

RESOLUTION NO. PC2026-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CHINO AND DIRAC PROJECT LLC, AND MAKING FINDINGS OF GENERAL PLAN CONSISTENCY.

WHEREAS, the City of Chino (“City”) Municipal Code (“CMC”) section 20.23.070 provides for the Planning Commission’s (“Commission”) consideration of development agreements, as permitted by California Government Code (“Govt. Code”) section 65864 *et seq.*; and

WHEREAS, Dirac Project LLC (“Applicant”) desires to enter into a statutory development agreement to vest certain land use entitlements and to allow the Applicant to construct and operate a 400-megawatt (MW) battery energy storage system (BESS) on a 13.89-acre property in the General Industrial (M2) zoning district located at 13925 Benson Avenue, 13822 Oaks Avenue, and 13910 Oaks Avenue (APNs: 1021-121-05, 1021-211-02, and 1021-211-05) (“Project”); and

WHEREAS, concurrently with the adoption of this resolution, the Planning Commission duly considered and approved PL25-0085 (Special Conditional Use Permit) and PL25-0086 (Site Approval) for the construction of the Project; and

WHEREAS, the City proposed to enter into the Development Agreement substantially in the form attached hereto as Exhibit “A”, and incorporated herein by this reference (“Development Agreement”), with the Applicant to facility the development of the Project; and

WHEREAS, the DA Ordinance and Sections 65864-65859.5 of the Govt. Code authorize the City to enter into development agreements with any person having a legal or equitable interest in real property and require the planning agency of the City to find the proposed development agreement to be consistent with the policies and programs of the City’s General Plan; and

WHEREAS, the proposed Development Agreement and the construction of the Project has been determined to be within the scope of the previously certified 2045 General Plan Update Environmental Impact Report (EIR) (State Clearinghouse No. 202409083), adopted on September 2, 2025. The EIR adequately describes the environmental effects of the proposed project for the purposes of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183. The proposed project is consistent with the land use designation, and applicable policies established by the City’s General Plan, and underlying zoning, all of which were evaluated in the certified EIR. Pursuant to Section 15183(b), a focused evaluation of the development was conducted and the analysis concluded that the proposed project would not result in any new or more severe significant environmental impacts beyond those

identified in the certified General Plan EIR. The project is also subject to uniformly applicable development policies and mitigation measures identified in the 2045 General Plan Update EIR, which would reduce potential impacts to less than significant levels. Accordingly, pursuant to CEQA Guidelines Section 15183, no additional environmental review is required; and

WHEREAS, pursuant to California Government Code Sections 65867 and 65090, the City on July 4, 2026, published a legal notice indicating the public hearing to be held by the Planning Commission on July 15, 2026;

WHEREAS, the Planning Commission considered the provisions of the Development Agreement at a public hearing on July 15, 2026, and all interested parties were given an opportunity to be heard regarding the Development Agreement; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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. Pursuant to the Government Code Section 65864 through 65869.5 and in light of the full record before it including the staff report (and all attachments), and all evidence and testimony heard at the public hearing for this item, and in light of all evidence and testimony provided in connection with the Applicant's Special Conditional Use Permit (PL25-0085) and Site Approval (PL25-0086) applications, the Planning Commission hereby makes the following findings:

- (1) The Development Agreement (DA) is consistent with the General Plan in that it facilitates the development of a battery energy storage system within an area designated and zoned for industrial and utility-related uses. The Project is consistent with General Plan Goal and Policies INF-6, which calls for the City of Chino to provide reliable energy services to serve new and existing development. The Project would enhance grid reliability by storing energy during periods of low demand and delivering energy during periods of peak demand, thereby supporting the City's objective of maintaining a stable and resilient energy supply. In addition, the DA provides substantial public benefits, including community benefit payments, generation of sales and use tax revenue, and Development Impact Fees (DIF) to support public services and infrastructure, as well as provisions to promote local employment opportunities. Collectively, the DA advances General Plan goals related to land use compatibility, infrastructure reliability, economic development, fiscal sustainability, and community investment.

- (2) The Development Agreement is consistent with and furthers a number of goals and objectives under the General Plan, including Policy ED-4 (Community First) and Policy ED-6 (Fiscal Responsibility). The DA supports community-focused investment by facilitating the development of critical energy infrastructure that provides long-term value and promotes economic opportunities, including local employment during construction and operations. Additionally, the DA generates substantial revenue to support community well-being through community benefit payments, sales and use tax revenue, and DIF, thereby advancing the City's fiscal sustainability objectives.
- (3) The Development Agreement constitutes a lawful, present exercise of the City's police power and authority under the Govt. Code and the City's DA Ordinance.

C. Based upon all oral and written reports and presentations made by City staff and members of the public, including any attachments and exhibits, the Planning Commission hereby finds that the Development Agreement is within the scope of the previously certified 2045 General Plan Update Environmental Impact Report (EIR) (State Clearinghouse No. 202409083), adopted on September 2, 2025. The EIR adequately describes the environmental effects of the proposed project for the purposes of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183. The proposed project is consistent with the land use designation, and applicable policies established by the City's General Plan, and underlying zoning, all of which were evaluated in the certified EIR. Pursuant to Section 15183(b), a focused evaluation of the development was conducted and the analysis concluded that the proposed project would not result in any new or more severe significant environmental impacts beyond those identified in the certified General Plan EIR. The project is also subject to uniformly applicable development policies and mitigation measures identified in the 2045 General Plan Update EIR, which would reduce potential impacts to less than significant levels. Accordingly, pursuant to CEQA Guidelines Section 15183, no additional environmental review is required.

D. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission recommends that the City Council of the City of Chino adopt an uncodified ordinance approving the Development Agreement substantially in the form set forth in Exhibit "A" with any minor modifications or changes approved or recommended by the City Attorney or the City Manager.

E. 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 Development Agreement.

PASSED, APPROVED, and ADOPTED this 15th day of July 2026.

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 15th day of July 2026 and entered in the minutes of said Commission.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

SECRETARY, PLANNING COMMISSION

Attachment:
Exhibit "A" – Development Agreement