

Division, and Public Works Department have provided that comments on lists below that may be still be related to the current project.

**Planning Review Comments**

1. On developments two or more stories in height, an additional 10 feet of street building setback shall be provided for each story after the first (CMC 20.06.040.B.1).
2. The project description indicates that the site will have 109 beds, however the site plans indicate there will be 139 beds. Please clarify the correct number of beds the facility will accommodate.
3. The trash enclosure shall be designed to meet the City's current trash enclosure standards per Section 20.10.060.D:
  - a. Bins shall be enclosed by a 6' high decorative masonry block wall and solid gates to entirely obscure bins from view.
  - b. Gates shall be fitted with self-closing door devices with cane bolts in front of the masonry block walls to secure the gates when in the open position. Gates should be equipped with rod locks and corresponding rod holes to secure gates in both the open and closed gated positions.
  - c. A solid roof shall be provided to comply with the City's MS4 permit requirements and designed so as to be compatible with the building.
  - d. The trash enclosure shall be surrounded by a minimum 18" wide planter area, exclusive of any required curb, for the purpose of providing landscaping material, with the exception of the gate area.
4. Minimum landscape coverage is 40%.
5. A minimum of 40 trees per acre shall be provided. 75% of the trees proposed shall be shade trees. The trees shall be located in private and common open spaces areas (CMC 20.19.040.C.1.d).
6. A mix of tree sizes shall be provided consistent with Section 20.19.040.B.1.c, Table 20.19-1.
7. A minimum tree species mix shall be provided consistent with Section 20.19.040.B.1.d, Table 20.19-2.
8. In addition to on-site trees required, street trees shall be installed at an average spacing of every 30 feet.
9. All landscape areas within parking areas shall be separated from parking spaces, drive aisles, and driveways by a continuous, raised concrete curb to protect landscape areas from encroachment by vehicular traffic, unless the concrete curb is designed or removed to allow parking area drainage into landscape areas for the purposes of storm water treatment and on-site

retention. The concrete curb shall be a minimum of 6" high by 6" wide, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 6" high by 12" wide to provide an area for persons to step when entering or exiting a motor vehicle.

10. Walls within the 25-foot front yard setback shall not exceed 3 feet in height.

11. Garage parking spaces adjacent to buildings or walls shall have concrete wheel stops located a minimum of 2 feet from the building or wall.

### **Engineering Review Comments**

The following are general and/or overall project-related comments that impact the project as a whole that were provided to the applicant when the project had previously been submitted to the City as an annexation and site approval application:

#### **Engineering, Traffic**

1. Provide backup documentation for the street of Serenity Trail (i.e. relinquishment documents, approved street and storm drain plans, etc.).
2. Construct ultimate public improvements along Serenity Trail per City Standards and General Plan requirements. This includes but is not limited to curb, gutter, sidewalk, street widening, street lights, etc.
3. A pedestrian path of travel needs to be provided from the project site to Chino Ave. This includes but is not limited to sidewalk and curb ramps. These improvements shall meet current ADA standards. This is not shown on any of the plans.
4. The street classification of Serenity Trail will need to be reviewed by City staff. This will determine if any additional street improvements (i.e. pavement widening, pavement thickness, etc.) are required as a part of this project.
5. The following comments are in regards to the cross sections:

#### Sections A-A, B-B

- Provide width of the proposed concrete swale.
- The proposed concrete swale is not shown on the plan. Verify.
- Show existing fence conditions at property line.

#### Sections C-C

- Provide width of the proposed concrete swale.

#### Section E-E

- Show centerline.
- Label centerline to right-of-way width.
- Label centerline to curb width.
- Label parkway width.
- 5-ft sidewalk is missing.

6. There appears to be a steep drop-off from the Serenity Trail sidewalk to the project site. Will there be a proposed fence or wall to protect pedestrians and vehicles?
7. Slope stability along the perimeter conditions are of concerns due to the height differences. The preliminary geotechnical study will need to be reviewed against the California Building Code (CBC) to see if the proposed slope conditions are feasible.
8. The preliminary hydrology report is currently under review with staff. Comments will be provided when the review is complete. A resubmittal package was received but without the first plan check redlines. Please provide the redline comments.
9. The following comments are in regards to utilities that will serve this project.
  - a. On the preliminary utility plan show who the purveyor is for the existing utilities (MVWD, IEUA).
  - b. Water – Please note that this project is within the service area for Monte Vista Water District for domestic water and will require their approval prior to connecting to their facility.
  - c. Sewer – There is an existing 15"-24" VCP line on Chino Ave that is owned and maintained by Inland Empire Utilities Agency (IEUA). Any connection to their line will require their review and approval. The 8" sewer line on Serenity Trail will need to be extended to the northerly project limits.
  - d. Storm Drain – There are no existing facilities in this area that are owned and maintained by the City of Chino.
  - e. It appears that there is an outlet pipe from the proposed detention basin but there is no information on where it ultimately drains to.
  - f. I see existing storm drain label shown in the topo but it does not show where it outlets to.
10. Submit a preliminary sewer analysis for review if proceeding with annexation. This analysis should study peak flow and incorporate future connections from existing residential properties to the north of the project site. The study has been received and is being reviewed.
11. The traffic study is currently under review with staff. Comments will be provided when the review is complete. Additional improvements may be required due to the recommendations of the traffic study. Comments were returned May, 2017. Corrections are required. Please resubmit for review.
12. The preliminary title report is currently under review with staff. Comments will be provided when the review is complete.

13. Label existing centerline, right-of-way, and property lines on all plans.
14. Label width and curb radii for all proposed driveway approaches. Driveway approaches shall be constructed per City Std. No. 250. Sidewalk ramps at driveway approaches shall meet current ADA standards. Is there a reason why City Std. No. 255 (dustpan) was used instead of 250? The City would prefer to use radial curb returns for easier truck movements in and out of the project.
15. Provide off-site turning templates (AutoTURN or equivalent) with largest truck accessing the site. This should include adequate access for emergency vehicles. Ingress/egress movements of the driveway approach shall be made without any conflicts.
16. Provide on-site turning templates (AutoTURN or equivalent) with largest truck accessing the site to verify on-site circulation. This should include adequate access for emergency vehicles. Ingress/egress movements of the driveway approach shall be made without any conflicts.
17. If proceeding with annexation, pay all Development Impact Fees (DIF), including but not limited to, Bridges, Signals and Thoroughfares, Storm Drainage Collection, and Law Enforcement.
18. Applicable fees, including but not limited to, Sewage Facilities Development Fees (SFDF), water meter connection fees, inspection fees and various permit and review fees shall be assessed based on final building and site design.
19. Underground all utility lines adjoining and interior to the project, including power lines of 34.5 kV or less in accordance with City Code, Chapter 13.32.
20. The City of Chino will permit both existing and new development within the area's unincorporated sphere of influence to apply for and receive sanitary sewer service from the City in accordance with City Resolution No. 2006-028 as follows:
  - a. The project must be annexed into the City.
  - b. Local Agency Formation Commission (LAFCO) will need to approve an Application For Extension Of Service By Contract for this project. No permit for sewer connections shall be issued until this has been approved by LAFCO.
  - c. Any parcel requesting sewer service must be developed in accordance with City's General Plan provisions applicable to the affected area and in conformance with the City's Standards and Codes relative to the development.
  - d. Additional improvements may be required after review/approval of the technical studies (i.e. traffic, hydrology, WQMP, etc.)

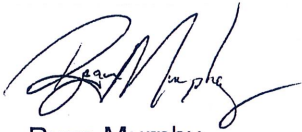
### **Water/Environmental**

1. The preliminary WQMP is currently under review with staff. Comments will be provided when the review is complete. A resubmittal package was received but without the first plan check redlines. Please provide the redline comments.
2. Incorporate LID Preventative Measures into the project design and provide detail on project plans where appropriate. Examples of LID preventative measures may include but are not limited to pervious pavement (e.g. permeable/interlocking pavers in walkways and parking stalls), landscape areas that promote infiltration, and impervious area drainage into landscape areas.

The Chino Municipal Code and Zoning Code can be accessed by visiting the following web address: <[https://library.municode.com/ca/chino/codes/code\\_of\\_ordinances](https://library.municode.com/ca/chino/codes/code_of_ordinances)>.

Please contact me directly if you have any questions about the comments contained in this letter. I can be contacted via phone at (909) 334-3525 or by email at [rmurphy@cityofchino.org](mailto:rmurphy@cityofchino.org).

Respectfully,



Ryan Murphy  
Assistant Planner

Attachment: Resolution No. 2018-009

**RESOLUTION NO. 2018-009**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO,  
CALIFORNIA, SUPERSEDING RESOLUTION NO. 2006-028 AND  
AMENDING EXISTING POLICY RELATED TO SANITARY SEWER  
SERVICE WITHIN THE CITY'S SPHERE OF INFLUENCE**

**WHEREAS**, City Council Resolution No. 2006-028 states conditions under which the City of Chino ("City") will permit new and existing developments within the City's sphere-of-influence to apply for and receive sanitary sewer service from the City; and

**WHEREAS**, the City Council has announced a change in the policy articulated by Resolution No. 2006-028 and reiterated this change in multiple public City Council meetings, during which it has rejected requests for the provision of sanitary sewer services by the City; and

**WHEREAS**, the City Council now wishes to formally state this policy change and replace the policy articulated in Resolution No. 2006-028.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY  
RESOLVES AS FOLLOWS:**

**Section 1.** The City of Chino will only allow new and existing developments on parcels within the City's sphere-of-influence to connect to the City's sanitary sewer system if (a) the parcel is first annexed into the City, and (b) the parcel is developed in accordance with the City's General Plan provisions applicable to the affected area, and in conformance with all other federal, state, and local laws.

**Section 2.** This Resolution shall supersede Resolution No. 2006-028.

APPROVED AND ADOPTED THIS 6TH DAY OF FEBRUARY 2018.

  
\_\_\_\_\_  
EUNICE ULLOA, MAYOR

ATTEST:

  
\_\_\_\_\_  
ANGELA ROBLES, CITY CLERK

State of California)  
County of San Bernardino) ss.  
City of Chino)

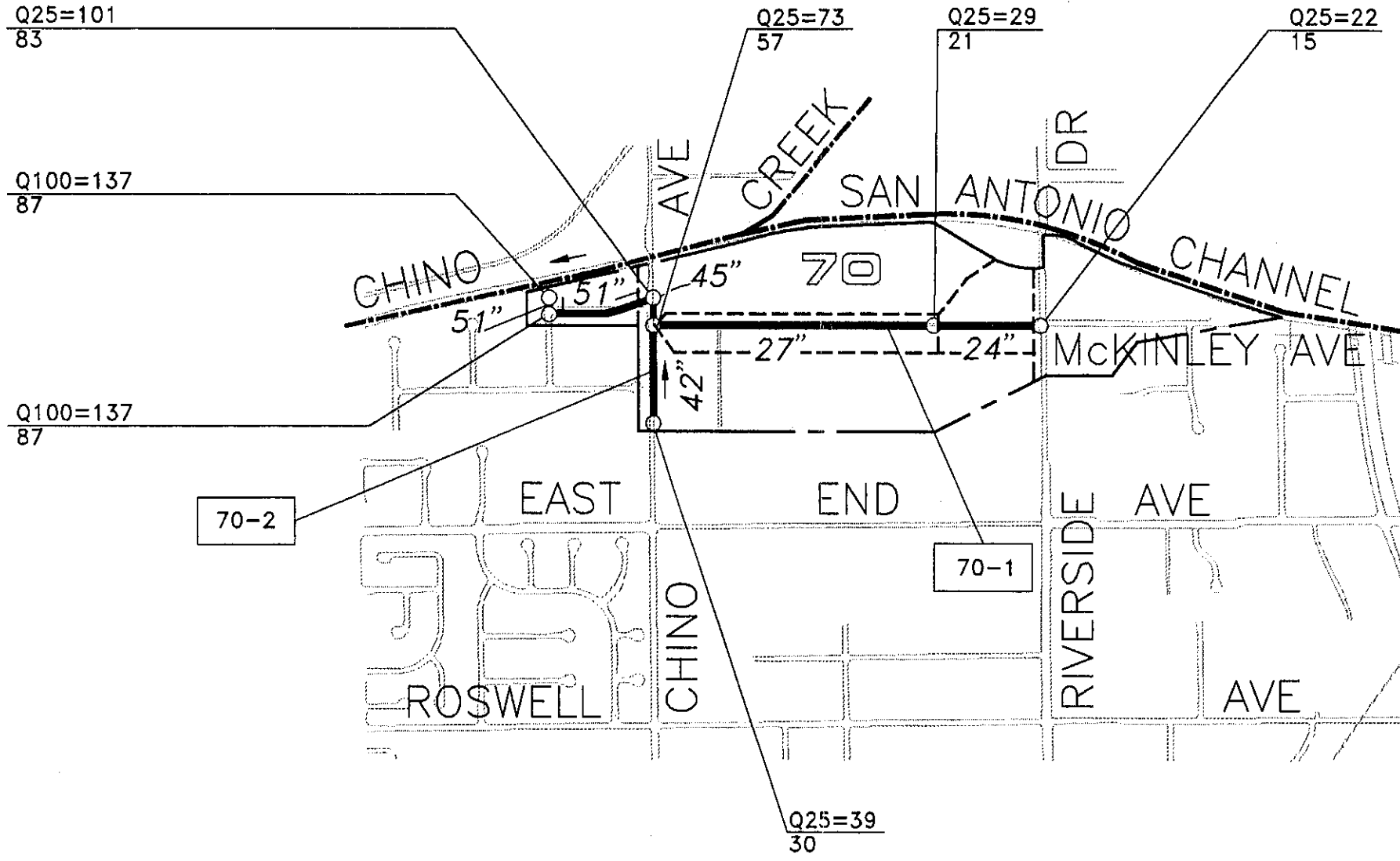
I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 6th day of February, 2018, by the following votes:

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

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

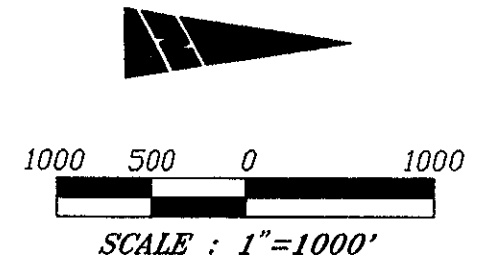
  
\_\_\_\_\_  
ANGELA ROBLES, CITY CLERK



**LEGEND**

- 70 SYSTEM AREA NUMBER
- SYSTEM AREA BOUNDARY
- - - - - SUBAREA BOUNDARY
- · - · - · - PROPOSED STORM DRAIN-ADJOINING SYSTEM
- PROPOSED STORM DRAIN-THIS SYSTEM
- EXISTING CLOSED CONDUIT
- · - · - · - EXISTING CONCRETE CHANNEL
- · - · - · - EXISTING EARTHEN CHANNEL
- Q 25=150  
125 TOTAL FLOW FOR YEAR STORM (25) IN CUBIC FEET PER SECOND
- 125 TOTAL AREA TRIBUTARY TO NODE IN ACRES

- 49-2 LINE NUMBER
- YORK VACATED STREET
- 24" REINFORCED CONCRETE PIPE SIZE
- CIPP CAST-IN-PLACE PIPE
- CMP CORRUGATED METAL PIPE
- RCB REINFORCED CONCRETE BOX
- TCC TRAPEZOIDAL CONCRETE CHANNEL
- RCC RECTANGULAR CONCRETE CHANNEL
- ☒ EXISTING LIFT STATION



REVISIONS

**BSI** BSI Consultants, Inc.  
2001 E. First Street  
Santa Ana, CA. 92705  
(714) 568-7300

**CITY OF CHINO**

**MASTER PLAN OF DRAINAGE**

**SYSTEM 70**

FIGURE VI-67



April 23, 2020

Steven Valdez  
Senior Planner  
County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA, 92415-0182

Subject: Summerland Senior Care Facility Chino Project  
Mitigated Negative Declaration  
CEQA-2020-0063-R6

Dear Mr. Valdez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) from the County of San Bernardino Land Use Services Department (County; Lead Agency) for the Summerland Senior Care Facility Chino Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

## **PROJECT DESCRIPTION SUMMARY**

The Project is proposing to construct a new three-story, 45-foot high, senior living facility with 109 units (79 assisted living units and 30 memory care units) on 5.0 gross acres. Parking will be provided via surface parking stalls and within a subterranean parking structure. A private roadway will provide access throughout the Project site with a drop-off area on the west end of the Project, adjacent to the parking structure entrance.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW agrees that an MND could be appropriate for the Project with the addition and implementation of specific and enforceable avoidance and minimization measures and compensatory mitigation strategies, including those CDFW recommends within the body of this letter.

CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible.

### **Nesting Birds**

The MND states, "Development of the site will result in removal of 3.16-acres of ruderal vegetation which will have a minimal impact on wildlife which currently utilize the site. The wildlife species which inhabit the site are limited in number and the mobile species will disperse through the area." (MND, p. 27).. According to the California Natural Diversity Database (CNDDB), several bird species protected under Fish and Game Code (Fish & G. Code, § 3503 & 3503.5) are known to occur within a 10-mile radius of the Project, including but not limited to: coastal cactus wren, tricolored blackbird, coastal California gnatcatcher, merlin, burrowing owl, least Bell's vireo, California horned lark, yellow warbler, California black rail, golden eagle, yellow-breasted chat, southern California rufous-crowned sparrow, white-tailed kite, western yellow-billed cuckoo, grasshopper sparrow, Swainson's hawk, southwestern willow flycatcher, yellow rail, long-eared owl, and Cooper's hawk. The MND states, "No special status species were observed during the general biological surveys conducted on August 28, 2019, nor is the site expected to support any listed or other special status species now or in the future... the site has been significantly disturbed by past human activities and does not support any habitats which are associated with any sensitive species. However, one species (i.e., burrowing owl) sometimes inhabits disturbed areas if suitable burrows are present. No owls, owl sign (castings, whitewash, etc.) or suitable burrows were observed during the field investigations" (MND, p. 27). However, for certain ground or burrow nesting bird species of special concern, site conditions could change providing

nesting opportunities in future breeding seasons. Therefore, CDFW concludes the analysis or basis to support the determination that the Project would have no impacts on nesting bird species of special concern is not supported by fair argument and CDFW recommends the following mitigation measures be included in the MND prior to adoption:

- BIO 1: Applicant shall ensure that impacts to nesting bird species of special concern at the project site are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures.
1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
  2. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, **no more than 3 days prior to the initiation of project activities.** Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.
  3. When an active nest is confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities

(e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. If surveys confirm occupied burrowing owl habitat in or adjoining the project site, Applicant shall contact CDFW and conduct an impact assessment, in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project site activities, to assist in the development of avoidance, minimization, and mitigation measures.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. The MND concluded that nesting birds and burrowing owls were unlikely to occur within the Project boundaries but did not include substantial evidence to support that determination. CDFW disagrees with these assumptions and is concerned that the County's impact analysis is inadequate to support their conclusions. As such, CDFW recommends the County adopt the recommended measures provided by CDFW prior to adopting the MND.

Steven Valdez, Senior Planner  
County of San Bernardino  
Summerland Senior Care Facility Chino Project  
April 23, 2020  
Page 5 of 5

Questions regarding this letter or further coordination should be directed to Marina Barton, Environmental Scientist at 909-948-9632 or [marina.barton@wildlife.ca.gov](mailto:marina.barton@wildlife.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Scott Wilson". The signature is written in a cursive style with a small dot above the 'i' in "Wilson".

Scott Wilson  
Environmental Program Manager

ec: Marina Barton, Environmental Scientist, CDFW Inland Deserts Region  
[Marina.Barton@wildlife.ca.gov](mailto:Marina.Barton@wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

HCPB CEQA Coordinator  
Habitat Conservation Planning Branch

Senior Planner:  
Steven Valdez  
385 N. Arrowhead Ave. 5<sup>th</sup> Floor  
San Bernardino Ca. 92415  
(909) 387-4421

Curt Hagman  
District 4 representative  
14010 City Center Drive  
Chino Hills Ca. 91709  
(909) 465-5265

General Statement of Facts: Parcel 1023-011-51, PROJ-2019-004

- 1.) Average traffic flow in residential neighborhood would remove RS1 status for property owners who have already bought and purchased property based upon rural RS1 status.
- 2.) Lighting 24/7 for care facility negative impact for residents and livestock.
- 3.) Adding minimum 150 trips per day impact environment negatively.
- 4.) Medical waste into septic/ground water would negatively destroy the environment.
- 5.) Sun blockage for a facility at one end 45 feet tall at other end visible from my property 64 feet tall with exposed subterranean levels exposed on east side, blocking my property from the sun, negatively impacting the environment.
- 6.) This project would negatively impact the environment demographics of community.
- 7.) This facility would negatively change the environment of property values.
- 8.) Added signage would detract from RS1 community standards.
- 9.) Back up generator and testing would negatively hurt the demographics of RS1 area.  
Would negatively impact airflow for RS1  
Visual contaminations  
Light contaminations

Even entertaining the idea of a 45 foot tall (not including sub-levels) built on a tiered approach, 10 foot setback, 24 hour a day 7 day a week care facility with 24 hour a day lights, over an added 150 trips a day added to RS1 community, septic system with high level of bleed in to properties with clay expansive soil of medical contaminated waste undermining the water table at 38 feet, blocking the sun from properties, changing the demographics of the community, destroying property values, adding signage, noise contamination with back up generator operations, change of airflow to adjacent parcels, visual contaminations, light contamination for livestock (note: sign across freeway already contaminates are non-daylight hours), ongoing code violations for work without permits case # c29t03005, ongoing criminal charges for Edward Horowitz (owner of RDS) for Penal coded violations of (459, 602i, 602.8) for criminal trespass and burglary San Bernardino County Prosecutors office case WER 1900615(02) or WER190915, destruction of County Road not Maintained worsened with extra traffic, to name a few legal issues must be outright illegal.

1. 2003 I researched 13252 Serenity Trail for horse stables, spoke to head planner verified zoning said it would be approved, purchased property, came back to county and they changed their mind and admitted that I was told yes before.
2. 2003,2004,2005, had to change plan for dog grooming with HOP, a procedure that should have taken 3 months but took 3 years.
3. Plans were rejected, County planner said that our primary plans and idea was too commercial for our community and would change the demographic and immediately denied them, even though we were working with existing interior space, I have written proof of this.
4. Scaled version back and we were crucified on every aspect particularly how many trips per day we were allowed which was 7, so we could not have more than 7 per day for our HOP because it would destroy our community setting we were told ( I have this in writing).
5. Set backs were changed on the spot and added 25 feet to them, an illegal move done at the county when we were doing our project.
6. Set backs of 50 feet are required for front of property in our RS1 community, this is not maintained for the 13225 Serenity trail project, can not incorporate county property state property to obtain this requirement.
7. Signage that was stated in the general plan we were not even allowed to do, we got spanked (in writing and threatened with fines) if we even moved ahead with already general plan approved signage, stating that it would change the community demographics.
8. Excessive noise was sited to us as a major point as well, that if the animals and people created noise that was not fitting to our community, they would fine us. So how is 24/7 constant ambulance care, commercial truck deliveries for linen, food (at least 4 different suppliers), office materials, cleaning materials, building maintenance materials, landscape care, parking lot maintenance, staff maintenance, health department visits, SS Administration visits, Social Worker care visits, among many others that will destroy our community.
9. 3 year delay on our first proposed stables, then HOP for dog grooming which we were informed that a county supervisor and his wife with the initials of FA, personally intervened and told the county staff that if they allowed us to move forward with these projects that the county staff would be droned out and fired from their county job. Is FA and his wife going to intervene again on our behalf this time and not allow this to move forward in any way, because if they do not, and they did with us, this opens the county to liable actions and a Multimillion dollar lawsuit with criminal action charges needing to be filed against county officials for corruption (all of which is proven). Does FA and his wife still have that much clout at the county?
10. Construction issues for this project are so numerous such as water demand, contaminated waste, 5 different kinds of pollution, subterranean work, construction traffic, grading and vibration compaction to destroy water table and with noise pollution to obtain 3<sup>rd</sup> level build up to entranceway. With hundreds of issue in these areas and many more that this project can not make that far even to object to them.

11. Illegal grading: Sellers Investments illegally graded up this property 8 feet plus without any grading plans, permits or inspections. Hauled in thousands of cubic yards of soil that was not compacted and inspected on this land, the removal of this earth alone will destroy our community standards.

This project opens the County to legal issues if they allow it to move forward in any way, where historically (proven in writing from Land Use Services letters) they have denied any movement forward in this community for any type of light commercial, commercial, industrial, stables, Mosques, convenience stores, or HOP opposition. Allowing any project such as this would be criminally and civilly actionable. If RS1 homes are planned then fine, no high density housing, commercial or industrial use or care facilities can be approved for this community.

Lester G. O'Malley



## Valdez, Steven

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**From:** Armando Diaz <fired41@me.com>  
**Sent:** Thursday, April 23, 2020 2:17 PM  
**To:** Valdez, Steven  
**Subject:** Assisted Living Project Chino  
**Attachments:** Senior Housing Project 2.pdf

## Valdez, Steven

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**From:** Chris D <cdhardley@gmail.com>  
**Sent:** Thursday, April 23, 2020 3:25 PM  
**To:** Valdez, Steven  
**Subject:** I adamantly oppose the proposal for PROJ-2019-00004  
**Attachments:** IMG-4850 (1).JPG

Dear Mr. Valdez,

I again, want to state, that I, Dr. Christina Deckert, local family medicine physician and tax paying Chino resident, adamantly opposed this development as noted in the request for zoning change project: PROJ-2019-00004

The scope of this project is not in keeping with the rural -residential neighborhood of the community of Chino.

The property backs to horse and cow pastures for which these animals will be absolutely impacted by the light, traffic, and noise, not to mention likely water drainage issues created by a project this large on this small lot.

The property does not likely have adequate useable acreage to accommodate the proposed project -- as one side backs to a steep hill on which houses are, the other side has deep slope to horse and cow pastures of the neighboring homes, and the street side is severely sloped due to an extremely important drainage ditch, as the properties on the hill need to protect the properties below from water run-off.

The nearby commercial buildings in the area are kept within a single story structure which is fitting with this rural-residential neighborhood. A multi-story building will have significant impact on our animals to live in the beautiful rural-residential area of Chino due to sound, traffic, drainage, and light disturbances. Not to mention - community aesthetic appeal of this family friendly neighborhood of Chino CA.

Even with proper engineering, looking at the lot, which clearly does not presently have fully useable acreage -- I as a concerned citizen of Chino Ca, am appalled that our county developers are actually considering this request for zoning change.

Attached is a photo of the lot from today, standing across the street at ground level, showing from just one angle that this lot is a hillside. The image shows that the lot is sloped from the nearby above homes I(see truck and animal fencing and neighbors cow). I can send additional photos of the drainage ditch- which sits about 6-10 feet below the street level of the visible yellow diamond shaped street sign but the ditch is not visible in the photo, but this ditch separates this plot from the street by a distance of about 18 feet, AND this photo does not show the large downward slope to the right of the property, immediately in front of the 2 large cypress trees in the right hand side of this photo -- where if they were to build up this lot or lower the grade - I cannot see that safely this can be done without significant impact to the adjacent neighbors. I am a physician , I am not a photographer or artist, this photo is exactly unaltered as I stood at street level to demonstrate the lot, taken today 4/23/2020. So that you can have a more accurate impression of this lot - clearly making it evident that the the actual measured "legal size of the lot" as noted on the lot-line diagram registered with the county, is not an adequate description of the land available for use for such a large development as this proposed zoning request is seeking.

I feel that because we cannot afford legal representation that our concerns are not being heard. With this, I am therefore, more greatly concerned that if this zoning is passed, this developer, who, for my above stated reasons is not really looking to build something that blends in and supports our neighborhood - while providing a much

needed service to our population -- will be able to get plans put through that will seriously and dangerously impact the safety and wellbeing of local neighborhood and community of Chino.

Again, thank you for your time, I have written before, and was extremely distressed that my personal information was shared by you to the developer without my permission, adding to my concern that our county cares only about money and not it's citizens.

I absolutely OPPOSE this project and demand that further investigation be done prior to making any zoning changes.

Sincerely,

Dr. Christina Deckert

Family Medicine Physician

Local resident, law abiding taxpayer of 13291 Serenity trail, Chino CA 91710

## Valdez, Steven

---

**From:** caroline chiang <carolvchiang@msn.com>  
**Sent:** Thursday, April 23, 2020 3:52 PM  
**To:** Valdez, Steven  
**Subject:** PROJ-2019-00004 Summerland Senior Care Facility

The proposed site is located directly behind my home and I oppose this development because of the increase in traffic through our neighborhood affecting an already crowded parking situation with the carpool parking lot overflow onto Serenity Trail. Increased traffic cutting through the residential areas to access a short cut to the 60 Fwy had become a greater issue with carpool parking traffic and will only increase with this project development.

The plan for an onsite water processing can not accommodate the number of persons and water usage. Also, the parcel drainage is insufficient for the plan

Caroline Chiang  
3271 Hillview Drive South  
909-263-6556

Armando & Chris Ann Diaz  
13233 Serenity Trail  
Chino, CA 91710

Mr Valdez,

Re: Opposition to General Plan Amendment Changing Parcel ([1023-011-51](#)) from Residential (RS-1) to General Commercial (CG) and Opposition to a Conditional Use Permit for a 109 Bedroom Senior Assisted Living Facility located at [13225 Serenity Trail](#).

Mr. Valdez, my name is Armando Diaz. My wife and I and our daughters reside at 13233 Serenity Trail just 100 feet directly to the East. We have an ongoing negotiation with the neighbor to purchase his property. I am sending you this letter to make it known that we are 100% in opposition for this project and any other commercial type of business on that property.

I am a Firefighter with the City of Los Angeles and am well aware of the impact a facility as such will have on our neighborhood. I myself respond to facilities such as this. Even more so now with the Pandemic facilities such as this are getting hit the hardest. I am also assigned to the Emergency Operations Center and am well aware of the stats for this type of facilities. This is something that will completely disrupt the primary reason why my wife and I moved here and are awaiting to purchase the neighboring property. In addition my Sister and Brother-in-Law purchased and moved into their property directly adjacent to the subject property.

This Community, Neighborhood, is residential and should stay as such. The property being proposed for the changes is a residential property as well. Changing this and allowing this to happen will have a great impact on Traffic Flow which we already have in result of the Park and Ride. This is a Safety Issue to say the least. It is already a problem with Parking from the overflow caused by the Park and Ride directly across the street.

Another major issue is Sewage and Septic issues. There will be an increased potential run off issue as well as ground water contamination. More importantly, we do NOT want to connect to the City Sewer System if that comes about. I have spoken to our neighbors and we all feel the same way regarding all these issues. I understand that there have been studies done to determine the impact. In helping with the family business and dealing with studies imposed on us for our new buildings, I'm well aware how these studies aren't 100% accurate. I'm quite sure that said studies that you mentioned to me over the phone are not 100% accurate. I know that the impact will be significant, guaranteed.

We want to continue to enjoy our Rural Quality of Life as we have been doing. If this will be infringed upon, our community will be forced to seek legal council if need be.

In conclusion, I am making it clearly aware that I am NOT in support of the changes and am against the construction of a commercial business in our residential area.

If you have any questions please do not hesitate to call me at (310) 600-6938

Thank you,  
Armando Diaz

# EXHIBIT F

## Response to Comments

**FINAL**  
**Initial Study/Mitigated Negative**  
**Declaration**

**Summerland Senior Care Facility Chino**  
**PROJ-2019-2004**

**County of San Bernardino**  
**Land Use Services Department**  
**385 N. Arrowhead Avenue, 1st Floor**  
**San Bernardino, CA 92415-0182**

**June 1, 2020**

## **1.0- Introduction**

Although not required by the California Environmental Quality Act (CEQA) and CEQA Guidelines, the County of San Bernardino ("County") has evaluated the comments received on the Summerland Senior Care Facility Chino ("Project") Initial Study/Mitigated Negative Declaration (IS/MND). The Responses to Comments, which are included in this document, together with the IS/MND and the IS/MND appendices comprise the Final IS/MND for use by the County in its review and consideration of the Project.

### **2.1- Comments Received**

The County of San Bernardino received two (2) comment letter during the public review period that ended on April 23, 2020 as follows:

- City of Chino, April 23, 2020.
- California Department of Fish and Wildlife, April 23, 2020.

### **2.2- Responses to Comments**

*CEQA Guidelines Section 15204 (b) states: "Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."*

Although not required by the California Environmental Quality Act (CEQA) and CEQA Guidelines, the County of San Bernardino ("County") is hereby evaluating comments on environmental issues received from persons who reviewed the IS/MND and has prepared written responses contained herein.



EUNICE M. ULLOA  
Mayor

TOM HAUGHEY  
Mayor Pro Tem



## CITY of CHINO

MARK HARGROVE  
MARC LUCIO  
PAUL A. RODRIGUEZ Ed.D.  
Council Members

MATTHEW C. BALLANTYNE  
City Manager

April 23, 2020

Steven Valdez, Senior Planner  
County of San Bernardino Land Use Services Department - Planning Division  
385 North Arrowhead Avenue  
San Bernardino, CA 92415

Re: NOTICE OF AVAILABILITY (NOA) / NOTICE OF INTENT (NOI) TO ADOPT AN INITIAL STUDY /  
NEGATIVE DECLARATION - Summerland Senior Care Facility Chino

Dear Mr. Valdez,

This letter is in response to the Notice of Availability/ Notice of Intent to Adopt an Initial Study for the Summerland Senior Care Facility made available on March 25, 2020. The City's comments are outlined below:

### General

- 1) The City of Chino provided written comments in October of 2019 regarding the subject project. The comments included concerns regarding architecture, neighborhood compatibility, pedestrian connectivity and water/stormwater management. The written comments are attached to this letter for reference.

### Planning and Land Use

- 2) On page 57-58, in Section XI. *LAND USE AND PLANNING* in the Initial Study, there is no discussion regarding conflicts with the City of Chino General Plan land-use designation for the subject property. The project is located in the unincorporated area of San Bernardino County, within the City of Chino's Sphere of Influence, with a General Plan land use designation of RD1 (Residential; 0-1DU/Ac). It is vital the Initial Study be revised to discuss the issue, and a determination be made on the level of significance this impact will have, since this area will likely be annexed into the City of Chino in the future. The attached letter outlines some of the General Plan compatibility issues. The project description, operational characteristics, "Existing Land Use Land Use Zoning Districts" table and any other areas where land use is discussed, should be updated to include the above information.

### Traffic / Transportation

- 3) Although the Initial Study discusses the construction of improvements for pedestrian access, there should be more information available on the limit of the improvements. Specifically, sidewalk and pedestrian improvements extending east of the intersection of Chino Ave/Serenity Trail should be required of the project in order to adequate pedestrian access to both the CalTrans Park & Ride south of the project, located in the City of Chino, and to other areas of the City. There are currently



13220 Central Avenue, Chino, California 91710  
Mailing Address: P.O. Box 667, Chino, California 91708-0667  
(909) 334-3250 • (909) 334-3720 Fax  
Web Site: [www.cityofchino.org](http://www.cityofchino.org)

active projects in the vicinity. It is important to coordinate with the City on any public improvements. Any pedestrian improvements need to be designed to meet all accessibility standards.

If you have any questions, please contact Principal Planner Michael Hitz by email at [mhitz@cityofchino.org](mailto:mhitz@cityofchino.org), or by phone at 909-334-3448.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Morelion', written over a horizontal line.

Warren Morelion, AICP  
City Planner

cc: Michael Hitz, Principal Planner  
Ryan Murphy, Assistant Planner  
Christopher Magdosku, City Engineer

Attachments: *City of Chino Comment Letter RE: PROJ-2019-004 (October 30, 2019)*  
*City of Chino City Council Resolution No. 2018-009*  
*City of Chino Master Plan of Drainage System 70 Exhibit*

EUNICE M. ULLOA  
Mayor

TOM HAUGHEY  
Mayor Pro Tem



## CITY of CHINO

MARK HARGROVE  
MARC LUCIO  
PAUL A. RODRIGUEZ Ed.D.  
Council Members

MATTHEW C. BALLANTYNE  
City Manager

October 30, 2019

Steven Valdez  
San Bernardino County Land Use Services Department  
Planning Division  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187

RE: Summerland Senior Living Facility – PROJ-2019-0004

Dear Mr. Valdez,

Thank you for providing the City of Chino an opportunity to review and comment on the proposed General Plan Amendment and Conditional Use Permit for Summerland Senior Living Facility, project number PROJ-2019-0004.

The proposed senior housing facility is located within the City's sphere of influence, in an area with a land use designation of RD1 (Residential/agricultural) per the City of Chino's General Plan. Upon future annexation into the City, the area would be located in the corresponding RD1 zoning district. This designation also provides a buffer between Chino and other communities and between urban areas and permanent intensive agricultural areas. The RD 1 district allows up to one dwelling unit per adjusted gross acre and up to 1.25 dwelling units per adjusted gross acre with the provision for affordable housing. The RD1 zone does not allow for senior housing projects.

Since it is intended that this area will one day be annexed into the City's jurisdiction, the City has vital interest in ensuring development is consistent with the City's development standards for the RD1 zone in order to avoid developments that would not be in compliance with the City's General Plan and Zoning Ordinance once it is annexed into the City. As such, this letter and its attachments will outline inconsistencies with the City's adopted General Plan and Zoning Ordinance.

### Section 1 - Wastewater Discharge

A significant concern for the City relates to how the proposed project will manage its wastewater discharge long term. The Feasibility Study of On-Site Sewage Disposal System provided in the Project Notice package may not adequately address the conditions after occupancy of the project. The study includes geologic information that shows the site is underlain with sandstones with ground water encountered in some test holes as shallow as 25 feet deep. We are concerned that over time, the sandstone



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bedrock may cause the sewage to perch and the seepage pits from percolating properly. Additionally, raw sewage may be leeching directly into the high groundwater table. Groundwater is an important source of drinking water in the San Bernardino County valley and should be protected from contamination. We think the study should be amended to address these concerns.

It is also unclear where exactly the seepage pits will be located and how/where a future sewer connection will be made. In the event that the project applicant wishes to connect this parcel or future parcels to the City of Chino sewer system, the property would be required to annex into the City of Chino per Resolution No. 2018-09 (attached). In addition, the project applicant would need to follow the annexation process outlined by the City of Chino and Local Agency Formation Commission (LAFCO).

### **Section 2 - Stormwater Infrastructure Impacts**

The project is tributary to System 70 of the Chino Master Plan of Drainage. See the attachment. As this facility does not exist, the increase in runoff caused by the project must be mitigated to below pre-developed conditions. The project should not increase runoff flow rates and velocities. Alternatively, the project should construct the master plan drainage facilities between the project and Chino Creek.

### **Section 3 - Conflicts with the City's adopted General Plan**

Based on the proposed design of the project, the project is not consistent with adopted goals and policies of the City's General Plan, as described below:

- Policy P8, under Goal CC-3 in the Chino General Plan, states that infill development, secondary residential units, and multi-family housing shall be consistent in scale and character with existing neighborhoods. The proposed senior housing facility does not represent a permitted land use within the RD1 zone, and the massing and large scale of the proposed facility is not consistent with the character of the existing neighborhood, and therefore is in conflict with this policy.
- Policy P3, under goal TRA-1 in the Chino General Plan, states that the City shall ensure that new developments consider location, roadway width, existing driveways, and surrounding development in order to minimize the impacts of new development on surrounding neighborhoods. The proposed project does not adequately address potential traffic impacts, public right-of-way improvements, or ingress/egress to the site. A traffic study was provided when the project was originally proposed as an annexation to the city, but our comments were not entirely addressed. Please have the study fully analyze impacts to Chino streets and intersection and provide a copy for our review and comment to ensure there is not any conflicts with this policy.

### **Section 4 - Project Review Comments**

A similar entitlement application was previously submitted to the City of Chino, and the City's Development Review Committee (DRC) provided comments on the proposed project. Although the scope of the project has been revised slightly, many of the previous comments had not yet not been addressed. The City's Planning Division, Engineering

Division, and Public Works Department have provided that comments on lists below that may be still be related to the current project.

**Planning Review Comments**

1. On developments two or more stories in height, an additional 10 feet of street building setback shall be provided for each story after the first (CMC 20.06.040.B.1).
2. The project description indicates that the site will have 109 beds, however the site plans indicate there will be 139 beds. Please clarify the correct number of beds the facility will accommodate.
3. The trash enclosure shall be designed to meet the City's current trash enclosure standards per Section 20.10.060.D:
  - a. Bins shall be enclosed by a 6' high decorative masonry block wall and solid gates to entirely obscure bins from view.
  - b. Gates shall be fitted with self-closing door devices with cane bolts in front of the masonry block walls to secure the gates when in the open position. Gates should be equipped with rod locks and corresponding rod holes to secure gates in both the open and closed gated positions.
  - c. A solid roof shall be provided to comply with the City's MS4 permit requirements and designed so as to be compatible with the building.
  - d. The trash enclosure shall be surrounded by a minimum 18" wide planter area, exclusive of any required curb, for the purpose of providing landscaping material, with the exception of the gate area.
4. Minimum landscape coverage is 40%.
5. A minimum of 40 trees per acre shall be provided. 75% of the trees proposed shall be shade trees. The trees shall be located in private and common open spaces areas (CMC 20.19.040.C.1.d).
6. A mix of tree sizes shall be provided consistent with Section 20.19.040.B.1.c, Table 20.19-1.
7. A minimum tree species mix shall be provided consistent with Section 20.19.040.B.1.d, Table 20.19-2.
8. In addition to on-site trees required, street trees shall be installed at an average spacing of every 30 feet.
9. All landscape areas within parking areas shall be separated from parking spaces, drive aisles, and driveways by a continuous, raised concrete curb to protect landscape areas from encroachment by vehicular traffic, unless the concrete curb is designed or removed to allow parking area drainage into landscape areas for the purposes of storm water treatment and on-site

retention. The concrete curb shall be a minimum of 6" high by 6" wide, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 6" high by 12" wide to provide an area for persons to step when entering or exiting a motor vehicle.

10. Walls within the 25-foot front yard setback shall not exceed 3 feet in height.

11. Garage parking spaces adjacent to buildings or walls shall have concrete wheel stops located a minimum of 2 feet from the building or wall.

#### **Engineering Review Comments**

The following are general and/or overall project-related comments that impact the project as a whole that were provided to the applicant when the project had previously been submitted to the City as an annexation and site approval application:

#### **Engineering, Traffic**

1. Provide backup documentation for the street of Serenity Trail (i.e. relinquishment documents, approved street and storm drain plans, etc.).
2. Construct ultimate public improvements along Serenity Trail per City Standards and General Plan requirements. This includes but is not limited to curb, gutter, sidewalk, street widening, street lights, etc.
3. A pedestrian path of travel needs to be provided from the project site to Chino Ave. This includes but is not limited to sidewalk and curb ramps. These improvements shall meet current ADA standards. This is not shown on any of the plans.
4. The street classification of Serenity Trail will need to be reviewed by City staff. This will determine if any additional street improvements (i.e. pavement widening, pavement thickness, etc.) are required as a part of this project.
5. The following comments are in regards to the cross sections:

#### **Sections A-A, B-B**

- Provide width of the proposed concrete swale.
- The proposed concrete swale is not shown on the plan. Verify.
- Show existing fence conditions at property line.

#### **Sections C-C**

- Provide width of the proposed concrete swale.

#### **Section E-E**

- Show centerline.
- Label centerline to right-of-way width.
- Label centerline to curb width.
- Label parkway width.
- 5-ft sidewalk is missing.

6. There appears to be a steep drop-off from the Serenity Trail sidewalk to the project site. Will there be a proposed fence or wall to protect pedestrians and vehicles?
7. Slope stability along the perimeter conditions are of concerns due to the height differences. The preliminary geotechnical study will need to be reviewed against the California Building Code (CBC) to see if the proposed slope conditions are feasible.
8. The preliminary hydrology report is currently under review with staff. Comments will be provided when the review is complete. A resubmittal package was received but without the first plan check redlines. Please provide the redline comments.
9. The following comments are in regards to utilities that will serve this project.
  - a. On the preliminary utility plan show who the purveyor is for the existing utilities (MVWD, IEUA).
  - b. Water – Please note that this project is within the service area for Monte Vista Water District for domestic water and will require their approval prior to connecting to their facility.
  - c. Sewer – There is an existing 15"-24" VCP line on Chino Ave that is owned and maintained by Inland Empire Utilities Agency (IEUA). Any connection to their line will require their review and approval. The 8" sewer line on Serenity Trail will need to be extended to the northerly project limits.
  - d. Storm Drain – There are no existing facilities in this area that are owned and maintained by the City of Chino.
  - e. It appears that there is an outlet pipe from the proposed detention basin but there is no information on where it ultimately drains to.
  - f. I see existing storm drain label shown in the topo but it does not show where it outlets to.
10. Submit a preliminary sewer analysis for review if proceeding with annexation. This analysis should study peak flow and incorporate future connections from existing residential properties to the north of the project site. The study has been received and is being reviewed.
11. The traffic study is currently under review with staff. Comments will be provided when the review is complete. Additional improvements may be required due to the recommendations of the traffic study. Comments were returned May, 2017. Corrections are required. Please resubmit for review.
12. The preliminary title report is currently under review with staff. Comments will be provided when the review is complete.

13. Label existing centerline, right-of-way, and property lines on all plans.
14. Label width and curb radii for all proposed driveway approaches. Driveway approaches shall be constructed per City Std. No. 250. Sidewalk ramps at driveway approaches shall meet current ADA standards. Is there a reason why City Std. No. 255 (dustpan) was used instead of 250? The City would prefer to use radial curb returns for easier truck movements in and out of the project.
15. Provide off-site turning templates (AutoTURN or equivalent) with largest truck accessing the site. This should include adequate access for emergency vehicles. Ingress/egress movements of the driveway approach shall be made without any conflicts.
16. Provide on-site turning templates (AutoTURN or equivalent) with largest truck accessing the site to verify on-site circulation. This should include adequate access for emergency vehicles. Ingress/egress movements of the driveway approach shall be made without any conflicts.
17. If proceeding with annexation, pay all Development Impact Fees (DIF), including but not limited to, Bridges, Signals and Thoroughfares, Storm Drainage Collection, and Law Enforcement.
18. Applicable fees, including but not limited to, Sewage Facilities Development Fees (SFDF), water meter connection fees, inspection fees and various permit and review fees shall be assessed based on final building and site design.
19. Underground all utility lines adjoining and interior to the project, including power lines of 34.5 kV or less in accordance with City Code, Chapter 13.32.
20. The City of Chino will permit both existing and new development within the area's unincorporated sphere of influence to apply for and receive sanitary sewer service from the City in accordance with City Resolution No. 2006-028 as follows:
  - a. The project must be annexed into the City.
  - b. Local Agency Formation Commission (LAFCO) will need to approve an Application For Extension Of Service By Contract for this project. No permit for sewer connections shall be issued until this has been approved by LAFCO.
  - c. Any parcel requesting sewer service must be developed in accordance with City's General Plan provisions applicable to the affected area and in conformance with the City's Standards and Codes relative to the development.
  - d. Additional improvements may be required after review/approval of the technical studies (i.e. traffic, hydrology, WQMP, etc.)

**Water/Environmental**



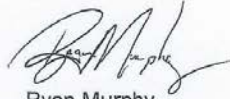
October 30, 2019

1. The preliminary WQMP is currently under review with staff. Comments will be provided when the review is complete. A resubmittal package was received but without the first plan check redlines. Please provide the redline comments.
2. Incorporate LID Preventative Measures into the project design and provide detail on project plans where appropriate. Examples of LID preventative measures may include but are not limited to pervious pavement (e.g. permeable/interlocking pavers in walkways and parking stalls), landscape areas that promote infiltration, and impervious area drainage into landscape areas.

The Chino Municipal Code and Zoning Code can be accessed by visiting the following web address: <[https://library.municode.com/ca/chino/codes/code\\_of\\_ordinances](https://library.municode.com/ca/chino/codes/code_of_ordinances)>.

Please contact me directly if you have any questions about the comments contained in this letter. I can be contacted via phone at (909) 334-3525 or by email at [rmurphy@cityofchino.org](mailto:rmurphy@cityofchino.org).

Respectfully,



Ryan Murphy  
Assistant Planner

Attachment: Resolution No. 2018-009

**RESOLUTION NO. 2018-009**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO,  
CALIFORNIA, SUPERSADING RESOLUTION NO. 2006-028 AND  
AMENDING EXISTING POLICY RELATED TO SANITARY SEWER  
SERVICE WITHIN THE CITY'S SPHERE OF INFLUENCE**

**WHEREAS**, City Council Resolution No. 2006-028 states conditions under which the City of Chino ("City") will permit new and existing developments within the City's sphere-of-influence to apply for and receive sanitary sewer service from the City; and

**WHEREAS**, the City Council has announced a change in the policy articulated by Resolution No. 2006-028 and reiterated this change in multiple public City Council meetings, during which it has rejected requests for the provision of sanitary sewer services by the City; and

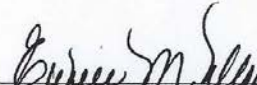
**WHEREAS**, the City Council now wishes to formally state this policy change and replace the policy articulated in Resolution No. 2006-028.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY  
RESOLVES AS FOLLOWS:**

**Section 1.** The City of Chino will only allow new and existing developments on parcels within the City's sphere-of-influence to connect to the City's sanitary sewer system if (a) the parcel is first annexed into the City, and (b) the parcel is developed in accordance with the City's General Plan provisions applicable to the affected area, and in conformance with all other federal, state, and local laws.

**Section 2.** This Resolution shall supersede Resolution No. 2006-028.

APPROVED AND ADOPTED THIS 6TH DAY OF FEBRUARY 2018.

  
EUNICE ULLOA, MAYOR

ATTEST:

  
ANGELA ROBLES, CITY CLERK

State of California)  
County of San Bernardino) ss.  
City of Chino)

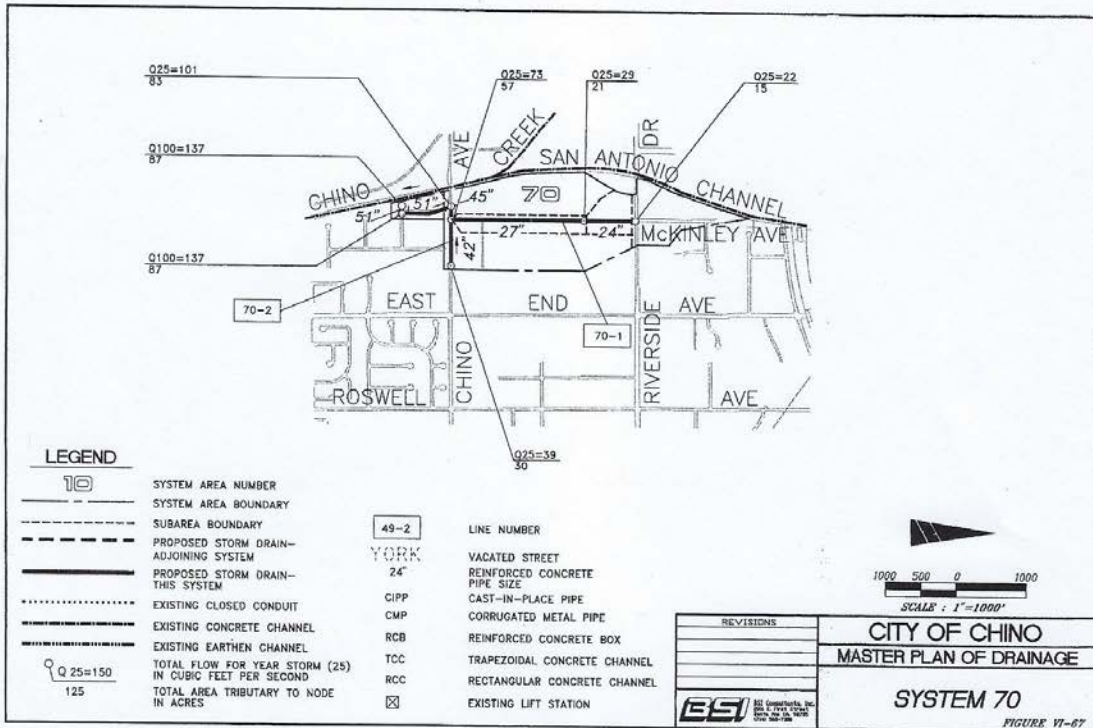
I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 6th day of February, 2018, by the following votes:

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

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

  
ANGELA ROBLES, CITY CLERK



## RESPONSE to CITY of CHINO LETTER

The City of Chino ("City") made specific comments to the adequacy of the IS/MND with respect to General Comments, Planning and Land Use, and Traffic/Transportation. Responses are provided below.

### General Comment

In their comment letter in response to the IS/MND dated April 23, 2020, the City of Chino attached a letter dated October 30, 2019 which is intended to outline inconsistencies with the City of Chino General Plan and Zoning Ordinance. Because the letter was written prior to the issuance of the IS/MND, it could not raise specific issues with respect to the adequacy of the IS/MND.

However, the April 23, 2020 letter stated that "...*The written comments are attached to this letter for reference...*" The following responses are germane to the environmental issues raised in the October 30, 2019 letter.

#### 1. Wastewater Discharge

**City Comment:** The City is concerned about how the will manage wastewater discharge over the long term.

**County Response:** Section Xa of the IS/MND is being revised as follows for disclosure and clarification purposes as follows:

Note: Changes are shown in ***bold, italicized, strikeout, and underlined text***.

In May 2017 the Santa Ana Regional Water Quality Control Board (RWQCB) approved the County's Local Agency Management Program (LAMP) as a response to the State Water Resources Control Board's adoption of the Onsite Wastewater Treatment Systems (OWTS) Policy. There are specific OWTS which are not included in the LAMP. These exceptions require individual discharge requirements, or a waiver of individual waste discharge requirements issued by the RWQCB. This Project will utilize an OWTS having a projected wastewater flow of over 10,000 gallons per day (GPD). As such it is not included within the LAMP and is required to be reviewed and permitted by the Santa Ana RWQCB.

The project will generate 13,000 gallons per day of wastewater and the proposed OWTS is designed to accommodate 25,177 gallons per day of wastewater. ~~The OWTS is a compact and efficient recirculating packed bed filter. It consists of sturdy, watertight fiberglass tanks that incorporate recirculation blend and discharge tankage in a single module. Each complete, pre-manufactured unit also includes pumping systems, ventilation, and a lightweight, highly absorbent, engineered textile media that treats the wastewater to meet discharge requirements.~~

***The Onsite Wastewater Treatment Systems (OWTS) is required to be reviewed and permitted by the Santa Ana Regional Water Quality Control Board. The project will generate 13,000 gallons per day of wastewater and the proposed OWTS is designed to accommodate 25,177 gallons per day of wastewater.***

**The Regional Water Quality Control Board did not comment on the Mitigated Negative Declaration during the comment period. However, the agency did provide guidance by e-mail about the proposed OWTS. In the e-mail, the RWQCB stated that the following final effluent limits would be required for proposed plant:**

<b><u>Parameter</u></b>	<b><u>Average Monthly</u></b>	<b><u>Average Weekly</u></b>	<b><u>12-month running average</u></b>
	<b><u>(mg/L)</u></b>	<b><u>(mg/L)</u></b>	<b><u>(mg/L)</u></b>
<b><u>BOD (5-day)</u></b>	<b><u>20</u></b>	<b><u>30</u></b>	
<b><u>TSS</u></b>	<b><u>20</u></b>	<b><u>30</u></b>	
<b><u>TIN</u></b>			<b><u>5</u></b>
<b><u>TDS</u></b>			<b><u>280</u></b>
<b><u>pH</u></b>	<b><u>Between 6 and 9 at all times</u></b>		

**The effluent limits provided above were based on the region's Basin Plan for Chino 1 Groundwater Management Zone (GMZ), for anti-degradation, water quality objectives (WQOs) for TDS and NO<sub>3</sub>-N (same values). Chino Basins 1, 2, and 3 GMZs are covered under the Chino North GMZ, Maximum Benefit (Max Ben) consideration GMZ and a higher TDS WQO of 420 mg/L has been assigned. Therefore, before the RWQCB can authorize the proposed projects discharge, the wastewater treatment system proposed would have to meet the effluent limits listed above.**

**The proposed Waste Water Treatment System's effluent levels were reviewed by EHS and determined to be adequate to meet the RWQCB effluent limits. However, the OWTS must receive final approval from the RWQCB. A Condition of Approval has been added to the approval documents, requiring the applicant to obtain approval from the RWQCB, prior to the issuance of a building permit.**

## 2. Stormwater Infrastructure Impacts

**City Comment:** The increase in runoff must be mitigated to below pre-developed conditions.

**County Response:** As stated in Section X(c) of the IS/MND, the project's drainage system has been designed to mitigate the storm water runoff from the developed site to levels equivalent to the pre-developed storm event up to the 100-year peak event to ensure that the project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite.

## 3. Conflicts with the City's General Plan

**City Comment:** The letter states the project is not consistent with the City of Chino General Plan. Specifically the letter makes reference to the following General Plan Policies:

- Policy P8, under Goal CC-3 which states: *Infill development, secondary residential units, and multifamily housing shall be consistent in scale and character with existing neighborhoods.*
- Policy P3, under Goal TRA-1 which states: *Through the development review process, the City shall ensure that new developments consider location, roadway width, existing driveways, and*

*surrounding development in order to minimize the impacts of new development on surrounding neighborhoods.*

**County Response to Policy P8:** Under CEQA, an inconsistency with any proposed general plan amendment regardless of jurisdiction, would only be significant if it were to result in significant, adverse physical effects to the environment. Although the project is not required to be consistent with the City General Plan Policy P8 under CEQA, this response is provided in the interest of disclosure and for the administrative record.

An inconsistency with the City's General Plan Policy P8 would only be significant if the project were to result in significant, adverse physical effects to the environment. The CEQA Threshold of Significance as it pertains to Policy P8 is:

*"If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?"*

According to the Census 2000 Urbanized Area Outline Maps, the project site is located in the Riverside-San Bernardino Urbanized Area. As such, the project is subject to mandatory County of San Bernardino Development Code requirements governing scenic quality that stipulate that new land uses and structures shall be designed, constructed, and established in compliance with the requirements in the Development Code. Although the project is not a multi-family development per se, the design requirements in Chapter 84.16- Multiple Family Residential Development Standards apply and are intended to ensure compatibility with other development in the immediate area.

**County Response to Policy P3:** Section XVII of the IS/MND contains an analysis of potential traffic impacts, public right-of-way improvements, or ingress/egress to the site.

#### 4. Project Review Comments

**City Comment:** A similar entitlement application was previously submitted to the City of Chino, and the City's Development Review Committee (DRC) provided comments on the proposed project. Although the scope of the project has been revised slightly, many of the previous comments had not yet been addressed.

**County Response:** These comments are primarily made to address project design issues as they pertain to the City of Chino Municipal Code. Because the project is under the jurisdiction of the County, these comments do not apply.

### **Planning and Land Use**

**City Comment:** The City of Chino Letter raised the following concerns:

1. On page 57-58, in Section XI. *LAND USE AND PLANNING* in the Initial Study, there is no discussion regarding conflicts with the City of Chino General Plan land-use designation for the subject property and that the Project Description, Operational Characteristics, "Existing Land Use Land Use Zoning Districts" table and any other areas where land use is discussed, should be updated to include a discussion of the impacts related to changing the RD1 ((0-1 DU/avg.) land use designation.

**County Response:** The CEQA Threshold of Significance for the determining if an impact is significant is:

*Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Although the IS/MND did not specifically mention the City of Chino General Plan in the environmental analysis, the existing General Plan land use designation in terms of development intensity are exactly the same for both the County and the City. Under the County, the designation is RS-1 (Single Residential, 1 acre minimum). Under the City, the General Plan Land use designation is RD1 (0-1 DU/avg.).

The key consideration in this threshold is “*avoiding or mitigating an environmental effect.*” Regardless of whether or not the project site is under the jurisdiction of the County or the City. the IS/MND evaluated the “environmental effects” of increasing the development intensity as proposed by the project.

An inconsistency with any general plan would only be significant if they were to result in significant, adverse physical effects to the environment. As disclosed in the IS/MND, implementation of the proposed project would develop the subject property at a greater intensity than allowed under the existing land use designation either in the County or the City. In all instances where adverse impacts have been identified, mitigation measures are provided to reduce each impact to less than- significant levels. Therefore, the project would not result in significant impacts to the environment with the implementation of the mitigation measures identified throughout the IS/MND.

Notwithstanding the above, the IS/MND is being revised as follows for disclosure and clarification purposes as follows:

**General Plan/Zoning Map Amendment section is revised as follows:**

Note: Changes are shown in ***bold, italicized, and underlined text.***

The project is proposing to amend ***the County of San Bernardino*** General Plan/ Land Use/Zoning Map from RS-1 (Single Residential, 1 acre minimum) to CG (General Commercial).***The Project site is located within the City of Chino Sphere of Influence. The existing City of Chino General Plan land use designation is RD1 (1 du/ac) which is the same as the County’s RS-1 designation as both require a minimum lot size of one (1) acre.***

**Surrounding Land Uses and Setting Table is revised as follows:**

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant	RS-1 (Single Residential, 1 acre minimum) <b><i><u>City of Chino RD 1 (1 du/ac)</u></i></b>
North	Single-family residential development	RS-1 (Single Residential, 1 acre minimum) <b><i><u>City of Chino RD 1 (1 du/ac)</u></i></b>



South	Serenity Trail followed by vacant land with Chino Avenue further to the south	RS-1 (Single Residential, 1 acre minimum) <b><i>City of Chino RD 1 (1 du/ac)</i></b>
East	Single-family residential development	RS-1 (Single Residential, 1 acre minimum) <b><i>City of Chino RD 1 (1 du/ac)</i></b>
West	Serenity Trail followed by SR-71 further to the west	City of Chino Hills

***Land Use and Planning Section XI (b) is revised as follows:***

*b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Under current conditions, the project is inconsistent with the existing **County** General Plan/ Land Use/Zoning Map which designates the site as RS-1 (Single Residential, 1 acre minimum lot size). **The City of Chino General Plan Land Use designation is RD1 (1 du/ac)**. The project is proposing a General Plan/ Land Use/Zoning Map Amendment from RS-1 (Single Residential, 1 acre minimum lot size) to CG (General Commercial). **No amendments to the City of Chino General Plan or zoning are proposed because the project is not under the City's jurisdiction at this time.**

**In addition, it should be noted that the existing General Plan land use designations in terms of development intensity are exactly the same for both the County and the City of Chino. Under the County, the designation is RS-1 (Single Residential, 1 acre minimum). Under the City, the General Plan Land use designation is RD1 (0-1 DU/ac) Therefore, the CEQA baseline for analyzing impacts is the same. The CEQA Thresholds used for determining significance are the same for both the County and the City of Chino as they relate to Land Use and Planning whether the project site is located in the County or the City of Chino.**

An inconsistency with the General Plan/ Land Use/Zoning Map would only be significant if they were to result in significant, adverse physical effects to the environment. As disclosed in this Initial Study/Mitigated Negative Declaration, implementation of the proposed project would develop the subject property at a greater intensity than allowed under the existing **County** General Plan/Zoning designations and FAR **and the City of Chino General Plan/Zoning designations** and would result in adverse effects to the environment. However, in all instances where adverse impacts have been identified, mitigation measures are provided to reduce each impact to less than- significant levels **regardless of which jurisdiction the project site is located in.**

Therefore, because the project is processing a General Plan Land Use/Zoning Map amendment to modify the site's underlying land use regulations to be consistent with those proposed by the project of the project would not result in significant impacts to the environment with the implementation of the mitigation measures identified throughout this Initial Study/Mitigated Negative Declaration. Plans that are adopted to mitigate an environmental effect include, but are not limited to the South Coast Air Quality Management District's Air Quality Management Plan, the County of San Bernardino Greenhouse Gas Emissions Reduction Plan and the Santa Ana Region Basin Plan. As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the project would otherwise not conflict with any applicable goals, objectives, and policies of the County of San Bernardino General Plan or Development Code. Additionally, the project would not conflict with any applicable policy document, including the South Coast Air Quality Management District's Air Quality Management Plan, the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the Santa Ana Region Basin Plan with implementation of the mitigation measures identified throughout this Initial Study/Mitigated Negative Declaration.

**Less Than Significant Impact With Mitigation Measure AR-1 Incorporated.**

**Mitigation Measure AIR-1: Limit Amount of Soil Import and Export.** Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

*“Limit the amount of material imported or exported to the site to forty (40) truckloads per day or less during the site preparation and grading phase of construction.”*

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**Traffic/Transportation**

**City of Chino Comment:** Sidewalk and pedestrian improvements extending east of the of the intersection of Chino Avenue/Serenity Trail should be provided of the project in order to provide adequate pedestrian access to both the CalTrans Park & Ride and other areas of the City.

**County Response:** The applicable CEQA Threshold of Significance for this issue is whether or not the project would conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The project is proposing to construct a sidewalk along the entire frontage of the project site. There is existing sidewalk along the north side of Chino Avenue. Pedestrian access will be facilitated with the construction of these improvements

Therefore, the project will not conflict with an applicable Plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.