

ORDINANCE NO. 2018-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING THE EAST CHINO SPECIFIC PLAN TO ALLOW RV STORAGE AS A CONDITIONALLY PERMITTED USE WITHIN THE EE (EDISON EASEMENT) LAND USE DESIGNATION. PL08-0369 (EAST CHINO SPECIFIC PLAN AMENDMENT).

WHEREAS, RVSA, LLC has filed a Specific Plan Amendment application (PL08-0369) with the City of Chino to amend the East Chino Specific Plan to allow RV storage as a conditionally permitted use in the EE (Edison Easement) land use designation (the "Project"); and

WHEREAS, the City Council of the City of Chino on January 6, 2015, adopted Resolution No. 2015-001, which certified a Final Environmental Impact Report (EIR), adopted the Mitigation Monitoring and Reporting Program for the Chino RV Storage Facility and approved PL11-0428 (General Plan Amendment) and PL08-0369 (East Chino Specific Plan Amendment), Resolution No. 2015-002, which approved PL11-0428 (General Plan Amendment); and

WHEREAS, as part of the approvals for the Chino RV Storage Facility, the City Council of the City of Chino adopted Resolution No. 2015-043, on June 16, 2015 that made findings in opposition to the appeal of the Inland Oversight Committee to the Planning Commission's approval of Site Approval No. 2007-07 and Special Conditional Use Permit No. 2007-12 authorizing the RV storage development of 7.19 acres generally located at the northwest corner of Edison and Mountain Avenues; and

WHEREAS, as part of its approvals for the Chino RV Storage Facility, the City Council of the City of Chino adopted Ordinance No. 2015-001 on February 3, 2015, which amended Section E(2) on page 134 and Section E(3) at page 135 of the East Chino Specific Plan as specifically set forth in said ordinance; and

WHEREAS, following the City Council's approvals for the Chino RV Storage Facility and certification of the Final EIR, a petition for writ of mandate was filed in the San Bernardino County Superior Court by the Inland Oversight Committee and CREED-21 (collectively, "Petitioners"), challenging the approval under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the Planning and Zoning Law (Gov. Code, § 65000 et seq.), and the City of Chino Municipal Code; and

WHEREAS, the trial court granted the petition for writ of mandate and issued the writ on December 19, 2016, commanding the City of Chino to set aside its approvals for the Project, including Resolution No. 2015-001 (General Plan Amendment); and

WHEREAS, in response to the writ of mandate, on January 17, 2017, the City Council adopted: Resolution No. 2017-003, setting aside Resolution No. 2015-001, Resolution No. 2017-004, setting aside Resolution No. 2015-002, Resolution 2017-005, and setting aside Resolution No. 2014-043; and

WHEREAS, on February 7, 2017, the City Council adopted Ordinance No. 2017-003, setting aside Ordinance No. 2015-001; and

WHEREAS, on March 16, 2017, the City filed a return to the writ, demonstrating that the City had set aside its certification of the Final EIR approvals for the Chino RV Storage Facility, as required by the writ of mandate; and

WHEREAS, on October 11, 2017, the City released a Recirculated Draft EIR (SCH# 2013121069) for the Chino RV Storage Facility, addressing the issues identified as inadequate by the trial court, and updating, revising, and in some instances replacing the analysis of the Draft EIR certified by the City on January 6, 2015; and

WHEREAS, on February 8, 2017, the responses to public agency comments on the Recirculated Draft EIR were provided to the commenting agencies; and

WHEREAS, on March 3, 1987, the City Council of the City of Chino, through its adoption of Ordinance No. 87-05 approved the East Chino Specific Plan; and

WHEREAS, Section V.A.5 of the East Chino Specific Plan establishes that the procedures to amend the specific plan shall be the same as to amend the Chino City Zoning Ordinance and are described in Section 20.23.050 of the City of Chino Municipal Code; and

WHEREAS, the City has received a request to amend the East Chino Specific Plan to conditionally permit recreational vehicle storage facilities in the EE (Edison Easement) land use designation only on properties that are located adjacent to industrial zoned property; and

WHEREAS, the proposed recreational vehicle storage project is located on the northwest corner of Edison Avenue and Mountain Avenue (APN: 1021-261-05); and

WHEREAS, the proposed East Chino Specific Plan Amendment has been determined to be consistent with the intent of the General Plan; and

WHEREAS, the proposed East Chino Specific Plan Amendment will not adversely affect the harmonious relationship with the adjacent neighborhoods and land uses; and

WHEREAS, all provisions of the California Government Code and Chino Municipal Code related to the proposed East Chino Specific Plan Amendment have been complied with; and

WHEREAS, the City Council of the City of Chino has completed its study of the proposed East Chino Specific Plan Amendment and related materials; and

WHEREAS, on February 21, 2018, the Planning Commission approved Site Approval No. 2007-07 and Special Conditional Use Permit No. 2007-12, and recommended the City Council certify the Chino RV Storage Facility Environmental Impact Report as updated and revised by the Recirculated Environmental Impact Report (SCH# 2013121069), and approve PL11-0428 (General Plan Amendment) and PL08-0369 (East Chino Specific Plan Amendment); and

WHEREAS, on March 20, 2018, the City Council held a duly noticed public hearing for the Project in compliance with law, including compliance with the relevant provisions of the California Government Code and Chino Municipal Code, entertained the written and oral report of staff, and considered public testimony on the Project.

NOW, THEREFORE, the City Council of the City of Chino, California, does hereby FIND, DETERMINE, RESOLVE, and ORDAIN 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 PL08-0369 (East Chino Specific Plan Amendment):

1. *PL08-0369 (East Chino Specific Plan Amendment)*

- a. The proposed East Chino Specific Plan Amendment is internally consistent with the General Plan. The General Plan is proposed to designate the site as Light Industrial. The East Chino Specific Plan designates the site as Edison Easement. The purpose of the Edison Easement land use designation is to provide for the location of electrical transmission facilities, with a secondary purpose of allowing low-intensity uses that are compatible with the overlying electrical transmission facilities. The storage of recreational vehicles is similar to, and no more detrimental than, other permitted and conditionally permitted uses in the Edison Easement land use designation, such as utility substations. The proposed amendment to allow recreational vehicle storage as a conditionally permitted use does not conflict with the goals and policies of the General Plan or East Chino Specific Plan.
- b. The proposed East Chino Specific Plan Amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City, as it will allow for the establishment of a recreational vehicle storage facility within the East Chino Specific Plan area. The recreational vehicle storage facility is compatible with other land uses in the surrounding area. The proposed project will not generate noise, odor, or frequent vehicle trips. Potential light impacts from parking lot lights will be mitigated by light deflectors that will keep light from spreading to adjacent properties. As concluded in the Recirculated EIR, the proposed amendment would not result in significant impacts to air quality, either during construction or operations of the project (Recirculated Draft EIR, § 4.5.5, pp. 4.5-28 through 4.5-36 [Impacts 4.5.5.1 through 4.5.5.10]). Nor would the proposed amendment result in significant impacts related to greenhouse gas emissions (Recirculated Draft EIR, § 4.5.5, pp. 4.5-36 through 4.4-40 [Impacts 4.5.11 through 4.5.12]). The proposed general plan amendment and specific plan amendment would not result in significant impacts related to hazards, including fire hazards associated with storing recreational vehicles, as concluded in the Recirculated EIR (Recirculated Draft EIR, § 4.2.6, pp. 4.2-11 through 4.2-14 [Impact 4.2.6.1].) Mitigation Measures 4.2.6.1A through 4.2.6.1C, adopted for the project and included in the Mitigation Monitoring and Reporting Program, will ensure compliance with Section 316.6.2 of the California Fire Code.
- c. The proposed East Chino Specific Plan Amendment will maintain the appropriate balance of land uses within the City, since the establishment of a recreational vehicle storage facility as a conditionally permitted use in the EE (Edison Easement) land use designation of the East Chino Specific Plan only for properties that are located adjacent to industrial zoned properties will not disrupt the balance of land uses in the East Chino Specific Plan area. Recreational vehicle storage

facilities are conditionally permitted uses in the LI (Light Industrial) land use designation of the East Chino Specific Plan, and the M1 (Light Industrial) and the M2 (General Industrial) zoning districts of the City. The proposed recreational vehicle storage facility is compatible with the Light Industrial land use designation that is proposed for the project site, and any potential impacts have been addressed.

- d. The subject sites are physically suitable sites, including, but not limited to parcel size, shape, access, availability of utilities, and compatibility with adjacent uses for the proposed recreational vehicle storage facility. The project site is situated adjacent to two arterial streets with adequate access for recreational vehicles as well as emergency vehicles. The site has been designed to be compatible with adjacent light industrial uses to the north, vacant land and residential uses to the east across Mountain Avenue, the vacant land to the south across Edison Avenue, and the nursery to the west. The subject site has adequate parking for the proposed RV storage facility and for visitors and employees in the leasing office. As concluded in the Recirculated EIR, the proposed amendment would not result in significant impacts to air quality, either during construction or operations of the project (Recirculated Draft EIR, § 4.5.5, pp. 4.5-28 through 4.5-36 [Impacts 4.5.5.1 through 4.5.5.10].) Nor would the proposed amendment result in significant impacts related to greenhouse gas emissions (Recirculated Draft EIR, § 4.5.5, pp. 4.5-36 through 4.4-40 [Impacts 4.5.11 through 4.5.12]). The proposed general plan amendment and specific plan amendment would not result in significant impacts related to hazards, including fire hazards associated with storing recreational vehicles, as concluded in the Recirculated EIR (Recirculated Draft EIR, § 4.2.6, pp. 4.2-11 through 4.2-14 [Impact 4.2.6.1]). Mitigation Measures 4.2.6.1A through 4.2.6.1C, adopted for the project and included in the Mitigation Monitoring and Reporting Program, will ensure compliance with Section 316.6.2 of the California Fire Code.
2. The City Council of the City of Chino, California, does hereby ordain as follows:

Section 1: The East Chino Specific Plan shall be amended to include the following changes to the text and figures:

Text changes:

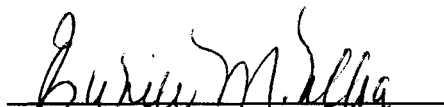
1. Page, 134, Section E (2), Permitted and Conditionally Permitted Uses, Land Use: Add recreational vehicles storage facilities as a conditionally permitted use. Revise the table to reflect recreational vehicle storage facilities with a "C". Add an asterisk next to the "C" which notes that these facilities are only conditionally permitted on properties located adjacent to land designated for an industrial use.
2. Page 135, Section E (3), Edison Easement: Special Criteria: Add a new bullet which states the following: "Recreational Vehicle Storage Facilities are subject to review and approval of a Special Conditional Use Permit by the Planning Commission, and may only be permitted adjacent to property that contains an industrial land use designation."

Section 2: 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 3: 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.

3. *CEQA Findings.* An EIR, consisting of the original Final EIR certified by the City in 2015, as updated, revised, and in some specified instances, replaced by the Recirculated Final EIR, has been prepared so that, with implementation of mitigation measures, the proposed Project will not have a significant adverse effect on the environment. Potentially significant effects were identified and mitigation measures have been adopted as part of the Mitigation Monitoring and Reporting Plan to ensure the effects remain at less than significant levels. The EIR satisfies the requirements of CEQA and the CEQA Guidelines (California Public Resources Code §§21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and
4. *Approval of PL08-0369 (East Chino Specific Plan Amendment).* The City Council hereby re-approves PL08-0369 (East Chino Specific Plan Amendment); and
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.

APPROVED and ADOPTED THIS 3rd day of April 2018.


EUNICE M. ULLOA, MAYOR

ATTEST:


ANGELA ROBLES, CITY CLERK

State of California)
County of San Bernardino) §
City of Chino)

I, Angela Robles, 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 3rd day of April 2018, by the following votes:

AYES: COUNCIL MEMBERS: Ulloa, Haughey, Elrod, George

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Rodriguez



ANGELA ROBLES, CITY CLERK