

RESOLUTION NO. PC2025-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO, CALIFORNIA, APPROVING PL25-0001 (SPECIAL CONDITIONAL USE PERMIT) AND PL25-0002 (SITE APPROVAL) FOR THE CONSTRUCTION AND OPERATION OF A 3,886 SQUARE FOOT IN N OUT DRIVE-THRU RESTAURANT, LOCATED APPROXIMATELY 300 FEET SOUTHWEST OF PINE AVENUE AND MAIN STREET (APN: 1057-441-04).

WHEREAS, the City of Chino (the "City") adopted The Preserve Specific Plan on March 25, 2003; and

WHEREAS, On February 13, 2008, the Planning Commission approved an "A" level Master Site Approval (MSA No. 2006-02) and Tentative Tract Map (TTM No. 16420) to subdivide 522 acres of land that established large parcels and major backbone street systems for future residential and non-residential development within the master plan area, generally located south of Pine Avenue, west of Hellman Avenue, and north and east of Chino Corona Road for what is known as the "South of Pine" area of The Preserve Specific Plan; and

WHEREAS, On March 4, 2008, the City Council adopted an Addendum to The Preserve Chino Sphere of Influence – Subarea 2 Final Environmental Impact Report (SCH No. 2000121036) for Specific Plan Amendment 2007-02 (South of Pine) that concluded that the South of Pine MSA would not create any new significant impacts, or impacts that are significantly different than those identified in The Preserve Chino Sphere of Influence – Subarea 2 Final Environmental Impact Report (SCH No. 200121036); and

WHEREAS, on April 5, 2021, the Planning Commission approved a "B" level Master Site Approval (PL19-0071) for development of a commercial center and multi-family residential development on a total of 39.91 acres of land in the South of Pine area; and

WHEREAS, on March 20, 2024, the Planning Commission approved Master Site Approval – Developer Modification (PL19-0071.DM01) to adjust the land use boundaries within the master site approval that includes the Town Center at The Preserve commercial center, the Main Street Apartments, and future multi-family residential development; and

WHEREAS, In N Our Burger, Incorporated (the "Applicant"), has filed an application with the City of Chino (the "City") for approval of PL25-0001 (Special Conditional Use Permit) and PL25-0002 (Site Approval) (the "Project") for the construction and operation of a 3,886 square foot In N Out drive-thru restaurant, located at southwest of Pine Avenue and Main Street; and

WHEREAS, the Planning Commission of the City of Chino has completed its study of the proposed Project; and

WHEREAS, on July 16, 2025 the Planning Commission held a duly noticed public hearing for the Project in compliance with law, including compliance with the relevant provisions of the California Government Code and Chino Municipal Code, entertained the written and oral report of staff, and took public testimony on the Project, and

NOW, THEREFORE, the Planning Commission of the City of Chino, California, does hereby FIND, DETERMINE, and RESOLVE as follows:

A. The foregoing recitals are true and correct and incorporated herein.

B. Based on substantial evidence, both written and oral, from the public hearing, the Planning Commission makes the following findings and takes the following actions on PL25-0001 (Special Conditional Use Permit) and PL25-0002 (Site Approval):

1. *PL25-0002 Site Approval*

- a. The proposed Project is consistent with the goals and policies of the City's adopted General Plan and/or applicable specific plan(s). The Community Core 16 (CC16) land use designation within The Preserve Specific Plan is intended for commercial and retail development, which permits drive-thru restaurants subject to a Special Conditional Use Permit (SCUP). In addition, Objective LU-1.3 of the City's General Plan encourages commercial development that will support and enhance vibrant commercial areas to serve existing neighborhoods with a combination of daily and specialty daily needs; and
- b. The proposed Project is permitted within the zoning district in which it is proposed and complies with all applicable provisions of the City's Zoning Code. The proposed drive-thru restaurant complies with all development standards set forth in The Preserve Specific Plan; and
- c. The subject site is physically suitable, including, but not limited to, parcel size, shape, access and availability of utilities, for the type and intensity of development proposed. All minimum development standards governing parcel size, shape, access, type and intensity of development have been met or exceeded, and infrastructure and utilities are readily available. The proposed commercial building is consistent with all development standards in the CC16 land use designation of The Preserve Specific Plan and standards of the Zoning Code; and
- d. The subject site relates to streets and highways property designed, both as to width and type of pavement to carry the type and quantity of traffic generated by the proposed Project. The proposed Project will take access

from an existing drive aisle off Pine Avenue. In addition, the Project will be accessible from a drive aisle off Main Street, which will further accommodate the traffic associated with the Project. Both Pine Avenue and Main Street are designed to accommodate the type of traffic generated by the Project; and

- e. The proposed Project is compatible with those on abutting properties and in the surrounding neighborhood. The proposed drive-thru restaurant is permitted in the CC16 land use designation with a SCUP and is consistent with, and not detrimental to the adjacent commercial uses in the vicinity that include other restaurants. Additionally, the property to the north, south and east is currently vacant and designated for development with multi-family residential; and
- f. The proposed location, size, and operating characteristics of the proposed Project will not be detrimental to the public interest, health, safety or general welfare. The Project is compatible with existing businesses in the adjacent Town Center at The Preserve shopping center, and is consistent with what is permitted within the CC16 land use designation;
- g. The proposed Project is within the scope of the previously adopted Addendum to The Preserve Chino Sphere of Influence – Subarea 2 Final Environmental Impact Report (SCH# 2000121036) (EIR) for South of Pine Update 2022, which adequately describes the proposed activity for the purposes of California Environmental Quality Act (CEQA), pursuant to Section 15164 of CEQA Guidelines. Additionally, there have been no substantial changes in the Project for the adoption of the Addendum, or no substantial new information that was not previously known when the Project was originally assessed under the Addendum. The EIR satisfies the requirements of CEQA and the CEQA guidelines (California Public Resources Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.) pursuant to Sections 15080 through 15097 of the CEQA Guidelines such that no subsequent action is required; and
- h. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed Project. These safeguards (conditions of approval) are attached to the Planning Commission staff report, and are described herein.

2. *PL25-0001 Special Conditional Use Permit*

- a. The proposed use is consistent with the goals and policies of the City's adopted General Plan and/or applicable specific plan(s), in that the project site has a land use designation of CC16 (Community Core 16), which permits drive-thru restaurant uses with a SCUP. Furthermore, Objective LU-1.3 of the City's General Plan encourages commercial development that

will support and enhance vibrant commercial areas to serve existing neighborhoods with a combination of daily and specialty daily needs; and

- b. The subject site is physically suitable, including but not limited to, parcel size, shape, access and availability of utilities, for the type and intensity of use proposed. All minimum development standards governing parcel size, shape, access, type and intensity of development have been met or exceeded, and infrastructure and utilities are proposed. The proposed use is for a drive-thru restaurant (In N Out Burger), which is consistent with all development standards in the CC 16 zoning district of The Preserve Specific Plan; and
- c. The subject site relates to streets and highways properly designed, both as to width and type of pavement to carry the type and quantity of traffic generated by the proposed use. The proposed use will take access from an existing drive aisle off Pine Avenue. In addition, the Project will be accessible from a drive aisle off Main Street, which will further accommodate the traffic associated with the Project. Both Pine Avenue and Main Street are designed to accommodate the type of traffic generated by the Project; and
- d. The proposed use is compatible with those on abutting properties and in the surrounding neighborhood as the use is proposed on a vacant parcel within the Town Center at The Preserve commercial center, which is the main commercial hub within The Preserve Specific Plan area. The CC16 zoning district allows drive-thru restaurants, subject to approval of a SCUP granted by the Planning Commission; and
- e. The proposed location, size, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety or general welfare. The use is compatible with the shopping center and is consistent with what is permitted within the CC16 zoning district of The Preserve Specific Plan. Certain safeguards have been required of the proposed use, which the Planning Commission deems necessary to protect the public health, safety, and general welfare. These safeguards (conditions of approval) are attached to this resolution, and are described herein; and
- f. The proposed Project is within the scope of the previously adopted Addendum to The Preserve Chino Sphere of Influence – Subarea 2 Final Environmental Impact Report (SCH# 2000121036) (EIR) for South of Pine Update 2022, which adequately describes the proposed activity for the purposes of California Environmental Quality Act (CEQA), pursuant to Section 15164 of CEQA Guidelines. Additionally, there have been no substantial changes in the Project for the adoption of the Addendum, or no substantial new information that was not previously known when the Project was originally assessed under the Addendum. The EIR satisfies the

requirements of CEQA and the CEQA guidelines (California Public Resources Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.) pursuant to Sections 15080 through 15097 of the CEQA Guidelines such that no subsequent action is required; and

- g. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed use and have been imposed as conditions of Project approval by the Chino Planning Commission. Further, the Project meets all required development standards and policies pertaining to CC16 commercial development.

3. *Special Findings of Fact for Projects in the Airport Overflight Area*

- a. The proposed development is consistent with the City's adopted ACLUP and the applicable provisions of the City's Zoning Ordinance, in that the proposed portion of the site to be developed is located within Aviation Safety Zone iii, and the proposed use, which consists of commercial development is considered a normally acceptable use within these zones.

4. *Guiding Development Principles*

- a. *The project contributes directly to a broad range of housing types and opportunities.* The proposed Project provides an additional commercial amenity to the existing mixed use residential development on Main Street and does not involve the construction of residential housing units. Rather, the Project will serve future residential developments to the south and west of the Project site.
- b. *The Project is characterized by design features that contribute to the quality and variety of the living environment.* The proposed Project is an extension to the Town Center at The Preserve commercial center, which provides pedestrian access and connectivity to Pine Avenue and all areas within the site and future development. The proposed Project also includes an enhanced architectural design that provides visual interest and boosts the aesthetics of the surrounding environment.
- c. *The Project contributes to and does not detract from the character and viability of the Community Core.* The proposed Project is located within the Community Core and is a commercial use consistent with The Preserve Specific Plan. The proposed use is designed with high quality and character that improves upon the walkability and viability of the Community Core. The Project incorporates an outdoor dining area and includes pedestrian connections between the residential uses and commercial center that will allow for a customer base to be within walking distance of the Community Core.
- d. *The Project implements and is consistent with the land use concept in the plan.* The proposed Project is consistent with the land use concept of The

Preserve Specific Plan, and includes continuity, compatibility, and connectivity within and between the site, neighboring development, and areas that may be developed in the future. Additionally, the Project is a proposal for the development of a drive-thru restaurant, which is consistent with Master Site Approval – Developer Modification (PL19-0071.DM01), approved on March 20, 2024.

5. *Compatibility Findings*

- a. *The Project complies with the provisions of The Preserve Specific Plan including the Guiding Development Principles listed in the Development Concept section.* These findings have been met and are included in Section 3 – Guiding Development Principles of this Resolution.
- b. *The mobility systems are consistent and seamlessly connect with the mobility systems of adjacent properties.* The proposed Project utilizes an existing street and pedestrian layout that is consistent with the requirements and development standards of The Preserve Specific Plan. The Project will utilize and improve existing private drive aisles within the Project area.
- c. *Areas intended for public use, such as public plazas, trails, sidewalks, schools, recreational facilities and paseos, are coordinated among subdivisions and the streetscape, landscape, hardscape and public amenities are mutually compatible.* The proposed Project ensures that the areas intended for public use have been coordinated throughout the site by providing sidewalks to serve as a pedestrian link to all areas in The Preserve and Town Center at The Preserve. Also, the proposed landscaping and drive aisle is mutually compatible with the design of the commercial center. Further, the Applicant is proposing to install perimeter landscaping within and around the site, consistent with the landscaping standards in The Preserve Specific Plan, which will provide an aesthetically pleasing streetscape along Pine Avenue.
- d. *The development proposal complies with the applicable design guidelines of this specific plan and is compatible with surrounding areas, including, but not limited to building design and placement, colors, materials, height, bulk and the design of paseos, trails and other public facilities.* The proposed Project complies with The Preserve Specific Plan and is for commercial development that will be consistent with the existing Design Guidelines for The Preserve Specific Plan.
- e. *Consideration and application of public safety and security are incorporated into the project design.* The proposed Project will provide for public safety and security through its adherence to State and City public works and engineering standards for roadways and infrastructure. The Project will include adequate lighting in all parking areas and outdoor dining areas to ensure public safety when the establishment is constructed and in operation.

6. *CEQA Findings.* The Planning Commission finds that the environmental documentation is adequate and conforms with the provisions of CEQA. The Planning Commission finds that the Project has already been assessed by the City. The Project is within the scope of the previously adopted Addendum to The Preserve Chino Sphere of Influence – Subarea 2 Final Environmental Impact Report (SCH# 2000121036) (EIR) for South of Pine Update 2022, which adequately describes the proposed activity for the purposes of California Environmental Quality Act (CEQA), pursuant to Section 15164 of CEQA Guidelines. Additionally, there have been no substantial changes in the Project since it was originally assessed under the Addendum, or no substantial new information that was not previously known when the Project was originally assessed under the Addendum. No further action under CEQA is required.
7. *Approval of PL25-0001 (SCUP) and PL25-0002 (SA).* The Planning Commission hereby approves PL25-0001 (SCUP) and PL25-0002 (SA) subject to the Conditions of Approval attached hereto as Exhibit “A”. Applicant, including its successors and assigns, shall be responsible for implementing and complying with all conditions set forth in Exhibit “A”.
8. *Actions by the Planning Commission Secretary.* The Planning Commission Secretary is hereby directed to attest to the adoption of this Resolution as of the date set forth below and forthwith transmit a copy of this Resolution, by regular mail, to the Applicant at the address of record set forth in the Application.

PASSED, APPROVED, AND ADOPTED THIS 16TH DAY OF JULY 2025.

PLANNING COMMISSION CHAIRPERSON

ATTEST:

SECRETARY, PLANNING COMMISSION

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

I hereby certify the foregoing Resolution was duly adopted by the Chino Planning Commission at a meeting held on the 16th day of July 2025 and entered in the minutes of said Commission.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

SECRETARY, PLANNING COMMISSION

Attachments:

Exhibit A – Conditions of Approval