

RESOLUTION NO. 2022R-015

A RESOLUTION OF THE CITY OF CHINO HILLS,
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING REPORTING PROGRAM
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT, AND APPROVING GENERAL PLAN AMENDMENT
21GPA01 FOR THE CITY OF CHINO HILLS 2021-2029 6TH
CYCLE HOUSING ELEMENT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS
DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of
fact:

- A. State Housing Element statutes (California Government Code [CGC] Sections 65580–65589.9) mandate that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The City of Chino Hills 6th Cycle Housing Element (project) has been prepared to comply with these state statutes within the context of the physical and socio-economic conditions unique to Chino Hills and covers the eight-year planning cycle from 2021-2029.
- B. Beginning in February of 2021, the City of Chino Hills began the process of updating its previous 5th Cycle Housing Element. The update to the Housing Element reflects current conditions and brings it into compliance with state legislation passed since the adoption of the previous 5th Cycle element in 2013.
- C. This Housing Element update process included eight public workshops held with the Planning Commission and/or City Council. The public workshops were designed to inform the community about the Regional Housing Needs Assessment (RHNA) and the Housing Element update process and to gain their input.
- D. An extensive public outreach was undertaken to inform the public and interested parties about the Housing Element update process and the workshops, including: public advertisements; flyers emailed to over 100 entities, including property owners (both commercial and residential, developed and undeveloped), developers, nonprofit housing developers, religious facilities, fair housing and special needs groups; press releases; postings on and e-notifications through the City website; a housing survey; and a dedicated webpage to keep the public informed about the Housing Element update process.

- E. On June 15, 2021, the Planning Commission reviewed the Draft/Review Copy Housing Element and recommended that the City Council approve submission of the draft to the State of California Department of Housing and Community Development (HCD) for state review. On June 22, 2021, the City Council reviewed the Draft/Review Copy Housing Element and approved its submission to HCD for state review. On July 6, 2021, the City submitted the Draft/Review Copy Housing Element to HCD for its review.
- F. On September 3, 2021, HCD provided the City comments on its Draft/Review Copy Housing Element. HCD requested additional information regarding a number of issues. The Housing Element incorporates the additional information requested by HCD.
- G. On December 13, 2021, during a web-based meeting between HCD and City Community Development staff, HCD requested more additional information. The Housing Element also incorporates this requested information.
- H. The Housing Element relies on vacant and non-vacant sites to meet the City's RHNA obligation. Pursuant to Government Code 65583.2, the City Council finds that the existing uses on the identified non-vacant are not an impediment to additional residential development. Due to declining uses, COVID-impacted uses, and general development trends, the existing uses are likely to discontinue in whole or part during the 2021-2029 planning period, accommodating the additional units identified in the Housing Element.
- I. An Initial Study/Mitigated Negative Declaration (ISMND) was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines.
- J. Public notice of the availability of the ISMND and Planning Commission public hearing on the Housing Element was published in the Chino Champion on November 13, 2021.
- K. The Planning Commission of the City of Chino Hills held a duly noticed public hearing on December 21, 2021, to review and consider the staff report prepared for the Housing Element, receive public testimony, and review all correspondence received on the project.
- L. On December 21, 2021, the Planning Commission of the City of Chino Hills adopted Resolution No. PC 21-21, recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring Reporting program under the California Environmental Quality Act, and approving General Plan Amendment 21GPA01 for the City of Chino Hills 2021-2029

6th Cycle Housing Element.

- M. On January 11, 2022, the City Council of the City of Chino Hills held a duly noticed public hearing, to review and consider the staff report prepared for the Housing Element, receive public testimony, and review all correspondence received on the project. The City Council took testimony, provided staff direction to retain the existing site inventory included in the 6th Cycle Housing Element, and to continue the public hearing till January 25, 2022.

SECTION 2. Based upon oral and written testimony and other evidence received at the public hearing held for the project, and upon studies and investigations made by the City Council and on its behalf, the City Council does hereby find as follows regarding the ISMND and Mitigation Monitoring Reporting Program:

- A. As required by the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, the City of Chino Hills prepared an Initial Study to determine if the project may have a significant effect on the environment.
- B. To ensure that the project will have a less than significant impact on the environment, the following mitigation measure was included in the IS/MND and Mitigation Monitoring Reporting Program, prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City of Chino Hills Local Procedures for Implementing CEQA:
 - i. Mitigation Measure TRC-1, Native American Monitoring: Prior to and during any ground disturbing activities, the Applicants for future residential development projects identified within the land inventory for the final adopted 6th Cycle Housing Element shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- C. A Notice of Completion and Notice of Intent to Adopt a Mitigated Negative Declaration for the ISMND was filed with the State Clearinghouse (SCH

Number 2021110174) and made available for public review from November 10, 2021 through December 10, 2021. One comment letter was received during the review period. This comment letter was from Hills for Everyone, which provided comments regarding the Housing Element, but did not raise any issues relevant to the ISMND; and consequently, no modifications to the ISMND are required as a result of the comments.

- D. The ISMND prepared for this project reflects the City's independent judgment and analysis. The City Council finds that there is no substantial evidence that the project would have a significant impact on the environment with the inclusion of the mitigation measure set forth above in Section 2.

SECTION 3. With regard to the approval of General Plan Amendment 21GPA01, based upon oral and written testimony and other evidence received at the public hearing held for this item, and upon studies and investigations made by the City Council and on its behalf, the City Council does further find, pursuant to Section 16.60.030 of the Chino Hills Municipal Code (CHMC) and Government Code Sections 65580–65589.9, as follows:

- A. FINDING: That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment.

FACT: The 2021-2029 Housing Element complies with the State of California mandate that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community and is in substantial compliance with the California Housing Element Law (Government Code Section 65580 et seq). The project has been prepared to comply with these State statutes within the context of the physical and socio-economic conditions unique to Chino Hills and covers the eight-year planning cycle from 2021-2029. It has been prepared with extensive public input, including eight public workshops, and with input from the Planning Commission, City Council, and HCD.

The Housing Element contains policies and programs that provided needed housing and housing services to households, including those with lower incomes and special needs.

- B. FINDING: That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan.

FACT: The proposed amendment is consistent with the following goals, policies, and actions of the General Plan:

- Policy LU-5.1: Promote infill, mixed use, and higher density development.

- Action LU-2.2.2: Continue to identify appropriate sites to meet the City's RHNA allocation.
- Housing Goal H-1: Provide a range of housing types while maintaining the City's overall low-density character.
- Policy H-1:1: Provide a variety of residential opportunities in the City, including large lot estates, low density single-family homes, medium density townhomes, and high-density condominiums and apartments.
- Action H-1.1.1: Continue to review the City Land Use Plan and available vacant and underutilized sites to identify appropriate sites for housing at varying densities.
- Goal H-4: Provide Support Services to Meet the Housing Needs of the City's Residents
- Goal H-5: Promote and encourage housing opportunities for all economic segments of the community, regardless of age, sex, ethnic background, physical condition, or family size.

C. FINDING: That the proposed amendment will not conflict with provisions of the CHMC, subdivision regulations, or any applicable specific plan

FACT: Policies and actions of the Housing Element require amendments to the General Plan, Zoning Map, and Zoning Code as required to implement the Housing Plan of this Housing Element, within the required three years and 120 days from the beginning of the planning period.

D. FINDING: In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties.

FACT: As discussed above, policies and actions of the Housing Element require amendments to the General Plan, Zoning Map, and Zoning Code, as required to implement the Housing Plan of this Housing Element, within the required three years and 120 days from the beginning of the planning period.

E. FINDING: With respect to all applications which seek to increase density for single-family detached residential development projects, including residential developments in the Planned Development district or in a PD development, that a fiscal impact analysis has been prepared as required by the City and paid for by the applicant. Further, this report shall include an analysis of the modified project's effect on the City's revenues, expenditures, service levels, capital improvement needs and modified project's ability to generate tax revenue.

FACT: The Housing Accountability Act (Government Code section 65589.5) establishes state overarching policy that a local government not deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need. Jurisdictions without a housing element in compliance with State Housing Element Law or without a complete site inventory are further limited in the ability to deny a housing development application. Among other requirements (including those related to housing development regardless of affordability levels), the Housing Accountability Act states that a local agency shall not disapprove or condition approval in a manner that renders the housing development project infeasible, including through the use of design review standards, for development of an emergency shelter or a housing development project for very low, low-, or moderate-income households unless it makes written findings, based upon a preponderance of the evidence in the record.

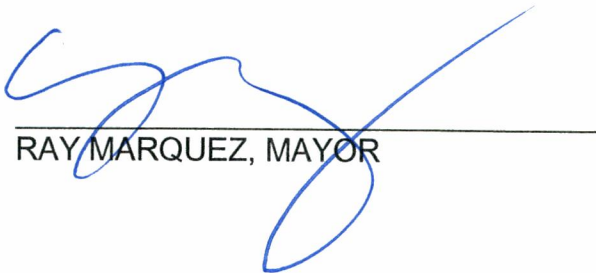
The 2021-2029 Housing Element complies with the State of California mandate that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community and is in substantial compliance with the California Housing Element Law (Government Code Section 65580 et seq). Land use changes that occur consistent with the Housing Element are not subject to the above requirement for a fiscal impact analysis.

SECTION 4. The City Council of the City of Chino Hills does hereby adopt the Initial Study/Mitigated Negative Declaration (ISMND), the Mitigation Measure set forth in Section 2. above and Mitigation Monitoring Reporting Program under the California Environmental Quality Act. This document is on file in the City Clerk's Office and is incorporated into this Resolution by reference.

SECTION 5. The City Council of the City of Chino Hills does hereby approve General Plan Amendment 21GPA01, the 2021-2029 6th Cycle Housing Element. This document is on file in the City Clerk's Office and is incorporated into this Resolution by reference.

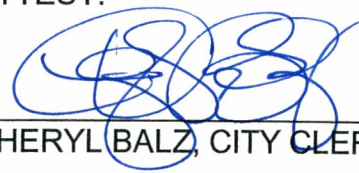
SECTION 6. The City Clerk shall certify as to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of February 2022.



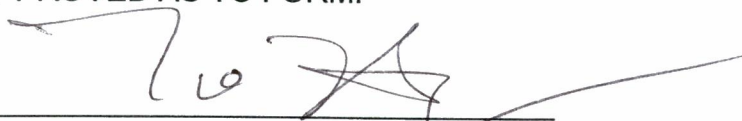
RAY MARQUEZ, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that the foregoing Resolution No. 2022R-015 was duly adopted at a regular meeting of the City Council of the City of Chino Hills held on the 8th day of February 2022, by the following vote, to wit:

AYES: COUNCIL MEMBERS: MARQUEZ, ROGERS, BENNETT,
JOHSZ, MORAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this 9th day of February 2022.

CHERYL BALZ, CITY CLERK