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July 9, 2025

Planning Department
City of Chino
13220 Central Avenue
Chino, California 91710

Re: **Qualification of the Project on the Property at 6210 Riverside Drive for New CEQA Infill Exemption and the Protections of AB 1633**

Dear All:

On behalf of BCT Dev Acquisition Co, LLC (the "Applicant"), we herein address the ability of the housing development project consisting of 208 residential townhomes (the "Project") at 6210 Riverside Drive (the "Project Site") in Chino (the "City"), to qualify for an exemption from the California Environmental Quality ("CEQA") pursuant to Public Resources Code ("PRC") Section 21080.66, as enacted by Assembly Bill 130 ("AB 130") which became effective July 1, 2025. We also address eligibility for the protections enacted by Assembly Bill 1633 ("AB 1633").

CEQA Exemption Under PRC § 21080.66

Pursuant to PRC § 21080.66(b)(1)(A)(ii), the Project is exempt from CEQA and the City is required to commence formal tribal notification and consultation within 14 days of this letter. The Project and the Project Site meet all conditions required under PRC Section 21080.66 for CEQA exemption, including but not limited to:

- Lot size: The site is less than 20 acres (it is approximately eight acres), meeting the requirement of PRC § 21088.66(a)(1)(A).
- Urban infill: The site qualifies as within the incorporated City of Chino and is infill under at least one criterion (e.g., 75% perimeter urbanized). In fact, the site is 100 percent surrounded by urban uses, therefore qualifying under PRC § 21080.66(a)(2) and (3).
- General Plan/Zoning consistency: The Project is being designed to comply with General Plan and zoning requirements, except to the extent permitted by State Density Bonus Law, therefore qualifying under PRC § 21080.66(a)(4), inclusive of subsection (C). The City's

General Plan designates the Project Site for “Office Commercial (OC)” and “RD 4.5” land uses. The Zoning Map applies the “Commercial Office (CO)” and “RD 4.5” zoning designations to the Project Site, see Figure 2-5, City of Chino Zoning Map. However, the General Plan and the Zoning Code also apply an “Affordable Housing Overlay (AHO)” to the Project Site. The AHO is intended to promote the development of affordable housing for low, very low-, and moderate-income households in specific areas in the City where high density residential uses would not otherwise be allowed. The AHO allows densities of up to 30 dwelling units per acre. The Project proposes a land use and development intensity consistent with the AHO at 26 du/acre. The Project has also been designed to be consistent with (and/or not conflict with) major General Plan policies and objectives, inclusive of Objective LU-1.1, LU-1.2, LU-5.1, LU-7.1, CC-1.1, CC-2.1, CC-3.2, TRA-1.1, TRA-1.2, TRA-6.3, TRA-9.1, TRA-11.1, ED-2.1, OSC-1.1, OSC-1.2, OSC-2.1, OSC-2.2, OSC-4.1, OSC, 4.2, OSC-5.1, PR-1.1, PR-1.2, PFS-1.1, PFS-1.2, PFS-2.1, PFS-2.2, PFS-6.1, PFS-6.2, PFS-7.1, PFS-7.2, PFS-7.3, PFS-8.1, PFS-9.1, PFS-9.1, PFS-10.1, PFS-11.1, AQ-1.1, AQ-1.4, AQ-1.5, SAF-2.1, SAF-2.2, SAF-3.1, SAF-4.1, N-1.1, and N-1.3.

- Minimum density: The minimum density is 15 dwelling units per acre¹ and the Project’s 208 dwelling units on the eight acre Project Site represents a density of 26 du/acre, exceeding the applicable minimum density threshold pursuant to PRC § 21080.66(a)(5).
- Environmental factors: The Project Site is not located on or near any of the following, thereby meeting the PRC § 21080.66(a)(6) threshold:
 - Pursuant to California Government Code Section 65913.4(a)(6)(A), the Project Site is not located in a coastal zone.²
 - Pursuant to California Government Code Section 65913.4(a)(6)(B), the Project Site is not located on Prime Farmland or Farmland of Statewide Importance. The Project Site and surrounding area are designated Urban and Built-Up Land.³
 - Pursuant to California Government Code Section 65913.4(a)(6)(C), the Project Site is not located on a wetland. The Project Site does not include any protected wetlands or water features.⁴
 - Pursuant to California Government Code Section 65913.4(a)(6)(D), the Project Site is not located within a very high fire hazard severity zone, or within the state responsibility area.⁵

¹ Govt. Code 65583.2(b)(3)(B).

² See [California Coastal Commission Coastal Zone Boundary map](#).

³ See <https://maps.conservation.ca.gov/DLRP/CIFF/>.

⁴ See [National Wetlands Inventory, Surface Waters and Wetlands](#).

⁵ See [California Department of Forestry and Fire Protection's Fire and Resource Assessment Program FHSZ Viewer](#).

- Pursuant to California Government Code Section 65913.4(a)(6)(E), the Project Site is not a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Section 25356 of the Health and Safety Code. The Project Site is not located on any list of hazardous waste sites pursuant to Section 65962.5.⁶
- Pursuant to California Government Code Section 65913.4(a)(6)(F), the Project Site is not located within a delineated earthquake fault zone. The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone, and no active faults are known to pass through the immediate Project vicinity.⁷
- Pursuant to California Government Code Section 65913.4(a)(6)(G), the Project Site is not located in a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (“FEMA”). The Project Site is located in Zone X, which is defined as an area of minimal flood hazard.⁸
- Pursuant to California Government Code Section 65913.4(a)(6)(H), the Project Site is not located within a regulatory floodway as determined by FEMA. The Project Site is located in Zone X, which is defined as an area of minimal flood hazard.⁹
- Pursuant to California Government Code Section 65913.4(a)(6)(I), the Project Site is not on land identified for conservation in an adopted natural community conservation plan. The Project Site is also not located within an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State conservation habitat plan.¹⁰
- Pursuant to California Government Code Section 65913.4(a)(6)(J), the Project Site does not contain habitat for protected species identified as candidate, sensitive, or species of special status by State or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act. The Project Site is entirely surrounded by urban uses and is itself regularly tilled and worked.
- Pursuant to California Government Code Section 65913.4(a)(6)(K), the Project Site is not land under conservation easement.

⁶ See <https://calepa.ca.gov/sitecleanup/corteselist/>.

⁷ See [California Department of Conversation’s EQZapp: California Earthquake Hazards Zone Application](#).

⁸ See [FEMA Flood Map Service Center: Search By Address tool](#).

⁹ See [FEMA Flood Map Service Center: Search By Address tool](#).

¹⁰ See [California Natural Community Conservation Plans](#).

- No demolition of historic resources: The Project does not demolish any resource listed prior to the preliminary application (see PRC § 21080.66(a)(7)).
- No hotel for a project deemed complete pursuant to Government Code § 65589.5(h)(5): The Project does not contain a hotel component.
- No freeway within 500 feet: The Project Site is not located within 500 feet of any freeway, so PRC § 21080.66(c)(2) is inapplicable.
- Tribal Consultation Notice – Required action by the City.

Under Public Resources Code § 21080.66(b)(1)(A)(ii), the City is now required to:

- Notify California Native American tribes traditionally affiliated with the area within 14 days.
- Include required project information (site maps, description, studies, contact info, etc.)
- Conclude consultation in accordance with the timelines and procedures specified in the statute.

The Project team stands ready to participate in the consultation process, consistent with statutory requirements.

AB 1633 Protections

The Project meets all locational, environmental, density, and adjacency standards necessary to invoke the protections of AB 1633 against improper disapproval, which is defined to include refusal to proceed under a CEQA exemption for which the Project qualifies. We first note that the same “Environmental factors” as discussed above apply for AB 1633, and as explained above in more detail, the Project Site qualifies. With regard to the remaining requirements of AB 1633, the chart below demonstrates compliance:

(2) The project’s parcel(s) is legal¹¹ and located “within an urbanized area¹² and meets <i>one or the more of the following criteria . . .</i>”¹³	
Located within 0.5 mile “walking distance” of “a high quality transit corridor,” as defined in Public Resources Code Section 21155(b), or “a	Compliant. The Project Site does not appear to meet this specific criterion, ¹⁵ but because it

¹¹ The Project site is on a legal parcel (APN: 53-1590-11-1).

¹² A parcel is within an urbanized area if it meets the definition provided in Public Resources Code Section 21071. Gov. Code § 65589.5.1(b)(5). The Project site is located in an urbanized area because Chino combined with contiguous incorporated cities have a population more than 100,000.

¹³ Gov. Code § 65589.5.1(a)(2)

¹⁵ <https://opendata.mtc.ca.gov/datasets/transit-stops-major-2021/explore?location=37.853982%2C-122.263235%2C15.76>

major transit stop,” as defined in Public Resources Code Section 21064.3. ¹⁴	complies with one or more of the below criteria, it is compliant.
“[L]ocated in a very low vehicle travel area” ¹⁶	Compliant. The Project Site does not appear to meet this specific criterion, ¹⁷ but because it complies with one or more of the below criteria, it is compliant.
“[P]roximal to six or more amenities . . . as of the date of the” application’s submittal. ¹⁸ A project is proximal an amenity if it is within: <ul style="list-style-type: none"> • .5 mile of “[a] bus station” or “[a] ferry terminal”; OR • 1 mile of “[a] supermarket or grocery store,” “public park,” “community center,” “pharmacy or drugstore,” “medical clinic or hospital,” “public library,” or school serving any grade - kindergarten to 12th grade.¹⁹ 	Compliant. The Property is within one mile of Clark’s Nutrition & Natural Foods Market, Bob B. McLeod Park, Mountain View Park, Chino Valley Medical Center, Cortez Elementary School, Magnolia Junior High School, Chino High School, and more. Additionally, there is a bus stop along Mountain Avenue across the street from the project site.
75% of the project site’s perimeter (or 3 sides of a 4 sided project site) is adjoined by urban uses. ²⁰	Compliant. The Project Site is adjoined by urban uses on all sides.
(3) The project’s density meets the following criteria	
“[M]eets or exceeds 15 dwelling units per acre.” ²¹	Compliant. The Project is proposed at approximately 26 du/acre, exceeding this minimum density requirement.
(4) “There is substantial evidence in the record that”²²	
<ul style="list-style-type: none"> • The “project is eligible for an exemption”²³; AND 	Compliant. As addressed in the first part of this letter, the Project qualifies for the new exemption provided in PRC § 21080.66.

¹⁴ Gov. Code § 65589.5.1(a)(2)(A).

¹⁶ Gov. Code § 65589.5.1(a)(2)(B). “Very low vehicle travel area’ means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita.” Gov. Code § 65589.5.1(b)(6)(A). “[A]rea’ may include a travel analysis zone, hexagon, or grid.” Gov. Code § 65589.5.1(b)(6)(B). “For the purposes of determining ‘regional vehicle miles traveled per capita’ . . . , a ‘region’ is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.” Gov. Code § 65589.5.1(b)(6)(C).

¹⁷ <https://databasin.org/datasets/4e189c878e094cbfb0a000ae8ad04948/>

¹⁸ Gov. Code § 65589.5.1(a)(2)(C).

¹⁹ Gov. Code § 65589.5.1(b)(4)(B).

²⁰ Gov. Code § 65589.5.1(a)(2)(D).

²¹ Gov. Code § 65589.5.1(a)(3).

²² Gov. Code § 65589.5.1(a)(4).

²³ Gov. Code § 65589.5.1(a)(4)(A).

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<ul style="list-style-type: none">• That any categorical exemption sought is not barred by an applicable exception.²⁴	
(5) Timely notice is given to the jurisdiction that	
<ul style="list-style-type: none">• The applicant believes the jurisdiction failed to make a determination or abused its discretion; AND• The jurisdiction “did not make a lawful determination within 90 days of the applicant’s written notice.”²⁵	Compliant. The applicant will comply with this noticing requirement if warranted.

Thank you for your attention to the Project, and we look forward to working with the City to bring it to fruition.

Sincerely yours,

HOLLAND & KNIGHT LLP



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cc: Karen Alves
Clarke Champion
Tim Stanley

²⁴ Gov. Code § 65589.5.1(a)(4)(B).

²⁵ Gov. Code § 65589.5.1(a)(5)(A).