AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING THE PRESERVE SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION FOR 3.1 ACRES OF LAND GENERALLY LOCATED AT 9301 REMINGTON AVENUE FROM AGRICULTURE TO LIGHT INDUSTRIAL. PL18-0100 (PRESERVE SPECIFIC PLAN AMENDMENT).

WHEREAS, Howard Industrial Partners (the “Applicant”), has filed an application with the City of Chino (the “City”) to amend The Preserve Specific Plan (PSP) to change the land use designation for 3.1 acres of land from Agriculture (AG) to Light Industrial (LI) as described in Exhibit “A” (the “Project”); and

WHEREAS, the City adopted The Preserve Specific Plan in March 2003; and

WHEREAS, the City of Chino Municipal Code establishes procedures on how to amend the specific plan as described in Section 20.23.050; and

WHEREAS, the City, in compliance with the California Environmental Quality Act (CEQA) has prepared a Mitigated Negative Declaration for the Rodriguez Warehouse Project, in which the full environmental impacts of the Specific Plan Amendment have been adequately reviewed and evaluated; and

WHEREAS, a General Plan Amendment (PL18-0099) is being proposed concurrently to amend the Land Use Element of the General Plan consistent with the proposed Preserve Specific Plan Amendment; and

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

WHEREAS, the proposed Project 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 Project have been complied with; and

WHEREAS, the Planning Commission of the City of Chino held a public hearing on May 20, 2019 concerning the proposed Project, received and considered public testimony, adopted Resolution No. PC2019-010, recommending the City Council approve PL18-0100 (Preserve Specific Plan Amendment), and adopted Resolution No. PC2019-012, recommending the City Council adopt the Mitigated Negative Declaration for the Rodriguez Warehouse Project; and

WHEREAS, on June 18, 2019, 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, considered public testimony on the Project, and introduced the ordinance by way of first reading.

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 PL18-0100 (Preserve Specific Plan Amendment):

1. **PL18-0100 (Preserve Specific Plan Amendment)**
   
   a. The proposed specific plan amendment is internally consistent with the General Plan because an amendment to the General Plan is being concurrently processed to change the existing land use designation from AG (Agriculture) to LI (Light Industrial). The proposed development that would result from the proposed land use change serves to meet several General Plan objectives, including providing viable industrial development, maintaining logical growth boundaries within The Preserve, and maintaining and growing a strong manufacturing sector;

   b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City as the proposed land use change will serve as an extension of the existing industrial development to the west. Furthermore, the project site is not located near any existing or planned residential neighborhoods or sensitive receptors and, therefore, would not have negative impacts on the health, safety and welfare of such neighborhoods;

   c. The proposed amendment will maintain an appropriate balance of land uses within the City, as the amendment will not significantly reduce the amount of land for agricultural uses within the City, nor will it significantly increase the amount of land designated for industrial uses. Approximately 700 acres of agriculturally zoned land will still remain within the City limits. The land use change would result in approximately 1,100 acres of property designated as Light Industrial in the City; and

   d. 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 requested land use designation and anticipated development. The applicant has submitted plans demonstrating that the proposed warehouse distribution center can be developed in compliance with the land use regulations of The Preserve Specific Plan, as amended by the proposed specific plan amendment. In addition, the applicant will be required to construct all necessary on and off-site infrastructure improvements.

2. The City Council of the City of Chino, California, does hereby ordain as follows:

   **Section 1:** Figure 1A (Land Use Plan) of the Preserve Specific Plan is hereby amended to change the land use designation of the 3.1 acre property located at 9301 Remington Avenue from Agriculture (AG) to Light Industrial (LI) as described in Exhibit “A”:

   **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 and forthwith transmit a certified copy of this Ordinance, by certified mail, to the Applicant at the address of record set forth in the Application.

APPROVED and ADOPTED THIS 2nd day of July 2019.

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EUNICE M. ULLOA, MAYOR

ATTEST:

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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 2nd day of July 2019, by the following votes:

AYES:   COUNCIL MEMBERS:

NOES:   COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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ANGELA ROBLES, CITY CLERK

Attachment: Exhibit “A” – Legal Description
EXHIBIT “A”

LEGAL DESCRIPTION:

THAT PORTION OF GOVERNMENT LOT 2, SECTION 27, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, SEPTEMBER 16, 1873 AND JULY 9, 1887, DESCRIBED IN DOCUMENT RECORDED OCTOBER 7, 1977 IN BOOK 9279, PAGE 2359 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID PORTION FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF REMINGTON AVENUE (50 FEET WIDE), AS SHOWN ON MAP FILED IN BOOK 3, PAGE 71 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT BEING DISTANT ALONG SAID CENTERLINE SOUTH 88° 55' 14" EAST, 1,663.69 FEET FROM A 1-INCH SAN BERNARDINO COUNTY SURVEYOR'S MONUMENT MARKING THE INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF CARPENTER AVENUE (50 FEET WIDE); THENCE SOUTH 22° 28' 41" EAST, 144.22 FEET; THENCE SOUTH 12° 46' 21" WEST, 24.71 FEET; THENCE SOUTH 16° 54' 55" WEST, 45.00 FEET; THENCE NORTH 20° 05' 05" WEST, 8.00 FEET; THENCE NORTH 47° 53' 18" EAST, 30.67 FEET; THENCE NORTH 22° 28' 41" WEST, 157.30 FEET TO A POINT IN THE CENTERLINE OF SAID REMINGTON AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 88° 55' 14" EAST, 32.73 FEET TO THE POINT OF BEGINNING.

APN: 0218-301-18-0-000

A PORTION OF THAT PART OF GOVERNMENT LOT 2, SECTION 27, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, SAID PART DESCRIBED IN DOCUMENT RECORDED FEBRUARY 14, 1973 IN BOOK 8120, PAGE 65 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, SAID PORTION BEING ALL OF SAID PART LYING EASTERLY FROM A LINE THAT IS PARALLEL WITH AND DISTANT WESTERLY 26.00 FEET FROM THE NORTHERLY PROLONGATION OF THE WEST LINE OF PARCEL 2 OF PARCEL MAP 6141, AS PER MAP FILED IN BOOK 21, PAGE 93 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN AND EASTERLY FROM THOSE PARCELS OF LAND DESCRIBED IN DOCUMENTS RECORDED OCTOBER 7, 1977 IN BOOK 9279, PAGES 2357 AND 2359, BOTH OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF SAN BERNARDINO IN A DEED RECORDED MARCH 16, 1982 AS INSTRUMENT NO. 82-050831 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY.

APN: 0218-301-20-0-000