

RESOLUTION NO. 2025-048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DENYING ROBERT NIGG'S APPEAL AND APPROVING PL22-0074 (SPECIAL CONDITIONAL USE PERMIT), PL22-0075 (SITE APPROVAL), PL24-0080 (TENTATIVE TRACT MAP NO. 20634), AND PL24-0081 (SPECIAL CONDITIONAL USE PERMIT) TO SUBDIVIDE APPROXIMATELY 9.82 ACRES OF LAND INTO FIVE LOTS FOR THE CONSTRUCTION OF THE EDEN MIXED-USE DEVELOPMENT PROJECT CONSISTING OF 20,800 SQUARE FEET OF COMMERCIAL RETAIL, A 132,438 SQUARE FOOT SELF-STORAGE FACILITY, AND A 264-UNIT RESIDENTIAL RENTAL COMMUNITY CONSISTING OF A FOUR-STORY APARTMENT BUILDING AT A DENSITY OF 26.9 DWELLING UNITS PER ACRE, AND TO CONDITIONALLY PERMIT TWO FAST FOOD DRIVE-THRU RESTAURANTS AND A SELF-STORAGE FACILITY, LOCATED WITHIN THE GENERAL COMMERCIAL (GC) LAND USE DESIGNATION OF THE EAST CHINO SPECIFIC PLAN WITHIN THE MIXED USE OVERLAY (MUO) DISTRICT, LOCATED ON THE NORTH SIDE OF SCHAEFER AVENUE BETWEEN EUCLID AVENUE AND FERN AVENUE (APN: 1052-581-03).

WHEREAS, the Chino 2021-2029 Housing Element (Housing Element) update was adopted by the City Council on January 4, 2022, with revisions to the Housing Element being adopted in December 2024. The Housing Element established an Affordable Housing Overlay (AHO) and Mixed Use Overlay (MUO) on sites throughout the City that had been identified during the drafting of the Housing Element as a strategy for meeting the City's Regional Housing Need Assessment (RHNA) numbers. Housing sites within both overlays allow for residential development of up to 30 dwelling units per acre (du/ac) provided that projects provide affordable housing for low to very low income households; and

WHEREAS, Orbis Real Estate Partners (the "Applicant"), on October 19, 2022, filed an application with the City of Chino (the "City") for PL22-0074 (Special Conditional Use Permit) and PL22-0075 (Site Approval) for the development of a commercial center; and

WHEREAS, on October 18, 2023, the Applicant revised the scope of the Project for PL22-0074 (Special Conditional Use Permit) and PL22-0075 (Site Approval) and filed subsequent applications on July 9, 2024 with the City for approval of PL22-0074 (Special Conditional Use Permit), PL22-0075 (Site Approval), PL24-0080 (Tentative Tract Map No. 20634), and PL24-0081 (Special Conditional Use Permit) (the "Project") to subdivide approximately 9.82 acres of land into five lots for the construction of the Eden mixed-use development project consisting of 20,800 square feet of commercial retail, a 132,438 square foot self-storage facility, and a 264-unit residential rental community consisting of a four-story apartment building at a density of 26.9 dwelling units per acre, and to conditionally permit two fast food drive-thru restaurants and a self-storage facility, located within the General Commercial (GC) land use designation of the East Chino Specific Plan (ECSP) within the Mixed Use Overlay (MUO) district, located on the north side of Schaefer Avenue between Euclid Avenue and Fern Avenue (APN: 1052-581-03); and

WHEREAS, the Applicant filed a preliminary application with the City on December 20, 2024; 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 Eden Mixed-Use Development Project, dated April 11, 2025, has been prepared by Applied Planning, Inc.; and

WHEREAS, on May 21, 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, unanimously approved the Project with a 6-0 (one Commissioner absent); and

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

WHEREAS, on July 15, 2025, the City Council held a duly noticed public hearing to consider Appellant's appeal.

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 PL22-0074 (Special Conditional Use Permit), PL22-0075 (Site Approval), PL24-0080 (Tentative Tract Map No. 20634), and PL24-0081 (Special Conditional Use Permit):

1. *PL22-0075 (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), as General Plan Goal LU-1 aims to enhance livability in the City, with Objective LU-1.1 encouraging a variety of housing types that meet the housing needs of residents of all income levels in Chino. The Project is located on a site designated General Commercial (GC) with a Mixed Use Overlay (MUO), as identified in the City's 2021-2029 Housing Element, and proposes 264 multi-family units (including 24 affordable units for low-income households), 20,800 square feet of commercial space, and a 132,438 square foot self-storage facility, located within the Mixed Use Overlay (MUO) within the East Chino Specific Plan (ECSP) and has been designed to meet applicable development standards and design guidelines;
- 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 site is located in the GC land use designation of the East Chino Specific Plan and within the MUO district which allows for mixed-use projects with affordable residential units. The proposed Project includes the development of a 264-unit, four-story apartment building, 20,800 square feet of commercial space, and a 132,438 square foot self-storage facility. The Project complies with all standards including building setbacks, lot coverage, height, parking, and landscape requirements;

- 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 9.82-acre site is flat and will have adequate infrastructure and five points of vehicular access from Euclid Avenue, Fern Avenue and Schaefer 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 Fern Avenue and Schaefer Avenue, which are designated as primary arterials and Euclid Avenue, which is designated as an expressway. Access to the site is provided from the adjacent streets. The surrounding streets have been designed to carry the type of traffic visiting the site and additional street improvements will be required of the Project to improve the streets to ultimate conditions where needed;
- e. The proposed Project is compatible with those on abutting properties and in the surrounding neighborhood. There is an existing commercial center, Stater Bros. Plaza, located to the south of the Project site which will interface with the commercial component of the Project. The parcel to the north is currently vacant with an underlying land use designation of GC and within the MUO, consistent with the Project site. The property to the east is located within the City of Ontario and has been designated Medium Density Residential by the Ontario General Plan, with an Affordable Housing Overlay. The Medium Density designation in Ontario allows development at 11 to 25 units per acre while the Affordable Housing Overlay in Ontario allows a minimum of 20 units per acre and a maximum of 30 units per acre, consistent with the City of Chino MUO. The property west of the Project site is designated RD 4.5 by the ECSP. Compatibility with the property located west of the Project site is achieved through transitional building heights, increased setbacks along Fern Avenue adjacent to single-family homes, and a contemporary architectural design that includes a palette of earth-tone colors;
- 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 mixed-use development of residential and commercial uses supports walkability and neighborhood serving uses and is consistent with the MUO. 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 Eden Mixed-Use Development 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; 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. *PL24-0080 (Tentative Parcel Map No. 20634):*
- a. *Consistency with plans.* The proposed subdivision, together with the provisions for its design and improvements, is consistent with the City's General Plan and ECSP. The site lies within the GC land use designation with an MUO, and the subdivision supports development consistent with these designations, including the construction of residential, commercial and self-storage uses;
  - b. *Consistency with zoning.* The proposed subdivision is consistent with the provisions of the Chino Zoning Ordinance and the ECSP, in that all proposed parcels exceed the minimum 10,000 square foot lot size requirement of the MUO district;
  - c. *Suitability.* The site is physically suitable for mixed-use development because all required on and off-site improvements necessary to accommodate the development will be provided in accordance with City requirements. The site is flat and does not have any development constraints that would hinder future development, and the parcels being created are of sufficient size and dimensions to accommodate the mixed-use development in accordance with the requirements of the ECSP and MUO;
  - d. *Environmental damage.* The proposed subdivisions or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Eden Mixed-Use Development Project has been prepared that concludes that the subdivision would not create any new significant impacts, or impacts that are significantly different than those identified in the City of Chino General Plan EIR;
  - e. *Wastewater.* The discharge of waste from the proposed subdivision into a community sewer system will not result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code);
  - f. *Water service.* The review of the City Engineer or water service agency concludes that there is sufficient water to provide for the mixed-use development of the subdivision. Studies have been provided as part of the Addendum demonstrating that the capacity of the existing water system is adequate;
  - g. *Soils and geology.* There are no adverse soil or geological conditions, according to a soils report provided with the Addendum to the City of Chino General Plan

Environmental Impact Report (SCH# 2008091064) for the Eden Mixed-Use Development Project;

- h. *Public health.* The design of the subdivision and the associated improvements will not cause serious health problems because full public improvements will be provided and will also be designed and constructed in conformance with City standards as well as applicable State and federal regulations;
  - i. *Easements.* The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. Covenants, Conditions, and Restrictions (CC&Rs) are required to be recorded with the final map and will include provisions to assure maintenance of all common areas, including landscaping, site access points and off-street parking areas, and to assure common ingress and egress between parcels;
  - j. *Environmental documentation.* The environmental documentation is adequate and conforms with the provisions of the California Environmental Quality Act. An Addendum to City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Eden Mixed-Use Development Project, has been prepared 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; and
  - k. *Agricultural suitability.* The proposed subdivision will not result in the subdivision of agricultural parcels to a size too small to sustain agricultural use under the conditions for denial listed in Section 66474.4 of the Subdivision Map Act, as the Project site is not currently encumbered with any Williamson Act contracts.
3. *PL22-0074 (Special Conditional Use Permit – Self-Storage Facility):*
- 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 self-storage facilities in the MUO district are allowed, subject to approval of a SCUP. General Plan Objective LU-1.3 encourages commercial development that will support and enhance vibrant commercial areas and serve existing neighborhoods. Establishing a self-storage facility that is professionally operated at this location will serve the residents and local businesses within the City;
  - 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. Additionally, the proposed self-storage facility meets all requirements and development standards set forth in Section 20.09.090.E.4 (Public Storage Facilities) 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 self-storage use is located adjacent to Euclid Avenue with direct access to the self-storage facility from two driveways on Euclid Avenue. Euclid Avenue is designated as an expressway and designed to carry the volume of traffic typically generated by self-storage facilities, which is generally low in volume. All other surrounding streets (Fern Avenue and Schaefer Avenue) are also capable of handling the volume of traffic generated by the proposed use;

- d. The proposed use is compatible with those on abutting properties and in the surrounding neighborhood, as the self-storage facility is located at the northeast corner of the Project site, adjacent to Euclid Avenue and a vacant parcel to the north. The self-storage facility will have direct access from Euclid Avenue and is anticipated to generate a low volume of traffic based on data provided in the Traffic Impact Analysis that was prepared for the overall Project. There will be no direct views from the self-storage facility to the residential properties located over 162 feet to the north. The self-storage facility is located over 600 feet from the existing residential homes located on the west side of Fern Avenue. In addition, self-storage facilities are inherently low intensity in terms of traffic generation, noise, and activity levels, resulting in minimal trips that are short and infrequent;
  - 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 self-storage facilities are inherently low impact land uses that generate minimal vehicular traffic, with customer visits typically being short, infrequent, and dispersed throughout the day. In addition, the facility's design and operational plan will include security measures such as controlled access, lighting and 24/7 surveillance systems, further promoting safety;
  - f. The proposed use 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 Eden Mixed-Use Development Project has been prepared 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; and
  - g. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed use 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 City Council deems necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A". In addition, the self-storage facility meets all required development standards and policies.
4. *PL24-0081 (Special Conditional Use Permit – Drive-Thru Restaurants):*
- 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 drive-thru restaurants in the GC land use designation of the ECSP are allowed, 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 site access is provided to the fast-food drive-thru restaurants directly from Euclid Avenue and Schaefer Avenue. Both streets are designed to carry the traffic typically generated by drive-thru restaurants. All surrounding streets are capable of handling the volume of traffic that is consistent with the proposed mixed-use development;
- d. The proposed use is compatible with those on abutting properties and in the surrounding neighborhood; as the drive-thru restaurants, with the approval of a SCUP, is compatible with the commercial development to the south, single family residential to the west, vacant land to the north, and future multi-family residential to the east in the City of Ontario and is consistent with the uses permitted in the GC land use designation of the ECSP. The drive-thru restaurants are strategically plotted at the southeastern corner of the Project site, away from the single-family residential homes to the west and north. Homes to the west are buffered from the proposed apartment building and Fern Avenue, while the homes to the north are buffered by the self-storage facility and vacant 3-acre piece of land;
- e. The proposed location, size, and operating characteristics of the propose use will not be detrimental to the public interest, health, safety or general welfare; as the drive-thru restaurants, with the approval of a SCUP, are compatible with the commercial development to the south, single-family residential to the west, vacant land to the north and future multi-family residential to the east in the City of Ontario and is consistent with the uses permitted in the GC land use of the ECSP. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed use 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 deemed necessary to protect the public health, safety, and general welfare. These safeguards (Conditions of Approval) are attached hereto as Exhibit "A". In addition, the drive-thru restaurants meet all required development standards and policies;
- f. The proposed use 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 Eden Mixed-Use Development 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; and

- g. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed use and have been imposed as conditions of Project approval by the Chino Planning Commission. Further, the proposed use meets all required development standards and policies pertaining to self-storage facilities.
5. *Affordable Housing Findings:*
- a. The proposed development meets the affordability criteria for the requested density in accordance with the requirements of subsection (D) and (I). The Applicant proposes the construction of 264 multi-family rental units on 9.82 acres, resulting in a density of 26.9 dwelling units per acre. To qualify for this density, the Project is required to provide a minimum of 9% of the total of units as affordable to low income households. In compliance with this requirement, 24 of the 264 units will be affordable units; and
  - b. The increased density would not have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment or on any real property listed in the California Register of Historic Resources, as an Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Eden Mixed-Use Development Project pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines that confirms the increased density, would not result in any new significant environmental impacts than those already analyzed in the certified General Plan EIR.
6. *CEQA Findings.* An Addendum to the City of Chino General Plan Environmental Impact Report (SCH# 2008091064) for the Eden Mixed-Use Development Project has been prepared by Applied Planning 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.
7. *Deny the appeal and grant approval of PL22-0074 (Special Conditional Use Permit), PL22-0075 (Site Approval), PL24-0080 (Tentative Tract Map No. 20634) and PL24-0081 (Special Conditional Use Permit).* The City Council hereby denies the appeal and approves PL22-0074 (Special Conditional Use Permit), PL22-0075 (Site Approval), PL24-0080 (Tentative Tract Map No. 20634) and PL24-0081 (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".
8. *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 and to the Appellant at the address listed on the appeal.

PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF JULY 2025.

\_\_\_\_\_  
EUNICE M. 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 Resolution was duly adopted by the City Council at a regular meeting held on the 15<sup>th</sup> day of July, 2025 by the following votes:

AYES:           COUNCILMEMBERS:

NOES:           COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
NATALIE GONZAGA, CITY CLERK

Attachment: Exhibit A – Conditions of Approval