

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION CONDITIONS OF APPROVAL**

DATE: November 20, 2024

PROJECT FILE NO.: PL24-0090 (Special Conditional Use Permit)

LOCATION: 16067 Euclid Avenue (APN: 1056-121-06)

APPLICANT: Nikko Erick Reyes

1.0 TIME LIMITS:

- 1.1. Special conditional use permit approval shall expire on November 20, 2025, if the approved use has not commenced. The expiration date may be extended upon written request by the applicant on a City application form. The request must be received by the Director of Development Services at least 30 days prior to expiration of the application.
- 1.2. Should the use for which this approval is granted cease to exist for 180 or more consecutive days, this permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS:

- 2.1. Failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the Planning Commission.
- 2.2. The project shall proceed only in accordance with approved plans on file with the Development Services Department, the conditions contained herein and the Chino Municipal Code.
- 2.3. Approval of this request shall not waive compliance with all sections of the Chino Municipal Code, all other applicable City ordinances, and applicable specific plans.
- 2.4. Pursuant to Government Code Section 66020, the applicant is informed that the 90-day period in which the applicant may protest the fees, dedications, reservation or other exaction imposed on this project through the conditions of approval has begun.
- 2.5. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.

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- 2.6. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors and/or other parties in an action filed in a court of law, which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the applicable section of the entire project shall be reviewed by the City and substitute conditions may be imposed.
- 2.7. As a condition of issuance of this approval, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in the defense of any such action under this condition.
- 2.8. The City of Chino has an exclusive contract with Waste Management for all solid waste collection and hauling services within the City. The applicant shall be responsible for making arrangements with Waste Management for disposal of any/all construction debris or trash generated as a result of this permit. Waste Management can be reached at 1-800 423-9986.
- 2.9. All proposed signs shall be designed to conform with Chino Municipal Code Title 16 (*Signs*) and shall require separate application and approval by the Director of Development Services prior to installation.

3.0 PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND/OR COMMENCEMENT OF THE APPROVED USE:

- 3.1. Pursuant to Public Resources Code Section 21089 and Fish and Wildlife Code Section 711.4, the developer shall provide those fees marked [X] below in the form of a check made payable to the **San Bernardino County Clerk of the Board of Supervisors** within 5 days of Planning Commission approval. Project approval shall not be complete until the required fee(s) is (are) paid:

[X] \$50 for the Notice of Exemption filing fee.

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- 3.2. Revised plans, incorporating all conditions of approval, shall be submitted for review and approval by the Director of Development Services.
- 3.3. All plans shall be coordinated for consistency.
- 3.4. The developer shall pay development impact fees at the established rate. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, building permit and plan check fees.
- 3.5. Upon submittal of construction drawings to the Building Division for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.

4.0 THE APPROVED USE SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:

- 4.1. All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
- 4.2. Noise emanating from the project site, and which is received by adjacent land uses, shall not exceed the levels specified below, except that loudspeakers, bells, gongs, buzzers or other noise attention or attracting devices shall not exceed a maximum daytime dBA level of 60 and nighttime dBA of 40, measured anywhere beyond the boundaries of the property within which the noise is created.

Maximum Time of Exposure	Noise Metric	Noise Level Not To Be Exceeded	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
30 Minutes/Hour	L50	55 dBA	50 dBA
15 Minutes/Hour	L25	60 dBA	55 dBA
5 Minutes/Hour	L8.3	65 dBA	60 dBA
One Minute/Hour	L1.7	70 dBA	65 dBA
Any Period of Time	Lmax	75 dBA	70 dBA

- 4.3. Should it be determined by the City that noise measurements or a noise analysis of the use is needed, the applicant and its successor(s) shall bear all costs for said measurements and/or study and if necessary shall provide necessary soundproofing to mitigate the noise created on site, if

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noise and/or vibrations exceed what is permitted under the Chino Municipal Code or create a nuisance to surrounding uses. Said soundproofing shall be installed to the satisfaction of the Director of Development Services.

4.4. Commercial Recreation for Indoor Sports Facility:

4.4.1. The Special Conditional Use Permit (SCUP) is approved for indoor sports facility, operating in general accordance with Exhibit "A". The proposed use has the flexibility to modify the time and date of activities, provided it does not: 1) increase the overall hours of operations of the facility (6:00 AM to 11 PM PM); 2) increase the intensity of the project as it relates to traffic and parking; or 3) create a negative impact on surrounding uses, as determined by the Director of Development Services. The Director of Development Services shall have the authority to approve minor modifications to the proposed use, other than those outlined in Exhibit "A". If at any point the indoor sports facility proposes to change its operation (i.e. hours, types of uses, etc.), the applicant shall submit a request to the Director. At such time, the Director shall review the request and determine if the change in operation meets the intent of the SCUP or creates any potential new impacts. If necessary, the Director may refer the proposal back to the Planning Commission for final determination.

Attachment:

Exhibit "A" – Executive Summary