

RESOLUTION NO. 2023-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE ANNEXATION/PREZONE (PL20-0003), SITE APPROVAL (PL20-0004) AND TENTATIVE PARCEL MAP NO. 20174 (PL20-0005) FOR THE PHILADELPHIA STREET INDUSTRIAL DEVELOPMENT PROJECT AND EAST END ANNEXATION.

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), LSA Associates, Inc. has prepared the Philadelphia Street Industrial Development Project and East End Annexation Mitigated Negative Declaration (MND), dated June 2023 for PL20-0003 (Prezone/Annexation), PL20-0004 (Site Approval), and PL20-0005 (Tentative Parcel Map No. 20174) ("Project"). The MND concludes the proposed Project will not have a significant adverse effect on the environment. Potentially significant effects were identified, and mitigation measures have been incorporated to ensure the effects remain at less than significant levels. The MND satisfies the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines (California Public Resources Code §§21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and

WHEREAS, the MND was circulated for a 20-day public review period from June 28, 2023 to July 18, 2023; and

WHEREAS, the proposed Project consists of a Prezone/Annexation, Site Approval and Tentative Parcel Map for properties generally located south of Francis Avenue, west of East End Avenue, north of Philadelphia Street, and a small portion south of Philadelphia Street (APNs: 1013-261-17, 1013-271-01, -10, -11, -06, -13, -14, 1013-521-04, -05, -11, -14, -15, -16, -18, 1013-531-04, -07, 1016-011-02, -03, -05, -06, -08, -09, -10, & -15) as fully described in Exhibits "A" and "B"; and

WHEREAS, on July 19, 2023, prior to consideration and possible approval of the PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174), the Planning Commission has considered the proposed MND and any comments received during the public review process for the Project; and

WHEREAS, the Planning Commission held a duly noticed public hearing in compliance with the law on July 19, 2023, entertained the written and oral report of staff, took public testimony on the proposed Project, including the draft MND, adopted Resolution No. PC2023-023, conditionally approved the Site Approval (PL20-0004) and Tentative Parcel Map (PL20-0005), adopted Resolution No. PC2023-022, recommending that the City Council approve the Prezone/Annexation (PL20-0003), and adopted Resolution No. PC2023-021, recommending the City Council adopt the MND for the Project, on a vote of 4 ayes to 3 nays; and

WHEREAS, a notice was published in the *Chino Champion* newspaper on September 23, 2023, advising the public of a public hearing scheduled before the City Council on October 3, 2023, to consider the Project, the Planning Commission's recommendation to approve the Prezone/Annexation (PL20-0003) and adoption of the

MND, and to deny the appeal of the Planning Commission's action, conditionally approving the Site Approval (PL20-0004) and Tentative Parcel Map (PL20-0005); and

WHEREAS, on October 3, 2023, the City Council held a duly noticed public hearing for the Project in compliance with law, entertained the written and oral report of staff, and took public testimony on the Project, including the proposed MND.

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 conducted before the Planning Commission, and the public hearing conducted before the City Council, the City Council makes the following findings and takes the following actions on the MND:
 1. The City Council has considered and acted on the proposed MND and has complied with any comments received and considered during the public review process, prior to its consideration of the Project's applications.
 2. Based upon the independent judgement of the City Council, the MND is found and determined to have been completed in compliance with CEQA and is adequate for this proposed Project. The MND is further found and determined to be consistent with the Chino General Plan.
 3. Based upon the independent judgment of the City Council, the MND is found and determined to have demonstrated that the Project, if approved by the City Council, will have no significant effect on the environment. Potentially significant effects have been identified and mitigation measures have been incorporated to ensure these effects remain less-than-significant levels.
 4. Based on the above the independent judgement of the City Council, the MND is found and determined to have satisfied the requirements of CEQA and the CEQA Guidelines (California Public Resources Code §§ 21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*). A draft Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure effective implementation and enforcement of all adopted mitigation measures for the Project and incorporated herein by this reference (Exhibit "C").
 5. The documents and other materials which constitute the record of proceedings upon which adoption of this resolution is based are in the custody of the City of Chino, Development Services Department, Planning Division, 13220 Central Avenue, Chino, CA 91710.
 6. Based upon the independent judgment of the City Council, the City Council hereby adopts the *Philadelphia Street Industrial Development Site and East*

End Annexation Project Initial Study/Mitigated Negative Declaration, dated June 2023, prepared by LSA Associates for PL20-0003 (Prezone/Annexation), PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174).

7. Based upon the independent judgement of the City Council, the City Council hereby adopts the MMRP set forth in Exhibit "C" for the Project, and incorporated herein, in order to mitigate or avoid significant effects on the environment and further recommends that the same as included in all action(s) on the Project by either the Planning Commission or the City Council. Such MMRP, including Project specific mitigation measures identified in the MND are attached and are also attached to the Project's Conditions of Approval identified as Exhibit "D" in Planning Commission Resolution No. PC2023-023.

8. The City Council respectfully accepts the recommendation of the Planning Commission and, by this resolution, hereby adopts the MND and the MMRP of the Project.

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

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF OCTOBER 2023.

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 the foregoing Resolution was duly adopted by the Chino City Council at a regular meeting held on the 3rd day of October 2023 by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

NATALIE GONZAGA, CITY CLERK

- Attachments:
- Exhibit “A” – Annexation Map and Legal Description
 - Exhibit “B” – Proposed Prezone Map
 - Exhibit “C” – Mitigation Monitoring and Reporting Program (MMRP)
 - Exhibit “D” – Planning Commission Resolution No. PC2023-023