area immediately outside the door without opening the door.

9. Trimmers on exterior doors shall be four inches by four inches trimmer, well nailed to the king stud and accurately set to receive the finish door jamb. This requirement shall apply only to new construction.

10. Exterior doors with glazing within forty inches of any locking mechanism shall be protected by rated burglary resistant glazing or a double cylinder deadbolt lock.

B. Address markings shall comply with the following regulations:

1. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, of a color contrasting to the background and located so they may be clearly seen and read.

2. In multiple-family dwelling complexes, each residential building shall display a street number in a prominent position. It shall be lighted (equipped with a photo sensitive automatic lighting device) and be easily visible from a street, driveway or pedestrian walkway. Said identification shall be no less than six inches in height and of a color contrasting to the background. The entrance of each dwelling unit shall have a unit identifying number, letter or combination thereof, displayed or adjacent to the dwelling unit door and be no less than three inches in height and of a contrasting color to the background.

3. Maps of the complex shall be furnished to the police and fire departments upon completion of construction. The maps shall include building identification and unit identification.

C. Lighting shall conform to the following regulations:

1. Provisions for lighting must meet design review standards before approval.

2. All exterior doorway entrances shall be equipped with photo sensitive automatic lighting devices capable of providing at least one footcandle of light at ground level during hours of darkness.

3. Aisles, passageways, mailbox locations, patio and balconies, recreation buildings, laundry rooms, within multiple-family dwelling complexes shall be equipped with security lighting devices such as photo sensitive or automatic lighting devices capable of providing at least .25 footcandles of light at ground level during hours of darkness.

4. Open parking lots and carports of multiple-family dwelling complexes shall be equipped with photo sensitive or automatic lighting devices capable of providing at least one footcandle of lighting on the parking surface during hours of darkness.

5. All lighting devices shall be protected by vandal-resistant covers.

15.48.080 - Security standards—Commercial/industrial building.

The following special provisions shall apply to all commercial/industrial buildings and additions thereto constructed in the city in addition to the general security standards contained in Section 15.48.060:

A. Door security shall meet the following specifications:

1. All exterior swinging doors shall be equipped with a one-inch deadbolt locking mechanism. The deadbolt shall have a minimum bolt throw of one inch and shall be equipped with a steel insert and a free turning cylinder guard.

2. Swinging exterior glass doors, wood or metal doors with glass panels, solid wood or metal doors shall be constructed or protected as follows:

a. Wood doors shall be solid core construction with a minimum thickness of one and three-fourths inches.

b. Hollow metal doors shall be constructed of a minimum equivalent to sixteen U.S. gauge steel and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed; such reinforcement being able to restrict collapsing of the door around the locking device.

3. Except when double cylinder deadbolts are utilized, any glazing utilized within forty inches of any door locking mechanism shall be constructed or protected as follows:

a. Fully tempered glass or rated burglary resistant glazing; or

b. Iron or steel grills or at least one-eighth inch metal with a maximum two-inch mesh secured on and easily removable from the inside of the glazing may be utilized; or

c. The glazing shall be covered with iron or steel bars of at least one-half inch round or one inch by one-fourth inch flat metal, spaced not more than five inches apart and secured on and easily removable from the inside of the glazing;

d. Items b and c shall not interfere with the operation of opening windows if such windows are required to be openable by the California Building Code.

4. Hinges for outswinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

5. The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand sixteen hundred pounds of pressure in both a vertical distance of three inches and a horizontal distance of one inch each side of the strike, so as to prevent violation of the strike.

6. In multiple-occupancy office buildings, all entrance doors to individual office suites shall meet the construction and locking requirements for exterior doors.

B. Windows shall meet the following specifications:

1. Windows shall be deemed accessible if less than twelve feet above ground or adjacent to any pedestrian walkway.

2. Accessible windows having a pane or opening exceeding ninety-six square inches, with the smallest dimension exceeding six inches, and not visible from a public or private thoroughfare shall be protected in the following manner:

a. Fully tempered glass or burglary-resistant glazing; or

b. Window barriers may be used but shall be secured with bolts which are nonremovable from the exterior while remaining removable from the interior:

i. Interior or exterior steel or iron bars of at least one-half inch round or one inch by one-quarter inch flat metal spaced not more than five inches apart and securely fastened; or

ii. Interior or exterior iron or steel grills of at least one-eighth inch metal with not more than a two-inch mesh and securely fastened.

c. The protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be openable by the California Building Code.

3. Hinges for outswinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing hinge pins.

4. All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

a. If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen U.S. gauge sheet steel, or its equivalent, attached with screws.

b. The hatchway shall be secured from the inside with a slide bar or slide bolts.

c. Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.

5. All air dust or air vent openings exceeding ninety-six square inches on the roof or exterior walls of any commercial building shall be secured by covering same with either of the following:

a. Iron or steel bars of at least one-half inch round or one inch by one-fourth inch flat metal spaced not more than five inches apart and securely fastened; or

b. Iron or steel grills of at least one-eighth inch with a maximum two-inch mesh and securely fastened;

c. If the barrier is on the outside, it shall be secured with bolts which are nonremovable from the exterior;

d. The above must not interfere with venting requirements, creating a potentially hazardous condition to health and safety, or conflict with the provisions of the California Building Code or Title 19, California Administrative Code.

C. Permanently affixed exterior ladders leading to roofs shall be fully enclosed with sheet metal to a height of ten feet. This covering shall be locked against the ladder with a case hardened clasp secured with nonremovable screws or bolts. Hinges on the cover will be provided with nonremovable pins when using pin-type hinges. If a padlock is used, it shall have a hardened steel shackle, locking at both heel and toe, and a minimum five-pin tumbler operation with nonremovable key when in an unlocked position.

D. Lighting and address markings shall conform to the following specifications:

1. The address number of every commercial building shall be located and displayed so that it is easily visible from the street. The numerals in these numbers shall be no less than eight inches in height and be of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.

2. All exterior doors to commercial buildings shall be equipped with a lighting device capable of providing a minimum of one footcandle of light. All exterior bulbs shall be protected by weather and vandalism-resistant covers.

3. Open parking lots, and access thereto, providing more than ten parking spaces and for use by the general public, shall be provided with a maintained minimum of one footcandle of light on the parking surface from dusk until the termination of business every operating day.

15.48.090 - Exceptions—Criteria for approval.

The building official may approve any material method of construction or structural design not specifically provided for in this chapter; provided that:

A. He finds the proposed design to be satisfactory and the material and method of work offered is for the purpose intended;

B. He finds the materials, method of construction and structural design is at least equivalent to that prescribed in this chapter in quality, strength, effectiveness, crime resistance, durability and safety;

C. The fire department has determined that the alternative is in conformance with the California Administrative Code.

15.48.100 - Testing.

Whenever there is insufficient evidence of compliance with the provisions of this chapter or evidence that any material or any construction does not conform to the requirements of this chapter, or in order to substantiate claims for alternate materials or methods of construction as allowed by Section 15.48.090, the building official may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency.

15.48.110 - Reserved.

15.48.120 - Enforcement.

The building official or his authorized representatives are empowered and directed to administer and enforce the provisions of this chapter relating to physical security requirements for buildings in the city.

15.48.130 - Violation—Penalty.

Any building or addition thereof constructed subsequent to the effective date of the ordinance codified in this chapter which is not in compliance with the provisions of this chapter shall not be given a final inspection or right of occupancy by the city until all applicable provisions of this chapter are complied with.

Chapter 15.50 - ENFORCEMENT

Sections.

15.50.010 - Violations.
15.50.020 - Penalties.
15.50.030 - Recovery of Attorneys' Fees.

15.50.010 - Violations.

A. It shall be a misdemeanor for any person to alter, construct, convert, demolish, enlarge, equip, erect, improve, maintain, move, occupy, repair, or use any building or structure in the city, or cause or permit the same to be done contrary to or in violation of any provision of any code adopted under this title. A person shall be guilty of a separate and distinct offense for each and every day during which any violation of any provision of any code adopted under this title is committed, continued, or permitted to be committed or continued.

B. It shall be a misdemeanor for any person or entity to fail to comply with a notice or order to comply or repair issued under any provision of any code adopted under this title. A person shall be guilty of a separate and distinct offense for each and every day that he or she fails to comply with the notice or order. A violation of this subsection is independent and does not depend on a finding that the person cited also violated another provision of this code. It shall not be a defense to a prosecution under this subsection that the person cited under this subsection was found not guilty of the underlying violation.

15.50.020 - Penalties.

Every person found guilty of a misdemeanor shall be punishable for each separate offense by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

15.50.030 - Recovery of Attorneys' Fees.

Recovery authorized. Any violation of this municipal code is hereby determined to constitute a public nuisance. The prevailing party in any judicial action, administrative proceeding, or special proceeding to abate a nuisance may recover its incurred attorney's fees, provided that the city elected, at the initiation of such individual action or proceeding, to recover its own attorneys' fees. In no judicial action or administrative proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the city in the

judicial action or administrative proceeding. A judicial action includes, but is not limited to, any civil or criminal action, inspection or abatement warrant, administrative proceeding, or appeal from an administrative proceeding. In addition to any other basis, the city shall also be determined the prevailing party when a person complies voluntarily or involuntarily after a deadline in a notice issued by the city expires, and also when the city's enforcement action was a cause or catalyst for compliance. The failure of a court to award attorneys' fees to the city shall not preclude the city from recovering its attorneys' fees and costs through an administrative or other process.

Chapter 15.60 - SAFETY ASSESSMENT PLACARDS

Sections:

15.60.010 - Intent.
15.60.020 - Application.
15.60.030 - Definitions.
15.60.040 - Placards—Content.
15.60.050 - Placards—Depiction.
15.60.060 - Penalty for violation.

15.60.010 - Intent.

This chapter approves the use of standard placards to indicate the condition of buildings and structures for continued occupancy and authorizes the building official, or his or her authorized representative, to post such placards at each entry point to a building or a structure upon completion of a safety assessment.

15.60.020 - Application.

The provisions of this chapter shall apply to the occupancy of all buildings and structures subject to the regulatory jurisdiction of the City of Chino.

15.60.030 - Definitions.

The term *"safety assessment"* shall mean a visual, non-destructive examination of a building or structure by the building official or his or her authorized representative for the purpose of determining its suitability for continued occupancy.

15.60.040 - Placards—Content.

The following are descriptions of the official placards to be used to designate the condition for continued occupancy of buildings or structures, copies of which are depicted in the addendum to Section 15.60.050:

1. INSPECTED—Lawful Occupancy Permitted. This placard is to be posted on any building or structure wherein no apparent structural hazard has been found. However, it is not intended to mean that there is no damage to the building or structure. This placard shall be printed with a green background or on green paper, for easy recognition.

2. RESTRICTED USE. This placard is to be posted on any building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The person who posts this placard shall note in general terms the type of damage encountered and clearly and concisely describe the restrictions on continued occupancy. This placard shall be printed with a yellow background or on yellow paper, for easy recognition.

3. UNSAFE—Do Not Enter or Occupy. This placard is to be posted on any building or structure that has been damaged so severely that continued occupancy poses a threat to life or safety. Buildings or structures posted with this placard shall not be entered under any circumstance, unless authorized in writing by the building official or his or her authorized representative. However, city safety assessment personnel and teams shall be authorized to enter these buildings or structures at any time. This placard is not to be used as or considered to be a demolition order. The person who posts this placard shall note in general terms the type of damage encountered. This placard shall be printed with a red background or on red paper, for easy recognition.

4. JURISDICTIONAL SEAL, CODE REFERENCE AND RESPONSIBLE DEPARTMENT. Each such placard shall contain the Seal of the city of Chino, a reference to the provisions of the city code pursuant to which such placard was authorized, and the responsible department name, address and phone number.

15.60.050 - Placards—Depiction.

The placards authorized by the preceding Section 15.60.040 are depicted in the following tables:

INSPECTED

LAWFUL OCCUPANCY PERMITTED

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

☐ **Inspected Exterior Only**

☐ **Inspected Exterior and Interior**

Report any unsafe condition to local authorities; re-inspection may be required.

Inspector Comments:_____

_____

_____

Facility Name and Address:

_____

_____

Date _____

Time _____

(**Caution:** Aftershocks since inspection may increase damage and risk.)

This facility was inspected under emergency conditions for the:

City of Chino
Building & Safety Division
13220 Central Avenue
Chino, CA 91710
(909) 334-3251

Chino Municipal Code Chapter 15.60
Inspector I.D. / Agency

_____

_____

DO NOT REMOVE, ALTER, or COVER this PLACARD
Until Authorized by City Building & Safety Division
(Violation is punishable as a Misdemeanor, under Chino Municipal Code Section 15.60.060)

RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

_____

_____

_____

Entry, occupancy, and lawful use are restricted as indicated below:

☐ Do not enter the following areas:
_____

☐ Brief entry allowed for access to contents:
_____

☐ Other restrictions:
_____

Facility Name and Address:

_____

_____

_____

Date _____

Time _____

(**Caution:** Aftershocks since inspection may increase damage and risk.)

This facility was inspected under emergency conditions for the:

City of Chino
Building & Safety Division
13220 Central Avenue
Chino, CA 91710
(909) 334-3251

Chino Municipal Code Chapter 15.60
Inspector I.D. / Agency

_____

_____

DO NOT REMOVE, ALTER, or COVER this PLACARD
Until Authorized by City Building & Safety Division
(Violation is punishable as a Misdemeanor, under Chino Municipal Code Section 15.60.060)

UNSAFE

DO NOT ENTER OR OCCUPY

(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

_____

_____

_____

Do not enter, except as specifically authorized in writing by the City.
Entry may result in death or injury.

Facility Name and Address:

_____

_____

_____

_____

Date _____

Time _____

This facility was inspected under emergency conditions for the:

City of Chino
Building & Safety Division
13220 Central Avenue
Chino, CA 91710
(909) 334-3251

Chino Municipal Code Chapter 15.60
Inspector I.D. / Agency

_____

_____

DO NOT REMOVE, ALTER, or COVER this PLACARD
Until Authorized by City Building & Safety Division
(Violation is punishable as a Misdemeanor, under Chino Municipal Code Section 15.60.060)

1**5.60.060 - Penalty for violation.**

(a) It shall be a misdemeanor for any person to occupy any building or structure in violation of the placard posted thereon pursuant to this chapter. A person shall be guilty of a separate and distinct offense for each and every day that he or she fails to comply with such posted placard.

(b) It shall be a misdemeanor for any person to remove a placard posted on any building or structure pursuant to this chapter.

(c) Every person found guilty of a misdemeanor shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Chapter 15.70 – APPEALS

Sections:

15.70.010 - Appeals.

15.70.010 - Appeals.

Any recipient of a decision, order or determination by the city's building official or designee relating to the application of regulations and building standards codified in Title 15 of this code may appeal that decision, order or determination in accordance with Section 8.50.100 and Chapter 8.50 of this code. The failure to file a timely and complete appeal as required by Section 8.50.100 and Chapter 8.50 shall constitute a waiver of all rights to appeal and a failure to exhaust administrative remedies. The decision of the hearing officer, as provided in Section 8.50.100, shall be final."

Section 3: Except as otherwise amended herein, the remainder of Title 15 (Buildings and Construction) of the City of Chino Municipal Code shall remain unchanged and in full force and effect.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance. The city council declares that it would have enacted this Ordinance and each section, subsection, sentence, clause and phrase hereof irrespective of any determination of invalidity.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 6: Certification. The City Clerk of the City of Chino shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the Chino Champion, a newspaper of general circulation, and printed and published within designated locations in the City in accordance with the provisions of the Government Code.

ADOPTED THIS 4TH DAY OF NOVEMBER 2025.

_____

EUNICE ULLOA, MAYOR

ATTEST:

_____
NATALIE GONZAGA, CITY CLERK

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

I, Natalie Gonzaga, City Clerk of the City of Chino, do hereby certify that the foregoing Ordinance of the City of Chino was duly adopted by the City Council at a regular meeting held on the 4th day of November 2025.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
NATALIE GONZAGA, CITY CLERK

MEMORANDUM
CITY OF CHINO
PUBLIC WORKS DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **HYE JIN LEE, PE, DIRECTOR OF PUBLIC WORKS**

SUBJECT

Professional Services Agreement to Dudek to prepare the City's Urban Forest Management Plan.

RECOMMENDATION

Award a professional services agreement to Dudek for $245,377.00 to prepare the City's Urban Forest Management Plan (MS260); and authorize the City Manager to execute all necessary documents on behalf of the City.

FISCAL IMPACT

Sufficient funds are budgeted in the Fiscal Year 2025-26 Capital Improvement Program (CIP) for preparing the City's Urban Forest Management Plan (MS260). Current expenditures to date include publication of the Request for Proposals (RFP).

Urban Forest Management Plan (MS260)			
Fund	**Adopted Budget**	**Encumbrances/ Expenditures**	**Budget Available**
100 - General	$250,000	$116	$249,884

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Responsible Long-Range Planning
- Effective Technology

Revenue:	Expenditure: 1007000-43650-MS260
Transfer In:	Transfer Out:

BACKGROUND

An Urban Forest Management Plan (UFMP) is a strategic document that guides the preservation, maintenance, and enhancement of a city's tree canopy and related green infrastructure. It is based on a comprehensive inventory and assessment of the urban forest and typically includes short- and long-term goals, recommended policies, best management practices, and implementation strategies. The plan serves as a roadmap for managing trees in the public right-of-way to ensure the urban forest's health, sustainability, and resilience over time.

Urban forests provide numerous environmental, economic, and social benefits. A well-managed tree canopy improves air and water quality, reduces urban heat island effects, enhances biodiversity, and supports stormwater management. Trees also contribute to community well-being by providing shade, improving aesthetics, increasing property values, and supporting public health. Developing an Urban Forest Management Plan will allow the City to manage its urban forest resources proactively, align with broader environmental and climate action goals, and ensure that the urban forest continues to provide value to residents.

On July 31, 2024, at a City Council Workshop, held at the Chino Police Department, the UFMP was discussed as a priority by the Public Works Director and directed as a goal and action plan by the City Council.

ISSUES/ANALYSIS

The UFMP will serve as a long-range planning tool that prepares the City of Chino for the next 30 years of urban forest management. The City currently maintains approximately 16,500 trees, with an estimated collective value of $62,413,510, representing a significant public asset that requires thoughtful stewardship. Through a process that includes public engagement, analysis of existing conditions, and collaboration with City staff, the plan will identify priorities, challenges, and opportunities for future investment. The final plan will provide a clear framework to guide decisions, allocate resources, and implement strategies that support the long-term sustainability and resilience of Chino's urban forest.

On August 21, 2025, the City released a Request for Proposals (RFP No. 2025-0022) for preparing an "Urban Forest Management Plan" via PlanetBids, in accordance with City procurement policies. The City received three proposals by the closing date of September 18, 2025. A review committee, consisting of City staff, evaluated proposals separately to maintain confidentiality and fairness. Staff then scored these proposals using the following weighted criteria:

- Experience/Qualifications: 20%
- Past Performance/References: 20%
- Plan Methodology/Project Approach: 30%
- Quality and Responsiveness of Proposal: 15%
- Cost Evaluation: 15%

Following evaluation, Dudek received the highest average score and is recommended for contract award.

Evaluation Results:

RANKING	CONSULTANT

1	Dudek
2	PlanIT Geo, Inc
3	West Coast Arborists, Inc.

Staff requests City Council approval to award a professional services agreement to Dudek to prepare the City's Urban Forest Management Plan (MS260) for a not-to-exceed amount of $245,377.00.

The UFMP scope of work will address but not be limited to the following:

1. Analyze existing tree inventory and tree shade canopy
2. Provide a tree species palette appropriate for Chino's climate
3. Provide recommendations to manage trees and infrastructure conflicts
4. Provide species recommendations for large private development tree selection
5. Provide a Street Tree Plan for the public right-of-way

These recommendations aim to address existing concerns with trees damaging sidewalks and unsightly tree droppings. It will also encourage diversity of tree species while aligning with the City's goal of selecting appropriate plant palettes for long term success and community benefit.

Attachment: Professional Services Agreement - Dudek - MS260

Project Name/No.: **MS260 – Urban Forest Management Plan** **Contract No.:** _____

Project Manager: **Public Works – S. Galindo** **Approved:** _____

AGREEMENT FOR SERVICES
BETWEEN THE CITY OF CHINO AND
DUDEK

THIS AGREEMENT FOR SERVICES (herein "Agreement") is made and entered into this 21st day of October, 2025 ("Effective Date") by and between the City of Chino, a California municipal corporation ("City") and DUDEK, a California Corporation ("Consultant"). City and Consultant may be referred to individually as "Party" or collectively as "Parties."

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal or bid for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Chino's Municipal Code, City has authority to enter into and execute this Agreement.

D. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by this reference, which may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the work and services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder

and that all materials will be both of good quality as well as fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Consultant's Proposal.

The Scope of Services shall include the scope of work included in Consultant's proposal, which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning, and shall render all services hereunder in accordance with, all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 California Labor Law.

If the Scope of Services includes any "public work" or "maintenance work," as those terms are defined in California Labor Code Section 1720 *et seq.* and California Code of Regulations, Title 8, Section 16000 *et seq.*, and if the total compensation is $1,000 or more, Consultant shall pay prevailing wages for such work and comply with the requirements in California Labor Code section 1770 *et seq.* and 1810 *et seq*., and all other applicable laws, as they pertain to such work, including the following requirements:

(a) DIR Monitoring and Enforcement. The public work and/or maintenance work performed under this Agreement shall be subject to compliance monitoring and enforcement by the Department of Industrial Relations ("DIR"). Consultant shall post job site notices, as prescribed by regulation.

(b) Prevailing Wages. Consultant shall pay prevailing wages to the extent required by Labor Code Section 1771. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages are on file at City Hall and will be made available to any interested party on request. By initiating any work under this Agreement, Consultant acknowledges receipt of a copy of the DIR determination of the prevailing rate of per diem wages, and Consultant shall post a copy of the same at each job site where work is performed under this Agreement.

(c) Penalty for Failure to Pay Prevailing Wages. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Consultant shall, as a penalty to the City, forfeit two hundred dollars ($200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined

by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Consultant or by any subcontractor.

(d) Payroll Records. Consultant shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Consultant and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform the City of the location of the records.

(e) Apprentices. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6, and 1777.7 and California Code of Regulations Title 8, Section 200 *et seq.* concerning the employment of apprentices on public works projects. Consultant shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Consultant shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within sixty (60) days after concluding work pursuant to this Agreement, Consultant and each of its subcontractors shall submit to the City a verified statement of the journeyman and apprentice hours performed under this Agreement.

(f) Eight-Hour Work Day. Consultant acknowledges that eight (8) hours labor constitutes a legal day's work. Consultant shall comply with and be bound by Labor Code Section 1810.

(g) Penalties for Excess Hours. Consultant shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Consultant shall, as a penalty to the City, forfeit twenty-five dollars ($25) for each worker employed in the performance of this Agreement by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Consultant in excess of eight (8) hours per day, and forty (40) hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half (1½) times the basic rate of pay.

(h) Workers' Compensation. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees if it has employees. By executing this Agreement, and in accordance with the provisions of California Labor Code Section 1861, Consultant certifies as follows:

> "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(i) Consultant's Responsibility for Subcontractors. For every subcontractor who will perform work under this Agreement, Consultant shall be responsible for such subcontractor's compliance with Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code, and shall make such compliance a requirement in any contract with any subcontractor for work under this Agreement. Consultant shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including without limitation, conducting a review of the certified payroll records of the subcontractor on a periodic basis or upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Consultant shall diligently take corrective action to halt or rectify any such failure by any subcontractor.

1.5 Licenses, Permits, Fees and Assessments.

Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.6 Familiarity with Work.

By executing this Agreement, Consultant warrants that Consultant (i) has thoroughly investigated and considered the scope of services to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Consultant discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Consultant shall immediately inform the City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Project Manager.

1.7 Software and Computer Services.

If the Scope of Services includes the provision and/or installation of any software, computer system, or other computer technology, Consultant represents and warrants that it has inspected the City's current infrastructure, equipment, computer system and software and that the software, computer system, or other computer technology provided and/or installed by Consultant under this Agreement is compatible, and shall be fully functional, with such infrastructure, equipment, computer system and software of the City. Consultant acknowledges that the City is relying on the representation by Consultant as a material consideration in entering into this Agreement.

1.8 Care of Work.

The Consultant shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.

1.9 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.10 Additional Services.

City shall have the right, subject to state law and the City's Municipal Code, at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Project Manager to the Consultant, incorporating therein any adjustment in (i) the Contract Sum for the actual costs of the extra work, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation for extra work shall require the approval of City Council unless the City Council has previously authorized the City Manager to approve an increase in compensation and the amount of the increase does not exceed such authorization. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor. City may in its sole and absolute discretion have similar work done by other contractors. No claims for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

1.11 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and

incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed **Two Hundred Forty-Five Thousand Three Hundred Seventy-Seven Dollars and Zero Cents** (**$245,377.00**) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion; (ii) payment in accordance with specified tasks or the percentage of completion of the services, less contract retention; (iii) payment for time and materials based upon the Consultant's rates as specified in the Schedule of Compensation, provided that (a) time estimates are provided for the performance of sub tasks, (b) contract retention is maintained, and (c) the Contract Sum is not exceeded; or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Project Manager in advance, or actual subcontractor expenses of an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. Consultant shall not invoice City for any duplicate services performed by more than one person.

All invoices shall be submitted by email to **ap@cityofchino.org**. Each invoice is to include:

(a) Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.

(b) Line items for all materials and equipment properly charged to the Services.

(c) Line items for all other approved reimbursable expenses claimed, with supporting documentation.

(d) Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

(e) If this Agreement requires prevailing wages, per Section 1.4 of the Agreement, all invoices shall include a copy of Consultant's Certified Payroll and proof that Certified Payroll has been submitted to the DIR. Consultant shall also submit a list of the prevailing wage rates for all employees and subcontractors providing services under this Agreement, as applicable, with Consultant's first invoice. If these rates change at any time during the term of the Agreement, Consultant shall submit a new list of rates to the City with its first invoice following the effective date of the rate change.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3, City will use its best efforts to cause Consultant to be paid within forty-five (45) days of receipt of Consultant's correct and undisputed invoice; however, Consultant acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City for any invoice provided by the Consultant shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.5 Waiver.

Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

2.6 Contingency of Funds.

Consultant acknowledges that funding or portions of funding for this Agreement may be contingent upon State budget approval; receipt of funds from, and/or obligation of funds by the State of California to City; or inclusion of sufficient funding for the services hereunder in the budget approved by Chino City Council for each fiscal year covered by this Agreement. If such approval, funding or appropriations are not forthcoming, or are otherwise limited, City may immediately terminate or modify this Agreement without penalty.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this

reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Project Manager but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within ten (10) days of the commencement of such delay notify the Project Manager in writing of the causes of the delay. The Project Manager shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Project Manager such delay is justified. The Project Manager's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services, which shall be no later than June 30, 2027, except as otherwise provided in the Schedule of Performance (Exhibit "D"). This Agreement may be renewed by a written amendment for up to an additional one (1) year(s) at the option of the City if the City is satisfied with the quality of services performed by Consultant under this Agreement.

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Consultant.

The following principals of Consultant ("Principals") are hereby designated as being the principals and representatives of Consultant authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

(Name)	(Title)
(Name)	(Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principals were a substantial inducement for City to enter into this Agreement.

Therefore, the foregoing principals shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the foregoing Principals may not be replaced nor may their responsibilities be substantially reduced by Consultant without the express written approval of City. Additionally, Consultant shall utilize only competent personnel to perform services pursuant to this Agreement. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

4.2 Status of Consultant.

Consultant shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

4.3 Project Manager.

The Project Manager shall be the Management Analyst or any other person as may be designated by the Project Manager. It shall be the Consultant's responsibility to assure that the Project Manager is kept informed of the progress of the performance of the services and the Consultant shall refer any decisions which must be made by City to the Project Manager. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Project Manager. The Project Manager shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Consultant.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Consultant's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Consultant shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed

to be a partner of Consultant in its business or otherwise or a joint venturer or a member of any joint enterprise with Consultant.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages.

Without limiting Consultant's indemnification of City, and prior to commencement of any services under this Agreement, Consultant shall obtain, provide and maintain at its own expense during the term of this Agreement, policies of insurance of the type and amounts described below and in a form satisfactory to City.

(a) General liability insurance. Consultant shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than $1,000,000 per occurrence, $2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

(b) Automobile liability insurance. Consultant shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Services to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than $1,000,000 combined single limit for each accident.

(c) Professional liability (errors & omissions) insurance. Consultant shall maintain professional liability insurance that covers the Services to be performed in connection with this Agreement, in the minimum amount of $1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement and Consultant agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this Agreement.

(d) Workers' compensation insurance. Consultant shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least $1,000,000).

(e) Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall include all of the requirements stated herein.

(f) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements in Exhibit "B".

5.2 General Insurance Requirements.

(a) Proof of insurance. Consultant shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Agreement. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

(b) Duration of coverage. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Services hereunder by Consultant, its agents, representatives, employees or subconsultants.

(c) Primary/noncontributing. Coverage provided by Consultant shall be primary and any insurance or self-insurance procured or maintained by City shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

(d) City's rights of enforcement. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(e) Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or that is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

(f) Waiver of subrogation. All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against City, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(g) Enforcement of contract provisions (non-estoppel). Consultant acknowledges and agrees that any actual or alleged failure on the part of the City to inform Consultant of non-compliance with any requirement imposes no additional obligations on the City nor does it waive any rights hereunder.

(h) Requirements not limiting. Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

(i) Notice of cancellation. Consultant agrees to oblige its insurance agent or broker and insurers to provide to City with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

(j) Additional insured status. General liability policies shall provide or be endorsed to provide that City and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

(k) Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.

(l) Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

(m) Pass through clause. Consultant agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage and endorsements required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements

of this section. Consultant agrees that upon request, all agreements with consultants, subcontractors, and others engaged in the project will be submitted to City for review.

(n) Agency's right to revise specifications. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City and Consultant may renegotiate Consultant's compensation.

(o) Self-insured retentions. Any self-insured retentions must be declared to and approved by City. City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by City.

(p) Timely notice of claims. Consultant shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Consultant's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

(q) Additional insurance. Consultant shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

5.3 Indemnification.

To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Consultant is legally liable ("indemnitors"), or arising from Consultant's or indemnitors' reckless or willful misconduct, or arising from Consultant's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Consultant will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Consultant will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Consultant hereunder; and Consultant agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Consultant for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Consultant hereunder, Consultant agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Consultant shall incorporate similar indemnity agreements with its subcontractors and if it fails to do so Consultant shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Consultant in the performance of professional services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Consultant shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Project Manager to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Project Manager shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the books and records may be given to City, and access shall be provided by Consultant's successor in interest. Notwithstanding the above, the Consultant shall fully cooperate with the City in providing access to the books and records if a public records request is made and disclosure is required by law including but not limited to the California Public Records Act.

6.2 Reports.

Consultant shall periodically prepare and submit to the Project Manager such reports concerning the performance of the services required by this Agreement as the Project Manager shall require. Consultant hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Consultant

agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Consultant is providing design services, the cost of the project being designed, Consultant shall promptly notify the Project Manager of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Consultant is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Consultant, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Project Manager or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted documents without specific written authorization by the Consultant will be at the City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use, reuse or assignment. Consultant may retain copies of such documents for its own use. Consultant shall have the right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom. Moreover, Consultant with respect to any documents and materials that may qualify as "works made for hire" as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed "works made for hire" for the City.

6.4 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Project Manager.

(b) Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Project Manager or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorney's fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of San Bernardino, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of San Bernardino, State of California.

7.2 Disputes; Default.

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Consultant's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear

to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Consultant to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant shall file a statutory claim pursuant to Government Code Sections 905 *et seq.* and 910 *et seq.*, in order to pursue a legal action under this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Consultant and its sureties shall be liable for and shall pay to the City the sum of Zero Dollars and Zero Cents ($0.00) as liquidated damages for each working day of delay in the performance of any service required hereunder. The City may withhold from any monies payable on account of services performed by the Consultant any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this

Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Project Manager. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Project Manager. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Project Manager thereafter in accordance with the Schedule of Compensation or such as may be approved by the Project Manager, except as provided in Section 7.3. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Consultant.

If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Project Manager. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which affects her/his financial interest or the financial interest of any corporation, partnership or association in which (s)he is, directly or indirectly, interested, in violation of any State statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry or other protected class in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry or other protected class.

8.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City

Manager and to the attention of the Project Manager (with her/his name and City title), City of Chino, 13220 Central Avenue, Chino, California 91710 and in the case of the Consultant, to the person(s) at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Consultant and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Warranty & Representation of Non-Collusion.

No official, officer, or employee of City has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of City participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of

"financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Consultant warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any City official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Consultant further warrants and represents that (s)he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any City official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Consultant is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

Consultant's Authorized Initials _____

9.7 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) that entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF CHINO, a municipal corporation

_____

Linda Reich, City Manager

ATTEST:

_____

Natalie Gonzaga, City Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

_____

Fred Galante, City Attorney

APPROVED AS TO CONTENT:

_____

Hye Jin Lee, Department Director

CONSULTANT:
DUDEK

By:_____
Name: _____
Title:_____

By:_____
Name: _____
Title:_____

Address:687 S Coast Hwy 101, Ste 110
Encinitas, CA 92024

Two corporate officer signatures required when Consultant is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer.

EXHIBIT "A"

SCOPE OF SERVICES

I. Consultant will perform the Services described in Consultant's Proposal, attached hereto as Exhibit A-1.

II. All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.

EXHIBIT "A-1"

SCOPE OF SERVICES

The following scope of work reflects how Dudek will integrate these planning principles into key tasks identified in the Request for Proposals to develop the City's UFMP. All described tasks are recommendations for the UFMP development process and are intended to illustrate a comprehensive list. Dudek is committed to developing a UFMP that aligns with the City's needs, and each task will be discussed and confirmed as valuable for the City at the kickoff meeting. Modifications to the scope of work may be discussed at the kickoff meeting and adjusted as budget and schedule allow, as determined by the City.

Task 1. Project Management

Task 1.1. Kickoff Meeting

Dudek will initiate the project with an in-person kickoff meeting between City staff and the Dudek team to set the framework for the project management and communication procedures needed to successfully complete the project. Dudek will present its Work Plan and review specific project goals to ensure the project team moves forward to an understood outcome. The kickoff meeting will also be a data acquisition meeting, prior to which we will have prepared a list of any data needs or gaps. We will provide an agenda in advance of the meeting and will submit meeting minutes that summarize major topic discussions following the meeting.

Task 1.2. Meeting with the Project Team

Following the project kickoff meeting, Dudek will hold established monthly (virtually) meetings and other interim meetings, as needed, with City staff to discuss scope of work details, desired deliverables, schedules, and community engagement strategies with the City's communications team. Monthly meetings will occur throughout the duration of the project and will be the chief way the City will be informed of project progress. Dudek will provide an agenda and submit meeting minutes throughout the project. Additional project communication not addressed during the monthly meetings will occur via email or telephone.

Task 1.3. Work Plan

Dudek will prepare a Work Plan based on the proposal that will include a list of deliverables, a schedule of the submittal milestones, summary of organization responsibilities and contacts, and task budgets. The Dudek's Work Plan will be based on the scope of work presented in this proposal as well as input from the City upon the project kickoff meeting. Dudek will submit the Work Plan to the City during the kickoff meeting, with the final Work Plan being delivered within five days of the kickoff meeting.

Task 1.4. Project Administration and Quality Control

Project Manager Kanami Otani will perform budget and task tracking and coordinate internally with the Dudek team. Dudek utilizes the project management software programs Deltek Vantagepoint and Asana to continually track progress and remaining funds for each task, ensuring the project stays on schedule and within budget. Dudek will submit consolidated monthly invoices to the City and will maintain project files in accordance with the agreed upon scope of work.

Deliverables

- Facilitate and prepare agendas for kickoff and monthly project team meetings
- Distribute meeting minutes for project meetings
- Draft and final Work Plan
- Monthly invoices

Task 2. Community Outreach and Engagement

Task 2.1. Community Outreach Plan

Our engagement approach is always tailored to the specific communities in which we work and is centered on equity. Community engagement will include the development of a strategic public outreach plan, with emphasis placed on historically underrepresented, disadvantaged communities. This plan will serve as a roadmap by highlighting strategies and tasks that will help the City achieve its goals and objectives by creating an inclusive process in the development of its UFMP. The Community Outreach Plan will be discussed with the City at the kickoff meeting to ensure that all tasks maximize value to the project.

Task 2.2. Online Community Survey

Dudek will develop and host an online survey using the Esri Survey 123 platform in English and Spanish. Questions will consist of topics related to urban forest values, the perceived benefits of trees, understanding of the current City urban forestry program and policies, and ways the community can support trees. Results of the surveys will be compiled in an electronic file, summarized, and included in the UFMP. The online survey will be dispersed through City channels, with the intention of receiving feedback from the entirety of the community.

Task 2.3. In-Person Focus Groups (2)

Dudek will host two in-person, focus-group-style meetings and will lead participants through facilitated discussions and activities to understand the priorities of the community members who will be most impacted by the UFMP and integrate those priorities into planning efforts. Dudek and the City will identify specific groups and individuals from the community for participation in the focus groups to promote support for implementing the UFMP.

Task 2.4. In-Person Pop Up Events (3)

Dudek has found that linking outreach events with other community events, such as holiday celebrations, farmer's markets, or similar events, helps reach a wider audience of community members who are not the typical tree advocate. It is expected that the City will help identify existing City-hosted events, community events, or other activities with high community participation for the project team to attend. Event locations will be focused on relevant audiences, partners, and hard-to-reach communities. In-person events will include engagement boards and education materials relevant to the concerns of the Chino community and frame urban forestry as an important tool in decreasing heat, increasing shade, and improving the quality of life for residents.

Task 2.5. Working Group (3)

Urban forest management within any community includes multiple actors across all levels of City staff, elected officials, community organizations, and individual community members, with each actor playing a different role in creating a healthy urban forest. Dudek will assist the City in assembling a working group designed to provide invested community members with a role in creating a plan that addresses their priorities, issues, and goals.

Up to three working group meetings will be held throughout the development of the UFMP. Dudek will facilitate working group meetings and share relevant research and information to assist in developing the UFMP goals.

Task 2.6. Media Messaging Materials and Web Content

Dudek will work with the City's communication team on a media strategy and prepare outreach materials for up to three events. Topics covered in social media may include key project takeaways, strategic educational materials, or information to promote community participation. In addition, Dudek will provide content such as project documents and other resources, as they are finalized, that can be uploaded to the existing City website.

Task 2.7. Community Engagement Summary Report

All community engagement data from the online survey, focus groups, outreach events, and working groups will be compiled into a Community Engagement Summary Report. We will also provide recommendations for ongoing community engagement actions, as well as strategies to incentive private property tree planting and maintenance throughout the community. The report will be included as an appendix to the final UFMP.

Deliverables

- Online community survey in English and Spanish
- Facilitation of two focus groups
- Attendance at three in-person community events
- Facilitation of three working group meetings
- Development of up to three outreach materials
- Community Engagement Summary Report to be included as an appendix to the UFMP

Assumptions

- The City will share the online survey on its social media platforms, website, and other public outreach avenues.
- The City will assist in identifying public engagement events and logistics for participation.
- The City will assist in identifying stakeholders for the focus group and working group meetings.
- The City will provide one revision cycle for outreach materials.

POLICIES, STANDARDS, & INTEGRATION

Urban forest practices are guided by municipal codes, zoning ordinances, maintenance standards, and planning documents. This context helps ensure that the the plan aligns with current regulations and identifies opportunities for policy updates or new ordinances.

Task 3. Policy and Standards

Task 3.1. Review of City Policies, Documents, and Reports

Dudek will conduct a comprehensive review of existing City plans, documents, regulations, and ordinances. We seek to understand current tactics and identify areas for improvement to ensure that the City meets the standards of sustainable urban forest management. Dudek will also review the adopted fire code as well as Chino Valley Fire District guidelines and standards to understand local requirements pertinent to trees in wildland–urban interface (WUI) areas. The review of relevant City planning documents will define what the document is, how it relates to the urban forest and tree management, and how the UFMP and planning documents are aligned to support Citywide urban forest, climate resilience, and carbon sequestration goals.

Task 3.2. Review of City's Tree Ordinance and Municipal Code

This task will focus on a comprehensive review of the City's tree ordinances and related municipal codes to understand the definition of a protected tree, City permit and development plan review processes, tree preservation and replacement standards, and penalties for violation. We will summarize the review and provide a set of recommendations for future modifications to the tree ordinances and municipal code that promote the protection of trees, compliance with the ordinance, and accountability when they are violated. This will also include an analysis of how the recommendations could be implemented with new development projects. The recommendations will ensure that the ordinance is consistent with the UFMP and General Plan goals.

Task 3.3. Tree Ordinance Update

Dudek will summarize the review of the City's Tree Ordinance (Ordinance) and provide a set of recommendations and a redline version of the Ordinance. The Ordinance update will promote the protection of trees, compliance with the Ordinance, and accountability when the Ordinance is violated. The Ordinance will be drafted during the UFMP project to align with the UFMP's goals, discussed with staff, and presented to necessary parties to prepare for adoption. Adoption of the Ordinance will occur no later than three months after the UFMP is adopted. Dudek will attend to up to four additional meetings specific to the Ordinance, which will be a combination of City Council or Commissions and public meetings to discuss the Ordinance.

Deliverables

- Summary document of existing City plans, documents, regulations, and ordinances review containing a description of the document and table highlighting the existing policy, the recommended edit, and how that will improve urban forest management
- Comprehensive review of the tree ordinances and municipal code and the development of language for a tree preservation ordinance
- Ordinance update recommendations and redlined document
- Ordinance draft for update
- Up to four meetings to discuss the Ordinance with stakeholders

URBAN FOREST RESOURCE

A clear understanding of the urban forest can be synthesized through the analysis of aerial imagery, lidar data, and tree inventory data. This provides baseline conditions for canopy cover and inventory sustainability that informs the goals and metrics used to measure progress towards a sustainable urban forest.

Task 4. Urban Forest Resource Assessment

Task 4.1. Tree Inventory Sustainability Assessment

Dudek will begin by leveraging the City's existing tree inventory data to develop a comprehensive understanding of the urban forest's current composition and performance. Dudek will assess broader urban forest indicators, including species diversity, age distribution, health, and other sustainability factors, such as climate adaptability and pest vulnerability. Dudek will also use i-Tree Eco to quantify ecosystem services. The result of this analysis will inform strategies that support species diversity and can be implemented to maintain an urban forest that is resilient to known and unanticipated threats to trees, such as managing invasive species.

Task 4.2. Canopy Cover Assessment

Dudek will conduct a tree canopy assessment using publicly available 2022 high-resolution canopy data derived from National Agriculture Imagery Program (NAIP) imagery at 0.6-meter resolution. This dataset covers urbanized areas defined by the 2010 and 2020 census boundaries and offers approximately 97% classification accuracy. Dudek will calculate canopy acreage and percent cover across up to five geographic boundaries of interest, such as City limits, land use, census tracts, landscape maintenance districts, or other areas identified by the City. Areas with limited canopy cover will be identified to support the development of targeted planting strategies. The results will be summarized for inclusion in the UFMP.

Task 4.3. Establishing a Canopy Cover Target

Dudek will work with the City to establish realistic and achievable tree canopy goals based on the Tree Inventory and Canopy Cover analyses. The goal-setting process will be supported by an inventory-based growth analysis that estimates future canopy expansion from public trees and viable vacant sites. This includes projecting canopy growth to maturity and estimating additional canopy if all suitable vacant sites are planted. These projections will provide a foundation for setting informed goals.

In addition, Dudek will conduct a desktop review to identify locations that may be suitable for future tree planting. The analysis will consider land cover constraints such as impervious surfaces, planting on private properties, or other strategic areas. Following this analysis, Dudek will evaluate the budget required to achieve different canopy goals, recommend a feasible canopy target, and estimate the number of trees that would need to be planted over time to reach that goal.

Task 4.4. Increasing Canopy Cover with Prioritized Planting Efforts

Dudek will assess priority planting areas by integrating the canopy cover analysis with additional datasets, including urban heat island (land surface temperature), community vulnerability indicators, land use, and available planting areas. By combining these datasets, the analysis will show where canopy is lacking, how those deficits overlap with vulnerable populations and areas most affected by heat, and what this means for equitable distribution of urban forest benefits. Dudek will recommend strategies to restore and increase canopy cover, with particular focus on aging residential neighborhoods and commercial corridors, and will identify strategic planting opportunities on private property, school grounds, commercial corridors, parks and open space, parking lots, and transportation corridors. These strategies will be refined with City staff and the community to ensure that the plan addresses areas of canopy deficit and advances the City's goals of providing socio-economically equitable urban forest benefits and mitigating heat impacts through targeted canopy expansion.

Task 4.5. Wildfire and WUI Tree Inventory Analysis

Urban forest management and WUI maintenance often intersect in complex ways, with fire safety guidelines sometimes conflicting with standard arboricultural practices. Dudek will conduct a wildfire hazard assessment of the City's tree inventory to proactively reduce risk in mapped WUI and Fire Hazard Severity Zones (FHSZ).

Using the City's GIS-based tree inventory and publicly available WUI/FHSZ datasets (e.g., California Department of Forestry and Fire Protection), Dudek will evaluate each species' relative fire resistance—good, moderate, or poor—based on established sources, such as SelecTree, University of California Agriculture and Natural Resources, U.S. Forest Service Fire Effects Information System, and regional fuel modification lists. Dudek will identify poor fire resistance species located within WUI or FHSZ areas within 100 feet of structures and recommend phased replacement with more fire-resistive alternatives. Our analysis will include a curated list of suitable replacement species, considering fire resistance, site conditions (e.g., water use, planting space), clearance from surrounding vegetation, distance to structures, and long-term viability. Results will be summarized in a tree replacement plan, including species, quantities, locations, desired spacing to adjacent trees or structures, and a recommended implementation schedule. This plan will be integrated into the UFMP and formatted for clarity, primarily in a table format.

Task 4.6. Urban Forest Resource Report

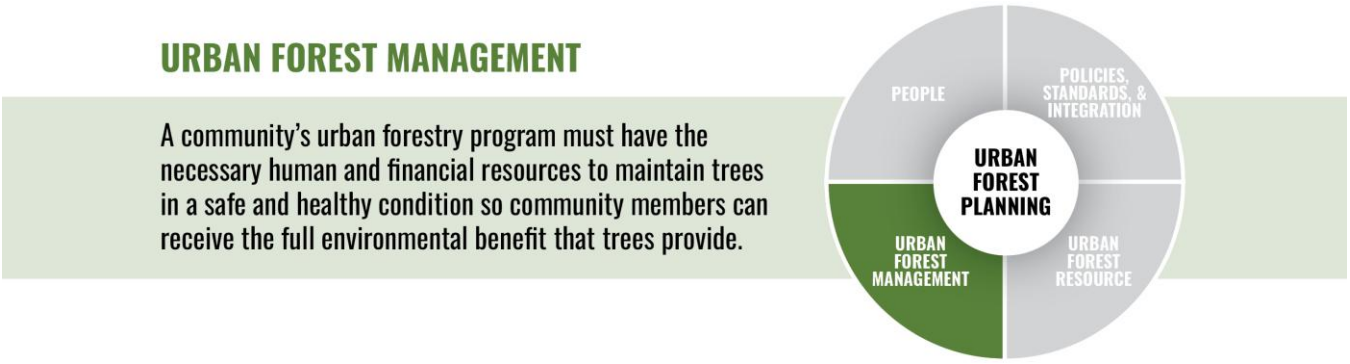
A comprehensive Urban Forest Resource Report will be prepared, detailing all results and methodologies included for the assessment of the tree inventory, canopy cover, and wildfire analysis. This report will provide a thorough overview of the current state of the tree inventory and canopy coverage, as well as results from the canopy growth analysis, guiding future tree canopy goals, assessing tree equity, and addressing climate change impacts through urban forestry. This report will serve as an addendum to the UFMP. It will outline how tree planting will be prioritized throughout the City, presenting a clear and targeted plan based on available planting spaces.

Deliverables

- Urban Forest Resources Report with the tree inventory sustainability assessment results, a citywide canopy cover assessment, a possible planting area analysis, canopy cover target recommendations, identified priority areas to increase canopy cover. wildfire and WUI tree inventory results, and an optional canopy cover change analysis

Assumptions

- The City will provide the most recent public tree inventory data in GIS-compatible format.
- The City will provide relevant spatial data in GIS-compatible format, including City boundaries, land use, landscape maintenance districts, parks, and any other geographic boundaries of interest.
- If the spatial data provided contain errors or require extensive modifications to ensure suitability for analysis, this may require a change order.



Task 5. Urban Forest Management Assessment

Task 5.1. Department Interviews (4) and Ride Along (1)

Dudek will interview representatives from City departments involved in urban forest management. These interviews will gather staff perspectives on the overall urban forestry program, operational processes, and opportunities and challenges that will guide recommendations for operational optimization. This valuable insight will be crucial in understanding the City's urban forestry program and will assist in developing feasible recommendations for the UFMP. We anticipate conducting up to four hour-long virtual interviews, and the project manager will participate in one in-person ride along with field staff to ensure that their perspective is captured.

Task 5.2. Budget, Staffing, and Equipment Analysis

Our team will evaluate the current staffing structure, including roles, responsibilities, and interdepartmental coordination, to identify strengths and gaps in operational capacity. This analysis will be informed by staff interviews, the ride along, a review of organizational charts and job descriptions, comparisons with other cities, and findings from existing literature. We will also assess the City's current budget allocations for tree-related activities, such as planting, maintenance, risk management, community engagement, and equipment expenditures. Budget allocations will be analyzed alongside the level of service that the City is providing. The analyses will identify opportunities to reallocate resources, pursue external funding and partnerships, or phase in new investments over time. The resulting recommendations will be practical and scalable, offering a clear path toward a more resilient and self-sustaining urban forestry program.

Task 5.3. Updated Specifications and Best Management Practices

Dudek will review the current City standard guidelines, policies, procedures, and details that relate to City trees. This will include practices such as tree planting, establishment care, pruning, and removals. We will also review current practices to mitigate tree and infrastructure conflicts. Dudek will support the review of best management practices with current research, along with our understanding of ISA and ANSI standards. After the review is completed, Dudek will present recommendations for updating practices, specifications, standards, details, and strategies to mitigate tree and infrastructure conflicts.

Task 5.4. Tree Species Recommendations

Dudek will prepare a climate-ready recommended species palette consisting of trees that are appropriate for the City's current environmental conditions, as well as anticipated conditions caused by climate change. To complete this task, Dudek will utilize the tree inventory data, climate change research, experience of local arborists, and findings from the analysis in Task 4.1. The list will also include species that are known to do well with irrigation by recycled water. The recommended species palette will include recommendations for various planting areas, such as residential, commercial, and industrial development that follow the practice of "right tree, right place" to ensure trees can grow to maturity while limiting conflicts with adjacent infrastructure. This list will serve as a strategic guide for future planting efforts across streetscapes, parks, and other public spaces.

Task 5.5. Street Tree Plan

Dudek will develop a street tree plan that incorporates the recommended species list with other known spacing parameters that dictate which tree species is appropriate for each location. To do this, Dudek will utilize existing data from the City, such as parkway widths, presence of overhead utility lines, and tree inventory data, to select species for the public right-of-way Street Tree Plan.

Task 5.6. Urban Forest Management Report

Dudek staff will use the analyses performed in Task 5 to document the City's current budget, management, and operational procedures involving trees and will identify any major challenges posed by current management practices or by local environmental and climate constraints affecting the City's tree canopy. The report will include a discussion of the internal structure, such as staffing and governance. It will also include a discussion of management operations, such as tree removal and replacement, tree care, and pruning. We will then provide a summary of our analysis and make recommendations for altering the management strategies based on best practices and provide justification for the recommended revisions. Dudek will use the analysis to develop best management practices and a potential list of funding opportunities specifically for the City.

Deliverables

- Recommended tree species list (Citywide)
- Urban Forest Management Report summarizing the following analyses:
  - Flow chart of governance structure
  - 5-year budget analysis and cost-per-tree management task
  - Potential urban forest funding mechanisms
  - Recommendations to manage trees and infrastructure conflicts
- Street Tree Plan for the public right-of-way
  - Overall recommendations to improve the City urban forest program

Assumptions

- The City will provide data/documents for analysis, including existing City documents and plans, budgetary information, tree ordinances, and work records for analysis.
- The City will assist in identifying and coordinating interviews with departmental staff.

THE PLAN

A strong urban forest connects today's canopy with the community's long-term goals, balancing bold ideas with practical steps.

Task 6. Urban Forest Planning

Task 6.1. UFMP Outline

Rather than applying a predefined structure, our team will work closely with City staff to shape the UFMP's outline around local priorities, operational realities, and community input. We approach each plan as a unique opportunity to reflect the character and needs of the place it serves. Through early collaboration, we will co-develop a framework that ensures that the UFMP best addresses the City's needs and goals.

Task 6.2. Strategic Plan Framework

Based on our comprehensive analyses, data synthesis, interviews, and community engagement activities, Dudek will create an actionable strategic plan for the City's urban forest that will guide its long-term vision. The strategic plan will follow a logical order and will include the following:

- Vision: A statement will be created to establish a vision for the future of the urban forest. This statement will verify that there is a common understanding of the UFMP outcome.
- Guiding Principles: Dudek will further refine the vision statement into specific categories based on City, working group, and community member values.
- Goals: Dudek will identify the outcomes that the City seeks to achieve for each guiding principle. Goals will be specific, measurable, attainable, realistic, and time sensitive.
- Actions: Dudek will identify specific tasks that contribute to the goals and that need to be completed to achieve the vision of the UFMP.

Task 6.3. Implementation Plan

Dudek will prioritize the strategic plan into timeframes agreed upon with the City for each action. The timeframe will be based on short-term (Years 3–5), medium-term (Years 5–10), and long-term (Years 10+) priorities. Each action will be assigned to a specific department that will be responsible for implementation, and estimated cost for things such as consultants, programs, and capital improvements will be included.

Task 6.4. Monitoring Plan

The UFMP is an adaptive document that necessitates periodic review to verify that goals and actions remain realistic and obtainable based on changes to the City's environmental and economic conditions. One component of the monitoring plan will layout actions that should be taken in periodic intervals to track progress of implementing the UFMP and if goals and priorities are still relevant to current conditions. This may include recommendations, such as when to replicate the canopy cover analysis, inventory sustainability analysis, and other general updates to the UFMP.

Dudek recommends using the Community Assessment and Goal-Setting Tool created by Vibrant Cities Lab as a main component of the monitoring plan. The tool provides a clearly defined process to measure and define successful implementation of UFMP goals and objectives. Vibrant Cities Lab is a collaboration of the United States Forest Service, American Forests, and the National Association of Regional Councils, and serves as an online hub of urban forest and tree research, best practices, and planning tools (http://vibrantcitieslab.com). The Community Assessment and Goal-Setting Tool is based on research on urban forest sustainability and establishes criteria and indicators to measure urban forest sustainability. The tool enables the user to continuously monitor measurable outcomes to determine progress toward completing goals.

Task 6.5. Administrative Draft

Dudek will prepare an administrative draft of the UFMP for internal review by City staff. This version will include all core components of the UFMP, such as preliminary findings, draft recommendations, and a working outline of implementation strategies. The administrative draft is designed to facilitate focused feedback and discussion before the UFMP is released for public comment.

The administrative draft will be delivered as a formatted document for internal review. While this version will focus on content development, we will also begin identifying opportunities for visual storytelling, such as graphics and maps, that will later be adapted for the final UFMP.

Task 6.6. Public Draft

The public draft will incorporate edits from City staff and will be made available for a 30-day public review period. Dudek will coordinate with the City to distribute the draft and encourage review on its website and other relevant media channels. Dudek will also provide a dedicated email address and clear instructions for submitting comments. Comments received will be captured in a Public Comment Log that will assist in identifying comments to implement to the final draft and ensure each public comment was considered.

Dudek will prepare the public draft of the UFMP as an Adobe PDF file using Adobe In-Design. To support public understanding and engagement, this version may include draft maps, conceptual visuals, and layout elements that preview the final design direction. These preliminary graphics will help convey key findings and recommendations while allowing flexibility to adjust based on community feedback.

Task 6.7. Final Draft

Following completion of the public draft review process, Dudek will develop the final draft of the UFMP and incorporate City and public comments. Dudek will submit the final version of the UFMP, including all figures, appendices, and visual aids, within 18 months of project start as an electronic copy in Adobe PDF.

Task 6.8. City Council and Public Presentations (8)

Dudek will present (in person) at up to eight public meetings that may include City Council, commission, or committee meetings. Dudek will prepare PowerPoint presentations as requested for the meetings and present progress on the UFMP, analysis, recommendations, and solicit feedback from City Council, commission, and committee members. The goal of the presentations will be to ensure the adoption of the final UFMP by the City Council.

Deliverables

- UFMP outline
- Strategic plan
- Monitoring plan
- Administrative draft UFMP (Word document)
- Public draft UFMP and Public Comment Log (PDF and Word document)
- Final UFMP (PDF)
- Presentations at up to eight City council and commission meetings

Assumptions

- City staff will provide comments on the administrative draft within a 30-day period.

EXHIBIT "B"

SPECIAL REQUIREMENTS

(Superseding Contract Boilerplate)

EXHIBIT "C"

SCHEDULE OF COMPENSATION

I. **Consultant shall be compensated for the services provided under this Agreement in accordance with the budget and rates provided in Exhibit "C-1".**

II. **Within the budgeted amounts for each Task, and with the approval of the Project Manager, funds may be shifted from one Task subbudget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.10.**

III. **The City will compensate Consultant for the Services performed upon submission of a valid invoice, as described in Section 2.4.**

IV. **The total compensation for the Services shall not exceed the Contract Sum, as provided in Section 2.1 of this Agreement.**

EXHIBIT "C-1"

SCHEDULE OF COMPENSATION

Dudek Labor Hours and Rates

Project Team Role:		Specialist III	Senior Specialist III	Specialist III	Analyst V	Specialist IV	Specialist I	Specialist IV	Project Director/ Environmental	GIS Analyst V	Creative Services IV	Total Dudek Hours	Dudek Labor Costs	Other Direct Costs	Total Fee
Team Member:		Kanami Otani	Ryan Allen	Kevin Cullinen	Jared Davis	Katrina Burritt	Alexandria Reed	Jeremy Cawn	Austin Ott	Christopher Starbird	Joshua Becker				
Billable Rate:		$185	$250	$185	$155	$195	$165	$195	$300	$220	$185				
Task 1: Project Management															
1.1	Kickoff Meeting	4	1	–	–	–	–	–	–	–	–	5	$990	$45	$1,035
1.2	Meeting with the Project Team	60	2	–	6	–	6	–	–	–	–	74	$13,520	–	$13,520
1.3	Work Plan	4	–	–	–	–	12	–	–	–	–	16	$2,720	–	$2,720
1.4	Project Admin. QA/QC	40	24	–	–	–	–	–	–	–	–	64	$13,400	–	$13,400
	Subtotal Task 1	*108*	*27*	–	*6*	–	*18*	–	–	–	–	*159*	*$30,630*	*$45*	*$30,675*
Task 2: Community Engagement															
2.1	Outreach Plan	16	–	–	–	–	–	–	–	–	–	16	$2,960	–	$2,960
2.2	Online Survey	2	–	–	–	–	–	–	–	6	–	8	$1,690	–	$1,690
2.3	In-Person Focus Groups (2)	12	–	–	–	–	12	–	–	–	–	24	$4,200	$45	$4,245
2.4	In-Person Events (3)	18	–	–	–	–	15	–	–	–	–	33	$5,805	$90	$5,895
2.5	Working Group	16	–	–	–	–	8	–	–	–	–	24	$4,280	–	$4,280
2.6	Media Materials/Web Content	–	–	–	8	–		–	–	–	16	24	$4,200	–	$4,200
2.7	Summary Report	12	–	–	–	–	10	–	–	–	–	22	$3,870	–	$3,870
	Subtotal Task 2	*76*	–	–	*8*	–	*45*	–	–	6	*16*	*151*	*$27,005*	*$134*	*$27,139*
Task 3: Policies and Standards															
3.1	Policies, Documents, Reports	–	–	16	24	–	–	–	–	–	–	40	$6,680	–	$6,680
3.2	Tree Ordinance and Municipal Code	–	–	16	24	–	–	–	–	–	–	40	$6,680	–	$6,680
3.3	Tree Ordinance Update	12	4	12	32	–	–	–	–	–	–	60	$10,400	–	$10,400
	Subtotal Task 3	*12*	*4*	*44*	*80*	–	–	–	–	–	–	*140*	*$23,760*	–	*$23,760*
Task 4: Urban Forest Resource Assessment															
4.1	Tree Inventory Sustainability	2	–	–	–	–	24	–	–	–	–	26	$4,330	–	$4,330
4.2	Canopy Cover Assessment	–	–	–	–	–	40	–	–	–	–	40	$6,600	–	$6,600
4.3	Canopy Cover Goal	2	–	–	–	–	24	–	–	–	–	26	$4,330	–	$4,330
4.4	Prioritized Planting Efforts	–	–	–	–	–	24	–	–	–	–	24	$3,960	–	$3,960
4.5	Wildfire and WUI Tree Analysis	–	–	–	–	–	8	50	12	–	–	70	$14,670	–	$14,670
4.6	Urban Forest Resource Report	6	–	–	–	–	24	8	4	–	10	52	$9,680	–	$9,680
	Subtotal Task 4	*10*	–	–	–	–	*144*	*58*	*16*	–	*10*	*238*	*$43,570*	–	*$43,570*

Dudek Labor Hours and Rates

	Project Team Role:	Specialist III	Senior Specialist III	Specialist III	Analyst V	Specialist IV	Specialist I	Specialist IV	Project Director/ Environmental	GIS Analyst V	Creative Services IV	Total Dudek Hours	Dudek Labor Costs	Other Direct Costs	Total Fee
	Team Member:	Kanami Otani	Ryan Allen	Kevin Cullinen	Jared Davis	Katrina Burritt	Alexandria Reed	Jeremy Cawn	Austin Ott	Christopher Starbird	Joshua Becker				
	Billable Rate:	$185	$250	$185	$155	$195	$165	$195	$300	$220	$185				
Task 5: Urban Forest Management Assessment															
5.1	Dept. Interviews/Ride Along	16	–	–	12	–	–	2	–	–	–	30	$5,210	$45	$5,255
5.2	Budget/Staffing Analysis	–	4	32	–	–	–	–	–	–	–	36	$6,920	–	$6,920
5.3	Best Management Practices	–	–	–	16	–	–	–	–	–	–	16	$2,480	–	$2,480
5.4	Recommended Tree Species	–	–	–	–	32	–	–	–	–	–	32	$6,240	–	$6,240
5.5	Street Tree Plan	–	–	–	–	32	–	–	–	–	–	32	$6,240	–	$6,240
5.6	Urban Forest Management Report	4	4	8	12	16	–	–	–	–	–	44	$8,200	–	$8,200
	Subtotal Task 5	*20*	*8*	*40*	*40*	*80*	–	*2*	–	–	–	*190*	*$35,290*	*$45*	*$35,335*
Task 6: Urban Forest Management Plan															
6.1	Outline	6	–	–	–	–	–	–	–	–	–	6	$1,110	–	$1,110
6.2	Strategic Plan	16	4	–	–	–	–	–	–	–	–	20	$3,960	–	$3,960
6.3	Implementation Plan	24	–	–	–	–	–	–	–	–	–	24	$4,440	–	$4,440
6.4	Monitoring Plan	–	–	–	2	–	–	–	–	–	–	2	$310	–	$310
6.5	Admin Draft	60	32	40	40	6	40	–	–	–	–	218	$40,470	–	$40,470
6.6	Public Draft	40	–	–	–	24	–	–	–	–	50	114	$21,330	–	$21,330
6.7	Final Draft	20	–	–	–	8	–	–	–	–	20	48	$8,960	–	$8,960
6.8	City Council/Public Presentations	16	4	–	–	–	–	–	–	–	–	20	$3,960	$358	$4,318
	Subtotal Task 6	*182*	*40*	*40*	*42*	*38*	*40*	–	–	–	*70*	*452*	*$84,540*	*$358*	*$84,898*
	Total Hours	**408**	**79**	**124**	**176**	**118**	**247**	**60**	**16**	**6**	**96**	**1330**	**–**	**–**	**–**
	Total	**$75,480**	**$19,750**	**$22,940**	**$27,280**	**$23,010**	**$40,755**	**$11,700**	**$4,800**	**$1,320**	**$17,760**	**–**	**$244,795**	**$582**	**$245,377**
Percent of Hours (Base)		31%	6%	9%	13%	9%	19%	5%	1%	0%	7%	–	–	–	–

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

I. Consultant shall perform all services and deliver all work products timely in accordance with the schedule attached hereto as Exhibit "D-1".

II. The Project Manager may approve extensions for performance of the services in accordance with Section 3.2.

EXHIBIT "D-1"

SCHEDULE

Tasks	Months																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Task 1: Project Management and Coordination	Kickoff	Monthly Meetings, Project Administration and QC —>																			
Task 1.3: Work Plan	Work Plan																				
Task 2: Community Engagement																					
Task 2.1. Community Outreach Plan	Outreach Plan																				
Task 2.2. Online Community Survey			Develop	Online Survey																	
Task 2.3. In-Person Focus Groups (2)				FG 1			FG 2														
Task 2.4: In-Person Outreach Events (3)			1		2			3													
Task 2.5. Working Group (3)				WG 1				WG 2			WG 3										
Task 2.6. Media Materials and Web Content			1				2					3									
Task 2.7. Community Engagement Summary Report											Report										
Task 3: Policies, Standards, and Integreation																					
Task 3.1 Review City Policies, Documents, and Reports		Review of Policies, Docs, Reports																			
Task 3.2: Reviews of City Tree Ordinances and Municipal Code				Review of Ord and Code																	
Task 3.3: Tree Ordinance Update							Draft & City Revisions										Final Draft			Adoption	
Task 4: Urban Forest Resource Assessment																					
Task 4.1: Tree Inventory Sustainability Assessment		Inventory Analysis																			
Task 4.2: Canopy Cover Assessment				Canopy Cover Assessment																	
Task 4.3: Establishing a Canopy Cover Target							Canopy Cover Target														
Task 4.4: Prioritized Planting Efforts							Prioritized Planting														
Task 4.5: Wildfire and WUI Tree Inventory Analysis		WUI Assessment																			
Task 4.6: Urban Forest Resource Report								Report													
Task 5: Urban Forest Management Assessment																					
Task 5.1. Department Interviews		Department Interviews & Ride Along																			
Task 5.2. Budget and Staffing Analysis				Budget/Staffing Analysis																	
Task 5.3. Best Management Practices					BMPs																
Task 5.4: Tree Species Recommnedations				Species Recommendations																	
Task 5.5. Street Tree Plan						Street Tree Plan															
Task 5.5. Urban Forest Management Report								Report													
Task 6: Urban Forest Management Plan																					
Task 6.1: Outline							Outline														
Task 6.2: Strategic Plan								Strat Plan													
Task 6.3: Implementation Plan									Implementation Plan												
Task 6.4: Monitoring Plan											Monitoring										
Task 6.5: Admin Draft										Administrative Draft											
Task 6.6: Public Draft												Public Draft			Comment						
Task 6.7: Final UFMP																Final					
Task 6.8: City Council and Public Presentations (8)		Meetings		Meetings			Meetings			Meetings						Adoption					
Task 7: Optional Tasks																					
Task 7.1: Historic Canopy Change						Canopy Change															
Task 7.3: Story Map									Story Map												

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **LINDA REICH, CITY MANAGER**

FROM: **JACKIE MELENDEZ, ASSISTANT CITY MANAGER**

SUBJECT

Amending Chapter 10.64 of the Chino Municipal Code.

RECOMMENDATION

Approve the Introduction of Ordinance No. 2025-008 amending Chapter 10.64 of the Chino Municipal Code regulating Parades and Special Events, to be read by number and title only, and waive further reading of the Ordinance.

FISCAL IMPACT

There is no fiscal impact.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Superior Customer Service
- Financial Stability

Revenue:	Expenditure:
Transfer In:	Transfer Out:

BACKGROUND

The City of Chino is home to a wide range of special events that contribute to the quality of life in the City, while supporting local nonprofits, businesses and community-based organizations. These events provide residents with the opportunity to live, work, and play in the vibrant City of Chino. In addition to fostering a culture of community engagement, special events also contribute to Chino's economic development by attracting visitors, increasing foot traffic to our local businesses, and generating revenue.

Currently, staff are responsible for reviewing, processing, and approving special event permit applications in accordance with Chapter 10.64 of the Chino Municipal Code (CMC), which governs special event permits. The application process impacts nearly all City Departments including Police, Finance, Administration, Community Services, Parks and Recreation, Development Services, Human Resources/Risk Management, and Public Works. The process also impacts and requires review by outside agencies such as the Chino Valley Fire District and San Bernardino County, which governs events held at Prado Regional Park.

The internal procedures and relevant provisions of the CMC Chapter 10.64 have not been updated since 2017. Over the years, the volume and diversity of special events have grown significantly, reflecting evolving trends and innovative event layouts. This growth has highlighted the need to modernize the approach to ensuring staff deliver high quality customer service while maintaining a manageable and sustainable process for staff.

Over the past twelve months, staff conducted a comprehensive evaluation of the special event permitting process and the relevant code sections. This included collaboration with all City Departments, Special Events Committee members, external agencies such as the Chino Valley Fire District and San Bernardino County Regional Parks, as well as engagement with past special event organizers. The evaluation also included a comprehensive analysis of special event provisions in neighboring cities such as Riverside, Moreno Valley, Ontario, Chino Hills, Corona, San Bernardino, Rancho Cucamonga, Eastvale, Irvine, and San Bernardino County. The goal was to identify opportunities for process improvement and modernization. Through comprehensive analysis and interdepartmental collaboration, staff found that the CMC Chapter 10.64 contains redundant processes that hinder the approval for special event permits in a timely manner and create undue liability and risk for the City. The proposed revisions address these issues, ensuring the CMC Chapter 10.64 effectively supports both City operations and the needs of special event organizers.

ISSUES/ANALYSIS

To address these issues and ensure the City continues to protect the health, safety and welfare of the public while supporting a thriving special event culture, staff recommends amending CMC Chapter 10.64 related to special event permits. The proposed amendments aim to streamline the permitting process, redefine and clarify requirements, ensure appropriate cost recovery, and reflect the diverse nature of today's special events. To the extent the revised ordinance calls for new/increased permit fees, the new/increased fees will not take effect until such time as the Council approves revisions to the City's master fee resolution.

The following is a summary of proposed amendments to the CMC Chapter 10.64 Parades and Special Events:

1) Committee Name - Amend Chapter 10.64.020 to update the official title of the oversight committee to Special Events Committee (SEC).

2) Solicitation - Currently, Chapter 10.64.020 includes provisions related to solicitation at special events. Since solicitation is already regulated in Chapter 12.12 - Regulation of Solicitation in the Public Right-of-Way, staff recommends removing all solicitation related language from Chapter 10.64.020 to avoid redundancy and ensure consistency throughout the code.

3) Definitions - Chapter 10.64.020 currently defines a special event as any ceremony, carnival, show, sporting event, exhibition, pageant, festival, fireworks display, service of alcohol, or similar event that takes place on public property; or any ceremony, carnival, show, sporting event, exhibition, pageant, festival, or similar event on residential property with one hundred or more attendees which may require City resources; or any ceremony, carnival, show, sporting event, exhibition, pageant, festival, fireworks display, or similar event on private property other than residential property with five hundred or more attendees or two hundred fifty or more attendees if alcohol is served which may require City services. To better protect public peace, safety, health, and welfare, staff recommends revising the definition of a special event to include any ceremony, carnival, show, athletic or sporting event, exhibition, pageant, festival, fireworks display, sale and/or service of alcoholic beverages, or similar events upon any public property, right-of-way, sidewalk, or park not designated as a City athletic field located in the City on public property; or any ceremony, carnival, show, sporting event, exhibition, pageant, festival or similar event held at any private residence that is open to the public on residential property, regardless of the number of attendees; or any event such as any ceremony, carnival, show, sporting event, exhibition, pageant, festival, fireworks display, or similar event held at private property other than residential property that is being used beyond that property's intended land use and is open to the public or serves alcoholic beverages, which may require City resources.

4) Spontaneous Events - Amend Chapter 10.64.020 to add spontaneous events to the definitions as any event involving Expressive Activity that is occasioned by recent news or current affairs coming into public knowledge less than five (5) days prior to such event.

5) Planning Commission - Currently, the special event permit application process includes an extensive review by the SEC, directors, and subject matter experts. All members of the SEC and the City Manager or their designee must approve the special event permit before it is issued. Chapter 10.64.030 currently states that the planning commission shall be charged with approving or denying a special event permit for any parade or special event lasting three consecutive days or longer in duration or for parades or special events with an anticipated attendance of five thousand or more people per day. To issue the special event permit in a timely manner, allowing event organizers to operate promptly, staff recommend amending Chapter 10.64 to remove all language pertaining to the planning commission.

6) Vendors - Amend Chapter 10.64.040 to clarify that any person or business participating as a vendor must obtain a Special Event Vendor Permit, as defined Chapter 5.04.540.

7) Late Applications - Amend Chapter 10.64.050 clarify that it is at the discretion of the SEC to accept or deny late filed applications.

8) Security Deposit - Currently, Chapter 10.64.060 states that the applicant shall be responsible for paying a security deposit that covers charges incurred by City staff,

costs of cleaning and restoring the public area of the City upon the conclusion of the parade or special event, or other direct City services to the extent such services are utilized and required due to the parade or special event; applicants are responsible for paying a City services deposit, which covers necessary costs that any Department of the City incurs including, but not limited to, City resource as defined in the CMC Chapter 10.64.020, costs associated with fire safety, traffic and/or pedestrian control, the closure of streets or intersections, additional police services or other emergency services, and any direct costs of the City to provide support personnel, equipment, materials, and supplies. The amount charged for these costs will be the fully burdened rate for each individual at the time the costs are actually incurred. Staff recommend amending Chapter 10.64.060 to consolidate both deposits into a single City services deposit to reduce confusion and eliminate redundancy. Additionally, staff recommends adding waiver appeal provisions and removing the language regarding the fully burdened rate to improve the financial accessibility of hosting an event in Chino.

9) Liability - Amend Chapter 10.64.070 to require applicants to provide a combined hold harmless and indemnification agreement, to better protect the City from liability. While the current language requires only a hold harmless agreement, the proposed amendment would strengthen legal protections by explicitly including indemnification.

10) Rejected Applications - Amend Chapter 10.64.080 to include the applicant's right to amend a rejected application and remove the requirement that staff act within thirty business days. These revisions would provide staff with the necessary flexibility to conduct a thorough review and potentially approve amended applications.

11) Good Standing - Amend Chapter 10.64.090 to establish that applicants must have satisfied all financial obligations to the City and have no unresolved code violations, as a condition of approval. Additionally, staff recommends adding language that states the application may be denied if the location where the special event is to take place or any property within the City owned, leased, or otherwise used by an applicant contains any violation of this code, any other code adopted by this code, or any state law, or if the applicant has outstanding fees, fines, or other amounts due and owing the City.

12) Appeals - Amend Chapter 10.64.100 to align with the appeal provisions outlined in Chapter 5.04.300 related to business license. This will standardize the appeal process across chapters.

13) Revocation - Amend Chapter 10.64.150 to improve clarity and strengthen provisions related to the special event permit revocation process. These updates will provide clearer guidance and add necessary protections for the City.

All revisions are outlined in the attached Ordinance 2025-008.

Therefore, it is recommended that the City Council approve the introduction of Ordinance No. 2025-008 amending the Chino Municipal Code regulating Parades and Special Events.

Attachment: Attachment A: Ordinance 2025-008
Attachment B: Redline Changes Chapter 10.64

ORDINANCE NO. 2025-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING CHAPTER 10.64 (PARADES AND SPECIAL EVENTS) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE CHINO MUNICIPAL CODE

WHEREAS, the City of Chino ("City") has previously adopted Chapter 10.64 of Title 10 of the City of Chino Municipal Code ("CMC"), establishing rules and regulations of parades and special events; and

WHEREAS, pursuant to California Constitution Article XI Section 7, the City is authorized to regulate and enforce traffic congestion and safety hazard protocol; and

WHEREAS, pursuant to California Vehicle Code §21101(e), the City of Chino City Council ("City Council") is authorized to regulate street closures for parades and special events; and

WHEREAS, the City Council now desires to redefine the parameters and guidelines of parades and special events in order to promote the health, safety, and general welfare of the residents of the City; and

WHEREAS, the City Council now desires to amend CMC Chapter 10.64 to attain the foregoing objectives.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals Incorporated. The City Council finds the foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment to CMC Chapter 10.64. Chapter 10.64 of the City of Chino Municipal Code shall be amended in its entirety as follows:

"10.64.010 - Findings.

The city council finds that parades and special events create traffic congestion and safety hazards, and require the expenditure of city resources for the regulation of such parades and special events. Likewise, the city council finds that such parades and special events may also result in noise disturbances, increased littering, an invasion of privacy, a hindrance in the public's right to quiet enjoyment, or the harassment of members of the public.

10.64.020 - Definitions.

For the purpose of this chapter, the definitions given in this section shall govern the meanings of the following words and phrases:

"Applicant" means any person, group, organization, or entity who seeks a special event permit from the city to conduct or sponsor a parade or special event governed by this chapter. An applicant must be eighteen years of age or older.

"Chief of police" means the chief of police for the City of Chino's Police Department or his/her designee.

"City manager" means the city manager for the City of Chino or his/her designee.

"City resources" means any commitment of city funds, manpower, supplies, materials, or other services used to control, support, augment or assist in any way a parade or special event in the city.

“Expressive activity” means conduct, the sole or principal object of which is the expression, dissemination , or communication by verbal, visual, literary, or auditory means of opinions, view, or ideas protected by the First Amendment of the United States Constitution and Article I of the California Constitution.

"Parade" means any procession, march, ceremony, show, exhibition, pageant, or similar display upon any public right-of-way or which will infringe upon the public right-of-way or public property.

"Permit" means any permit as required by this chapter.

"Person" means any person, firm, partnership, association, corporation, group, club or organization of any kind.

"Planning Commission" means the planning commission of the City of Chino.

“SEC” (special events committee) means a committee convened to evaluate parade and special events applications. The city manager shall determine size and membership of this committee.

"Special event" means any of the following:

1. Public Property. Any ceremony, carnival, show, athletic or sporting event, exhibition, pageant, festival, fireworks display, sale and/or service of alcoholic beverages, or similar events upon any public property, right-of-way, sidewalk, or park not designated as a City athletic field located in the city, except for events such as tournaments, sports leagues, and similar events which may typically be conducted in a public park;

2. Residential Property. Any ceremony, carnival, show, sporting event, exhibition, pageant, festival or similar event held at any private residence that is open to the public, which may require the utilization of city resources, whether expected by the sponsor of the event or anticipated by the city, as determined by the SEC;

3. Private Property Other than Residential Property. Any event such as any ceremony, carnival, show, sporting event, exhibition, pageant, festival, fireworks display, or similar event held at private property other than residential property that is being used beyond that property’s intended land use and is open to the public or serves alcoholic beverages which may require the utilization of city resources,

whether expected by the organizer of the event or anticipated by the city, as determined by the SEC.

“Spontaneous event” means any event involving Expressive Activity that is occasioned by recent news or current affairs coming into public knowledge less than five (5) days prior to such event.

10.64.030 - Permit—Requirements.

A. General Parades or Special Events. No person shall engage in, participate in, aid or carry on any parade or special event located wholly or partially on any public street, sidewalk, alley, or park, or which infringes upon the public right-of-way, or which requires the utilization of city resources, unless a permit therefore has been granted by the city. Applications submitted to the city to hold such shall be submitted to the SEC, in this chapter referred to as SEC. The SEC shall be charged with the responsibility of approving such a permit provided it meets the findings required by Section 10.64.090 of this chapter. The SEC shall notify the applicant of its decision; and, in the case of denial, the applicant's appeal rights pursuant to Section 10.64.100 of this chapter. Any permit approved by the SEC shall be issued by the city manager.

B. Exemptions. A permit shall not be required under this chapter for the following activities:

1. The city may, at its discretion, exempt any event sponsored by the city or co-sponsored by the city from any or all of the requirements for obtaining a permit;

2. Spontaneous events involving expressive activity which are occasioned by news or affairs coming into public knowledge less than five (5) days prior to such event may be conducted without the organizers first having to obtain a permit, provided that participants comply with applicable traffic regulations, laws and controls. The person or organization conducting or sponsoring the spontaneous event shall provide notice of the event to the city manager no later than thirty-six hours prior to the commencement of the event and shall provide the location of the event and the estimated number of attendees to assist the city with determining traffic control and policing needs, if any, to protect the health, safety, and welfare of the public. The person or organization conducting or sponsoring the spontaneous event shall be liable and responsible for any costs incurred by the city relating to the event pursuant to Section 10.64.060;

3. Any event involving only pedestrians marching on sidewalks and crossing streets only at pedestrian crosswalks, in accordance with traffic regulations and controls;

4. Funeral processions by a licensed mortuary or funeral home.

10.64.040 - Permit—Application.

A person seeking issuance of a permit to engage in a parade or special event, shall file an application with the city on forms provided by the city. The application for a permit to engage in a parade or special event shall set forth the following information:

A. The name, address, and telephone number of the person seeking to conduct such parade or special event;

B. If the parade or special event proposed is to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and the authorized and responsible heads of such organization;

C. The name, address, and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;

D. The date when the parade or special event is to be conducted;

E. The time when such parade or special event will start and terminate in compliance with Chapter 9.40 (Noise) of this code;

F. Parades only:

1. The route to be traveled, the starting point and the termination point, in diagram form;

2. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and the description of the vehicles;

3. A statement as to whether the parade will occupy all, or only a portion, of the width of the streets proposed to be traversed;

4. The location by street names of any assembly area for such parade;

5. The time at which persons, animals, and/or animals of such parade will begin to assemble at any such assembly area or areas;

G. Special events only:

1. The number of persons expected to attend the special event;

2. A statement of whether alcoholic beverages will be allowed on the premises, type of alcoholic beverages proposed, and evidence of application for the appropriate state liquor license;

H. Any additional information, including evidence of compliance with any and all federal, state, and local regulations, which the city shall find reasonably necessary to make a fair determination as to whether a permit should be issued;

I. If the parade or special event will involve any person or business participating as a vendor, or otherwise, having a booth or stand, or performing, soliciting, or selling any products or services, the application must list and provide copies of all special event vendor permits issued from the city, as defined in Section 5.04.540 of this code.

J. If the parade or special event will involve sidewalk vendors, the application must list and provide copies of all permits issued from the city for said sidewalk vendors, as provided in Chapter 5.28 of this code.

10.64.050 - Filing requirements.

A. Filing Period. An application for a parade or special event permit shall be filed with the city no less than sixty (60) days or more than one calendar year before the date on which it is proposed to conduct the parade or special event. Any application submitted less than sixty (60) days before the parade or special event is proposed to be conducted shall be deemed late and the SEC has the discretion to accept and process the application or deny it as untimely. Any such accepted late-filed applications shall be subject to an expediting fee pursuant to Section 10.64.060 of this chapter.

B. Filing Period for Longer Duration or Larger Size Events. An application for a parade or special event lasting three (3) consecutive days or longer in duration, not including set-up and clean-up, or for parades or special events with an anticipated attendance of five thousand or more people per day shall be filed with the city no less than ninety (90) days or more than one calendar year before the date on which it is proposed to conduct the parade or special event. Any application submitted less than ninety (90) days before the parade or special event is proposed to be conducted shall be deemed late and upon request of applicant, may be subject to an expediting fee pursuant to Section 10.64.060 of this chapter, or may be denied as untimely.

10.64.060 - Application fees and deposits.

A. Fee. A non-refundable application fee, as adopted in the City's Comprehensive Fee Schedule, shall be paid at the time of filing the application for a permit to engage in a parade or special event, as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the SEC. Any application filed late pursuant to Section 10.64.050 of this chapter shall be subject to an expediting fee as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the SEC. After consideration and investigation of the application, the SEC may determine what additional fees shall be assessed before issuance of the permit to meet the expenses of maintaining public health, safety, and welfare, such as placing barricades, lighting, and traffic control devices, and providing police officers for crowd control at such parade or special event.

1. Nothing in this chapter shall limit the city's ability to pursue its rights regarding damage to city property as otherwise provided for by law.

B. City Services Deposit. The applicant shall be responsible for and the city may charge the reasonable and necessary costs that any department of the city incurs in connection with the parade or special event for which the city has issued a permit. The amount of the deposit shall be as provided in the current comprehensive fee schedule codified in Appendix I of this code. Such costs include, but are not limited to, city resources as defined in this chapter, costs associated with fire safety, traffic and/or pedestrian control, the closure of streets or intersections, additional police services or other emergency services, and any direct costs of the city to provide support personnel, equipment, materials, supplies, and restoring the public area of the city upon the conclusion of the parade or special event .

1. The applicant shall pay such deposit at the time the application is approved by the city. Within thirty days after the special event or parade concludes, the city

shall either submit a final invoice for costs, if any, to the applicant or refund any unused deposit without interest. If the applicant paid less than the total costs actually incurred by the city, the applicant shall pay the difference to the city, without interest, within thirty days of the date of the invoice for such charges by the city. Thereafter, interest will accrue on the unpaid balance at the legal rate. If the applicant paid more than the total costs incurred by the city, the city shall refund the difference to the applicant, without interest, within thirty days after the parade or special event.

C. Any payment required pursuant to this section shall be made payable to the city by cash, credit card, or cashier's check.

D. Waiver. Any fee, deposit or payment required pursuant to this chapter may be waived by the SEC if the applicant provides as part of the permit application a sworn affidavit in writing, together with any supporting documents, demonstrating the applicant's actual financial inability to pay the fee, deposit or payment and establishes to the satisfaction of the SEC that such fee, deposit or payment is not necessary.

1. Any applicant whose request for waiver is denied may appeal the decision by filing a written notice of appeal with the city clerk within five (5) days after such decision is made.

2. The written notice of appeal shall be filed with the city clerk along with payment of an appeal processing fee in an amount set forth in the city's current Comprehensive Fee Schedule codified in Appendix I of this code. The appeal processing fee, however, shall be excused upon a satisfactory showing of undue financial hardship.

3. The written notice of appeal shall contain the following information: (1) the name of the appealing party; (2) the address of the appealing party, (3) a brief statement in ordinary and concise language of the nature of the appeal together with any material facts claimed to support the contentions of the appellant; (4) a brief statement in ordinary and concise language of the relief sought; and (5) the signature of the appellant.

4. Upon receipt of a timely and proper appeal, the city clerk shall appoint a neutral and impartial hearing officer and shall schedule a hearing at a date, time, and location not earlier than ten days but no later than sixty (60) days after receipt of such appeal.

5. The city clerk shall provide notice not later than ten (10) calendar days before the scheduled hearing by first class mail to the appellant at the address listed on the request for a hearing.

6. The hearing officer shall issue a written decision within five (5) calendar days of the hearing. The decision of the hearing officer shall be final.

7. The failure to timely and properly file a request for a hearing with the city clerk, or the failure to appear at a scheduled hearing, shall constitute waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for

any reason, including as provided under this subsection, the decision of the SEC shall be final.

10.64.070 - Applicant—Evidence of insurance required and hold harmless agreement.

A. Certificate of Insurance. Each applicant for a parade or special event shall be required to submit evidence to the city, in the form of a certificate of insurance, that such applicant has public liability and property damage insurance in effect and in full force for the duration of such parade or special event in an amount no less than one million dollar ($1,000,000) minimum for each occurrence for general liability coverage and two million dollar ($2,000,000) minimum for general aggregate coverage to protect the general public and the city for any and all damages that might be caused by such parade or special event. It is in the city's discretion to require increased coverage depending on the particular parade or special event. If the parade or special event involves the use of licensed motorized vehicles, the policy must also include an endorsement for automobile liability in an amount no less than one million dollars ($1,000,000). The city shall be named as an additional insured on the certificate of insurance.

B. Hold Harmless and Indemnification. Prior to the issuance of a permit pursuant to this chapter, the applicant shall provide the city with an executed hold-harmless and indemnification agreement, which shall substantially state that the applicant agrees to indemnify, defend, and hold the city and its officers, employees, and agents harmless and free from any and all liability, penalty, expense or loss of any nature, including, but not limited to, liability for damage or injury to any persons or property caused by any participant to the parade or special event.

C. Waiver. If the SEC determines that a particular parade or special event does not present a substantial or significant public liability or property damage exposure for the city or its officers, agents, and employees, the city may provide a written waiver of some or all of the insurance requirements of this section.

D. No person shall conduct a parade or special event under a parade or special event permit without the insurance coverages as required by this section being in full force and effect. However, the insurance requirement for special events involving only the exercise of free speech rights may be waived by the SEC, , if the applicant certifies in writing that: (1) the applicant and/or sponsoring organization does not maintain such insurance coverage; (2) the cost to obtain insurance coverage for the parade or special event is not commercially reasonable or is so cost prohibitive as to prevent the applicant or sponsoring organization from holding the parade or special event; and (3) the parade or special event will not include any of the following: pyrotechnics, commercial activity, the sale or consumption of alcoholic beverages, operation of carnival or animal rides or demonstrations with animals, floats or other non-standard vehicles, specialized recreational equipment, handling or serving of food, open fires, or fuel storage.

E. If the parade or special event includes the sale or consumption of alcoholic beverages, a liquor liability endorsement is also required.

10.64.080 - Notice of action and application.

If the application is denied, a written statement shall be mailed to the applicant within five (5) business days after the date upon which the application was processed and denied

along with a notice of action and the applicant's appeal rights, if any. A rejected application will not prejudice the applicant's right to either amend the application and resubmit such application immediately or resubmit another application at any time in the future.

10.64.090 - Standards for issuance of permits.

The city shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, the following facts are found to exist:

A. Parades:

1. All of the information in the application is true;

2. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

3. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection to the city, giving consideration to the city's ability to recruit police officers from other jurisdictions;

4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

5. The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;

6. The parade shall start and continue to move from its origin to its point of termination expeditiously and without unreasonable delays en route;

7. The parade is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.

8. There are no outstanding violations of this code, any other code adopted by this code, or any state law on the private location for which the parade is to or is taking place.

9. There are no outstanding fees, fines, or other amounts outstanding and owed to the city in connection with the parade, inclusive of such amounts owed by vendor or sidewalk vendor that is part of the parade.

B. Special Events:

1. All of the information in the application is true;

2. The conduct of the special event is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;

3. Sufficient parking exists for those persons who will attend the special event such that it will preclude a substantial disruption of the safe and orderly movement of other traffic;

4. The special event is not an illegal event by its very nature, nor shall any of the attractions contained within the special event be of an illegal nature.

5. There are no outstanding violations of this code, any other code adopted by this code, or any state law on the private location for which the special event is to or is taking place.

6. There are no outstanding fees, fines, or other amounts outstanding and owed to the city in connection with the special event, inclusive of such amounts owned by vendor or sidewalk vendor that is part of the special event.

The city may deny a permit upon finding of any of the above facts do not exist, if the location where the special event is to take place or any property within the city owned, leased, or otherwise used by an applicant contains any violation of this code, any other code adopted by this code, or any state law, or if the applicant has outstanding fees, fines, or other amounts due and owing the city.

10.64.100 - Appeal.

A. Any applicant whose permit application is denied may appeal the decision by following the appeal procedure as described below:

1. Any applicant whose request for waiver is denied may appeal the decision by filing a written notice of appeal with the city clerk within five (5) days after such decision is made.

2. The written notice of appeal shall be filed with the city clerk along with payment of an appeal processing fee in an amount set forth in the city's current Comprehensive Fee Schedule codified in Appendix I of this code. The appeal processing fee, however, shall be excused upon a satisfactory showing of undue financial hardship.

3. The written notice of appeal shall contain the following information: (1) the name of the appealing party; (2) the address of the appealing party, (3) a brief statement in ordinary and concise language of the nature of the appeal together with any material facts claimed to support the contentions of the appellant; (4) a brief statement in ordinary and concise language of the relief sought; and (5) the signature of the appellant.

4. Upon receipt of a timely and proper appeal, the city clerk shall appoint a neutral and impartial hearing officer and shall schedule a hearing at a date, time, and location not earlier than ten days but no later than sixty (60) days after receipt of such appeal.

5. The city clerk shall provide notice not later than ten (10) calendar days before the scheduled hearing by first class mail to the appellant at the address listed on the request for a hearing.

6. The hearing officer shall issue a written decision within five (5) calendar days of the hearing. The decision of the hearing officer shall be final.

7. The failure to timely and properly file a request for a hearing with the city clerk, or the failure to appear at a scheduled hearing, shall constitute waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the SEC shall be final.

10.64.110 - Permit—Security and traffic plan review.

A. Security and Traffic Plan. The applicant shall submit a plan setting forth the proposed security measures and traffic plans to be taken to protect the health, safety and welfare of the participants in the parade or special event and the public. The plan shall be submitted concurrently with the permit application to the city. Upon review, an official of the police department and/or the public works department may require the alteration of the plan to provide greater traffic mitigation or security measures including, but not limited to, the hiring of private security personnel and/or city police officers at the applicant's expense as a condition of permit issuance.

B. Police Department and/or Fire Department Review. An official from the Chino Valley Independent Fire District and/or the city's police department may, after reviewing the scope of the parade or special event, determine that additional resources are required to ensure public safety. The official of each respective department will determine risks to participants, community impacts and emergency support required to determine additional resources required for the parade or special event. The applicant will bear all related costs and expenses for such additional resources.

10.64.120 - Permit—Contents.

Each parade or special events permit shall state the following information, as applicable:

A. Starting time;

B. Date;

C. Location and/or route;

D. Ending time;

E. Whether alcoholic beverages will be allowed or served;

F. Minimum speed of parade;

G. Maximum speed of parade;

H. Portions of the streets to be traversed that may be occupied by the parade;

I. The maximum length of the parade in miles or fractions thereof;

J. Number of persons expected to attend the special event;

K. Number of persons allowed to occupy a building if special event is to be held inside;

L. Such other information as the city shall find necessary to the enforcement of this chapter.

10.64.130 - Permittee—Duties.

A. Any applicant issued a permit pursuant to this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances, including, but not limited to, the chapters of this code regulating noise, signs, parking, traffic and camping in the city.

B. The parade or special event chairman, or other person heading or leading such activity, shall carry the permit upon his person during the conduct of the parade or special event.

10.64.140 - Public conduct during parades or special events.

A. Parades.

1. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

2. No driver of a vehicle of any sort shall drive between the vehicles or person comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade. This is not to include any vehicle under the direction of the police department.

3. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street not posted in accordance with this chapter.

4. The chief of police shall be responsible to see that the conditions of this chapter have been met. For this purpose, the chief of police may require the applicant to submit periodic progress reports prior to the parade or special event.

B. Special Events. No person attending any special event as permitted under this chapter shall violate any laws of the state of California or any ordinance of the city.

10.64.150 - Permit—Revocation.

A. A permit to engage in a parade or special event may be revoked by the city manager or chief of police, or the designee of either, if he/she finds that one or more of the following conditions exists:

1. Circumstances have changed to such a degree that one or more of the standards for Standards for issuance of permits in Section 10.64.090, or any other applicable provision of this chapter, are no longer satisfied.

2. The permit was obtained in a fraudulent manner or otherwise, a finding is made that information that was provided in the process of obtaining a permit was materially false.

3. The applicant fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of the permit.

4. The applicant violates or attempts to violate any law of the state, or the provisions of this chapter, or any other law, ordinance or policy of the city.

5. There is an emergency or other circumstance that creates the need to prevent the parade or special event from occurring or continuing at the date, time, and place specified in the permit.

6. Any violation of this code, any other code adopted by this code, or any state law exists on the private location for which the parade or special event is to or is taking place.

7. Any fees, fines, or other amounts remain outstanding and owed to the city in connection with the parade or special event, inclusive of such amounts owned by vendor or sidewalk vendor that is part of the parade or special event permit.

B. Such revocation by the city manager or chief of police, or the designee of either, shall become effective immediately upon the date notice of the revocation order is mailed or otherwise provided to the holder of the permit. No parade or special event may take place until the city issues a new permit or the revocation is lifted.

10.64.160 - Violation—Penalty.

It is unlawful and a public nuisance to violate any provision of this chapter. Any violation of this chapter shall be a misdemeanor subject to the provisions set forth in Section 1.12.010 of this code, including, but not limited to, the imposition of any and all criminal and civil penalties set forth therein. Any violations of this chapter may also be enforced by any method or means authorized by this code or state law. The city may pursue any and all remedies to abate such nuisance in addition to, or in lieu of, any other remedy."

Section 3. Except as otherwise amended herein, the remainder of Title 10 (Vehicles and Traffic) of the City of Chino Municipal Code shall remain unchanged and in full force and effect.

Section 4. Severability. If any section, subsection, sentence, clause, paragraph, or phrase of this Ordinance or any part thereof is for any reason held to be invalid or otherwise unenforceable by any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have enacted each and every section, subsection, sentence, clause, paragraph, or phrase thereof, irrespective of any determination of validity.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 6. Certification. The City Clerk of the City of Chino shall certify as to the passage and adoption of this Ordinance and shall cause the same to be published and posted at the designated locations in the City of Chino.

ADOPTED, SIGNED, and APPROVED this ___ day of _____, 2025.

_____
Eunice Ulloa, Mayor

ATTEST:

_____
Natalie Gonzaga, City Clerk

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

I, Natalie Gonzaga, CITY CLERK OF THE CITY OF CHINO, CALIFORNIA, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly adopted by the City Council of the City of Chino at a regular meeting held _____ day of _____, 2025, by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
_
Natalie Gonzaga, City Clerk

]Chapter 10.64 - PARADES AND SPECIAL EVENTS[1]
Sections:

Footnotes:
--- (1) ---
Editor's note— Ord. No. 2017-001, § 2, adopted Sept. 19, 2017, amended Chapter 10.64, §§ 10.64.010—10.64.160, in its entirety to read as herein set out. Former Chapter 10.64, pertained to similar subject matter and derived from Ord. 98-01, § 1, adopted 1998; and Ord. 91-23 § 1 (part), adopted 1991.

10.64.010 - Findings.

The city council finds that parades and special events create traffic congestion and safety hazards, and require the expenditure of city resources for the regulation of such parades and special events. Likewise, the city council finds that such parades and special events may also result in noise disturbances, increased littering, an invasion of privacy, a hindrance in the public's right to quiet enjoyment, or the harassment of members of the public.

(Ord. No. 2017-001, § 2, 2017.)

10.64.020 - Definitions.

For the purpose of this chapter, the definitions given in this section shall govern the meanings of the following words and phrases:

"Applicant" means any person, group, organization, or entity who seeks a special event permit from the city to conduct or sponsor a parade or special event governed by this chapter. An applicant must be eighteen years of age or older.

"Chief of police" means the chief of police for the City of Chino's Police Department or his/her designee.

"City manager" means the city manager for the City of Chino or his/her designee.

"City resources" means any commitment of city funds, manpower, supplies, materials, or other services used to control, support, augment or assist in any way a parade or special event in the city.

“Expressive activity” means conduct, the sole or principal object of which is the expression, dissemination , or communication by verbal, visual, literary, or auditory means of opinions, view, or ideas protected by the First Amendment of the United States Constitution and Article I of the California Constitution.

"Parade" means any procession, march, ceremony, show, exhibition, pageant, or similar display upon any public right-of-way or which will infringe upon the public right-of-way or public property.

"Permit" means any permit as required by this chapter.

"Person" means any person, firm, partnership, association, corporation, group, club or organization of any kind.

"Planning Commission" means the planning commission of the City of Chino.

“"PSEC” (parade and special events committee) means a committee convened to evaluate parade and special events applications. The city manager shall determine size and membership of this committee.

~~"Solicitation" means the request, directly or indirectly, of money, credit, property, financial assistance, or other things of value, or hawking, peddling, or vending, on or along the city streets and sidewalks, in a public park, or in any other public place. These words also mean and include the following methods of requesting things of value:~~

~~1. The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication.~~

~~2. The sale of or receipt of an order for any goods, services, merchandise, wares or other tangible items. A solicitation shall be deemed completed when made, whether or not the person making the same receives anything of value or agrees to receive anything of value.~~

"Special event" means any of the following:

1. Public Property. Any ceremony, carnival, show, athletic or sporting event, exhibition, pageant, festival, fireworks display, sale and/or service of alcoholic beverages, or similar events upon any public property, right-of-way, sidewalk, or park not designated as a City athletic field located in the city, except for events such as tournaments, sports leagues, and similar events which may typically be conducted in a public park;

2. Residential Property. Any ceremony, carnival, show, sporting event, exhibition, pageant, festival or similar event ~~upon~~held at any private residence ~~with an expected attendance of one hundred or more persons~~that is open to the public, which may require the utilization of city resources, whether expected by the sponsor of the event or anticipated by the city, as determined by the ~~parade and special events committee~~SEC;

3. Private Property Other than Residential Property. Any event such as any ceremony, carnival, show, sporting event, exhibition, pageant, festival, fireworks display, or similar event ~~upon~~held at private property other than residential ~~with an expected attendance of five hundred or more persons, or two hundred fifty or more persons if~~property that is being used beyond that property's intended land use and is open to the public or serves alcoholic ~~is served,~~beverages which may require the utilization of city resources, whether expected by the ~~sponsor~~organizer of the event or anticipated by the city, as determined by the ~~parade and special events committee.~~SEC.

~~(Ord. No. 2017-001, § 2, 2017.)~~

"Spontaneous event" means any event involving Expressive Activity that is occasioned by recent news or current affairs coming into public knowledge less than five (5) days prior to such event.

10.64.030 - Permit—Requirements.

A. General Parades or Special Events. No person shall engage in, participate in, aid or carry on any parade or special event located wholly or partially on any public street, sidewalk, alley, or park, or which infringes upon the public right-of-way, or which requires the ~~commitment~~utilization of city resources, ~~or conduct any solicitations at any such parade or special event,~~ unless a permit therefore has been granted by the city. Applications submitted to the city to hold such shall be submitted to the ~~parade and special events committee~~SEC, in this chapter referred to as ~~P~~SEC. The ~~P~~SEC shall be charged with the responsibility of approving such a permit provided it meets the findings required by Section 10.64.090 of this chapter. ~~Regardless of the duration or size of the parade or special event, the PSEC may refer any application to the planning commission for a decision to approve or deny a permit.~~ The ~~P~~SEC shall notify the applicant

of its decision; and, in the case of denial, the applicant's appeal rights pursuant to Section 10.64.100 of this chapter. Any permit approved by the ~~P~~PSEC shall be issued by the city manager.

B. ~~Longer Duration or Larger Size Parades or Special Events. For any parade or special event lasting three consecutive days or longer in duration, not including set up and clean-up, or for parades or special events with an anticipated attendance of five thousand or more people per day, the PSEC shall review the permit application and make a recommendation to the planning commission whether to approve or deny the permit. The planning commission shall be charged with the responsibility of issuing or denying such a permit and such decision shall be final.~~

~~C. Previously Approved Longer Duration or Larger Size Parades or Special Events. For any parade or special event lasting three consecutive days or longer in duration, not including set up and clean up, or for parades or special events with an anticipated attendance of five thousand or more people per day for which the planning commission has previously issued a permit, the psec shall be charged with the responsibility of approving a permit to be issued by the city manager, provided the PSEC determines that the parade or special event is substantially similar to the parade or special event for which the planning commission previously issued a permit. For any parade or special event the PSEC determines is not substantially similar to the previously approved parade or special event, the PSEC may refer the application to the planning commission for a decision. The planning commission shall then be charged with the responsibility of issuing or denying such a permit and such decision shall be final.~~

~~D.~~ Exemptions. A permit shall not be required under this chapter for the following activities:

1. The city may, at its discretion, exempt any event sponsored by the city or co-sponsored by the city from any or all of the requirements for obtaining a permit;

2. Spontaneous events involving expressive activity which are occasioned by news or affairs coming into public knowledge less than ~~thirty~~five (5) days prior to such event may be conducted without the organizers first having to obtain a permit, provided that participants comply with applicable traffic regulations, laws and controls. The person or organization conducting or sponsoring the spontaneous event shall provide notice of the event to the city manager no later than thirty-six hours prior to the commencement of the event and shall provide the location of the event and the estimated number of attendees to assist the city with determining traffic control and policing needs, if any, to protect the health, safety, and welfare of the public. The person or organization conducting or sponsoring the spontaneous event shall be liable and responsible for any costs incurred by the city relating to the event pursuant to Section 10.64.060;

3. Any event involving only pedestrians marching ~~along a route that is restricted to marching~~ on sidewalks~~,~~ and crossing streets only at pedestrian crosswalks, in accordance with traffic regulations and controls;

4. Funeral processions by a licensed mortuary or funeral home.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.040 - Permit—Application.

A person seeking issuance of a permit to engage in a parade or special event, ~~or to conduct solicitations at such a parade or special event,~~ shall file an application with the city on forms provided by the city. The application for a permit to engage in a parade or special event~~, or to conduct solicitation at such a parade or special event,~~ shall set forth the following information:

A. The name, address, and telephone number of the person seeking to conduct such parade or special event;

B. If the parade or special event ~~is~~ proposed is to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and the authorized and responsible heads of such organization;

C. The name, address, and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;

D. The date when the parade or special event is to be conducted;

E. The time when such parade or special event will start and terminate in compliance with Chapter 9.40 (Noise) of this code;

F. Parades only:

1. The route to be traveled, the starting point and the termination point, in diagram form;

2. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and the description of the vehicles;

3. A statement as to whether the parade will occupy all, or only a portion, of the width of the streets proposed to be traversed;

4. The location by street names of any assembly area for such parade;

5. The time at which ~~units~~persons, animals, and/or animals of ~~the~~such parade will begin to assemble at any such assembly area or areas;

G. Special events only:

1. The number of persons expected to attend the special event;

2. A statement of whether alcoholic beverages will be allowed on the premises, type of alcoholic beverages proposed, and evidence of application for the appropriate state liquor license;

H. Any additional information, including evidence of compliance with any and all federal, state, and local regulations, which the city shall find reasonably necessary to make a fair determination as to whether a permit should be issued~~ including evidence of compliance with any and all federal, state, and local regulations;~~ ;

~~I. Solicitations at parades or special events only:~~

~~1. The purpose for which the solicitation is to be made, the projected amount of any funds to be raised thereby, and the use or disposition of such funds;~~

~~2. The name, address, telephone number, social security number, date of birth, and driver's license number of each person who will direct such solicitations;~~

~~3. An outline of the method or methods to be used in conducting the solicitations;~~

~~4. The time when such solicitations will be made, giving the exact dates, and hours thereof of the commencement and termination of the solicitation;~~

5. An accurate statement of the nature, extent and duration of any charitable or religious work being done by the applicant within the city (if applicable);

6. A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the city or by any department or officer thereof;

7. A detailed financial statement as may be required by the city for the applicant's last preceding fiscal year of any funds collected by the applicant, giving the amount of money raised, the cost of raising it, and the financial distribution thereof;

(Ord. No. 2017-001, § 2, 2017.)

I. If the parade or special event will involve any person or business participating as a vendor, or otherwise, having a booth or stand, or performing, soliciting, or selling any products or services, the application must list and provide copies of all special event vendor permits issued from the city, as defined in Section 5.04.540 of this code.

J. If the parade or special event will involve sidewalk vendors, the application must list and provide copies of all permits issued from the city for said sidewalk vendors, as provided in Chapter 5.28 of this code.

10.64.050 - Filing requirements.

A. Filing Period. An application for a parade or special event permit shall be filed with the city not less than sixty (60) days nor more than one calendar year before the date on which it is proposed to conduct the parade or special event. Any application submitted less than sixty (60) days before the parade or special event is scheduledproposed to be conducted shall be deemed late and the SEC has the discretion to accept and process the application or deny it as untimely. Any such accepted late-filed applications shall be subject to an expediting fee pursuant to Section 10.64.060 of this chapter, or may be denied as untimely.

B. Filing Period for Longer Duration or Larger Size Events. An application for a parade or special event lasting three (3) consecutive days or longer in duration, not including set-up and clean-up, or for parades or special events with an anticipated attendance of five thousand or more people per day shall be filed with the city not less than ninety (90) days nor more than one calendar year before the date on which it is proposed to conduct the parade or special event. Any application submitted less than ninety (90) days before the parade or special event is scheduledproposed to be conducted shall be deemed late and shallupon request of applicant, may be subject to an expediting fee pursuant to Section 10.64.060 of this chapter, or may be denied as untimely.

C. Late Applications. The PSEC may accept any application hereunder which is filed late pursuant to this chapter.

(Ord. No. 2017-001, § 2, 2017.)

10.64.060 - Application fees and deposits.

A. Fee. A non-refundable application fee, as adopted in the City's Comprehensive Fee Schedule, shall be paid at the time of filing the application for a permit to engage in a parade or special event, or to conduct solicitations at a parade or special event, as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the PSEC or the planning commission. Any application filed late pursuant to Section 10.64.050 of this chapter shall be subject to an expediting fee as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the PSEC or the planning commission. After consideration and investigation of the application, the PSEC or the planning commission may determine what additional fees shall be assessed before issuance of the permit to meet the

expenses of maintaining public health, safety, and welfare, such as placing barricades, lighting, and traffic control devices, and providing police officers for crowd control at such parade or special event.

~~B. Security Deposit. In addition to payment of the non-refundable application fee, the applicant shall pay the city for charges incurred by city staff in connection with or due to the activities under the permit unless the event is sponsored or co-sponsored by the city. The amount of the security deposit shall be as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the PSEC or the planning commission. The security deposit shall be used toward the costs of cleaning up and restoring the public area of the city upon the conclusion of the parade or special event, or other direct city services to the extent such services are utilized and required due to the parade or special event.~~

~~1. Payment and Refund. The applicant shall pay such costs or a reasonable estimate of such costs at the time the application is approved by the city. Within thirty days after the special event or parade concludes, the city shall either submit a final invoice for costs, if any, to the applicant or refund any unused deposit without interest. If the applicant paid less than the total costs actually incurred by the city, the applicant shall pay the difference to the city, without interest, within thirty days of the date of the invoice for such charges by the city. Thereafter, interest will accrue on the unpaid balance at the legal rate. If the applicant paid more than the total costs incurred by the city, the city shall refund the difference to the applicant, without interest, within thirty days after the parade or special event.~~

~~2.~~ 1. Nothing in this chapter shall limit the city's ability to pursue its rights regarding damage to city property as otherwise provided for by law.

~~C~~B. City Services Deposit. The applicant shall be responsible for and the city may charge the reasonable and necessary costs that any department of the city incurs in connection with the parade or special event for which the city has issued a permit. The amount of the ~~security~~ deposit shall be as provided in the current comprehensive fee schedule codified in Appendix I of this code. Such costs include, but are not limited to, city resources as defined in this chapter, costs associated with fire safety, traffic and/or pedestrian control, the closure of streets or intersections, additional police services or other emergency services, and any direct costs of the city to provide support personnel, equipment, materials, ~~and~~ supplies~~.~~, and restoring the public area of the city upon the conclusion of the parade or special event ~~The amount charged for these costs shall be the fully burdened rate for each individual at the time the costs are actually incurred~~.

1. The applicant shall pay such ~~costs or a reasonable estimate of such costs~~deposit at the time the application is approved by the city. Within thirty days after the special event or parade concludes, the city shall either submit a final invoice for costs, if any, to the applicant or refund any unused deposit without interest. If the applicant paid less than the total costs actually incurred by the city, the applicant shall pay the difference to the city, without interest, within thirty days of the date of the invoice for such charges by the city. Thereafter, interest will accrue on the unpaid balance at the legal rate. If the applicant paid more than the total costs incurred by the city, the city shall refund the difference to the applicant, without interest, within thirty days after the parade or special event.

~~D~~C. Any payment required pursuant to this section shall be made payable to the city by cash, credit card, or cashier's check.

~~E~~D. Waiver. Any fee, deposit or payment required pursuant to this chapter may be waived by the ~~P~~SEC ~~or the planning commission~~ if the applicant provides as part of the permit application a sworn affidavit in writing, together with any supporting documents, demonstrating the applicant's actual financial inability to pay the fee, deposit or payment and establishes to the satisfaction of the ~~P~~SEC ~~or the planning commission~~ that such fee, deposit or payment is not necessary.

~~(Ord. No. 2017-001, § 2, 2017.)~~

1. Any applicant whose request for waiver is denied may appeal the decision by filing a written notice of appeal with the city clerk within five (5) days after such decision is made.

2. The written notice of appeal shall be filed with the city clerk along with payment of an appeal processing fee in an amount set forth in the city's current Comprehensive Fee Schedule codified in Appendix I of this code. The appeal processing fee, however, shall be excused upon a satisfactory showing of undue financial hardship.

3. The written notice of appeal shall contain the following information: (1) the name of the appealing party; (2) the address of the appealing party, (3) a brief statement in ordinary and concise language of the nature of the appeal together with any material facts claimed to support the contentions of the appellant; (4) a brief statement in ordinary and concise language of the relief sought; and (5) the signature of the appellant.

4. Upon receipt of a timely and proper appeal, the city clerk shall appoint a neutral and impartial hearing officer and shall schedule a hearing at a date, time, and location not earlier than ten days but no later than sixty (60) days after receipt of such appeal.

5. The city clerk shall provide notice not later than ten (10) calendar days before the scheduled hearing by first class mail to the appellant at the address listed on the request for a hearing.

6. The hearing officer shall issue a written decision within five (5) calendar days of the hearing. The decision of the hearing officer shall be final.

7. The failure to timely and properly file a request for a hearing with the city clerk, or the failure to appear at a scheduled hearing, shall constitute waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the SEC shall be final.

10.64.070 - Applicant—Evidence of insurance required and hold harmless agreement.

A. — Certificate of Insurance. Each applicant for a parade or special event shall be required to submit evidence to the city, in the form of a certificate of insurance, that such applicant has public liability and property damage insurance in effect and in full force for the duration of such parade or special event in an amount no~~t~~ less than one million dollar ($1,000,000) minimum for each occurrence for general liability coverage and two million dollar ($2,000,000) minimum for general aggregate coverage to protect the general public and the city for any and all damages that might be caused by such parade or special event. It is in the city's discretion to require increased coverage depending on the particular parade or special event. If the parade or special event involves the use of licensed motorized vehicles, the policy must also include an endorsement for automobile liability in an amount no~~t~~ less than one million dollars ($1,000,000). The city shall be named as an additional insured on the certificate of insurance.

B. Hold Harmless and Indemnification. Prior to the issuance of a permit pursuant to this chapter, the applicant shall provide the city with an executed hold-harmless and indemnification agreement, which shall substantially state that the applicant agrees to indemnify, defend, and hold the city and its officers, employees, and agents harmless and free from any and all liability, penalty, expense or loss of any nature, including, but not limited to, liability for damage or injury to any persons or property caused by any participant to the parade or special event.

C. Waiver. If the ~~P~~SEC ~~or the planning commission~~ determines that a particular parade or special event does not

present a substantial or significant public liability or property damage exposure for the city or its officers, agents, and employees, the city may provide a written waiver of some or all of the insurance requirements of this section.

D. No person shall conduct a parade or special event under a parade or special event permit without the insurance coverages as required by this section being in full force and effect. However, the insurance requirement for special events involving only the exercise of free speech rights may be waived by the ~~P~~SEC ~~or planning commission, whichever is applicable pursuant to this chapter~~, , if the applicant certifies in writing that: (1) the applicant and/or sponsoring organization does not maintain such insurance coverage; (2) the cost to obtain insurance coverage for the parade or special event is not commercially reasonable or is so cost prohibitive as to prevent the applicant or sponsoring organization from holding the parade or special event; and (3) the parade or special event will not include any of the following: pyrotechnics, commercial activity, the sale or consumption of alcoholic beverages, operation of carnival or animal rides or demonstrations with animals, floats or other non-standard vehicles, specialized recreational equipment, ~~or cooking~~ handling or serving of food, open fires, or fuel storage.

E. If the parade or special event includes the sale or consumption of alcoholic beverages, a liquor liability endorsement is also required.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.080 - Notice of action and application.

~~If the PSEC is reviewing the application pursuant to Section 10.64.030.A or Section 10.64.030.C of this chapter, then the PSEC shall act upon each application for a permit to engage in a parade or special event, or to conduct solicitations at a parade or special event, within thirty business days after the filing thereof. If the planning commission is acting upon the application pursuant to Section 10.64.030.B of this chapter, then the planning commission shall act upon each application at the first regularly scheduled planning commission meeting following the PSEC's review of the permit application. The city and the applicant may agree to waive this requirement and have the planning commission review the application at a later planning commission meeting date. In no event shall an application requiring review by the planning commission pursuant to this chapter be required to be heard by the planning commission at a regularly scheduled meeting unless such application is made at least forty-five or more business days prior to the regularly scheduled planning commission meeting.~~

If the application is denied, a written statement shall be mailed to the applicant within five (5) business days after the date upon which the application was ~~acted upon~~processed and denied along with a notice of action and the applicant's appeal rights, if any. A rejected application will not prejudice the applicant's right to either amend the application~~,~~ and resubmit such application immediately or resubmit another application at any time in the future.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.090 - Standards for issuance of permits.

The city shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, the following facts are found to exist:

A. Parades:

1. ~~—~~ All of the information in the application is true;

2. — The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

3. — The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection to the city, giving consideration to the city's ability to recruit police officers from other jurisdictions;

4. — The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

5. — The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;

6. — The parade shall start and continue to move from its origin to its point of termination expeditiously and without unreasonable delays en route;

7. — The parade is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.

8. There are no outstanding violations of this code, any other code adopted by this code, or any state law on the private location for which the parade is to or is taking place.

9. There are no outstanding fees, fines, or other amounts outstanding and owed to the city in connection with the parade, inclusive of such amounts owed by vendor or sidewalk vendor that is part of the parade.

B. Special Events:

1. — All of the information in the application is true;

2. — The conduct of the special event is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;

3. — Sufficient parking exists for those persons who will attend the special event such that it will preclude a substantial disruption of the safe and orderly movement of other traffic;

4. — The special event is not an illegal event by its very nature, nor shall any of the attractions contained within the special event be of an illegal nature.

~~C~~5. ~~— Solicitations:~~ There are no outstanding violations of this code, any other code adopted by this code, or any state law on the private location for which the special event is to or is taking place.

~~1. All of the information in the application is true;~~

~~2. The conduct of the solicitations at a parade or special event will not substantially interrupt the safer and orderly movement of traffic or create hazard for the members of the public;~~

~~3. The proposed solicitation will be conducted entirely within private property, and not within the public right-of-way, which is substantiated by written permission of the property owner;~~

~~4. The location or conduct of solicitations are not likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;~~

~~5. The location or conduct of the solicitations will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the location of the solicitations.~~

(Ord. No. 2017-001, § 2, 2017.)

6. There are no outstanding fees, fines, or other amounts outstanding and owed to the city in connection with the special event, inclusive of such amounts owned by vendor or sidewalk vendor that is part of the special event.

The city may deny a permit upon finding of any of the above facts do not exist, if the location where the special event is to take place or any property within the city owned, leased, or otherwise used by an applicant contains any violation of this code, any other code adopted by this code, or any state law, or if the applicant has outstanding fees, fines, or other amounts due and owing the city.

10.64.100 - Appeal.

A. The applicant may appeal the PSEC's denial of a permit to the planning commission within ten calendar days of the mailing date of the PSEC's notice of action.

A. Any applicant whose permit application is denied may appeal the decision by following the appeal procedure as described below:

1. Any applicant whose request for waiver is denied may appeal the decision by filing a written notice of appeal with the city clerk within five (5) days after such decision is made.

B.2. The The written notice of appeal shall be perfected as follows:
filed with the city clerk along with payment of an appeal processing fee in an amount set forth in the city's current Comprehensive Fee Schedule codified in Appendix I of this code. The appeal processing fee, however, shall be excused upon a satisfactory showing of undue financial hardship.1. It shall be filed with the city clerk;

2. It shall be in writing and signed by the applicant;

3. It shall include the application for a permit and a denial by the PSEC;

4. It shall propose measures in mitigation to the reasons for denial by the PSEC.

C. The planning commission may authorize the parade, special event, or solicitation at a parade or special event provided that the planning commission may also impose any reasonable measures in mitigation of the PSEC's reasons for denial of a permit. Such mitigation measures may consist of, but are not limited to, the following measures:

1. Applicant agrees to changes in the parade route or special event location;

2. Applicant agrees to changes in parade or special event times and/or date;

3. Applicant agrees to alter number and composition of participants in the parade or special event;

4. Applicant agrees to change location of the parade or special event;

5. Applicant agrees to changes in time and/or date of the parade or special event;

6. Applicant agrees to conduct solicitations exclusively on private property, change the hours of solicitation, change the methods of solicitation, or share the location or times of solicitations with another applicant seeking solicitations at the same parade or special event.

D. Any decision of the planning commission regarding any permit for a parade, special event, or solicitation at a parade or special event, shall be final.

(Ord. No. 2017-001, § 2, 2017.)

3. The written notice of appeal shall contain the following information: (1) the name of the appealing party; (2) the address of the appealing party, (3) a brief statement in ordinary

and concise language of the nature of the appeal together with any material facts claimed to support the contentions of the appellant; (4) a brief statement in ordinary and concise language of the relief sought; and (5) the signature of the appellant.

4. Upon receipt of a timely and proper appeal, the city clerk shall appoint a neutral and impartial hearing officer and shall schedule a hearing at a date, time, and location not earlier than ten days but no later than sixty (60) days after receipt of such appeal.

5. The city clerk shall provide notice not later than ten (10) calendar days before the scheduled hearing by first class mail to the appellant at the address listed on the request for a hearing.

6. The hearing officer shall issue a written decision within five (5) calendar days of the hearing. The decision of the hearing officer shall be final.

7. The failure to timely and properly file a request for a hearing with the city clerk, or the failure to appear at a scheduled hearing, shall constitute waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the SEC shall be final.

10.64.110 - Permit—Security and traffic plan review.

A. Security and Traffic Plan. The applicant shall submit a plan setting forth the proposed security measures and traffic plans to be taken to protect the health, safety and welfare of the participants in the parade or special event and the public. The plan shall be submitted concurrently with the permit application to the city. Upon review, an official of the police department and/or the public works department may require the alteration of the plan to provide greater traffic mitigation or security measures including, but not limited to, the hiring of private security personnel and/or city police officers at the applicant's expense as a condition of permit issuance.

B. Police Department and/or Fire Department Review. An official from the Chino Valley Independent Fire District and/or the city's police department may, after reviewing the scope of the parade or special event, determine that additional resources are required to ensure public safety. The official of each respective department will determine risks to participants, community impacts and emergency support required to determine additional resources required for the parade or special event. The applicant will bear all related costs and expenses for such additional resources.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.120 - Permit—Contents.

Each parade or special events permit shall state the following information, as applicable:

A. Starting time;

B. Date;

C. Location and/or route;

D. Ending time;

E. Whether alcoholic beverages will be allowed or served;

F. Minimum speed of parade;

G. Maximum speed of parade;

H. Portions of the streets to be traversed that may be occupied by the parade;

I. The maximum length of the parade in miles or fractions thereof;

J. Number of persons expected to attend the special event;

K. Number of persons allowed to occupy a building if special event is to be held inside;

L. Such other information as the city shall find necessary to the enforcement of this chapter.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.130 - Permittee—Duties.

A. Any applicant issued a permit pursuant to this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances, including, but not limited to, the chapters of this code regulating noise, signs, parking, traffic and camping in the city.

B. The parade or special event chairman, or other person heading or leading such activity, shall carry the permit upon his person during the conduct of the parade or special event.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.140 - Public conduct during parades or special events.

A. Parades.

1. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

2. No driver of a vehicle of any sort shall drive between the vehicles or person comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade. This is not to include any vehicle under the direction of the police department.

3. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street not posted in accordance with this chapter.

4. The chief of police shall be responsible to see that the conditions of this chapter have been met. For this purpose, the chief of police may require the applicant to submit periodic progress reports prior to the parade or special event.

B. Special Events. No person attending any special event as permitted under this chapter shall violate any laws of the state of California or any ordinance of the city.

~~C. Solicitation. A person or entity issued a permit to conduct solicitations at a parade or special permit shall abide by the following provisions:~~

~~1. No person shall solicit at any dwelling, including but not limited to a house, apartment, or condominium where there is a sign indicating "No Solicitations," "Do Not Disturb," or any other indication that the occupants do not wish to be solicited or in any other way have their privacy disturbed. Complaints arising from violations of this requirement shall support suspension or revocation of the permit upon verification, by the city, of a violation of this provision.~~

~~2. No person to whom a permit has been issued under this chapter, nor any of the agents or solicitors of such person, shall touch, come into physical contact with, or affix any object to the person of any member of the public, without first receiving expressed permission thereof from such member of the public.~~

~~3. No person to whom a permit has been granted under this chapter, nor any of the agents or solicitors of such person, shall continue to solicit any member of the public after such member of the public expresses his/her desire not to be solicited.~~

~~4. No person to whom a permit has been granted under this chapter, nor any of the agents of solicitors of such person, shall intentionally or deliberately obstruct the free movement of any person on any street, sidewalk or other public place open to the public generally.~~

~~5. No person to whom a permit has been granted under this chapter, nor any of the agents or solicitors of such person, shall solicit from a captive audience. "Captive audience" shall be defined as purposefully stationary persons, such as persons in lines or seated in public areas.~~

~~6. No person shall misrepresent his or her physical or mental health while soliciting.~~

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.150 - Permit—Revocation.

A. A permit to engage in a parade or special event~~, or to conduct solicitations at a parade or special event,~~ may be revoked by the city manager or chief of police, or the designee of either, if he/she finds that one or more of the following conditions exists:

1. Circumstances have changed to such a degree that one or more of the ~~findings contained within~~ standards for Standards for issuance of permits in Section 10.64.090, or any other applicable provision of this chapter, ~~can~~are no longer ~~be made in a positive manner~~satisfied.

2. The permit was obtained in a fraudulent manner or otherwise, a finding is made that information that was provided in the process of obtaining a permit was materially false.

3. The applicant fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of the permit.

4. The applicant violates or attempts to violate any law of the state, or the provisions of this chapter, or any other law, ordinance or policy of the city.

5. There is an emergency or other circumstance that creates the need to prevent the parade or special event from occurring or continuing at the date, time, and place specified in the permit.

6. Any violation of this code, any other code adopted by this code, or any state law exists on the private location for which the parade or special event is to or is taking place.

7. Any fees, fines, or other amounts remain outstanding and owed to the city in connection with the parade or special event, inclusive of such amounts owned by vendor or sidewalk vendor that is part of the parade or special event permit.

B. Such revocation by the city manager or chief of police, or the designee of either, shall become effective immediately upon the date notice of the revocation order is mailed or otherwise provided to the holder of the permit. No parade or special event may take place until the city issues a new permit or the revocation is lifted.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.160 - Violation—Penalty.

It is unlawful and a public nuisance to violate any provision of this chapter. Any violation of this chapter shall be a misdemeanor subject to the provisions set forth in Section 1.12.010 of this code, including, but not limited to, the imposition of any and all criminal and civil penalties set forth therein. Any violations of this chapter may also be enforced by any method or means authorized by this code or state law. The city may pursue any and all remedies to abate such nuisance in addition to, or in lieu of, any other remedy.

~~(Ord. No. 2017-001, § 2, 2017.)~~

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **LINDA REICH, CITY MANAGER**

SUBJECT

Amending Chapter 2.36 (Planning Commission) of the Chino Municipal Code.

RECOMMENDATION

Approve the introduction of Ordinance No. 2025-009, amending Chapter 2.36 (Planning Commission) of the Chino Municipal Code (CMC) to provide for the reduction in the number of resident Planning Commission members from seven to five, to be read by number and title only, and waive further reading of the Ordinance.

FISCAL IMPACT

There is no increased fiscal impact, however, the City will realize cost savings for compensation related to meeting attendance, training, equipment, dues, conferences and meetings.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Superior Customer Service
- Responsible Long-Range Planning
- Exemplary Leadership

Revenue:	Expenditure:
Transfer In:	Transfer Out:

BACKGROUND

Section 2.36.020 (A) of the Chino Municipal Code establishes that the Chino Planning Commission shall consist of nine members, appointed by the Mayor with the approval of the City Council. This includes seven resident members and two nonresident members appointed from the City's Sphere of Influence (SOI). The SOI is land area adjacent to the City boundary in the unincorporated area of the County of San Bernardino that is expected to one day be annexed into the City.

The scope of the Commission's authority is defined in Chino Municipal Code §§ 2.36.060 and 20.23.010. The Commission has authority to review and make recommendations to the City Council on requests for general plan amendments, specific plan amendments, zone changes, zone ordinance amendments, and development agreements. The Commission also has authority to review and take final action on a variety of planning applications, including special conditional use permits, major variances, site approval applications, tentative tract and parcel maps, and pre-zoning of areas within the City's SOI. The SOI members were added by the City Council in 2024 (Ordinance No. 2024-010) and have a limited role to only act on issues that would affect the areas within the SOI.

Recognizing the vital importance of sound planning and the critical role the Planning Commission plays in the current and future development of the City's commercial, industrial and residential zones, the City of Chino strives for excellence in the selection of Planning Commissioners. To achieve this goal, the Council and City Staff periodically review the composition of its Commissions to maximize effectiveness. This review may include key factors such as compensation, size, and/or representation.

ISSUES/ANALYSIS

After a review of neighboring cities, City Staff has found that the Chino Planning Commission has more members than most cities in the area. After this review, Staff believes the City can achieve the same goals of delivering excellence in sound City Planning with a reduced Commission size of five resident members.

Comparison Cities

City Staff evaluated several neighboring cities to compare the Planning Commission size of those commissions against key factors such as City size, Council composition, and City population. According to the table below, most neighboring cities have five commissioners. This is consistent with the number of Council Members.

City Name	Population	City Size (square miles)	# of Council Members	# of Planning Commissioners
Chino	95,055	30	5	9
Chino Hills	77,314	44.8	5	5
Ontario	188,000	49.96	5	7
Fontana	213,000	42.4	5	5
Corona	160,000	39.2	5	5
Eastvale	69,514	13.1	5	5

San Bernardino	220,800	62.24	8	9

Given the geographic size of the City of Chino, number of Council Members and population, the Chino Planning Commission is larger than most of its neighboring cities.

Appointments, Vacancies and Resignations

Section 2.36.020 (A) of the Chino Municipal Code establishes that “in the event that a member resigns or dies before the end of his or her term, or for any reason is unable to complete the term, the Mayor may appoint a member to fill the vacant position with the approval of the City Council.” This section will remain unchanged.

Residency and Term

Section 2.36.020 (B) of the Chino Municipal Code states that “seven members of the Planning Commission shall be residents of the City at the time of their appointment and throughout their terms of office and shall serve for a term of four years (full commission membership). The term and residency will remain unchanged, however, the number of commissioners in this section will be reduced from seven to five.

Quorum

If approved, the new quorum for the Chino Planning Commission will be set at three.

Sphere of Influence and Other Commissions

Approval of these changes will not impact the number or scope of the SOI members on the Planning Commission. Nor will these proposed changes impact the make-up of the Chino Community Services, Parks and Recreation Commission size or scope.

Based on the information provided, City Staff is recommending the City Council reduce the Planning Commission size from seven to five members. If approved, no other changes will apply to the Chino Planning Commission.

Attachment: Ordinance No. 2025-009

ORDINANCE NO. 2025-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING CHAPTER 2.36 (PLANNING COMMISSION) TO PROVIDE FOR THE REDUCTION IN THE NUMBER OF RESIDENT PLANNING COMMISSION MEMBERS FROM SEVEN TO FIVE

WHEREAS, Chapter 2.36 (Planning Commission) of Article 2 (Administration and Personnel) of the Chino Municipal Code ("CMC") establishes the Chino Planning Commission to consider issues of planning and land use within the City and regulates the Planning Commission therein; and

WHEREAS, pursuant to Chapter 2.36, the Planning Commission has the power and duty to 1.) review and recommend the City's General Plan for the City Council's adoption; 2.) review and decide applications for tentative maps, special conditional use permits, site approvals, and major variances; 3.) review and recommend to the City Council, applications for general plan amendments, specific plan amendments, zone changes, zone ordinance amendments, and development agreements; and 4.) participate in the development and design review process; and

WHEREAS, CMC Section 2.36.020 provides that the Planning Commission shall consist of nine members, appointed by the mayor with the approval of the City Council, and requires that seven members of the Planning Commission be residents of the City and two members shall be residents of the City's Shere of Influence area at the time of their appointment and throughout their terms of office; and

WHEREAS, the City Council and City Staff periodically review the composition of its commissions to ensure effectiveness, including considerations of compensation, size, and representation; and

WHEREAS, a recent review of neighboring cities revealed that the Chino Planning Commission has more members than many comparable jurisdictions and City Staff has determined that a Planning Commission of five resident members would continue to support the City's Planning Commission goals while improving efficiency and effectiveness; and

WHEREAS, the City Council now desires to amend Chapter 2.36 of the Chino Municipal Code to reduce the number of resident Planning Commissioners from seven to five members, to better reflect the City's current needs and improve overall functionality.

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

Section 1. The City Council finds that the above recitals are true and correct and are incorporated herein by this reference.

Section 2. Section 2.36.020 of Chapter 2.36 of the Chino Municipal Code is hereby amended as follows (additions in **bold underline**; deletions in ~~**bold strikethrough**~~):

2.36.020 – Members – Appointment and term of office.

A. The planning commission shall consist of ~~**nine**~~ **seven** members. Each member shall be appointed by the mayor with the approval of the city council. In the event that a member is required to take a temporary leave of absence, the mayor may appoint a temporary replacement with the approval of the city council. In the event that a member resigns or dies before the end of his or her term, or for any reason is unable to complete the term, the mayor may appoint a member to fill the vacant position with the approval of the city council. Ex-officio positions may be left vacant for all or some of the term of the position in the event that no resident meeting the requirements to serve as ex-officio member, pursuant to subsection C below, applies for or is appointed to the position.

B. ~~**Seven**~~ **Five** members of the planning commission shall be residents of the city at the time of their appointment and throughout their terms of office**,** and shall serve for a term of four years (full commission membership).

C. Two members of the planning commission shall be residents of the city's Sphere of Influence area, as defined under California Government Code section 56076 and determined by the Local Agency Formation Commission of San Bernardino (LAFCO), at the time of their appointment and throughout their terms of office, and shall serve for a term of two years as ex-officio members. One ex-officio Sphere of Influence member shall be a resident of the North Sphere of Influence, and one member shall be a resident of the South Sphere of Influence. Should the portion of the city's Sphere of Influence area in which the commissioner resides be annexed into the city, the commissioner shall be removed from their position as ex-officio member at such time as their residence is annexed into the city and may thereafter apply for full membership to the planning commission under subsection (B).

D. Notwithstanding the provisions of subsection A above, members of the commission shall continue in office until their successors are appointed by the mayor with the approval of the city council.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

Section 5. Certification. The City Clerk of the City of Chino shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the *Chino Champion*, a newspaper of general circulation, within said City in accordance with the provisions of the Government Code.

ADOPTED THIS ____ DAY OF _____2025.

By: _____
EUNICE M. ULLOA, MAYOR

ATTEST:

By: _____
NATALIE GONZAGA, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §
CITY OF CHINO)

I, Natalia Gonzaga, City Clerk of the City of Chino do hereby certify that the foregoing Ordinance of the City of Chino was duly adopted by said City Council at a regular meeting held on the ____ day of _____ 2025 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

By: _____
NATALIE GONZAGA, CITY CLERK

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **MAYOR PRO TEM CURTIS BURTON**

SUBJECT

Community Support Fund – Mayor Pro Tem Burton.

RECOMMENDATION

Approve community support fund contribution of $100 to Soroptimist International of the Chino Valley.

FISCAL IMPACT

Sufficient funds have been included in the Fiscal Year 2025-26 Operating Budget.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Superior Customer Service
- Exemplary Leadership
- Public Service Excellence through Internal and External Partnerships

Revenue:	Expenditure: 1002000 43300 N2034
Transfer In:	Transfer Out:

BACKGROUND

The City of Chino is fortunate to have multiple non-profits and community groups dedicated to serving the public and preserving Chino's unique history. To assist in their ongoing efforts, the City Council from time to time authorizes expenditures from the City's community support fund. These expenditures serve a valid public purpose by helping to continue the outstanding services that these organizations provide to our community.

ISSUES/ANALYSIS

To continue this tradition, Mayor Pro Tem Burton recommends that the City Council approve the following contribution:

- Soroptimist International of the Chino Valley (Bingo) $100 – Seeks to empower women and girls by providing a number of educational opportunities, programs, and resources.

By approving this contribution, Soroptimist International of the Chino Valley will be better equipped to provide services to the Chino community. Therefore, as proposed by Mayor Pro Tem Burton, staff recommend that the City Council approve the community support contribution to Soroptimist International of the Chino Valley.

MEMORANDUM
CITY OF CHINO
ADMINISTRATION DEPARTMENT

CITY COUNCIL MEETING DATE: OCTOBER 21, 2025

TO: **MAYOR AND CITY COUNCIL MEMBERS, CITY OF CHINO**

FROM: **COUNCIL MEMBER FLORES**

SUBJECT

Community Support Fund – Council Member Flores.

RECOMMENDATION

Approve a community support fund contribution of $500 to No More Locked Doors, $500 to Chino Youth Boxing Foundation, and $500 to the Chino Youth Museum.

FISCAL IMPACT

Sufficient funds have been included in the Fiscal Year 2025-26 Operating Budget.

CITY OF CHINO MISSION / VISION / VALUES / STRATEGIC ISSUES

The recommendation detailed above further the City's values and strategic issues that serve as key pillars on which identified priorities, goals, and action plans are built, by fostering:

- Positive City Image
- Superior Customer Service
- Exemplary Leadership
- Public Service Excellence through Internal and External Partnerships

Revenue:	Expenditure: 1002000 43300 N2032
Transfer In:	Transfer Out:

BACKGROUND

The City of Chino is fortunate to have multiple non-profits and community groups dedicated to serving the public and preserving Chino's unique history. To assist in their ongoing efforts, the City Council from time to time authorizes expenditures from the City's community support fund. These expenditures serve a valid public purpose by helping to continue the outstanding services that these organizations provide to our community.

ISSUES/ANALYSIS

To continue this tradition, Council Member Flores recommends that the City Council approve the following contribution:

- No More Locked Doors - $500: Helps troubled youth and formerly incarcerated with mentorship, vocational training, transitional housing and career placement within the various building trades.
- Chino Youth Boxing Foundation $500: Provides character development, discipline, and self-respect to the City's youth through a local boxing program.
- Chino Youth Museum (Bingo Bash Fundraiser) $500: Provides interactive learning for youth to foster a better understanding of tomorrow through appreciation of yesterday and today.

By approving this contribution, No More Locked Doors, Chino Youth Boxing Foundation, and the Chino Youth Museum will be better equipped to provide services to the Chino community. Therefore, as proposed by Council Member Flores, staff recommend that the City Council approve the community support contribution to No More Locked Doors, Chino Youth Boxing Foundation, and the Chino Youth Museum.