MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT

COUNCIL MEETING DATE: JUNE 18, 2019

TO: MATTHEW C. BALLANTYNE, CITY MANAGER
FROM: NICHOLAS S. LIGUORI, AICP, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: RODRIGUEZ WAREHOUSE PROJECT.

RECOMMENDATION
1) Conduct a public hearing; 2) adopt Resolution No. 2019-029 adopting a Mitigated Negative Declaration for the Rodriguez Warehouse Project; 3) adopt Resolution No. 2019-030 approving tentative cancellation of Land Conservation Contract No. 71-310; 4) adopt Resolution No. 2019-028 approving PL18-0099 (General Plan Amendment); and 5) approve the Introduction of Ordinance No. 2019-006, adopting PL18-0100 (Preserve Specific Plan Amendment), to be read by number and title only and waive further reading of the Ordinance.

FISCAL IMPACT
If the project is developed, the City will receive one-time revenues in the form of Development Impact Fees, Transportation Mitigation Fees, and the Open Space Mitigation Fees. Ongoing revenues through property and sales taxes will also be generated in the future.
BACKGROUND
The Preserve Specific Plan was adopted in March 2003. At the time the plan was adopted, an area of land in the northeast part of The Preserve had been set aside by the County of San Bernardino in an effort to preserve the land in perpetuity for agricultural uses. This property and all land east of it to the City limit was designated as Agriculture (AG). While the 3.1-acre project site was not part of this area, it was also designated AG due to its isolated location. Ultimately, the non-contiguous nature of the agricultural preserve properties made it difficult for the County to maximize the potential to preserve the agricultural land in the area. As a result, the County adopted a master plan in 2013 that allowed sale of the property.

That same year, the County sold 145 acres of the property to Watson Land Company. The City subsequently re-zoned the area to allow for light industrial development, which is currently under construction. At the time these entitlements were being processed, the subject 3.1-acre parcel owned by the Rodriguez family was still in use as a commercial nursery and not included as a part of the Watson Land Company land use change to allow industrial development.

Howard Industrial Partners has since secured the rights to develop the 3.1-acre parcel and has submitted applications for a General Plan Amendment (GPA) (PL18-0099), Specific Plan Amendment (SPA) (PL18-0100), Agricultural Contract Cancellation (PL18-0101), and a Site Approval (PL18-0103) to develop an 50,618-square foot industrial building on the site. The Planning Commission reviewed the project on May 20, 2019 and recommended the City Council approve the GPA, SPA, Agricultural Contract Cancellation and related environmental document. At the same hearing, the Planning Commission approved the Site Approval, contingent on the legislative applications being approved by Council.

ISSUES/ANALYSIS
General and Specific Plan Amendment:
The proposed GPA and SPA would facilitate the completion of the industrial development area located east of the Chino Airport. As mentioned, the subject parcel was not included in the previous land use amendments by Watson Land Company because at the time, it was operating as a wholesale plant nursery. The property has since been acquired by Howard Industrial Partners and is part of a larger development that crosses over the Chino/Eastvale city boundary. The portion of the project in Eastvale was entitled in December 2018, however, the project does not share joint access with the proposed project in Chino. The proposed land use change from AG to LI is consistent with past AG land use changes and will allow for a logical development boundary, as the subject site is the last remaining developable parcel with an AG designation in this area.

Agricultural Contract Cancellation:
In addition to the proposed land use amendments, Howard Industrial Partners, has submitted a request to terminate Land Conservation Contract (LCC) No. 71-310 on the 3.1-acre project site. The applicant is also requesting to remove the land from the Chino Agricultural Preserve and amend The Preserve Specific Plan to remove the agricultural overlay from the subject property. Agricultural land under an LCC is governed by the California Land Conservation Act of 1965, which is also known as the Williamson Act. The City is responsible for administering agricultural contracts on properties within its jurisdiction. Through the City’s “Right to Farm” policy, property owners with existing agricultural uses on their property have the right to continue the agricultural
uses as long as they desire. To cancel the contract, the City must determine and make the findings that the proposed cancellation is consistent with the purpose of the Williamson Act or that the cancellation is in the public interest. In addition, specific findings must be made to cancel an agriculture contract. The basic findings are detailed with a complete discussion of each finding located in Resolution 2019-030. Additionally, the Department of Conservation (DOC) must be notified of any proposed agriculture contract cancellation, given time to comment on, and provided with the findings for the contract cancellation. Notification was provided to the DOC on April 15, 2019. The DOC has reviewed the tentative cancellation and has no comments. As required by the Williamson Act, the penalty fee is equal to 12.5% of the assessed valuation of the property that must be paid to the County Assessor’s Office prior to the final cancellation of the contract. The penalty fee to cancel LCC No. 71-310 is $162,500.

PUBLIC NOTICING

A 10-day notice was mailed to all property owners within a 300-foot radius of the project site. In addition, a notice was published in the Chino Champion for the Planning Commission on April 27, 2019 and for City Council on June 8, 2019. In response to the public notice, one comment was received prior to Planning Commission from a resident who was against more industrial development in the City. The notice meets legal noticing requirements.

ENVIRONMENTAL REVIEW

In review of the submitted application and Environmental Assessment, the Environmental Checklist prepared by Jericho Systems, Inc. identified potential environmental impacts which could occur as a result of the proposed project. Appropriate mitigation measures have been identified and incorporated to reduce these impacts to a less than significant level during construction activities as well as operation. In accordance with state environmental law, a Mitigated Negative Declaration (MND) has been prepared that identifies each environmental mitigation measure, the time in which it will be implemented and the responsible party for monitoring its implementation. A Notice of Intent was prepared and circulated to all responsible agencies and property owners within a 300-foot radius of the project site for a 20-day public review period from April 30, 2019 to May 20, 2019 in accordance with CEQA. No comments were received.

CONCLUSION

Based on the location of the property, the proposed GPA and SPA are compatible with the existing and entitled land uses to the north, south, and west which have been developed or have been entitled to develop industrial buildings. The project provides for a logical growth boundary for industrial land uses away from existing and proposed residential communities and will continue to provide a strong and growing industrial/manufacturing sector in an appropriate area within the City. The cancellation of LCC 71-310 is also consistent with the change in land use from agricultural uses to industrial land uses within the region and has been found to be consistent with the Williamson Act.

Attachments:  Resolution No. 2019-028
Resolution No. 2019-029
Resolution No. 2019-030
Ordinance No. 2019-006

Link to Environmental Documents - “Rodriguez Warehouse Project” (Note: Hard copies can be made available upon request to the City Clerk’s Office).