

RESOLUTION NO. 2023-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DENYING THE APPEAL OF THE PLANNING COMMISSION ACTION CONDITIONALLY APPROVING PL20-0004 (SITE APPROVAL) AND PL20-0005 (TENTATIVE PARCEL MAP NO. 20174).

WHEREAS, Golden Management Services, Inc. (the “Applicant”), has filed an application with the City of Chino (the “City”) for approval of PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174) (the “Project”) to subdivide 3.95 gross acres of land into three parcels for the construction of three industrial buildings totaling 63,900 square feet located at the northwest corner of Philadelphia Street and East End Avenue (APN: 1013-521-04); and

WHEREAS, the Project’s approval is contingent upon the annexation process being finalized through the San Bernardino County Local Agency Formation Commission (LAFCO) and City Council’s approval of the associated Prezone (PL20-0003); 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, on July 27, 2023, the appellant, Supports Alliance for Environmental responsibility (“SAFER”) filed an appeal; 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 to consider the 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 on PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174):

1. *PL20-0004 (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 to provide for industrial or manufacturing uses with fewer impacts on traffic, noises, odors and pollutants than General Industrial. The proposed buildings have been designed to accommodate lighter industrial uses in accordance with the Goals and Policies of the General Plan. The Project serves General Plan Goal LU-2 and Objective LU-2.1, which aims to foster the development of new industrial uses in the City while preventing negative impacts on the health, safety, and welfare of residents;
- 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. Upon Annexation to the City (Exhibit "A"), the Project site will have a zoning designation of M1 (Light Industrial). The development of the Project site includes three industrial buildings, totaling 63,900 square feet, which is consistent with the Light Industrial (M1) zoning district, and no special approvals are required for the use. The Project meets or exceeds all 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 development proposed, in that all minimum development standards related to setbacks, building height, lot coverage, parking and landscaping have been met or exceeded and the appropriate infrastructure and public improvements are conditioned to be constructed as part of the development;
- d. 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 Project, in that the necessary street and roadway improvements for East End Avenue and Philadelphia Street are required to be improved as part of the development. Additionally, East End Avenue is designated as a truck route;
- e. The proposed Project is compatible with those abutting properties and in the surrounding neighborhood, as the Project site is located in the M1 zoning district. Properties located to the north, south and west are all designated for industrial uses. In addition, the M1 zoning district is intended to accommodate a less intense industrial user. The three industrial buildings were designed to a scale and mass that is compatible with the adjacent residential properties to the east, across East End Avenue and consistent with the requirements of the M1 zoning district;
- 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. The Project is both consistent and compatible with all surrounding

land uses. Conditions of Approval will also be imposed on the Project to ensure no detrimental impacts to the public health, safety, and general welfare;

- g. The proposed Project will not have a significant adverse impact on the environment, as a Mitigated Negative Declaration (MND) has been prepared that concludes the 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 CEQA and the CEQA Guidelines (California Public Resources Code, Section 21000 *et seq.*; 14 CCR 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 through Project design features and conditions of approval imposed on the Project.

2. *PL20-0005 (Tentative Parcel Map No. 20174)*

- a. *Consistency with plans.* The proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan, which designates the property as LI. This designation allows for a wide variety of industrial uses with fewer impacts on traffic, noises, odors and pollutants than General Industrial;
- b. *Consistency with zoning.* The proposed subdivision is consistent with the provisions of the Chino Zoning Ordinance. Upon Annexation to the City, the Project site will have a zoning designation of M1 (Light Industrial) and the map complies with all the requirements of the M1 zoning district;
- c. *Suitability.* The site is physically suitable for the type or density of development, as 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 sufficient size and dimension to accommodate the development in accordance with the requirements of the Chino Zoning Ordinance;
- d. *Environmental damage.* The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Philadelphia Street Industrial Development Site and East End Annexation Project MND has been prepared for the proposed subdivision. The MND has determined that the proposed subdivision and improvements will not cause substantial environmental damage with the incorporation of mitigation measures;
- 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 indicates that there is sufficient water to provide for tenants of the subdivision. The MND considered the capacity of existing water system and found it adequate;
  - g. *Soils and geology.* There are no adverse soil or geological conditions, according to a soils report provided with the Philadelphia Street Industrial Development Site and East End Annexation Project MND which was required as part of the environmental review;
  - h. *Public health.* The design of the subdivision or the type of improvements will not cause serious public health problems, as 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, Codes, and Restrictions (CC&Rs) are required to be recorded with the final map and will include provisions for a reciprocal agreement 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 to the provisions of the California Environmental Quality Act (CEQA). The Philadelphia Street Industrial Development Site and East End Annexation Project MND has been prepared for the Project and reviewed by the Planning Commission in accordance with CEQA. The proposed subdivision is consistent with the Project described in the MND, and all mitigation measures from the MND are incorporated as conditions of approval for the Project; 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.
3. *CEQA Findings.* A MND has been prepared that 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 CEQA and the CEQA Guidelines (California Public Resources Code, Section 21000 *et seq.*; 14 CCR 15000 *et seq.*); and
4. *Denial of appeal.* The City Council hereby denies the appellant's appeal of the Planning Commission's action to approve PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174) subject to the conditions of approval identified as Exhibit "B" in Planning Commission Resolution No. PC2023-023, and contingent on the following:

- a. PL20-0004 (Site Approval) and PL20-0005 (Tentative Parcel Map No. 20174) are part of a project that also includes (1) a request for Annexation from San Bernardino County zoning designation of Regional Industrial (IR), Community Industrial (IC), and RS-20M (Single Residential – 20,000 square feet minimum) to the City of Chino’s zoning designation of Light Industrial (M1) and General Industrial (M2), and (2) a request for a Prezone of the proposed annexation area (PL20-0003) (“Prezone”). Pursuant to Government Code Section 66454, the approval of the Site Approval (SA) and Tentative Parcel Map 20174 (TPM 20174) are conditioned on the annexation of the subject property to the City no later than July 19, 2024, and such approvals shall not be effective until the annexation is completed. If the annexation has not been completed by July 19, 2024, these approvals shall be deemed null and void unless extended by the Planning Commission. Furthermore, these approvals are conditioned on the approval of the Prezone by City Council and shall not be effective unless the Prezone is approved by the City Council. Finally, these approvals are conditioned on the adoption of the Philadelphia Street Industrial Development Site and East End Annexation Project Mitigation Negative Declaration (“MND”) by the City Council. If the City Council approves the Prezone and adopts the MND, but changes are made by the Council to either of these approvals in a manner that could reasonably affect the findings of the Planning Commission in this Resolution, or require a modification or addition of a condition of approval to be consistent with the Council’s approvals, then the SA and TPM 20174 shall be returned to the Planning Commission for further consideration and a final decision.
5. *Actions by the City Clerk.* 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 3<sup>RD</sup> DAY OF OCTOBER 2023.

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EUNICE M ULLOA, MAYOR

ATTEST:

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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 3<sup>rd</sup> day of October 2023, by the following votes:

AYES:       COUNCILMEMBERS:

NOES:       COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

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NATALIE GONZAGE, CITY CLERK

Attachments:  
    Exhibit “A” – Proposed Prezone Map  
    Exhibit “B” – Resolution PC2023-023