

ORDINANCE NO. 2023-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, PREZONING 52.32 ACRES OF LAND TO LIGHT INDUSTRIAL (M1) AND 4.55 ACRES OF LAND TO GENERAL INDUSTRIAL (M2) FOR PARCELS 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) WITHIN THE CITY OF CHINO SPHERE OF INFLUENCE AND IN CONNECTION WITH (PREZONE/ANNEXATION PL20-0003) AND AMENDING ORDINANCE NO. 2010-06.

WHEREAS, the City of Chino has initiated the prezone of property concurrently with its review of the related annexation in compliance with State law and the requirements of the Local Agency Formation Commission (LAFCO); and

WHEREAS, a description for the annexation boundaries of the territory is set forth in Exhibit "A" and the proposed prezone in Exhibit "B" attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed prezone is required at this time by the LAFCO, and State law, because of the proposed annexation of the properties; and

WHEREAS, the proposed prezone is consistent with the goals and policies of the Chino General Plan as the land use element of the General Plan identifies Goal LU-4 providing a clear transition for properties within the Sphere of Influence (SOI). A neighborhood meeting was held to provide property owners, residents, business owners and tenants with information on the annexation process and to answer questions on the differences and similarities between regulations and services between San Bernardino County (County) and City of Chino. The proposed prezone of the properties will be consistent with the General Plan designations of the property within the annexation area that are currently designated as Light Industrial (LI) and General Industrial (GI); and

WHEREAS, the proposed prezone is reasonable and beneficial, and in the interest of good zoning practice as the General Plan designation of the property within the annexation area are currently designated as Light Industrial (LI) and General Industrial (GI). Upon annexation to the City of Chino, the zoning designations of Light Industrial (M1) and General Industrial (M2) will be consistent with the City's General Plan land use designation for the site, as required by State planning, zoning, and development law; and

WHEREAS, the proposed prezone will not have a significant adverse impact on the environment as a Mitigate 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

WHEREAS, the change will not adversely affect the harmonious relationship with adjacent parcels and land uses as the surrounding properties to the north, south and west are all designated for industrial uses, developed with a range of industrial uses, and are consistent with the proposed M1 and M2 zoning. In addition, the proposed industrial development at the northwest corner of Philadelphia Street and East End Avenue is zoned M1 and 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. The prezone of properties to M1 and M2 will be in harmony with the surrounding parcels and land uses; and

WHEREAS, the subject site is physically suitable, including but not limited to parcel size, shape, access, availability of utilities, and compatibility with adjoining land uses, for the M1 and M2 prezone designations, as there no proposed land use changes and only one proposed industrial development within the annexation area in which the site is designated for industrial uses. The industrial development will have adequate access, in that all minimum zoning requirements governing parcel size, shape, access, type and intensity of development, as 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; 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; and

WHEREAS, 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 §§21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and

WHEREAS, the proposed rezoning will not have a significant adverse impact on the environment as an MND has been adopted for the Project as Resolution No. 2023-056, and all potential impacts associated with the Project will be mitigated to a level that will not have significant adverse impacts to the environment; and

WHEREAS, all provisions of the California Government Code and Chino Municipal Code related to the rezoning of the property have been complied with, including noticed public hearings.

NOW, THEREFORE, the City Council of the City of Chino does not ordain as follows:

Section 1: The foregoing recitals are true and correct and incorporated herein.

Section 2: Ordinance No. 2010-06 is hereby amended so as to prezone 52.32 acres of land to Light Industrial (M1) and 4.55 acres of land to General Industrial (M2), generally located south of Francis Avenue, west of East End Avenue, north of Philadelphia Street, and a small portion south of Philadelphia Street as is more fully described on the legal and plat in Exhibit "A".

Section 3: The properties which are the subject of the City's annexation application PL20-0003 (Prezone/Annexation) are hereby rezoned to Light Industrial (M1) and General Industrial (M2) as is more fully described on the legal and plat in Exhibit "A" and as shown in Exhibit "B".

Section 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Chino declares that they would have enacted this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of any determination of invalidity.

Section 5: The City Clerk of the City of Chino shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation, printed and published within said City in accordance with the provisions of the Government Code

ADOPTED THIS 17th 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 Ordinance was duly adopted by the City Council at a regular meeting held on the 17th day of October 2023, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

NATALIE GONZAGA, CITY CLERK

Attachments:

Exhibit "A" – LAFCO Annexation Map/Legal Description

Exhibit "B" – Prezone Map