



Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the Planning Commission, are invited to fill out and submit to the Recording Secretary a "Request to Speak" form (name and address optional) which is available at the entrance to the City Council Chambers. Additionally, members of the public may submit electronic inquiries or comments by submitting emails to Planning@cityofchino.org.

If you require a reasonable accommodation to participate in this meeting per your rights under the Americans with Disabilities Act or for any other reason, please contact the City Clerk's Office at (909) 334-3306 at least 48 hours prior to the advertised starting time of the meeting.

Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available in the Development Services Department during normal business hours at City Hall located at 13220 Central Avenue, Chino. In addition, such documents will be posted on the City's website at www.cityofchino.org.

CHINO PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
13220 CENTRAL AVENUE
CHINO, CA 91710

WEDNESDAY, DECEMBER 4, 2024 AT 6:00 PM

STUDY SESSION

AGENDA

Notice is hereby given that a Special Meeting of the Planning Commission of the City of Chino will be held on December 4, 2024, at 6:00 pm, in the Council Chambers located at 13220 Central Avenue, Chino, CA, to discuss those items listed on the Agenda as noted below.

FLAG SALUTE

ROLL CALL

Planning Commission Members: Jimmy Alexandris (Chairperson), Lissa Fraga (Vice Chairperson), Brandon Blanchard, Kevin Cisneroz, Steve Lewis, Vincent Lopez, Lawrence Vieira

ANNOUNCEMENTS

PUBLIC COMMUNICATIONS

At this time, members of the public may address the Planning Commission on subjects that do not appear on the agenda. Please state your name for the record and limit your remarks to three minutes. If you have an item that will require discussion, please request that the item be placed on the next Planning Commission meeting agenda.

DISCUSSION

1. Study Session for Comprehensive Zoning Code update related to Zoning Code Modernization, Overall Organization, Objective Standards and State Law Compliance. Study Session for Comprehensive Zoning Code update related to Zoning Code Modernization, Overall Organization, Objective Standards and State Law Compliance

Staff Report By: Michael Hitz, AICP, Principal Planner

DIRECTOR'S REPORT

ADJOURNMENT

Adjourn to a regular meeting of the Planning Commission on December 18, 2024 at 6 p.m. in these Council Chambers.

I, Natalie Gonzaga, City Clerk of the City of Chino, hereby declare that on November 26, 2024 this agenda was posted on the south window of Chino City Hall and this agenda together with all of the agenda reports and related documents were posted on the City's website at www.cityofchino.org by myself or under my direction.



Natalie Gonzaga, City Clerk.

All Planning Commission decisions may be appealed to the City Council. An appeal of a Planning Commission decision must be filed with the Planning Division within ten (10) calendar days of the decision date.

**MEMORANDUM
CITY OF CHINO
DEVELOPMENT SERVICES DEPARTMENT**

PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2024

DATE: DECEMBER 4, 2024

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: ANDREA GILBERT, CITY PLANNER

SUBJECT

Study Session for Comprehensive Zoning Code update related to Zoning Code Modernization, Overall Organization, Objective Standards and State Law Compliance.

RECOMMENDATION

Receive a presentation on potential amendments to zoning standards and provide input to the Draft Zoning Code Update, anticipated for release in Spring 2025.

BACKGROUND

As part of the General Plan Update project, the City is also undertaking a comprehensive update to the Zoning Code. Given the volume of detailed material to review with the Commission, staff has proposed to divide the material into three separate modules and review each module with the Commission at a series of study sessions. The first study session was held on November 6, 2024, and covered parking standards and “Good Neighbor” standards for industrial uses. This meeting is the second of three planned study sessions and will cover code organization, retiring older Specific Plans, amendments for administration and permit streamlining, and amendments to standards for compliance with State law. The intent is to provide an overview of these topics, allow an opportunity for clarifying questions from Commissioners, and receive feedback on the initial concepts proposed prior to preparation of the Public Review Draft Code. No formal action will be taken by the Commission at the study sessions, which are intended as a forum for advance input from the Commission to the Draft Zoning Code Update.

Based on direction from the Commission, the Draft Zoning Code Update will be prepared and circulated for public review in the Spring of 2025. Formal adoption hearings for the Zoning Code Update are anticipated in Summer 2025, following adoption hearings for the 2045 General Plan and Environmental Impact Report.

ISSUES AND ANALYSIS

The focus of this second study session is on amendments to modernize the Code, making it easier to use, providing greater predictability in the project development process by use of objective design standards and ministerial approvals; and bringing it into compliance with new State law. Specifically, amendments to be reviewed with the Commission at this study session will cover:

- Organization of the Updated Zoning Code;
- Retiring Older Specific Plans that have served their purpose;

- Amendments for Administration and Permit Streamlining; and
- Amendments to Standards for Compliance with State Law.

The following discussion provides an overview of the proposed amendments and the rationale for making them.

Organization of the Updated Zoning Code

As a general rule, planning and zoning regulations should follow a logical structure so that the document is easy to use and amend over time. Title 20 of the Chino Zoning Code largely follows this principle. The basic arrangement of chapters in Title 20 is a result of a comprehensive update to the Zoning Code that occurred in 2010 as part of the Envision Chino 2025 General Plan Update. The current Zoning Code is sound, and the regulatory text is well-written. Various amendments to the Zoning Code have been adopted since 2010, with additions needed to implement the 2045 General Plan. To modernize the Zoning Code, a hierarchical framework for the Zoning Code may be helpful, grouping chapters in separate series related to the overall Code organization (e.g. introductory provisions, base zones, overlay zones, special districts, supplemental regulations applying citywide, and Code administration). This will make it easier for Code users to find key provisions and for new information to be added later without extensive reorganization and renumbering. Many peer communities divide their codes into series, divisions, or parts, making them more understandable and accessible for users.

With this in mind, Title 20 would be organized into a logical sequence of chapters grouped together into seven “series” as follows:

- **100 Series:** Introductory Provisions would establish the overall organization and applicability of the regulations. This series also would establish the purpose of the Code, the authority for its establishment, and rules for construction of language and for measurements such as height, lot width, and floor area, that are applicable throughout the Code. Chapters 20.01, 20.02 and 20.03 would be in this series.
- **200 Series:** Base Districts would specify the land use and development and design standards for each of the base zones, which would correspond to the land use designations in the General Plan. Each zone would have a purpose statement, a list of allowed uses specifying whether the use is allowed by-right or the level of discretionary review required, development and design standards applicable to those uses, supplemental regulations addressing any additional concerns, and references to administrative chapters that specify details on required levels of review and permitting procedures. Chapters for the residential, mixed use, commercial, industrial, and agricultural, open space and public zoning districts in the current Zoning Code would be carried forward, and chapters and sections added for new zoning districts for Downtown, Boulevard Mixed Use, Regional Mixed Use, and Employment Mixed Use, and a mixed use designation for other areas of the City. This series would incorporate chapters 20.04 through 20.08.
- **300 Series:** Overlay Zones and Planned Development would establish standards that apply to each new overlay zone and carries forward existing chapters with overlay zoning for agriculture, airport, and affordable housing in the AHO and MUO districts adopted last year. The existing overlay district standards will be reviewed and updated, as needed. The Central Avenue Specific Plan section would be repealed. This overlay

would identify areas where a master plan is required for a site before individual project approvals would be granted. This will ensure coordinated planning for infrastructure improvements and design standards for various uses and subareas. Other overlay zones may be established if called for in the General Plan Update. This series will include Chapter 20.09 and new provisions for planned development to allow a planned development option for commercial and mixed use development as well as for residential projects.

- **400 Series:** Specific Plans would include enabling authority for adoption and implementation of specific plans, such as for The Preserve, and College Park Specific Plans, which will be retained. It would allow these plans to be integrated into the City's regulatory system and administered efficiently, using existing standards and procedures wherever applicable and appropriate, and identifying area-specific standards which would apply in Specific Plan areas instead of citywide standards. The specific plans for the Eucalyptus Business Park, the Majestic Spectrum area, and East Chino would be repealed. How the Affordable Housing Overlay (AHO) and Mixed Use Overlay (MUO) would apply in specific plan areas would also be explained. Provisions currently in Section 20.23.050 would be moved into this series.
- **500 Series:** Additional Use and Development Regulations would include those regulatory standards in Chapters 20.10 through 20.22 that apply generally to all zones, except for Chapter 20.15, the Measure M General Plan Initiative, which would be moved to the 600 Series. These chapters would be reorganized, grouping all general site standards into one chapter, and then having separate chapters for affordable housing provisions and density bonus requirements under State law (supplementing provisions of Section 20.09.090), community benefits and incentives for on-site amenities, lighting standards, noise regulations, provisions for nonconforming uses and structures, standards for parking and loading, standards for specific land uses, performance standards applicable to all uses, and regulations for transfer of development rights (as identified in the General Plan), transportation demand management, water-efficient landscaping, and wireless communications facilities.
- **600 Series:** Administration and Permits would carry forward administrative sections in Chapter 20.23, reorganized and revised to reflect current State law and requirements for ministerial review for qualifying projects, as well as the Measure M provisions in Chapter 20.15. This series would include the responsibilities of all decision makers and includes a new "common procedures" section that establishes procedures applicable to all types of review and approval, which will streamline the approval process. Chapters on permits would be reorganized, so provisions that are most frequently consulted, such as for a zoning clearance, are presented first, followed by site approval, design review, and then special conditional use permits and temporary use permits, variances, waivers and provisions for reasonable accommodations, and development agreements. Procedures for pre-zoning and annexation, and General Plan amendments then would be presented followed by enforcement provisions, including revocation procedures. Provisions for ministerial approvals for qualifying affordable housing development required by SB 35 and provisions for SB 330 applications for housing development also would be in this series.

- **700 Series:** Glossary will carry forward definitions in Chapter 20.24, as amended to include new terms used in the Code amendments and edits of existing terms, as appropriate.

The numbering sequence for chapters and sections would reflect this hierarchy, with the first two digits referring to the title, the next three digits the series, and the last three digits the section number. For example, Chapter 20.01 would be renumbered 20.101, and the first section would be numbered as Section 20.101.010. In the 200 Series, the first chapter on residential districts would be renumbered as 20.201 and the sections would begin with Section 20.201.010.

Retiring Older Specific Plans

Chino has six specific plans, adopted between 1982 and 2004 to guide land use and development in certain areas of the City. While the specific plans were helpful in guiding initial development of the areas covered, in some areas there is little vacant land remaining and the original vision has largely been realized. Therefore, with the General Plan Update it makes sense to retire these older specific plans that have served their useful purpose: the Eucalyptus Business Park Specific Plan, the Majestic Spectrum Specific Plan, the East Chino Specific Plan, and the Central Avenue Specific Plan. Where there are development agreements in place, such as in The Preserve, or where there are remaining development opportunities, such as in College Park, the specific plans should remain in place.

In the case of the Central Avenue and Majestic Spectrum Specific Plans, the 2045 General Plan will apply new land use designations and policy direction reflecting community aspirations for those areas, and in the Eucalyptus Business Park Specific Plan new "good neighbor" policies and standards will be incorporated into the General Plan and Zoning Code to guide redevelopment of underutilized properties. Where the AHO and the MUO apply within these specific plan areas, those zoning designations would remain and the related design and development standards that apply to housing development on these sites also would be carried forward in the Zoning Code Update.

In the case of the East Chino Specific Plan, there are only two vacant parcels left in the Plan Area and one has an active application for development of a mixed use project in the MUO overlay district. With over a dozen uncodified amendments, many of which apply only to a single site, and landscaping requirements that can no longer be feasibly developed, the Plan is increasingly difficult to implement. If the Plan is repealed, citywide standards would apply for redevelopment and any important area-specific standards can be incorporated into the zoning code either through text amendments or with an overlay.

Overall, the land use regulations and design and development standards needed to guide infill and redevelopment in older specific plan areas can be more efficiently addressed by citywide or district-specific requirements, through overlays and by the new mixed use zoning districts proposed as part of the General Plan Update. Changes in parking lot landscaping, bicycle parking requirements, electric vehicle (EV) charging facilities, and parking requirements will change with the Zoning Code Update, and standards to reduce "heat islands" in parking areas will be introduced. Transportation Demand Management is required for the Eucalyptus Business Park but not for the Majestic Spectrum. These could apply to the older specific plans through specific plan amendments, but it would be more efficient to just have all development meet citywide standards.

Amendments for Administration and Permit Streamlining

Amendments related to administration and permit streamlining are proposed to clarify the City's requirements, streamline the permitting process, and reduce staff time needed to explain procedures. Additionally, amendments to administrative provisions are needed to comply with State mandates set out in Senate Bill 35, Assembly Bill 2011, and Senate Bill 330. These amendments would be located in the 600 Series of the Code and cover:

- Common procedures for administrative approvals;
- New procedures for a temporary use permits;
- Administrative approval for residential development meeting objective standards, removing requirements for Site approvals (correlated with earlier Code amendments for Housing Element implementation);
- Special procedures for qualifying affordable housing development and for replacement housing when existing housing is demolished; and
- Time limits, particularly for Council action following Planning Commission action.

Proposed amendments for administration and permit streamlining are shown in redline in Exhibit A and summarized below. Overall, the amendments are targeted in nature and in line with the directives in State law.

Common Procedures for Administrative Approvals

The City's current regulations for Administration are generally quite good and reflect best practices. They establish the review authority for various permits and approvals and the specific requirements for zoning clearances, administrative approvals, site approvals, special conditional use permits, and variances as well as for General Plan and Zoning Code amendments, annexations, and specific plan amendments. Several amendments are proposed additions to clarify the City's requirements, streamline the permitting process, and reduce staff time needed to explain procedures.

Temporary Use Permits

A streamlined procedure allowing the Director of Development Services to grant use permits for temporary uses is proposed. The specific types of temporary uses for which these permits can be granted would be listed, with time limits for each of them. In some cases, the temporary use would only be allowed in a residential zone, particularly if it would operate for 30 to 60 days, while a performance or dance, which would be held on a single day, might be permitted in a residential neighborhood. Findings would be required for an approval, and the Director of Development Services could impose conditions, such as regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service. The Director's decision would be appealable.

Procedures for Senate Bill 35

Senate Bill (SB) 35 (adopted in 2018) (as extended by SB 423 in 2023) requires cities to allow qualifying development projects with certain minimum affordable housing guarantees to move more quickly through the local government review process and restricts the ability of Chino to

reject these proposals. This is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met. Chino is one of 238 jurisdictions in California that have not made sufficient progress toward their Lower income RHNA (Very-Low and Low income) and are therefore required to offer a streamlined approval process for proposed developments with at least 50 percent affordability. SB 423 removed the requirement for CEQA analysis, however notification to California Native American tribes is required. Some cities in the Inland Empire, such as Pomona and Riverside, have codified similar procedures; others have simply created a procedure for ministerial review and rely on counter handouts of forms for SB 35 applications. Riverside's provisions are most similar to those proposed for Chino; they track the Government Code requirements.

Procedures for Assembly Bill 2011

Government Code Sections 65912.100 – 65912.140 (also known as AB 2011), require the City to review qualifying housing development projects in commercial zones using a streamlined ministerial review process that is essentially the same as for SB35/SB423 without tribal consultation. Eligible projects that meet State criteria also must comply with the City's objective planning standards, provide specified levels of affordable housing, and meet other specific requirements, as detailed in an AB 2011 Supplemental Application - Eligibility Checklist.

Applicants intending to invoke the AB 2011 Streamlined Ministerial Review approval process must complete a Streamlined Ministerial Review Process Application and the AB 2011 Eligibility Checklist and provide supporting documentation for each item (as applicable) to demonstrate eligibility. Additional materials include project plans (i.e., site plan, floor plan, demolition plan, elevations, building cross-sections, and conceptual landscape and civil plans) and a table or checklist demonstrating compliance with all objective design and development standards. The Development Services Department would review the submitted materials and make a determination on whether the project complies with AB 2011 criteria. As with SB35/SB423 projects, the Director would be the decision-maker, or the Director could forward the determination to the Planning Commission for consideration as part of a ministerial design review process. This optional design review and public oversight is specifically provided for by AB 2011.

Procedures for Senate Bill 330

Senate Bill (SB) 330, "The Housing Crisis Act of 2019," was signed into law by Governor Newsom on October 9, 2019, and went into effect on January 1, 2020. The bill established a statewide housing emergency for five years, until January 1, 2025; SB 8 subsequently extended its term to 2030. The purpose of enacting the Housing Crisis Act was to suspend certain restrictions on new housing developments and expedite the permitting of housing developments. Specifically, SB 330 allows an applicant to submit a Preliminary Application for any housing development project with two or more units that is at least two-thirds residential by floor area or transitional and supportive housing projects. By submitting the Preliminary Application and complying with the timelines set forth in the Government Code, applicants can vest the zoning and objective design standards in effect at the time of application as well as fees such as Development Impact Fees (DIF). SB 330 also limits the number of public project hearings to five. Eligible projects are required to comply with existing zoning and General Plan requirements as well as with the California Environmental Quality Act (CEQA). CEQA hearings or hearings related to zoning variances or code exemptions are not included in the public hearing limit.

PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2024

TITLE: STUDY SESSION FOR COMPREHENSIVE ZONING CODE UPDATE RELATED TO ZONING CODE MODERNIZATION, OVERALL ORGANIZATION, OBJECTIVE STANDARDS AND STATE LAW COMPLIANCE.

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Specific Procedures for Replacement Housing (Assembly Bill 98)

In the City's 2012-2029 Housing Element, Program 3H calls for the City to adopt and implement a replacement housing program for units lost in compliance with State law (Assembly Bill 98). The replacement of lower income units affordable to the same or lower income level must be required as a condition of any development on a non-vacant site identified in the Housing Element, consistent with those requirements set forth in Government Code Section 65915(c)(3). Replacement requirements apply to sites identified in the inventory that currently have residential uses, or within the past five years (based on the date the application for development was submitted) have had residential uses that have been vacated or demolished with some clarifying provisions. The Code amendments would be added to Chapter 20.603, Specific on Procedures for Approvals and Permits, and would stipulate that the City will not approve a housing development project that requires the demolition of residential dwelling units regardless of whether the parcel was listed in the inventory unless the project will create at least as many residential dwelling units as will be demolished, and the affordability criteria stipulated in Government Code section 66300(d) are met.

Amendments to Standards for Compliance with State Law

The Housing Element identifies several targeted amendments to regulations in several of the implementation programs needed for compliance with State law. These amendments apply to the following specific land uses: Group Homes, Low Barrier Navigation Centers, Manufactured Housing, and Transitional and Supportive Housing. The Zoning Code will be updated to allow these uses in the appropriate zoning district and establish standards for each of these uses. The Zoning Code amendments will also add regulations and standards for uses identified by City staff that may need additional regulations and clarification. Some of these uses include Automotive Sales, Commercial Nurseries, Massage and Tattoo Establishments, Self-Storage Facilities and Smoke Shops. The proposed amendments are shown in redline in Exhibit B. Overall, the amendments are targeted in nature and in line with the directives in State law.

PUBLIC NOTICE

Information about this meeting was circulated on various City of Chino social media platforms and sent out to the General Plan update email list of interested individuals.

Exhibit A

Code Amendments for Administration and Common Procedures

These proposed Code amendments for administration, common procedures, and special procedures required by Senate Bill (SB) 35 / SB423, Assembly Bill 2011, and Senate Bill 330 are in draft form for Planning Commission review, with new text shown in **redline** format and deleted text as ~~striketrough~~. Ellipsis (...) denote where there would be no change to existing regulations. These sections are not included to make it easier for the Commission to see the changes and not have to go through pages of text with no amendments.

Chapter 20.601 – ADMINISTRATION

Sections:

- 20.601.010 Purpose and applicability
- 20.23.010 – Review Authority
- 20.23.020 – Approvals, Generally
- 20.23.030 – Applications and Fees

20.601.010 – Purpose and applicability

The 600 Series establishes the procedures and criteria by which the City of Chino will review proposed land use and development for compliance with Title 20, Zoning, of the Municipal Code of the City of Chino. All use and development of land or structures, construction of buildings and improvements to the land, and changes in the use of land or structures must obtain permits and approvals in accordance with Title 20, unless specifically exempted.

20.601.020 – Review Authorities

- A. Threshold of Review.** Table 20.601-1 (Threshold of Review) establishes the final reviewing authority for all land use and development entitlements in the City of Chino. The symbols contained within the Table have the following meanings:

- X = Approving Authority
- A = Appeal Authority
- R = Recommending (Advisory) Authority

Table 20.601-1 Threshold of Review

<i>Application Type</i>	<i>Section/ Title Number</i>	<i>Approving Authority</i>		
		<i>Director of Development Services</i>	<i>Planning Commission</i>	<i>City Council</i>
Annexations				X
General Plan Amendments	20.603.010		R	X
Specific Plan Amendments	20.603.020		R	X
Zone Changes and Zone Ordinance Amendments	20.603.030		R	X
Prezoning	20.603.030		R	X
Tract/Parcel Maps	Title 19			
Tentative Maps	Title 19		X	A

Final Maps	Title 19			X
Development Agreements	20.603.040		R	X
Conditional Use Permits	20.603.050		X	A
Temporary Use Permits	20.603.060			
Site Approvals	20.603.070		X	A
Minor Variance	20.603.080	X	A	A
Major Variance	20.603.080		X	A
Zoning Clearance	20.603.090	X	A	A
Administrative Approval	20.603.100	X	A	A
Special Procedures for Streamlined Administrative Approval of Qualifying Housing Development	20.603.110	X	X ¹	
Special Procedures for SB 330 Applications for Housing Developments	20.603.120	X		
Replacement Housing for Housing Development Projects	20.603.130	X		

- B. Multiple Permit Applications.** A project which requires the filing of more than one land use or entitlement permit application shall, to the extent possible, file all related permits concurrently.

20.601.030 – Approvals, Generally

- A.** Any variance or conditional use permit granted pursuant to the provisions of any “zoning” or “districting” ordinance enacted prior to the effective date of the ordinance codified in this title, shall be construed to be a variance or conditional use permit under this title, subject to all limitations imposed in such variance or conditional use permit. Such variances or conditional use permits, however, not utilized within 180 days from the effective date of the ordinance codified in this title, shall be null and void, and the property included therein shall thereafter be subject to all the regulations of the zone in which it is located.
- B.** Any land use that is legally established prior to the effective date of the ordinance codified in this title, and which land use requires the approval of a conditional use permit according to this title, is deemed to have a conditional use permit subject to all requirements of Section 20.23.080 of this Code.

20.601.040 – Applications and Fees

- A. Purpose and Intent.** These provisions prescribe the procedures and requirements for the filing of applications for permits, amendments and approvals prescribed by the Zoning Code.
- B. Application Filing.** An application for a permit, permit modification, amendment, or any other matters pertaining to this Zoning Code shall be filed with the Department of Development Services

¹ Optional Planning Commission Design Review/Public Oversight; see Section 20.603.110.

on a City application form, together with all required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the Department to process the application. The application shall be made by the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Zoning Code, or their agent(s).

C. Application Contents.

1. **Application Forms.** The Director of Development Services (the “Director”) must prepare and issue application forms that specify the information and materials required from applicants for projects subject to the provisions of the Zoning Code.
2. **Electronic Submissions and Supporting Information and Materials.** The Director may require the electronic submission of application materials, consistent with the Government Code, and also is authorized to request the submission of additional information and materials from the applicant when necessary to complete the review of the project. The information and materials may include, but are not limited to, written descriptions, photographs, plans, drawings, maps, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings must depict the proposed structure, landscaping, and other improvements, and surrounding uses as they would appear after project completion.
3. **Submittal Waivers.** The Director may waive certain submittal requirements to tailor the requirements to the information necessary to review the particular application.
4. **Public Review.** All forms, information, and materials submitted in support or in opposition to an application become property of the City, may be distributed to the public, and will be made available for public inspection. Upon reasonable request and during normal business hours, any person may examine these submittals in the Department of Development Services. Unless prohibited by law, copies of these submittals will be made available at a reasonable cost.

D. Fees. The City Council shall, by resolution, establish a schedule of fees for discretionary permits, ministerial approvals and zoning clearances, amendments, and other matters pertaining to this Zoning Code. The schedule of fees may be changed or modified only by resolution of the City Council. Until all applicable fees have been paid in full, review shall not commence on any application. Failure to pay all applicable fees is grounds for denial of an application.

1. **Fee Waiver.** An applicant may submit a written request to the Director for the waiver of all or a portion of fees. Upon a finding by the Director that, owing to exceptional or extraordinary circumstances, collection of the required fees will result in unnecessary hardship, the fees may be reduced or waived by the Director.
2. **Multiple Applications.** The City’s processing fees are cumulative. For example, if the application for Site Approval includes a Conditional Use Permit, both fees will be charged.
3. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Municipal Code or by a policy of the City Council.

- E. Limitation on Application Refiling.** A final action denying an application for a land use decision or development permit relative to a specific lot(s) or parcel(s), shall prohibit the further filing of the same or a substantially similar application for a period of not less than one year from the date of application denial.
- F. Environmental Review.** An application for a permit, permit modification, amendment, or any other matters pertaining to this Zoning Code shall be reviewed and acted upon in accordance with the provisions of the California Environmental Quality Act and the CEQA Guidelines.
- G. Applications Deemed Withdrawn.**
1. If an applicant does not respond in writing to a Notice of Non-Acceptance within nine months of receipt of said Notice, the application shall expire and be deemed withdrawn without any further action by the City.
 2. Any fees submitted with the project application that remain unused at the time the application is deemed withdrawn shall be returned to the applicant.
 3. After the withdrawal of an application, future City consideration of the same or another project shall require the submittal of a new, complete application, and associated filing fees.

Chapter 20.602 – COMMON PROCEDURES

Sections:

- 20.602.010 – Purpose and Intent
- 20.602.020 – Pre-Application Review
- 20.602.030 – Review of Applications.
- 20.602.040 – Multiple Applications
- 20.602.050 – Environmental Review
- 20.602.060 – Public Notices and Hearings
- 20.602.070 – Conduct of Public Hearings
- 20.602.080 – Action
- 20.602.090 – Effective Date
- 20.602.100 – Expiration and Extension
- 20.602.110 – Changes to an Approved Project
- 20.602.120 – Appeals
- 20.602.130 – Calls for Review
- 20.602.140 – Modification Procedure for Conditions of Approval
- 20.602.150 – Revocation Procedure

20.602.010 – Purpose and Intent.

This chapter establishes the procedures that are common to the application for and processing of all permits and approvals provided for in this Zoning Code, except as superseded by a specific requirement of the Zoning Code or State law

20.602.020 – Pre-Application Review

- A. Purpose.** The purpose of the preliminary review process is to provide an introductory review that allows the City to analyze a project at a conceptual level. The purpose of the review is to identify major issues regarding land use, building configuration, driveway locations, overall site design, and environmental impacts.
1. A preliminary review may be submitted for any development proposals prior to the formal submittal of an application.
 2. A preliminary review shall be required for all projects that involve a density bonus and/or other incentives as identified in Chapter xxxx (TBD).

- B. Application and Filing.** An application for a preliminary review may be initiated by the City or by an interested party in accordance with the provisions of Section 20.601.040 (Applications and Fees) of this Series.
- C. Review.** Within 90 days following receipt of a preliminary review application, the Director of Development Services shall respond to the applicant in writing, providing comments on the proposal, suggestions on how to improve the proposal, consistency with General Plan and zoning regulations, potential special studies that may be required, and a description of all necessary land use applications that must be filed with the City.
- D. Recommendations Are Advisory.** Neither Pre-Application Review nor the information conveyed during the Pre-Application Review is a recommendation for approval or denial of an application by City representatives. Any recommendations that result from Pre-Application Review are advisory; they are not binding on the applicant or the City.

20.602.030 – Review of Applications.

A. Review for Completeness.

1. The Director must determine whether an application is complete within 30 days of the date that the application is filed with the required fee. If the Director does not make such determination, the application is deemed complete pursuant to State law and shall be processed accordingly.
2. The Director and the applicant may mutually agree in writing to extend this time period.

B. Incomplete Application.

1. **Zoning Violations.** An application is incomplete if conditions exist on the site in violation of this Zoning Code or any permit or other approval granted in compliance with this Zoning Code, unless the proposed project includes a correction of the violation(s).
2. **Notification of Deficiencies.** If an application is incomplete, the Director must provide written notification to the applicant specifically identifying how the application is deficient and stating that the Department of Development Services will not process an incomplete application. The application must then be classified as “incomplete.”
3. **Correcting Deficiencies.** The applicant must provide the materials and/or information required to correct the deficiencies in the application within the time limit specified by the Director, which must not be sooner than 30 days. The Director may grant one extension of up to 90 days.
4. **Expiration of Application.** If an applicant fails to correct any specified deficiency within the specified time limit, the application will be deemed expired. After the expiration of an application, the submittal of a new, complete application is required.
5. **Appeal of Determination.** The decision that an application is incomplete may be appealed to the Planning Commission in accordance with Section xxx, except that there must be a final

written determination on the appeal no later than 60 days after the Planning Commission's receipt of the appeal.

C. Complete Application.

1. **Complete Application Required.** An application must be complete before review of the application begins.
2. **Determination of Complete Application.** An application is complete when the Director determines that it is submitted on the required form, includes all the necessary information to decide whether the application will comply with the requirements of this Zoning Code, and is accompanied by the applicable fee(s). The Director's decision is final and not subject to review by a decision-making body.
3. **Recording Date and Scheduling Hearing.** When an application is determined to be complete, the Director must make a record of that date. If the application requires a public hearing, the Director must schedule it and notify the applicant of the date and time.

20.602.040 – Multiple Applications

When multiple applications that require public hearings are filed for the same projects, all issues shall be heard together by the review authority with the most authority, and other review bodies shall provide recommendations to that review authority unless more specific procedures for a specific application or procedure are prescribed elsewhere in this Zoning Code. In other words, if a project requires zoning clearance, a tentative subdivision map approval, and a conditional use permit, the Director shall make a recommendation to the Planning Commission. If a rezoning also is required, then the Planning Commission shall make recommendations to the City Council.

20.602.050 – Environmental Review

Before approving any application subject to discretionary review or a zoning clearance under this Zoning Code, the requirements of the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) must be met.

- A. **Procedures.** The City adopts and incorporates by reference the State CEQA Guidelines as its environmental review procedures.
- B. **Determination of Exemption.** The Director must determine whether a project is exempt from environmental review under CEQA and, if so, must make a record of that determination. If the project is not exempt, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report must be prepared at the applicant's expense.
- C. **Exempt Projects.** Prior to approving the project, the decision-maker(s) must first approve the Director's determination of an exemption. Following project approval, a Notice of Exemption need not be filed with the San Bernardino County Assessor-Recorder-Clerk, Recorder's Office, unless the

applicant requests it, or the City determines that it is necessary. The applicant must pay all filing fees for the Notice of Exemption.

- D. Non-exempt Projects.** If the Director determines that the project is not exempt from environmental review under CEQA, the applicant must be notified and must pay the required fee for peer review. Prior to approving the project, the decision-maker must first approve the Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Any identified mitigation measures must be incorporated into the conditions of approval of the project unless a Statement of Overriding Considerations is adopted. Following project approval, a Notice of Determination must be filed with the San Bernardino County Assessor-Recorder-Clerk, Recorder’s Office, at the applicant’s expense.

20.602.060 – Public Notices and Hearings

- A. Purpose and Intent.** The purpose of these provisions is to prescribe specific procedures and requirements for the scheduling, noticing and hearing of each of the various classifications of land use and development applications, or any other matters pertaining to this Zoning Code.
- B. Applicability.** An application for a permit, permit modification, amendment, change, revision, extension, or any other matters pertaining to this Zoning Code, shall be scheduled, noticed and heard in accordance with the provisions of this Section.
- C. Notice of Hearing.**
 - 1. **Minimum Notification Procedures.** Public notice and hearing shall be provided in the manner prescribed by Table 20.602-2 (Minimum Public Notice and Hearing Requirements).

Table 20.602-2 Minimum Public Notice and Hearing Requirements

Classification/Action	Public Hearing Required	Notification Requirement		Additional Regulations
		Mail	Publish	
Zone Ordinance Amendments	Yes	No	Yes	(to come)
Zone Changes	Yes	300 ft. Radius	Yes	
Variances				
Minor Variance	No	Adjacent Property	No	
Major Variance	Yes	300 ft. Radius	Yes	
Tract/Parcel Maps:				
Tentative Maps	Yes	300 ft. Radius	Yes	
Final Maps	No	No	No	
Specific Plans and Amendments				
Not affecting specific real property	Yes	No	Yes	
Affecting specific real property	Yes	300 ft. Radius	Yes	
Conditional use Permits	Yes	300 ft. Radius	Yes	
Temporary Use Permit	No	No	No	

<i>Classification/Action</i>	<i>Public Hearing Required</i>	<i>Notification Requirement</i>		<i>Additional Regulations</i>
		<i>Mail</i>	<i>Publish</i>	
Site Approvals	No	300 ft. Radius	Yes	
General Plan Amendments:				
Not affecting specific real property	Yes	No	Yes	
Affecting specific real property	Yes	300 ft. Radius	Yes	
Fees and Exactions (adoption or increase)	Yes	No	Yes	
Development Agreements	Yes	300 ft. Radius	Yes	
Appeal Of				
Planning Commission action not affecting specific real property	Yes	No	Yes	
Planning Commission action affecting specific real property	Yes	300 ft. Radius	Yes	
Administrative Action	No	The noticing requirements shall be the same as that required for the administrative action or decision being appealed		
Administrative Approvals				
Zoning Clearance and Ministerial Approvals	No	No	No	
Type I (Minor New Construction Projects)	No	Adjacent Property	No	
Type II (Minor Additions, Expansions or Alterations)	No	Adjacent Property	No	
Type III (Land Use Approvals)	No	Adjacent Property	No	
Home Occupation Permit	No	Adjacent Property	No	

2. A public notice shall be published one time in a newspaper of general circulation within the City, at least 10 days prior to the scheduled hearing.
3. At least 10 days prior to the scheduled hearing, notice shall be provided in each of the following ways:
 - a. Notice shall be mailed or delivered to the owner of the property that is the subject of the hearing or the owner's duly authorized agent, and to the project applicant.
 - b. Notice shall be mailed or delivered to each local agency expected to provide water, sewer, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be affected.
 - c. Notice shall be mailed or delivered to all owners of real property shown on the latest equalized assessment roll within a 300-foot radius of the property that is the subject of the hearing. In lieu of utilizing the assessment roll, the City may utilize records of the county

assessor or tax collector that contain more recent information than the assessment roll. If the number of owners to whom the notice would be mailed or delivered pursuant to this paragraph is greater than 1,000, the City may provide notice by placing a display advertisement of at least one-eighth page in a minimum of one newspaper of general circulation within the City, at least 10 days prior to the hearing.

- d. The 300-foot radius is a MINIMUM requirement and may be expanded if deemed necessary by the Director of Development Services.
 - e. Where it is anticipated that the subject of a hearing may result in opposition or controversy within a neighborhood, the Director of Development Services may require the project applicant to provide notification to all renters and lessors of property within a 300-foot radius of the property that is the subject of the hearing.
4. At least 10 days prior to action on the application, notice shall be provided in each of the following ways:
- a. Notice shall be mailed or delivered to the owner of the property that is the subject of the hearing or the owner's duly authorized agent, and to the project applicant, and
 - b. Notice shall be mailed or delivered to all owners of real property shown on the latest equalized assessment roll adjacent to the property that is the subject of the hearing. In lieu of utilizing the assessment roll, the City may utilize records of the county assessor or tax collector that contain more recent information than the assessment roll. For the purpose of these provisions, "adjacent" means any lot that touches the property line of the subject site or is located across the street.

D. Additional Notification. In addition to the noticing required by Table 20.602-2 (Minimum Public Notice and Hearing Requirements), notice of a hearing may be given in any other manner deemed necessary by the Director of Development Services.

- 1. For applications on a lot or lots combined to be greater than 5 acres, within 600 feet of a residentially zoned property, the applicant shall install a sign on the subject property as follows:
 - a. The sign shall be installed on all property lines directly adjacent to a public right-of-way.
 - b. The sign shall be a minimum of four feet (4') in height by eight feet (8') in length and shall include the following:
 - i. The developers name and contact information;
 - ii. Name of project and file number;
 - iii. Brief description of project; and
 - iv. City contact name and phone number.
 - c. The sign shall be easily readable from a distance of 60 feet.
 - d. The sign shall be removed within 7 days of the final decision of the hearing body.

E. Notice Content. At a minimum, a public notice shall include the following information:

1. The date, time, address and location of the meeting or public hearing;
2. The identity of the hearing body or officer holding the meeting or hearing;
3. A general description of the proposed project;
4. The environmental determination;
5. The name, title, and telephone number of a staff contact person;
6. The location and hours that the case file can be reviewed;
7. The project name and case number;
8. The project applicant's name and the name of the owner if not the applicant;
9. A general description of project location, including streets and intersections;
10. A vicinity map showing the project location;
11. A statement that anyone interested in the project, and anyone who has questions or comments on the project, is invited to attend the public meeting or hearing, to appear and be heard on the request or proposal;
12. A statement describing how to submit written comments and what the appeal procedures area; and
13. The following concluding statement: "If you challenge the (*nature of the action*) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City prior to the public hearing."

- F. Request for Notification.** A notice shall be mailed or delivered, at least 10 days prior to the scheduled hearing, to all persons who have filed a written request for notice with the City Clerk. At the time of such request, the person shall deposit such sum requested by the City Clerk to cover the City's actual cost thereof, as determined by the City Clerk.
- G. Failure to Receive Notice.** The failure of any person or entity to receive public notice given pursuant to this Zoning Code shall not constitute grounds for any court to invalidate the action for which the notice was given. Meaning more specifically, that the validity of the proceedings are not affected by the failure of any person or entity to receive notice under this Section

20.602.070 – Conduct of Public Hearings

1. At any public hearing held pursuant to the provisions of this Zoning Code, the Planning Commission or City Council shall hear the applicant, appellant, any interested persons, and any staff member. The Planning Commission or City Council may preclude the introduction of any irrelevant evidence and may restrict any person's oral presentation to 10 minutes. However, the Planning Commission or City Council shall receive any person's written statement.
2. In the event that any member of the Planning Commission or City Council has obtained evidence outside of the hearing, such information shall be placed into the record. Thereafter,

the applicant, appellant, or any interested person may rebut such information and shall be entitled to a continuance for that purpose. However, no person may examine a member of the Planning Commission or City Council.

3. Any action or decision of the Planning Commission or City Council shall require a majority vote of its members. An abstention by any member who is present at the hearing and has heard all presented evidence, shall constitute an affirmative vote on any motion regarding the application or appeal.
4. When an action or decision of the Planning Commission is contested, and a request is made in writing prior to the date of the hearing, the Director of Development Services shall insure that a record of any such hearing shall be made and duly preserved provided that a deposit is made prior to the hearing, and that the total cost thereof is made before said record is made available.
5. Any public hearing conducted pursuant to this Section may be continued from time to time. If such hearing is continued at the request of an applicant or appellant, such a continuance shall constitute a waiver of any applicable time period in which to take action or render a decision.
6. Any action or decision of the Planning Commission shall be final and conclusive, unless appealed to the City Council pursuant to the provisions of Part I (Appeals) of this Section. Any action or decision of the City Council shall be final and conclusive.

20.602.080 – Action

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Zoning Code, the responsible decision-maker must issue a Notice of Action and make findings as required by this Zoning Code.

- A. Date of Action.** After the close of the public hearing or, if no hearing is required, no sooner than ten days after any notice was provided pursuant to Section 20. **xxx.xxx (TBD)** the decision-maker must make a decision to approve, approve with conditions, or deny the application. Decisions must also be made within any applicable time period set forth below.
1. ***Project Exempt from Environmental Review.*** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
 2. ***Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.*** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City must take action on the accompanying discretionary project.
 3. ***Project to Develop Affordable Housing for which an Environmental Impact Report is Prepared.*** Within 90 days from the date that the decision-making authority certifies the Final Environmental Impact Report for an affordable housing project that meets the criteria set forth in California Government Code Section 6590(a)(2) for environmental review of affordable housing projects, the City must take action on the accompanying project.

4. ***Project for which an Environmental Impact Report is Prepared.*** Within 180 days from the date the decision-making authority certifies a Final Environmental Impact Report, the City must take action on the accompanying discretionary project.
- B. Findings.** The decision must be based on the findings required by this Zoning Code. The findings must be based on consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and must be stated in writing. They may refer to a City resolution, ordinance, or record of the action on the application.
- C. Conditions of Approval.** In approving an application, the decision-maker may impose reasonable conditions it deems necessary to ensure that the project will comply with the General Plan, any applicable specific plan, this Zoning Code, and any other applicable City regulations.
- D. Referral Back to Planning Commission.** In approving applications requiring City Council approval upon a recommendation of the Planning Commission, the Council may add, modify, or delete any terms of the permit itself or any provisions of the conditions of approval. Such action may, but need not be, referred back to the Planning Commission for its review and recommendation.
- E. Notice of Decision.** After the decision is made, the Director must issue a notice of decision. For a Planning Commission or City Council action, this notice must consist of the approved resolution or ordinance and any associated conditions of approval. For a decision by any other decision-maker, a letter must be issued to the applicant indicating the decision and any written findings and conditions of approval. A copy of the notice must also be provided to any other person or entity that has filed a written request of such notification.

20.602.090 – Effective Date

A final decision on an application for any discretionary approval subject to appeal is effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed pursuant to Section xxxxxxxx No building permit or business license for the structure or use that is the subject of the application may be issued until after the close of the 10-day appeal period.

20.602.100 – Expiration and Extension

- A. Expiration.** The decision-maker, in the granting of any permit or approval, may specify a time within which the proposed use or construction must be undertaken and actively and continuously pursued. If no time period is specified, any permit or approval granted under this Zoning Code automatically expires if it is not exercised or extended within one year of its issuance.
 1. ***Exercise of Use Permit.*** A permit for the use of a building or land that does not involve construction is exercised when the permitted use has commenced on the site.
 2. ***Exercise of Building Permit.*** A permit for the construction or alteration of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

- B. Extensions.** The Director may grant a two-year extension of any permit or approval granted under this Zoning Code upon receipt of a complete written application with the required fee prior to the approval's expiration date. In order to grant an extension, the Director must make the following findings:
1. The applicant has clearly documented that he or she has made a good faith effort to commence and diligently pursue work;
 2. It is in the best interest of the City to extend the approval;
 3. There are no substantial changes to the project, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance that would require any further environmental review pursuant to the California Environmental Quality Act; and
 4. The applicant is maintaining the property in compliance with all applicable City regulations.
- C.** In granting an extension pursuant to subsection (B) above, the decision-maker may modify the conditions of approval as deemed necessary to fulfill the purposes of this Zoning Code.

20.602.110 – Changes to an Approved Project

- A. Minor Modifications.** The Director may approve minor modifications to approved plans that are substantially consistent with the original findings and conditions of approval and that would not intensify any potentially detrimental effects of the project. Modification of conditions of approval are governed by Section 20.602.140.
- B. Major Modifications.** Modifications that the Director determines are not minor require the approval of the original decision-maker. Any person holding a permit granted under this Zoning Code may apply for such modification by following the same procedure required for the initial application for the permit. Such modifications may be to the terms of the permit itself or to conditions of approval. Modification of conditions of approval are governed by Section 20.602.140.

20.602.120 – Appeals

- A. Administrative Actions or Decisions.**
1. Any applicant or any interested person may appeal to the Planning Commission, any action or decision of the Director of Development Services. An appeal request shall be filed in writing with the Development Services Department, along with the appropriate fee as determined by resolution of the City Council, within 10 days following the action or decision. Such appeal shall include a statement identifying the specific action or decision which is being appealed, the specific grounds for the appeal, and the relief requested from the Planning Commission.
 2. Upon receipt of an appeal request, the Director of Development Services shall prepare the record before the Planning Commission on the subject matter of the appeal, including reports, memos and meeting notes, and transmit same to the Planning Commission. The Director of

Development Services shall also prepare a written response to the appeal statement, containing a recommendation on the appeal, proposed findings to deny or support the appeal, along with any appropriate conditions. The response shall be made available to the appellant at least 72 hours prior to the appeal hearing before the Planning Commission.

3. Upon receipt of an appeal request, the Planning Commission shall set the matter for hearing. The hearing shall be held within 60 days following the filing of the appeal request, or the next regularly scheduled Planning Commission meeting thereafter.
4. Within 30 days following the conclusion of the hearing, the Planning Commission shall render its decision on the appeal. The Planning Commission may deny the appeal or may grant the appeal in whole or in part. The decision shall include all required findings of fact.
5. Regardless of the appellant, the burden of demonstrating that a project satisfies all applicable standards and criteria as required by this Zoning Code shall lie with the project applicant.

B. Planning Commission Actions or Decisions.

1. Any applicant or any interested person may appeal to the City Council, any action or decision of the Planning Commission. An appeal request shall be filed in writing with the Development Services Department, along with the appropriate fee as determined by resolution of the City Council, within 10 days following the Planning Commission action or decision. Such appeal shall include a statement identifying the specific action or decision of the Planning Commission that is being appealed, the specific grounds for the appeal, and the relief requested from the City Council. The appeal statement shall be limited to those matters raised during the public hearing before the Planning Commission. The City Council may not consider any matter that is not raised during the public hearing before the Planning Commission and contained in the appeal statement.
2. Upon receipt of an appeal request, the Director of Development Services shall prepare the record before the Planning Commission on the subject matter of the appeal, including staff reports and Planning Commission meeting minutes, and transmit same to the City Council. The Director of Development Services shall also prepare a written response to the appeal statement, containing a recommendation on the appeal and proposed findings to deny or support the appeal, along with any appropriate conditions. The response shall be made available to the appellant at least 72 hours prior to the appeal hearing before the City Council.
3. A verbatim transcript of the public hearing before the Planning Commission on the subject matter of the appeal shall be provided if the appellant so requests. The cost of its preparation shall be deposited with the City within five days following the receipt of the appeal request.
4. Upon receipt of an appeal request, the City Council shall set the matter for hearing. The hearing shall be held within 60 days following the filing of the appeal request, or the next regularly scheduled City Council meeting thereafter.
5. Within 45 days following the conclusion of the hearing, the City Council shall render its decision on the appeal. The City Council may deny the appeal or may grant the appeal in whole or in

part, along with any conditions it deems necessary to protect the public health, safety and general welfare. The decision shall include all required findings of fact.

6. Regardless of the appellant, the burden of demonstrating that a project satisfies all applicable standards and criteria as required by this Zoning Code shall lie with the project applicant.

20.602.130 – Calls for Review.

A. Planning Commission or City Council Review.

1. The Commission may call for a review of any determination or decision made by the Director of Development Services or Department staff.
2. The City Council may call for a review of any determination or decision made by the Planning Commission, the Director of Development Services, or Department staff.
3. A call for review may only be initiated by the affirmative vote of the majority of the members present of the applicable review authority.

B. Process for Calling for a Review.

1. ***Initiation by Planning Commissioners.*** One or more Commissioners may initiate a call for review of a Director of Development Services or Department staff determination or decision by filing a written request with the Department within 10 days following the date of the determination or decision.
2. ***Initiation by City Council members.*** One or more City Council members may initiate a call for review of a Planning Commission, Director of Development Services, or Department staff determination or decision by filing a written request with the Secretary of the Planning Commission within 10 days following the date of the determination or decision.

C. Consideration of Call for Review. The Commission or Council, as applicable, shall consider the call for review at its next regularly scheduled meeting.

D. Vote by Review Authority. If the Commission or Council, as applicable, votes to review the determination or decision, a subsequent review hearing must be scheduled to consider the merits of the review.

E. Notice to Applicant. At the time the review authority votes to initiate the review, the applicant shall be informed of the aspects of the application and the determination or decision that the review authority will consider.

F. Effect of Call for Review.

1. A request for a call for review by a member of a review authority must stay the effective date of a determination or decision until the review authority can make a decision on the call for review request.
2. The timely filing of a call for review does not extend the time in which an appeal of a determination or decision shall be filed; the normal appeal period will continue to run.

3. If the review authority decides to call for review the subject determination or decision, then the previous determination or decision will be suspended and be of no further effect.
4. If the review authority decides not to call for review the subject determination or decision, then the determination or decision will become final when the appeal period expires.

G. Filing of an Appeal Pending a Call for Review.

1. An eligible person affected by a determination or decision may file a timely appeal in compliance with this Article even though a call for review has been filed in compliance with this Section.
2. The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the call for review is subsequently withdrawn or overturned.
3. Withdrawal or failure of a call for review. If a request for a call for review is withdrawn after filing, or fails, the remaining days of the call for review period will start from the date on which the call for review is withdrawn or fails.

H. Notice and Public Hearing.

1. A call for review hearing must be a public hearing only if the original determination or decision required a public hearing.
2. Notice of the public hearing must be the same as the original determination or decision, and the hearing must be conducted, in compliance with Section 20.23.140 (Public Notice and Hearings).

20.602.140 – Modification Procedure for Conditions of Approval

- A.** The Planning Commission and City Council shall have jurisdiction to modify or delete conditions of approval imposed upon any new or existing site approval, conditional use permit, tentative tract or parcel map, variance, or any modification thereto, granted in accordance with the provisions of this Zoning Code, in the following manner:
1. A proceeding to consider modification or deletion of such conditions of approval may be commenced by written application by a permittee, or by direction of the Director of Development Services. The Planning Commission or City Council shall conduct a noticed public hearing, pursuant to the provisions of Section 20.602.060 (Public Notice and Hearings), on such modification proceedings to determine whether any condition of approval should be added, deleted or modified as follows:
 - a. Upon institution of a proceeding seeking to add, modify or delete a condition of approval by the Director of Development Services, the Director shall prepare and take action to deliver to the permittee, at least 60 days prior to the public hearing, a written statement setting forth the factual basis of the proposed addition, deletion or modification of a condition of approval, together with the notice of the time, date and place of the hearing.
 - b. The holder of a permit, permit modification or development entitlement may initiate the modification proceeding to add, delete or modify a condition of approval imposed upon such, by filing a written application with the Director of Development Services, which

application shall identify the property subject to the permit, permit modification or development entitlement, and the conditions of approval sought to be added, deleted or modified. In addition, the application shall contain a factual basis in support of the proposed addition, deletion or modification. Upon receipt of the application, the Director of Development Services shall set a hearing thereon before the Planning Commission within 60 days of receipt of the application. Prior to the hearing on the application, the Director of Development Services shall investigate the basis of the application and submit a written report thereon, together with recommendations to the Planning Commission or City Council, and the applicant within 72 hours prior to the public hearing.

2. No addition, modification or deletion of any condition of approval shall be granted unless the Planning Commission or City Council determines that such addition, deletion or modification is necessary to protect the public peace, health, safety and welfare, or that such action is necessary to permit reasonable operation under the permit, permit modification or development entitlement previously granted.
3. The decision of the Planning Commission to modify a permit, permit modification or development entitlement shall be final and conclusive in the absence of a timely filed appeal to the City Council. Any appeal of a Planning Commission action shall be subject to the provisions of Section 20.602.120 (Appeals) of this Series.

20.602.150 – Revocation Procedure

A. Development and Land Use Entitlements. The Planning Commission and City Council shall have jurisdiction to revoke any new or existing site approval, conditional use permit, tentative tract or parcel map, variance, or any other development or land use entitlement, or any modification thereto, granted in accordance with the provisions of this Zoning Code, in the following manner:

1. Upon recommendation of the Director of Development Services, the Planning Commission shall conduct a noticed public hearing, pursuant to the provisions of Section 20.602.060 (Public Notice and Hearing), to determine whether the subject permit, permit modification or development entitlement should be revoked. The Director of Development Services shall prepare and deliver to the permittee, a written statement setting forth the factual basis for the proposed revocation, at least 10 days prior to the hearing.
2. A permit, permit modification or development entitlement may be revoked by the Planning Commission or City Council based upon any one or more of the following grounds:
 - a. The approval was obtained by fraud;
 - b. The permit, permit modification or development entitlement granted is not being exercised;
 - c. The use for which such approval was granted has ceased to exist or has been suspended for 180 days or more;

- d. The permit, permit modification or development entitlement granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; or
 - e. The permit, permit modification or development entitlement for which the approval was granted was so exercised as to be detrimental to the public peace, health, safety, welfare, or so as to constitute a nuisance.
 - f. The permit, permit modification or development entitlement was granted in error as the result of inaccurate information provided by the applicant, or mistaken assumptions by staff, or failure by staff to follow a procedure established either in this Code or in Departmental policy.
3. The decision of the Planning Commission to revoke a permit, permit modification or development entitlement shall be final and conclusive in the absence of a timely filed appeal to the City Council. Any appeal of a Planning Commission action shall be subject to the provisions of Section 20.602.120 (Appeals).

B. Administrative Actions. The Director of Development Services shall have jurisdiction to revoke any new or existing Administrative Approval or any modification thereto, granted in accordance with the provisions of this Zoning Code, in the following manner:

1. The Director of Development Services shall conduct a hearing to determine whether the permit, permit modification or development entitlement should be revoked. The Director of Development Services shall prepare and deliver to the permittee, a written statement setting forth the factual basis for the proposed revocation, at least 10 days prior to the hearing.
2. A permit, permit modification or development entitlement may be revoked by the Director of Development Services based upon any one or more of the following grounds:
 - a. The approval was obtained by fraud;
 - b. The permit, permit modification or development entitlement granted is not being exercised;
 - c. The permit, permit modification or development entitlement granted is being, or has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; or
 - d. The permit, permit modification or development entitlement for which the approval was granted was so exercised as to be detrimental to the public peace, health, safety, welfare, or so as to constitute a nuisance to the extreme annoyance of surrounding businesses or residents.
 - e. The permit, permit modification or development entitlement was granted in error as the result of inaccurate information provided by the applicant, or mistaken assumptions by staff, or failure by staff to follow a procedure established either in this Code or in Departmental policy.

3. The decision of the Director of Development Services to revoke a permit, permit modification or development entitlement shall be final and conclusive in the absence of a timely filed appeal. Any appeal of an administrative action shall be subject to the provisions of Section 20.602.060 (Public Notice and Hearings) and Section 20.602.120 (Appeals).

Chapter 20.603 – SPECIFIC PROCEDURES FOR APPROVALS AND PERMITS

Sections:

- 20.603.010 General plan amendments.
- 20.603.020 Specific plans and amendments.
- 20.603.030 Zone changes and amendments.
- 20.603.040 Development agreements.
- 20.603.050 Conditional use permits
- 20.603.060 Temporary use permits
- 20.603.070 Site approvals.
- 20.603.080 Variances
- 20.603.090 Zoning clearance.
- 20.603.100 Administrative approval
- 20.603.110 Special Procedures for Streamlined Ministerial Approval for Qualifying Housing Developments under Senate Bills 35/423 and Assembly Bill 2011
- 20.603.120 Special Procedures for SB 330 Applications for Housing Developments
- 20.603.130 Replacement Housing for Housing Development Projects

20.603.010 – General Plan Amendments

- A. Purpose and Intent.** The purpose of these provisions is to prescribe procedures for amending, supplementing or changing the General Plan of the City of Chino, whenever the public necessity, convenience, general welfare or good planning practice so requires.
- B. Applicability.**
 - 1. Pursuant to Government Code Section 65358, the City Council may, by resolution, upon written recommendation of the Planning Commission, amend, supplement, or change the General Plan.
 - 2. No element of the General Plan shall be amended more than 4 times during any calendar year; except that such limitation shall not apply to amendments necessary for the development of residential units where at least 25 percent of the proposed units will be occupied by low or moderate-income persons as defined in Health and Safety Code Section 50093.
- C. Application and Filing.** A general plan amendment may be initiated by the City, or by an interested party in accordance with the provisions of Section 20.601.040 (Applications and Fees) of this chapter.

- D. **Hearing and Notice.** All applications for a general plan amendment, and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.060 (Public Notices and Hearings) of this chapter.
- E. **Investigation.** The Director of Development Services shall investigate the facts bearing on the application, and provide the information necessary for action on the application, consistent with state planning and zoning law, and shall report all findings to the Planning Commission and City Council.

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20.603.020 – Specific Plans and Amendments

- A. **Purpose and Intent.** The purpose of these provisions is to prescribe a procedure for adopting, amending, supplementing or changing specific plans for the systematic implementation of the General Plan, whenever the public necessity, convenience, general welfare or good planning practice so requires.
- B. **Applicability.** Pursuant to Government Code Section 65450 et seq., the City Council may, by either resolution or ordinance, upon written recommendation of the Planning Commission, adopt, amend, supplement or change a specific plan.
- C. **Application and Filing.** Specific plan adoption or an amendment to an adopted specific plan may be initiated by the City, or by an interested party in accordance with the provisions of Section 20.602.040 (Applications and Fees) of this Chapter and Chapter 20.401 (Specific Plans). An application for specific plan adoption or amendment shall include text and diagrams which contain all of the provisions outlined in Government Code Section 65451 through 65452, in addition to all fees, plans, maps, reports, data, special studies and exhibits required by the City.
- D. **Hearing and Notice.** All applications for a specific plan adoption or amendment, and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.120 (Public Notices and Hearings) of this Chapter.
- E. **Investigation.** The Director of Development Services shall investigate the facts bearing on the application and provide the information necessary for action on the application, consistent with state planning and zoning law, and shall report all findings to the Planning Commission and City Council.

- F. **Review and Action.**

...

- G. **Findings.** In reviewing a specific plan application or proposed amendment, the recommending and approving authorities shall consider and clearly establish the following findings of fact, giving specific reasons as to how each of the findings has been met:

...

20.603.030 – Zone Changes and Amendments

- A. Purpose and Intent.** The purpose of these provisions is to prescribe procedures for amending, supplementing or changing this Zoning Code, or changing the zoning boundaries or zoning classification of any property within the City.
- B. Applicability.** Pursuant to Government Code Sections 65853 through 65859, the City Council may by ordinance, upon written recommendation of the Planning Commission, amend, supplement or change the Zoning Code codified in this Zoning Code, or change the zoning boundaries or classification of any property within the City, whenever the public necessity, convenience, general welfare or good zoning practice so requires.
- C. Application and Filing.** A zone change or zone ordinance amendment may be initiated by the City, or by an interested party in accordance with the provisions of Section 20.23.030 (Applications and Fees) of this Chapter.
- D. Hearing and Notice.** All applications for a zone change or Zoning Code amendment, and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.060 (Public Notices and Hearings).
- E. Investigation.** The Director of Development Services shall investigate the facts bearing on the application and provide the information necessary for action on the application, consistent with the Zoning Code and the General Plan, and shall report all findings to the Planning Commission and City Council.
- F. Review and Action.**
 - 1. The Planning Commission shall make a written recommendation on a proposed zone change or Zoning Code amendment, whether to approve, approve in modified form or deny application, based upon the findings contained in Part G (Findings) of this section.
 - 2. The Planning Commission’s recommendation shall be transmitted to the City Council, in such manner and form as specified by the City Council. The Planning Commission shall make its findings and recommendations to the City Council, in writing, within 45 days following the date its decision was rendered.
 - 3. Upon receipt of the recommendation of the Planning Commission, the City Council may, by resolution, approve, approve with modifications or deny a zone change or zone ordinance amendment, based upon the findings contained in Part G (Findings) of this section.
 - 4. The Director of Development Services shall be able to make minor changes to Title 20 of the Chino Municipal Code for the purpose of correcting typographical errors, including syntax, punctuation, spelling, and grammar.
- G. Findings.** In reviewing a zone change or zone ordinance amendment application, the recommending and approving authorities shall consider and clearly establish the following findings of fact, giving specific reasons as to how each of the findings has been met:

...

20.603.040 – Development Agreements

- A. Purpose and Intent.** The purpose of these provisions is to prescribe procedures for the consideration of development agreements by and between the City and persons having a legal or equitable interest in a property proposed to be the subject of an agreement. It is intended that the provisions of this section shall be fully consistent and compliant with the provisions of Government Code Section 65864 et seq. and shall be so construed.
- B. Applicability.**
...
- C. Agreement Contents.**
...
- D. Hearing and Notice.** All applications for a development agreement, and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.060 (Public Notices and Hearings).
- E. Investigation.** The Director of Development Services shall investigate the facts bearing on the application, and provide the information necessary for action on the application, consistent with the Zoning Code and the General Plan, and shall report all findings to the Planning Commission and City Council.
- F. Review and Action.**
1. The Planning Commission shall make a written determination on the consistency of the proposed development agreement with the City's General Plan, based upon the findings contained in Part G (Findings) of this Section.
 2. The Planning Commission's General Plan consistency determination shall be transmitted to the City Council, in such manner and form as specified by the City Council. The Planning Commission shall transmit its findings and determination to the City Council, in writing, within 60 days following the date its decision was rendered.
 3. Upon receipt of the recommendation of the Planning Commission, the City Council may approve, approve with modifications or deny a development agreement application, based upon the findings contained in Part G (Findings) of this section.
 4. Should the City Council take action on a development agreement application to approve or approve with modifications, it shall, as part of its action, direct the City Attorney to prepare a development agreement embodying the terms and conditions as approved, as well as adopt a resolution authorizing execution of the development agreement by the City Manager.
 5. Not later than 10 days following execution of a development agreement by the City, the City Clerk shall record a copy of the agreement County recorder. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

- G. Findings.** In reviewing a development agreement, the recommending and approving authorities shall consider and clearly establish that the provisions of the agreement are consistent with the General Plan and any applicable specific plans, giving specific reasons as to how the finding has been met.
- H. Amendments.** A development agreement may be amended, or cancelled in whole or in part, by mutual consent of the parties to the agreement, or their successors in interest. Any action to amend or cancel any portion of the agreement shall be carried out pursuant to the procedures specified in Parts D through G of this section.
- I. Existing Agreements on Newly Annexed Property.**

...

20.603.050 – Conditional Use Permits

- A. Purpose and Intent.** The purpose of the conditional use permit procedure is to assure that a degree of compatibility is maintained with respect to particular uses on a particular site, in consideration of other existing and potential uses within the general area in which such use is proposed to be located, to recognize and compensate for variations and degrees of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazards, and to ensure that the objective design and development standards of this Title are met..
- B. Applicability.**
 - 1. Conditional use permit approval shall be required for those conditionally permitted uses identified in **Series 200 (Base Districts) or Series 300 (Overlay Districts)** of this Zoning Code.
 - 2. All conditions or requirements authorized by this section are enforceable to the same manner and to the same extent as any other applicable requirement of this Zoning Code.
- C. Application and Filing.**
 - 1. An application for a conditional use permit may be initiated by the City or by an interested party in accordance with the provisions of Section **20.601.040 (Applications and Fees)** of this Chapter.
 - 2. Not later than 30 days after receiving an application for a conditional use permit, the **Director of Development Services** shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the project applicant. If written determination is not made within the specified 30-day time period, the application shall be automatically deemed complete for processing. Upon receipt of any resubmittal or revision to an accepted application, a new 30-day time period shall begin.
- D. Hearing and Notice.** All applications for a conditional use permit, and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section **20.602.120 (Public Notices and Hearings)**.
- E. Investigation.** The **Director of Development Services** shall investigate the facts bearing on the application, and provide the information necessary for action on the application, consistent with this Zoning Code and the General Plan, and shall report all findings to the Planning Commission.

F. Review and Action.

1. An application for a conditional use permit shall be reviewed by the Planning Commission, whom shall then approve, conditionally approve, or deny such permit. The decision of the Planning Commission shall be final and conclusive in the absence of a timely filed appeal to the City Council.
2. In granting a conditional use permit, the Planning Commission may attach reasonable requirements, in addition to those required by this Zoning Code, which will ensure that the use, at its proposed location:
 - a. Will not endanger the public health, safety or general welfare;
 - b. Will not injure the value of adjoining or abutting property;
 - c. Will not result in any significant environmental impacts;
 - d. Will be in harmony with the area in which it is located;
 - e. Will conform to the objective design and development standards of this Title; and
 - f. Will be in conformity with the General Plan and/or applicable specific plan(s).
3. A conditional use permit application for which an environmental impact report is prepared pursuant to the provisions of Public Resources Code Sections 21100 and 21151, shall be acted upon within one year following the date the application was accepted as complete pursuant to the provisions of subsection C (Application and Filing) of this section. If a negative declaration is to be adopted or the project is exempt from the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code, the project shall be acted upon within 180 days following the date the application was accepted as complete pursuant to the provisions of subsection C.2 of this section.

G. Findings.

...

H. Expiration.

1. Application approval for a conditional use permit shall expire one year from the date of approval if the approved use has not commenced.
2. The expiration date may be extended upon written request by the applicant to the **Director of Development Services** on a City application form.
3. Upon receipt of a time extension request, the **Director of Development Services** shall review the project and determine whether new or revised conditions of approval should be imposed. If the imposition of new or revised conditions of approval are warranted, the **Director of Development Services** shall forward the time extension request to the Planning Commission, whom shall then approve, approve with new or revised conditions, or deny the time extension request.

4. If the **Director of Development Services** determines that no new or revised conditions of approval are warranted, the Director may extend the expiration date for a one year period, a maximum of 3 times. The Planning Commission shall review any subsequent time extension requests beyond the 3 one-year time periods.
 5. Should the use for which conditional use permit approval is granted cease to exist or is suspended for 180 or more consecutive days, such conditional use permit shall be deemed null and void.
- I. Performance Guarantee.** The Planning Commission may require a project proponent provide a performance security to ensure the faithful performance of any or all conditions of approval.

20.603.060 – **Temporary Use Permits**

- A. Purpose.** This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur, nor prevent development of future uses as envisioned by the General Plan or any applicable specific plan.
- B. Applicability.** A Temporary Use Permit is required for temporary uses that are not otherwise permitted in the base zoning district regulations but meet the standards of this Chapter and for temporary uses identified in base district regulations or regulations for specific uses in the 500 Series.
- C. Common Procedures.** An application for a Temporary Use Permit must be filed and processed in compliance with procedures in Chapter 20.601 (**Error! Reference source not found.**). An application must be submitted at least 30 days before the use is intended to begin. The application must include the written consent of the owner of the property or the agent of the owner.
- D. Decision-Maker.** The Director of Development Services may approve, approve with conditions, or deny applications for temporary uses without a public hearing, except temporary use permits for special events, which may be approved by the Director of Community Services.
- E. Temporary Uses: Twenty-Four Hour Limit.** Within a nonresidential zone, a temporary use may be authorized for a period not to exceed 24 hours per event once a month for up to 12 events per year per site for any of the following uses²:
 1. A performance, exhibition, dance, celebration or festival requiring a liquor license, entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or
 2. A performance, dance or party requiring a liquor license, entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.

² These provisions will be correlated with the City’s procedures for Special Events and adjusted as necessary.

When multiple events are proposed within the allowable annual time limit and City permits are to be issued to a particular applicant and premises, only one permit need be granted per annual time period.

- F. Temporary Uses: 60 Day Limit.** The following uses may be authorized in a nonresidential zone for a period not to exceed 60 days:
1. Exhibition, celebration, festival, circus, or neighborhood carnival;
 2. Booth for charitable, patriotic or welfare purposes;
 3. Open air sale of agriculturally-produced seasonal decorations including, but not necessarily limited to, holiday or evergreen trees and Halloween pumpkins;
 4. New and used auto sales;
 5. Outdoor sales in a parking lot; and
 6. Parking that is accessory to any temporary use listed above.
- G. Temporary Uses: One to Five Year Limit.** Temporary uses authorized pursuant to this section may not exceed an initial approval period of up to five years. Extensions of this approval period may be authorized by the Director of Development Services in increments of up to five-year periods if the authorized use is consistent with the General Plan and applicable specific plans. More specifically, the following uses may be authorized in a nonresidential zone as temporary uses, subject to securing a building permit, if required:
1. Temporary structures and uses incidental to the construction of a building or a group of buildings, including but not limited to construction staging of materials and equipment;
 2. Rental or sales office incidental to a new development, provided that it is located in the development project or in an adjacent temporary structure;
 3. Structures and uses incidental to environmental cleanup and staging; and
 4. Parking that is accessory to any temporary use listed above.
- H. Other Temporary Uses in Industrial Zoning Districts.** Any other use that is not listed above but is permitted in an industrial zoning district may be permitted as a temporary use for a time period to be determined by the Director of Development Services not to exceed 5 years, upon the determination by the Director of Development Services that authorizing the temporary use will not have a significant adverse effect on the overall timing and phasing of future development under the General Plan and any applicable specific plan. Periodic review will be required to ensure conditions of approval are met.
- I. Required Findings.** The Director of Development Services may approve an application for a Temporary Use only upon making both of the following findings:
1. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

2. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed temporary use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing or proposed parking areas on the site of the temporary use.
- J. Conditions of Approval.** The Director of Development Services may impose reasonable conditions deemed necessary to ensure compliance with the required findings for a Temporary Use Permit listed above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service. The Director of Development Services may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- K. Effective Date.**
1. Permit Period 10 Days or Less. A Temporary Use Permit issued for 10 days or less becomes effective on the date the permit is approved by the Director of Development Services, but cannot expire before the event/use that is subject to the Temporary Use Permit occurring.
 2. Permit Period More than 10 Days. A Temporary Use Permit for more than 10 days becomes effective 11 days from the date the permit is approved by the Director of Development Services.
- L. Appeals.** Any party aggrieved by the decision of the Director of Development Services to approve, approve with conditions, or deny a permit for a temporary use or structure or by the Director of Community Services to approve a temporary use permit for a special event may appeal the decision to the Planning Commission if the permit period is more than 10 days or to the City Manager for a permit period of 10 days or less. In the latter case, the City Manager shall act on the appeal within 48 hours of receipt unless an extension of time is mutually agreed.
- M. Expiration, Extensions and Modifications.** Temporary Use Permits are effective and may only be extended or modified as provided for in Chapter 20.601 (**Error! Reference source not found.**).

20.603.070 – Site Approvals

- A. Purpose and Intent.** The purpose of the site approval procedure is to provide a process whereby the integrity and character of the physical fabric of the residential, commercial, industrial, and agricultural areas of the City will be protected in a manner consistent with the goals and policies of the City's General Plan **and the objective design and development standards of this Title.** This is assured through the review of development plans for the suitability of:
1. Location of buildings;
 2. Off-street parking and loading facilities;
 3. Dedication of streets and alleys;
 4. Entrances and exits to the site;

5. Location of walls and landscaping;
6. Drainage and off-site improvements as recommended by the City Engineer;
7. Compatibility with the surrounding area;
8. Exterior building materials and colors;
9. Quality of proposed construction; and
10. Any conditions affecting the public health, safety and general welfare.

B. Applicability.

1. Site approval shall be required for the physical alteration of a lot or parcel, the construction of a new building, or the addition to or alteration of an existing building, except that site approval shall not be required for:
 - a. The development of buildings or structures reviewed and approved pursuant to the provisions of section 20.603.090 (Administrative Approval);
 - b. Changes in tenancy of an existing building, structure or land where that change does not involve the issuance of a conditional use permit, or the alteration of either the site or the existing building; and
 - c. Tenant improvements wholly within an existing building; and
 - d. Single family dwellings, accessory dwelling units, caretaker units, and agricultural buildings in agricultural zones.
2. All conditions or requirements authorized by this section are enforceable to the same manner and to the same extent as any other applicable requirement of this Zoning Code.

C. Application and Filing.

1. An application for site approval may be initiated by the City or by an interested party in accordance with the provisions of Section 20.601.040 (Applications and Fees) of this chapter.
2. Not later than 30 days after receiving an application for site approval, the Director of Development Services shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the project applicant. If written determination is not made within the specified 30-day time period, the application shall be deemed complete for processing. Upon receipt of any resubmittal or revision to an accepted application, a new 30-day time period shall begin.

D. Hearing and Notice. All applications for site approval and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.120 (Public Notices and Hearings).

E. Investigation. The Director of Development Services shall investigate the facts bearing on the application and provide the information necessary for action on the application, consistent with this Zoning Code and the General Plan, and shall report all findings to the Planning Commission.

F. Review and Action.

1. An application for site approval shall be reviewed by the Planning Commission, whom shall then approve, conditionally approve, or deny such permit. The decision of the Planning Commission shall be final and conclusive in the absence of a timely filed appeal to the City Council.
2. In granting an application for site approval, the Planning Commission may attach reasonable requirements (conditions), in addition to those required by this Zoning Code, which will ensure that the use, in its proposed location:
 - a. Will not endanger the public health, safety or general welfare;
 - b. Will not injure the value of adjoining or abutting property;
 - c. Will not result in any significant environmental impacts;
 - d. Will be in harmony with the area in which it is located;
 - e. Will conform to the objective design and development standards of this Title; and
 - f. Will be in conformity with the General Plan and/or applicable specific plan(s).
3. A site approval application for which an environmental impact report is prepared pursuant to the provisions of Sections 21100 and 21151 of the Public Resources Code, shall be acted upon within one year following the date the application was accepted as complete pursuant to the provisions of subsection C (Application and Filing) of this section. If a negative declaration is to be adopted or the project is exempt from the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code, the project shall be acted upon within 180 days following the date the application was accepted as complete pursuant to the provisions of subsection C.2 of this section.
4. A site approval application for large farm employee housing shall be reviewed and approved within the time limits established in Section 17021.8 of the California Health and Safety Code.

G. Findings. In reviewing a site approval application, the approving authority shall consider and clearly establish the following findings of fact, giving specific reasons as to how each of the findings has been met:

1. The proposed project is consistent with the goals and policies of the General Plan and/or applicable specific plan(s);
2. The proposed project is permitted within the zoning district in which it is proposed and complies with all applicable provisions of this Zoning Code, ;
3. 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, **including objective development standards**;
4. 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 project;

5. The proposed project is compatible with those on abutting properties and in the surrounding neighborhood;
6. The proposed location, size, and operating characteristics of the proposed project will not be detrimental to the public interest, health, safety or general welfare;
7. The proposed project will not have a significant adverse impact on the environment; and
8. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.

H. Expiration.

1. A site approval shall expire one-year from the date of approval, unless building permits have been issued.
2. The expiration date for site approval may be extended upon written request by the applicant to the Director of Development Services on a City application form. Such a request shall be made at least 30 days prior to the project expiration date.
3. Upon receipt of a time extension request, the Director of Development Services shall review the project and determine whether new or revised conditions of approval should be imposed. If the imposition of new or revised conditions of approval are warranted, the Director of Development Services shall forward the time extension request to the Planning Commission, whom shall then approve, approve with revised conditions, or deny the time extension request. If the Director of Development Services determines that no new or revised conditions of approval are necessary, the Director may extend the expiration date for a one-year period, a maximum of 3 times. The Planning Commission shall review a time extension request that exceeds the 3 one-year time periods.

I. Performance Guarantee. The Planning Commission may require a project proponent provide a performance security to ensure the faithful performance of any or all conditions of approval.

20.603.080 – Variances

A. Minor Variance.

1. ***Purpose and Intent.*** The purpose of the minor variance procedure is to provide a method whereby minor departures from the strict application of the design and development standards contained in this Zoning Code is permitted, when the strict application of such would deprive a property a development right possessed by other property in the same zone and vicinity.
2. ***Applicability.***
 - a. When the strict and literal interpretation, and enforcement of this Zoning Code would result in practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this Zoning Code, the Director of Development Services shall have the authority to grant a minor variance from the provisions of this Zoning Code, provided that the addition will not result in a deviation of more than 25 percent from a measurable

standard. In no case, however, shall a minor variance be granted which authorizes a use, activity or property right that is not expressly permitted by this Zoning Code.

- b. All conditions or requirements authorized by this Section are enforceable to the same manner and to the same extent as any other applicable requirement of this Zoning Code.
 - c. A minor variance shall not be required when a right-of-way dedication required by the City creates a non-conformity with a development standard required by this Zoning Code, and where the non-conformity is not created by a proposed modification to the site.
3. ***Application and Filing.***
- a. An application for a minor variance may be initiated by the City or by an interested party in accordance with the provisions of Section 20.601.040 (Applications and Fees) of this chapter.
 - b. Not later than 30 days after receiving an application for a minor variance, the Director of Development Services shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the project applicant. If written determination is not made within the specified 30-day time period, the application shall be deemed complete for processing. Upon receipt of any resubmittal or revision to an accepted application, a new 30-day time period shall begin.
4. ***Hearing and Notice.*** All applications for a variance and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.120 (Public Notices and Hearings).
5. ***Review and Action.***
- a. An application for a minor variance shall be reviewed by the Director of Development Services, whom shall then approve, conditionally approve or deny such variance. The decision of the Director of Development Services shall be final and conclusive in the absence of a timely filed appeal to the Planning Commission.
 - b. In granting an application for a minor variance, the Director of Development Services may attach reasonable requirements, in addition to those required by this Zoning Code, to ensure that the minor variance:
 - i. Will not endanger the public health, safety or general welfare;
 - ii. Will not injure the value of adjoining or abutting property;
 - iii. Will not result in any significant environmental impacts;
 - iv. Will be in harmony with the area in which it is located;
 - v. Will conform to the objective design and development standards of this Title; and
 - vi. Will be in conformity with the General Plan and/or applicable specific plan(s).

6. ***Findings.*** In reviewing a minor variance request, the approving authority shall consider and clearly establish the following findings of fact, giving specific reasons as to how each of the findings has been met:
 - a. There are specific circumstances applicable to the property, including size, shape, topography, location or surroundings, when the strict application of this Zoning Code would deprive such property of privileges by other property in the vicinity and under identical zoning classification;
 - b. The granting of such a variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated;
 - c. The granting of such a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone or vicinity;
 - d. The granting of such a variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the zone or district in which the property is located; and
 - e. The granting of such a variance will not be inconsistent with or adversely affect implementation of the General Plan or applicable specific plan(s).
7. ***Expiration.***
 - a. Approval of a minor variance shall expire one-year from the date of approval, unless building permits have been issued.
 - b. The expiration date for approval of a minor variance may be extended upon written request by the applicant to the Director of Development Services on a City application form. Such a request shall be made at least 30 days prior to the project expiration date.
8. ***Performance Guarantee.*** The Director of Development Services may require a project proponent provide a performance security to ensure the faithful performance of any or all conditions of approval.

B. Major Variance.

1. ***Purpose and Intent.*** The purpose of the major variance procedure is to provide a method whereby departures from the strict application of the design and development standards contained in this Zoning Code is permitted, when the strict application of such would deprive a property a development right possessed by other property in the same zone and vicinity.
2. ***Applicability.***
 - a. When the strict and literal interpretation, and enforcement of this Zoning Code would result in practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this Zoning Code, the Planning Commission shall have the authority to grant a major variance from the provisions of this Zoning Code, if the addition will result

in a deviation of more than 25 percent from a measurable standard. In no case, however, shall a variance be granted which authorizes a use, activity or property right that is not expressly permitted by this Zoning Code.

- b. All conditions or requirements authorized by this Section are enforceable to the same manner and to the same extent as any other applicable requirement of this Zoning Code.
 - c. A major variance shall not be required when a right-of-way dedication required by the City creates a non-conformity with a development standard required by this Zoning Code, and where the non-conformity is not created by a proposed modification to the site.
3. ***Application and Filing.***
- a. An application for a major variance may be initiated by the City or by an interested party in accordance with the provisions of Section 20.601.040 (Applications and Fees) of this chapter.
 - b. Not later than 30 days after receiving an application for a major variance, the Director of Development Services shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the project applicant. If written determination is not made within the specified 30-day time period, the application shall be deemed complete for processing. Upon receipt of any resubmittal or revision to an accepted application, a new 30-day time period shall begin.
4. ***Hearing and Notice.*** All applications for a major variance and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.602.120 (Public Notices and Hearings)
5. ***Investigation.*** The Director of Development Services shall investigate the facts bearing on the application for a major variance and provide the information necessary for action on the application, consistent with this Zoning Code and the General Plan, and shall report all findings to the Planning Commission.
6. ***Review and Action.***
- a. An application for a major variance shall be reviewed by the Planning Commission, whom shall then approve, conditionally approve, or deny such variance. The decision of the Planning Commission shall be final and conclusive in the absence of a timely filed appeal to the City Council.
 - b. In granting an application for a major variance, the Planning Commission may attach reasonable requirements, in addition to those required by this Zoning Code, as will ensure that the use, in its proposed location:
 - i. Will not endanger the public health, safety or general welfare;
 - ii. Will not injure the value of adjoining or abutting property;
 - iii. Will not result in any significant environmental impacts;
 - iv. Will be in harmony with the area in which it is located;

- v. Will conform to the objective design and development standards of this Title; and
 - vi. Will be in conformity with the General Plan and/or applicable specific plan(s).
- c. A major variance application shall be acted upon within 6 months following the date the application was accepted as complete pursuant to the provisions of subsection B.3 of this section.
7. **Findings.** In reviewing a variance request, the approving authority shall consider and clearly establish the following findings of fact, giving specific reasons as to how each of the findings has been met:
- a. There are specific circumstances applicable to the property, including size, shape, topography, location or surroundings, when the strict application of this Zoning Code would deprive such property of privileges by other property in the vicinity and under identical zoning classification;
 - b. The granting of such a variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated;
 - c. The granting of such a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone or vicinity;
 - d. The granting of such a variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the zone or district in which the property is located; and
 - e. The granting of such a variance will not be inconsistent with or adversely affect implementation of the General Plan or applicable specific plan(s).
8. **Expiration.**
- a. Approval of a major variance shall expire one-year from the date of approval, unless building permits have been issued.
 - b. The expiration date for approval of a major variance may be extended upon written request by the applicant to the Director of Development Services on a City application form. Such a request shall be made at least 30 days prior to the project expiration date.
 - c. Upon receipt of a time extension request, the Director of Development Services shall review the project and determine whether new or revised conditions of approval should be imposed. If the imposition of new or revised conditions of approval are warranted, the Director of Development Services shall forward the time extension request to the Planning Commission, whom shall then approve, approve with revised conditions, or deny the time extension request. If the Director of Development Services determines that no new or revised conditions of approval are necessary, the Director may extend the expiration date for a one-year period, a maximum of 3 times. The Planning Commission shall review a time extension request that exceeds the 3-year, 1-year time periods.

9. **Performance Guarantee.** The Planning Commission may require a project proponent to provide a performance security to ensure the faithful performance of any and all conditions of approval.

20.603.090 – Zoning Clearance

- A. Purpose and Intent.** A Zoning Clearance is an administrative review procedure for a ministerial approval whereby the City’s action or decision is limited to only the use or reliance upon objective design and development standards, including dimensional requirements and/or objective measurements, rather than being based upon policy determinations and the discretionary exercising of judgment by the approving authority in deciding whether or how the project should be carried out. The purpose of the Zoning Clearance is to ensure that a proposed project complies with the permitted list of activities allowed within the applicable zoning district and that all regulations and objective design and development standards applicable to the type of use or development project proposed, have been met.
- B. Applicability.**
 1. Within residential zones, a Zoning Clearance is required for the following:
 - a. Construction of or alterations to non-habitable structures accessory to residential dwellings, including garages, when such structures are 600 square feet or less in area.
 - b. Single-story additions to existing single family or duplex dwelling units.
 - c. Alterations to existing multiple family dwellings and developments, provided that the addition will not result in an increase in density.
 - d. Affordable housing projects
 - e. Alterations to existing parking facilities accessory to any building or structure.
 - f. Alterations to existing landscaping as required by Chapter 20.508 (Landscaping-) of this Zoning Code.
 - g. Construction or alterations to walls and fences
 - h. Construction or alterations to patios, patio covers and patio enclosures
 - i. Alterations to on-site exterior lighting
 - j. Alterations to existing single-family or duplex dwelling units.
 - k. The installation of solar panels on multi-family residential homes.
 - l. The keeping of chickens in the RD 3 and RD 4.5 zones, consistent with the standards in Chapter 20.201.
 2. Within commercial zones, a Zoning Clearance is required for the following:
 - a. Approval of or alterations to landscaping as required by Chapter 20.503 (Landscaping) of this Zoning Code.

- b. Construction of or alteration to walls and fences.
 - c. Construction of patios, patio covers and patio enclosures
 - d. Changes to exterior building color.
 - e. Installation of or alteration to on-site exterior lighting.
 - f. Alterations and/or additions to any structure 600 square feet or less.
 - g. Roof-mounted solar panels.
3. Within industrial zones, a Zoning Clearance is required for the following:
- a. Approval of or alterations to landscaping as required by Chapter 20.503 (Landscaping) of this Zoning Code.
 - b. Construction of or alteration to walls and fences.
 - c. Establishment of or changes to exterior building color.
 - d. Installation of or alteration to on-site exterior lighting.
 - e. Alterations and/or additions to any structure 1,200 square feet or less
 - f. Roof-mounted solar panels.
4. Within the Agricultural Zone, OS 1 Zone, and OS 2 Zone, a zoning clearance is required for the following:
- a. Small farm employee housing pursuant to Section 20.512.230.
- C. Review Authority.** The Director of Development Services or the Director’s designee shall process all Zoning Clearance actions. Administrative Approvals may be required for those uses requiring a Zoning Clearance if it is determined by the Director of Development Services that the use may have a potential impact to adjoining property owners.
- D. Application Submittal, Review, and Action.**
- 1. An application for a Zoning Clearance shall be filed using a form approved by the Director of Development Services.
 - 2. The Director of Development Services or the Director’s designee shall review the form to verify compliance with all applicable standards. If the project complies with all standards, the Director of Development Services or the Director’s designee shall issue the Zoning Clearance.
- E. Special Procedures for Accessory Dwelling Units and Junior Accessory Dwelling Units.** The development services director or the director’s designee shall act on an application to create an accessory dwelling unit or a junior accessory dwelling unit as required by State law, and no zoning clearance is needed.
- F. Special Procedure For Small Farm Employee Housing.** The Director of Development Services shall confirm that the standards of Section 20.512.230 and other applicable requirements of this Title

are met and act on an application to create small farm employee housing within 90 days from the date the City receives a completed application.

- G. Public Notice and Hearing.** No public notice or hearing is required for a Zoning Clearance.

20.603.100 – Administrative Approval

A. Purpose and Intent. Administrative approval is an administrative review procedure, which allows for the review and approval of certain land uses and minor development projects where the review is routine in nature, but by nature of the project, may require limited interpretation or discretion by the approving authority in determining compliance with established regulations or guidelines.

B. Applicability.

1. Administrative Approval is required for all land uses designated with an “A” in Tables 20.04-1, 20.04-2, 20.05-1, 20.06-1, 20.07-1, and 20.08-1.
2. Within residential zones, Administrative Approval is also required for the following:
 - a. Single family or duplex development projects consisting of 4 or fewer dwelling units.
 - b. Construction of habitable structures accessory to residential dwellings with the exception of accessory dwelling units.
 - c. Construction of non-habitable structures accessory to residential dwellings, including garages, when such structures are between 600 square feet and 1,200 square feet in area, excluding patios, decks, patio covers and patio enclosures.
 - d. Second-story additions added to existing single family or duplex dwelling units.
3. Within commercial zones, Administrative Approval is also required for the following:
 - a. Construction of a building, structure, or addition totaling between 600 and 3,000 square feet in area, provided that all public services and facilities are available and that the development will not result in any adverse environmental impacts.
 - b. Construction of parking lots accessory to any building or structure.
 - c. The alteration of a building or structure’s architectural features, including colors or modification of exterior finish materials, unless they do not alter or compromise the previously approved design theme, as determined by the Director of Development Services.
 - d. Addition to, or alteration of, existing parking facilities accessory to any building or structure.
 - e. Freestanding solar panels.
4. Within industrial zones, Administrative Approval is also required for the following:

- a. Construction of a building, structure, or addition totaling between 1,200 and 10,000 square feet in area provided that all public services and facilities are available and that the development will not result in any adverse environmental impacts.
 - b. Construction of parking facilities accessory to any building or structure.
 - c. The alteration of a building or structures' architectural features, including colors or modification of exterior finish materials, unless they do not alter or compromise the previously approved design theme, as determined by the Director of Development Services.
 - d. The addition to, or alteration of, existing parking facilities accessory to any building or structure.
 - e. Hangars up to 25,000 square feet constructed at the Chino Airport.
 - f. Freestanding solar panels.
5. Should the Director of Development Services determine that an administratively approved project would result in substantial opposition or controversy within the neighborhood wherein it is proposed or the community as a whole, the Director shall refer the application to the Planning Commission for review and action at a public hearing held in accordance with the provisions Section 20.23.140 (Public Notices and Hearings).

C. Application and Filing.

- 1. An administrative approval may be initiated by the City or by an interested party in accordance with the provisions of Section 20.23.030 (Applications and Fees) of this Chapter.
- 2. Not later than 30 days after receiving an application for an administrative approval, the Director of Development Services shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the project applicant. If written determination is not made within the specified 30-day time period, the application shall be automatically deemed complete for processing. Upon receipt of any resubmittal or revision to an accepted application, a new 30-day time period shall begin.

D. Hearing and Notice. All administrative approval applications, and all actions to amend or terminate such, shall be heard, scheduled and noticed in accordance with the provisions of Section 20.23.140 (Public Notices and Hearings).

E. Investigation. The Director of Development Services shall investigate the facts bearing on the application, and compile the information necessary for action on the application, consistent with this Zoning Code and the General Plan.

F. Review and Action.

- 1. An administrative approval application shall be reviewed by the Director of Development Services, whom shall then approve, conditionally approve or deny such permit.
- 2. An administrative approval application shall be acted upon within 45 days following determination that such application is complete. The decision of the Director of Development

Services shall be final and conclusive in the absence of a timely filed appeal to the City Planning Commission.

G. Findings. In reviewing an administrative approval application, the Director of Development Services shall consider the following:

1. The proposed project is permitted within the subject zoning district and complies with all applicable provisions of the Zoning Code, including prescribed use and development standards, and design guidelines;
2. 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 project being proposed;
3. The proposed project is compatible with those on abutting properties and in the surrounding neighborhood;
4. The proposed location, size and operating characteristics of the proposed project will not be detrimental to the public interest, health, safety or general welfare;
5. The proposed project would not have a significant adverse impact on the environment; and
6. The minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.

H. Expiration.

1. Project approval shall expire one-year from the date of approval, unless building permits have been issued or the approved use has commenced, as applicable.
2. Should the use for which an administrative approval is granted cease to exist or is suspended for 180 or more consecutive days, such approval shall be deemed null and void.
3. The expiration date for project approval may be extended upon written request by the applicant to the Director of Development Services on a City application form. Such a request shall be made at least 30 days prior to the project expiration date.

20.603.110 – Special Procedures for Streamlined Ministerial Approvals for Qualifying Housing Developments under Senate Bill 35/423 and Assembly Bill 2011

- A. Purpose.** The purpose of this chapter is to specify how the City will implement ministerial review procedures required for qualifying housing projects, including mixed-use projects, that comply with Government Code Section 65913.4 (“State Streamlined Ministerial Approval Process”) pursuant to Senate Bill (SB) 35/423 or Government Code Sections 65912.100 through 65912.140 pursuant to Assembly Bill (AB) 2011 (“Affordable Housing and High Road Jobs Act of 2022”). These procedures are intended to facilitate the development of affordable housing consistent with the goals, policies, and programs of the General Plan.

- B. Definitions.** Terms defined in Government Code Section 65913.4 and Sections 65912.100 to 65912.105 shall apply to this chapter and shall control in the event of a conflict between definitions in this title and definitions in Government Code Section 65913.4.
- C. Applicability.** This chapter applies to housing development projects that contains two or more residential units, including, applying for approval under Government Code Section 65913.4 or Sections 65912.100 through 65912.140 and replaces the City's procedures for reviewing discretionary applications, including design review regulations.
- D. Eligible Projects.** A housing development, including a mixed-use project, is eligible for streamlined ministerial review pursuant to Government Code Section 65913.4. if it:
1. Is a multi-family housing development that contains two or more units on an infill site that is zoned for residential use or residential mixed use or has a General Plan designation that allows for residential or mixed use development;
 2. At least two-thirds of the floor area in the development is devoted to residential uses;
 3. Meets the housing affordability requirements of Government Code Section 65913.4 (a)(4) and will ensure continued affordability for 55 years for units that are rented and 45 years for units that are owned;
 4. Is not located on a site with wetlands or a site that contains habitat for protected species or land that has been identified for conservation in a natural community conservation plan or habitat conservation plan adopted by the City , San Bernardino County, or other public agency;
 5. Is not located on a site with areas of special flood hazards which are established by Chapter 17.068, Floodplains unless the development has received a no-rise certification in accord with Section 60.3(d)(3) of Title 44 or the Code of Federal Regulations and all requirements of Chapter 17.068 have been met;
 6. Is not located within a delineated earthquake fault zone shown on maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission as modified by the City's building code.
 7. Is not located within a high or very high fire hazard severity zone, as determined by the California Department of Forestry and Fire Protection unless the site has been excluded from the specified hazard zones by the City and will be subject to fire mitigation measures to protect the development.
 8. Is not on land subject to a conservation easement;
 9. Is not located on a site that would require the demolition of the following types of housing:
 10. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 11. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

12. Housing that has been occupied by tenants within the past 10 years.
13. Housing that is occupied by tenants and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.
14. Is not on a site previously used for housing that was occupied by tenants that was demolished within the preceding 10 years;
15. Does not require the demolition of a historic structure that was placed on a national, state, or City of Chino historic register;
16. Does not require an exception, modification or any other discretionary entitlement;
17. Is not otherwise disqualified by criteria in the Government Code establishing eligibility requirements for ministerial approval; and
18. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area as required by the Government Code Section 65913 (a)(8); and
19. Complies with the City's objective zoning standards, objective subdivision standards, and objective design standards, excluding any additional density or other concessions, incentives, or waivers of standards requested under Chapter 20.510, Residential Density Bonus.
20. For AB 2011 projects, the eligibility criteria are those stated in Government Code Sections 65912.110 through 65912.131, which are incorporated by reference.

E. Application Requirements; Review and Approval.

1. An applicant shall file a notice of intent to submit an application in the form of a Preliminary Application that includes all of the information required by Government Code Section 65941.1 (a completed Eligibility Checklist, a complete set of project plans and documentation for each answer to a checklist question, and Tribal Consultation application). Complete Building Permit applications for the project shall be submitted concurrently with the Preliminary Application. Planning staff shall provide templates for Preliminary Applications to applicants on request and shall be available on the City's website. The Preliminary Application shall be accompanied by the required fee as established by the City.
2. Within 180 calendar days after filing a Preliminary Application, an applicant shall submit a Formal Application for Ministerial Review, provided scoping consultation has concluded consistent with Subsection (C), below.
3. Scoping Consultation for SB 35/ SB 423 Project Applications:
 - a. Upon receipt of the Preliminary Application, the City shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that should be notified. The Director of Development Services shall provide a formal

notice of the applicant's intent to submit a formal application to each required California Native American tribe within 30 days of preliminary application submittal. The formal notice shall be consistent with Government Code Section 65913.4(b).

- b. If within 30 days of receipt of the formal notice, any California Native American tribe that was formally noticed accepts the invitation to engage in scoping consultation, the Director of Development Services shall commence scoping consultation within 30 days of receiving that response.
 - c. The scoping consultation shall be conducted consistent with Government Code Section 65913.4(b). If, after scoping consultation is concluded, a development is not eligible for a streamlined ministerial approval, the Director of Development Services shall provide written documentation as required by Government Code Section 65913.4(b) to the applicant and any California Native American tribe that is a party to that scoping consultation.
 - d. Tribal consultation concludes either 1) upon documentation of an enforceable agreement regarding the treatment of tribal resources at the project site or 2) one or more parties to the consultation, acting in good faith and after a reasonable effort, conclude that a mutual agreement cannot be achieved.
4. If the development remains eligible to apply streamlined ministerial approval after scoping consultation, if required, has concluded, an applicant may file a Formal Application. Only the items necessary to determine compliance with the provisions contained in Government Code Section 65913.4(a) for SB 35/423 projects and Government Code Sections 65912.110 through 65912.113 and Sections 65912.120 through 65912.123, and the fair labor standards in Government Code Sections 65912.130 and 65912.131 and compliance with any applicable objective standards shall be required.
 5. The review of a Formal Application shall be done by the Director of Development Services to determine if the application complies with all of the provisions contained in this chapter, Government Code Section 65913.4(a) for SB 35/423 projects and Government Code Sections 85913.100 through 65913.140 for AB 2011 projects and applicable objective standards and shall occur within the following timeframes:
 - a. Within 90 calendar days of Formal Application submittal for applications that include 150 or fewer housing units.
 - b. Within 180 calendar days of Formal Application submittal for applications that include 151 or more housing units.
 6. If the Formal Application does not demonstrate compliance with all of the provisions contained in Government Code Section 65913.4(a) and all applicable objective standards, the Director of Development Services shall provide the applicant with written documentation of which standards the development conflicts with and an explanation of the reasons the development conflicts with each standard. If the application can be brought into compliance with minor changes to the proposal (e.g., changes in building dimensions that are less than 10 percent), the

Director of Development Services may allow the development proponent to correct any deficiencies within the timeframes for determining project consistency specified in E(2) above. For major changes, a new application will be required.

7. The Director of Development Services is the review authority for ministerial approvals for qualifying housing developments. The Director of Development Services shall approve a Formal Application upon finding that all of the requirements of Government Code Section 65913.4 and this chapter have been met. The Director may impose reasonable conditions of approval, provided those conditions of approval are objective and broadly applicable to development within the City.
8. ***Optional: Planning Commission Design Review Public Oversight.*** The Director also may submit a qualifying affordable housing development project application to the Planning Commission (*alternatively, to the City Council*) for review of compliance with the City's Eligibility Criteria and the City's objective design and development standards that apply to the project at the proposed location.
 - a. The Planning Commission (*or the City Council*), at a noticed public meeting, shall undertake ministerial design review and public oversight as provided for in California Government Code Sections 65913.4, 65912.114, 65912.124, and other applicable State requirements for streamlined ministerial review. Planning Commission/City Council review shall include review of the Director's determination under paragraph 7, above. Furthermore, the Planning Commission's/City Council's review under this process shall be objective and strictly focused on the project's compliance with the criteria required for a streamlined project pursuant to the California Government Code Sections 65913.4 and 65912.100, and consistency with the City's objective zoning standards, objective subdivision standards, and objective design review standards established by this Title that are applicable to the project, which were adopted prior to the applications submittal to the City and are applicable to other developments within the City.
 - b. The Planning Commission's/City Council's review and a final determination on whether an application complies with the criteria under California Government Code Sections 65913.4 and 65912.100, and the reasonable objective zoning standards, objective subdivision standards, and objective design review standards applicable to the project must be completed in 90 days for projects with 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of the application submittal.
 - c. The Planning Commission's/City Council's ministerial review and public oversight process shall not in any way inhibit, chill or preclude the ministerial approval of the project if it is in compliance with criteria specified in Government Code Sections 65913.4 and 65912.100, and consistent with the objective zoning standards, objective subdivision standards, and objective design review standards applicable to the project.
9. Any necessary subsequent permits shall be issued on a ministerial basis subject to applicable objective standards. If a public improvement is necessary to implement a development subject

to this chapter, and that public improvement is located on land owned by the City, the City shall process any approvals needed as required by Government Code Section 65913.4(h).

F. Post-Approval Modifications.

1. An applicant or the Director of Development Services may request a modification to an approved development if that request is made prior to the issuance of the final building permit.
2. The City shall only apply objective standards in effect when the original application was submitted, except that objective standards adopted after the date of original submittal may be applied in any of the following instances:
 - a. The total number of residential units or total square footage of construction changes by 20 percent or more; or
 - b. The total number of residential units or total square footage of construction changes by five percent or more, and it is necessary to subject the development to an objective standard beyond those in effect when the application was submitted in order to mitigate or avoid a specific adverse impact upon public health or safety, for which there is no feasible alternative method to satisfactorily mitigate or avoid; or
 - c. Objective building standards contained in the California Building Code, as adopted by the City, that have come into force after the date of original application may be applied to all modifications.
3. The Director of Development Services shall determine if the modification is consistent with applicable objective standards and issue a decision on the applicant's modification request within 60 days after submittal.
4. An application found consistent with this chapter and approved shall remain valid for three years; however, an application approval shall not expire if the development includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the area median income consistent with Government Code Section 65913.4(e).
5. At the discretion of the Director, a one-year extension may be granted consistent with Government Code Section 65913.4(e).

20.603.120 – Procedures for SB 330 Applications for Housing Developments.

- A. Purpose.** The purpose of this chapter is to specify how the City will implement streamlined review procedures and establish vested rights for qualifying housing developments, including mixed-use projects, pursuant to Senate Bill 330 (SB 330), the Housing Crisis Act of 2019.
- B. Applicability.**
 1. This section applies to qualifying housing development projects as defined by California Government Code Section 65589.5(h)(2), including multi-family development, mixed use

projects with at least two-thirds of the building area devoted to residential uses, and/or transitional and supportive housing.

2. This section shall remain in effect for the same time period as provisions contained in the California Government Code Section 65589.5 (Housing Accountability Act). Any provisions that are not extended by the State Legislature shall be repealed as of the date those provisions in the Housing Accountability Act are deemed null and void.
3. This section provides additional procedures that shall be followed for qualifying housing development projects. If conflicts occur between other permitting and approval procedures in this title and the procedures of this section, this section shall control.

C. Definitions. Terms defined in California Government Code Section 65589.5 shall apply to this Section and shall control in the event of a conflict between definitions in this title and definitions in California Government Code Section 65589.5.

D. Application Filing.

1. To receive the vested rights and benefit from the streamlining established for SB 330 applications, the applicant may initiate the process by filing a preliminary application consistent with Government Code Section 65941.1.
 - a. A preliminary application shall be filed on the standardized form adopted by the California Department of Housing and Community Development.
 - b. Within 180 calendar days after submitting a preliminary application, an applicant shall submit a full application for the housing development.
2. An applicant may file a Formal application for a zoning clearance, administrative approval, or site approval, whichever may be required, for a qualifying housing development without filing a preliminary application. The Full Application shall be filed on a form provided by the City of Chino accompanied by the required fee. Complete Building Permit applications for a qualifying housing project shall be submitted concurrently with the Full Application.

E. Compliance Review.

1. ***Scope of Review.***

- a. A qualifying housing development for which a Preliminary Application was submitted shall only be subject to the ordinances, policies, and objective standards adopted and in effect when the Preliminary Application is submitted, except in the following circumstances:
 - i. A fee, charge, or other monetary exaction increase resulting from an automatic annual adjustment based on an independently published cost index establishing the fee or monetary exaction.
 - ii. A preponderance of the evidence in the record establishes that subjecting the housing development to an ordinance, policy, or standard beyond those in effect when the preliminary application was submitted is necessary to mitigate or avoid a

specific, adverse impact upon the public health or safety, and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

- iii. Subjecting the housing development to an ordinance, policy, standard, or any other measure, beyond those in effect when the preliminary application was submitted is necessary to avoid or substantially lessen an impact consistent with the California Environmental Quality Act.
 - iv. The housing development has not commenced construction within 2.5 years following the date of the housing development's final approval (as defined in California Government Code Section 65589.5(o)(1)(D)).
 - v. The number of residential units or square footage of construction proposed changes by 20 percent or more, exclusive of any increase resulting from a density bonus, incentive, concession, waiver, or similar provision.
- b. When no Preliminary Application was submitted, a housing development shall be subject to objective standards in effect when the Full Application was deemed complete.

2. *Review Timeframes*

- a. Formal Applications for qualifying housing development containing 150 or fewer units shall be reviewed for compliance with applicable objective standards within 30 calendar days of being deemed complete.
- b. Formal Applications for qualifying housing development containing more than 150 units shall be reviewed for compliance with applicable objective standards within 60 calendar days of being deemed complete.
- c. The Director of Development Services shall be the Review Authority consistent with the City of Chino's permitting procedures for the full application.

3. *Compliance Determination*

- a. In the compliance review of a Formal Application, the Review Authority shall identify the specific objective standard(s) that the project does not comply with, if any, and provide an explanation of the reason(s) why the housing development is considered to be inconsistent or non-compliant with identified provisions and shall provide the written determination to the applicant and to the Planning Commission. The review timeframes of paragraph (2), above, apply to the compliance review.
- b. A qualifying housing development is considered in compliance with this Zoning Code, and shall not require a Zoning Map Amendment, if the housing development complies with the General Plan's objective development standards and land use designations, but the zoning for the housing development site is inconsistent with the General Plan Land Use Diagram.
- c. If a qualifying housing development complies with all of the applicable objective zoning, design, and subdivision standards, the City shall not conduct more than five public hearings (including continuances), workshops, study sessions, or similar meetings after the

full application is deemed complete in connection with the approval of the housing development. This limitation is established by California Government Code Section 65905.5. Meetings required by CEQA are exempt from the limit.

F. Findings and Decision

1. If the proposed housing development complies with applicable General Plan, zoning, design, and subdivision standards, the Review Authority may only deny the housing development or conditionally approve the housing development at a lower density if it makes written findings supported by a preponderance of the evidence in the record that:
 - a. The housing development would have a specific, adverse impact upon the public health or safety unless the housing development is denied or conditionally approved at a lower density. A "specific, adverse impact" means a "significant, quantifiable, direct, and unavoidable impact, based on identified written public health or safety standards, policies, or conditions as they existed on the date that the project was deemed complete"; and
 - b. There is no feasible method to satisfactorily mitigate or avoid the adverse impact other than the denial of the housing development or conditional approval of the housing development at a lower density.
2. If the housing development includes 20 percent of units affordable to very low or low- income households, 100 percent of units affordable or moderate- or middle-income households, or an emergency shelter, the Review Authority shall approve the housing development unless the Commission makes written findings supported by a preponderance of the evidence in the record, as to at least one of the findings in California Government Code Section 65589.5(d).
3. The City shall approve or deny the housing development within the applicable time periods established in California Government Code Section 65950 and related sections.
4. **Post-Decision Procedures.** The City's post-decision procedures for the required permit based on the Formal Application shall be those procedures in California Government Code Section 65589.5.

20.603.130 – Replacement Housing for Housing Development Projects

- A. Purpose.** This section establishes requirements for replacement housing for housing development projects, as required by State law.
- B. Definitions.**
 1. **“Housing development project”** shall have the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5 of the California Government Code; however, it shall not include a housing development project located within a very high fire hazard severity zone.
 2. **“Protected units”** has the same meaning as set forth in California Government Code Section 66300(d)(2).

3. **“Very high fire severity zone”** has the same meaning as provided in California Government Code Section 51177.
- C. Applicability.** This section shall apply only to housing development projects that on or after the effective date of the ordinance codified in this title submit a complete application to the Development Services Department or a complete set of building plans for plan check and permit to the Building Division, along with any associated submittal fee.
- D. Replacement Obligations**
1. The City shall not approve a zoning clearance or other permit or entitlement or issue a building permit for a housing development project that will require the demolition of one or more residential dwelling units unless the project will create on-site or off-site at least as many residential dwelling units as will be demolished.
 2. The City shall not approve a zoning clearance or other permit or entitlement or issue a building permit for a housing development project that will require the demolition of occupied or vacant protected units, unless the housing development project meets all of the requirements of California Government Code Section 66300(d)(2).
 3. Any protected units replaced pursuant to this section shall be deemed to be an affordable housing unit in determining whether the housing development project satisfies the affordable housing requirements of the AHO and MUO overlay districts.
 4. This replacement obligation does not apply to demotion of an existing short-term rental unit that is rented for a period of fewer than 30 days.
- E. Exemptions.** This section shall not apply to a project that meets all of the following conditions:
1. The project is an industrial use;
 2. The project site is entirely within a zone that does not allow residential uses;
 3. The zoning applicable to the project site that does not allow residential uses was adopted prior to January 1, 2022; and
 4. The protected units that are or were on the project site are or were nonconforming uses.
- F. Occupant Protections.** Any existing occupants on the project site will be allowed to occupy their units until six months before the start of construction activities. The project proponent shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under this section. Notice shall be provided at least six months in advance of the date that existing occupants must vacate.
1. Any existing occupants that are required to leave their units shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.
 2. The developer agrees to provide both of the following to the existing occupants of any protected units that are lower income households:

- a. Relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.
 - b. A right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a new development that is not a housing development, affordable to the household at an affordable rent or an affordable housing cost. This subparagraph shall not apply to any of the following:
 - (A) A development project that consists of a single residential unit located on a site where a single protected unit is being demolished.
 - (B) Units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for lower income households.
3. If one or more single-family homes that qualify as protected units are being replaced in a development project that consists of two or more units, "comparable unit" means either of the following, as applicable:
- a. A unit containing the same number of bedrooms if the single-family home contains three or fewer bedrooms; or
 - b. A unit containing three bedrooms if the single-family home contains four or more bedrooms.
- A comparable unit is not required to have the same or similar square footage or the same number of total rooms.
4. This section does not confer additional legal protections upon an unlawful occupant of a protected unit.

Exhibit B

Code Amendments to Standards for Specific Land Uses

These proposed Code amendments for to the standards for specific land uses are in draft form for Planning Commission review, with new text shown in **redline** format and deleted text as ~~striketrough~~. Ellipsis (...) denote where there would be no change to existing regulations beyond changes in section numbers for cross-references, the names of permits (Special Conditional Use Permits are proposed to be called Conditional Use Permits as this is best practices), and the title of the Director, which has changed from Director or Community Development to Director of Development Services. These sections are not included to make it easier for the Commission to see the changes and not have to go through pages of text with no amendments.

Chapter 20.512 – STANDARDS FOR SPECIFIC LAND USES

Sections:

- 20.512.010 Purpose
- 20.512.020 Agricultural produce standards
- 20.512.030 Alcoholic beverage sales.
- 20.512.040 Ancillary industrial facilities.
- 20.512.050 Animal keeping
- 20.512.060 Automobile rental and truck rental.
- 20.512.070 **Automobile sales and services**
- 20.512.080 Caretakers quarters.
- 20.512.090 Child day care facilities.
- 20.512.100 Cigar lounges and hookah bars.
- 20.512.110 **Commercial nurseries**
- 20.512.120 Commercial recreation.
- 20.512.130 Common interest subdivisions.
- 20.512.140 Congregate care facilities.
- 20.512.150 Convenience markets and grocery stores.
- 20.512.160 Conversion of residential structures.
- ~~20.512.190 Cyber cafes.~~
- 20.512.170 Drive-thru facilities.
- 20.512.180 Emergency shelters.
- 20.512.190 Equipment rental and sales.
- 20.512.200 Farm employee housing
- 20.512.210 **Group homes**
- 20.512.220 Gym/athletic instruction.
- 20.512.230 Hazardous materials use and storage.
- 20.512.240 Health care offices
- 20.512.250 Home occupations
- 20.512.260 Hotels, motels, and bed and breakfast and boarding houses.
- 20.512.270 Live entertainment.
- 20.512.280 Live/work units.
- 20.512.290 **Low barrier navigation centers**
- 20.512.300 **Manufactured Housing**
- 20.512.310 **Massage establishments**
- 20.512.320 Mobile home parks.
- ~~20.512.360 Motor vehicle sales and leasing.~~
- 20.512.330 Nightclubs, bars and cocktail lounges
- 20.512.340 **Non-traditional financial institutions** ~~Check-cashing.~~
- 20.512.360 Offices, professional/business.
- 20.512.370 Outdoor displays and sales.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- 20.512.480 Outdoor manufacturing and processing.
- 20.512.390 Outdoor seating areas.
- 20.512.400 Outdoor storage and storage containers
- 20.512.350 **Outdoor vendors** (Carts, ~~and~~ kiosks **and mobile food vendors**).
- 20.512.410 Places of worship.
- 20.512.420 Portable toilets.
- 20.512.430 Public assembly.
- 20.512.440 Public storage.
- 20.512.450 Recycling facilities.
- 20.512.470 Residential care facilities, large.
- 20.512.480 Retail sales in conjunction with a manufacturing use.
- 20.512.490 Schools for personal enrichment.
- 20.512.500 Self-storage facilities**
- 20.512.520 Senior housing projects.
- 20.512.530 Service stations.
- 20.512.540 Smoke shops**
- 20.512.550 Tattooing, body piercing and body art.
- 20.512.560 Supportive Housing**
- 20.512.570 Transitional Housing**
- 20.512.580 Vehicle repair garages.
- 20.512.590 Vehicle towing services **and vehicle storage**.

20.512.010 – Purpose

The purpose of this chapter is to establish standards for specific land uses that apply citywide.

20.512.020 – Agricultural Product Stands

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20.512.030 – Alcoholic Beverage Sales

...

20.512.040 – Ancillary Industrial Facilities

...

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.050 – Animal Keeping

...

20.512.060 – Automobile Rental and Truck Rental**A. Automobile Rental.**

1. Automobile rental agencies with 10 or fewer vehicles parked on site at any given time require an Administrative Approval. Automobile agencies with more than 10 vehicles parked on-site at any given time require a Conditional Use Permit.
2. The display of automobiles shall not occur in loading and parking areas required pursuant to Chapter 20.507 (Parking and Loading).
3. If vehicles are stored or displayed along a street frontage, a minimum 10-foot landscape setback that includes a combination of trees, shrubs and appropriate ground cover shall be provided.
4. Automobile display areas shall not be permitted within a required landscape setback.
5. Automobile maintenance and repair shall only be conducted within an enclosed building.
6. An office building that is a minimum of 300-square feet in size shall be provided on-site.
7. An automobile rental use that is located adjacent to a residentially zoned property shall provide a landscape buffer pursuant to Chapter 20.508 of this Code.

B. Truck and Trailer Rental.

1. Within the M1 and M2 zones, an Administrative Approval is required for the rental of trucks and/or trailers on a lot or parcel with a single tenant building. A Conditional Use Permit is required for the rental of trucks and/or trailers within a multi-tenant industrial park.
2. Trucks and/or trailers greater than 8 feet in height shall not be located within 35 feet of any residentially zoned property.
3. Trucks and/or trailers greater than 8 feet in height shall not be located within 35 feet of a street right-of-way unless screened by a minimum 6-foot-high decorative screen wall or fence.
4. The display of truck and trailers shall not occur in loading and parking areas required pursuant to Chapter 20.507 (Parking and Loading) of this Code.
5. If trucks and/or trailers are stored or displayed along a street frontage, a minimum 10-foot landscape setback that includes a combination of trees, shrubs and appropriate ground cover shall be provided.
6. Truck and trailer display areas shall not be permitted within a required landscape setback.
7. Truck and trailer maintenance and repair shall only be conducted within an enclosed building.
8. An office building that is a minimum of 300 square feet in size shall be provided on-site.
9. A truck and trailer rental use that is located adjacent to a residentially zoned property

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.070 – Automobile Sales and Services

- A. Purpose and Intent.** This section establishes standards for automobile/vehicle sales and leasing and automobile/vehicle repair.
- B. General Requirement.** Automobile sales and services shall be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts.
- C. Location.** Automobile sales and services are permitted on a site with at least one frontage on an arterial street or in a mixed use development.
- D. Minimum Lot Area.** A vehicle sales and leasing use shall not be conducted on a site less than one acre in size.
- E. Minimum Building Size.** A minimum 300 square feet building shall be provided on the same lot or parcel for the sole benefit of the automobile vehicle sales or leasing business. At a minimum, the building shall contain employee restroom facilities and private office space for the business.
- F. Vehicle Display Areas.**
1. Motor vehicle display areas shall not utilize parking spaces or loading areas required pursuant to Chapter 20.507 (Parking and Loading).
 2. Vehicle display areas shall not be permitted within a required landscape setback.
 3. ~~If vehicles are stored or displayed along a street frontage, a minimum 10-foot landscape setback that includes a combination of trees, shrubs and appropriate ground cover shall be provided.~~
- G. Paving.** The surface of open-air display areas shall be paved with an impervious surface (i.e., concrete or asphalt) to the satisfaction of the Development Services Director and the City Engineer.
- H. Projections into Setback Areas.** Open-air display areas shall not project into any required setback area.
- I. Screening.** Service and associated car storage areas shall be completely screened from public view.
- J. Landscaping.**
1. If vehicles are stored or displayed along a street frontage, a minimum 10-foot landscape setback that includes a combination of trees, shrubs and appropriate ground cover shall be provided.
 2. ~~In addition to complying with the citywide landscaping standards, additional screening and buffering is required where automobile sales and services are adjacent Residential zones; see Chapter 20.508 (Landscaping).~~
- K. Vehicle Loading and Unloading.** All vehicle loading and unloading must occur on site in the rear half of the site. If the lot abuts a Residential Zone, the loading and unloading shall be located at least 20 feet from the Residential Zone where it will have a least impact on the adjacent lot. All loading and unloading must occur during weekday business hours.
- L. Work Areas.** All work must be conducted within an enclosed building, except pumping motor vehicle fluids from a freestanding pump in an island, checking and supplementing fluids of customer's vehicles while they wait, and mechanical inspection and adjustments not involving any disassembly.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- M. Equipment and Product Storage.** Exterior storage, including tires, must not be visible from arterial streets or a Residential Zone.
- N. Vehicle Storage.** All vehicles having service done on them shall be stored on site; no overnight storage on public streets is allowed.
- O. Spray/Paint Booths.** Spray booth stacks shall be screened from arterial streets and must be separated a minimum of 500 feet from Residential zones, parks, schools, and daycare centers. The Planning Commission may reduce this separation to no less than 100 feet if a human health risk assessment (HHRA), prepared by a qualified professional, demonstrates to the satisfaction of the Commission that levels of spray booth chemicals present in the ambient air at adjacent properties will be below applicable thresholds of concern for human health.
- P. Discarded Parts and Equipment.** No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles shall be stored outside of the main building, except in a screened location refuse collection and recycling.
- Q. Noise Controls.** All body and fender work or similar noise-generating activity must be enclosed in a masonry or similar building with sound-attenuating measures incorporated into the building design and construction to absorb noise. Bay openings must be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors must be located within separately enclosed, sound-attenuated rooms.

20.512.080 – Caretakers Quarters

- A. Purpose and Minimum Size.** Caretaker quarters shall be permitted for the purpose of providing 24-hour property surveillance and shall not exceed 600 square feet in total floor area, unless approved as part of a Conditional Use Permit.
- B. Permitted Use.** Caretaker quarters shall be permitted within the principal structure on the property.
- C. Occupancy.** The owner or an employee shall occupy the caretaker quarters.
- D. Maximum Bedrooms.** The caretaker quarters shall have a maximum of two bedrooms.
- E. Reversion to Industrial Use.** Caretaker quarters located in industrial districts shall revert to industrial uses upon termination of the Conditional Use Permit or upon the business's closure.

20.512.090 – Child Day Care Facilities

- A. Purpose.** This section provides regulations for Child Day Care facilities to protect the safety and well-being of children and minimize impacts to neighboring properties.
- B. Types of Child Day Care Facilities.**
 - 1. Residential Day Care Facilities may provide care for up to 14 children and are required to have an adult assistant on the premises.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

2. Child Day Care Centers are childcare facilities that are not provided within a residential use. Child day care centers include pre-schools, nursery schools, infant care centers and after-school facilities.

C. General Standards that Apply to all Child Day Care Facilities.

1. In addition to those off-street parking spaces required of the primary residential land use, one off-street parking space shall be provided for each employee of the day care provider. The driveway may be used to fulfill this requirement.
2. Written verification that all fire and life safety standards have been met shall be submitted to the Director of Development Services prior to the commencement of the use.
3. Any swimming pool, pond, wading pools, or similar bodies of water greater than 18 inches in depth shall be fully enclosed by a minimum 5-foot-high non-climbable fence. Additionally, all entrances and exits shall have self closing and latching gates. All latches shall be located at least 54 inches above adjacent grade.
4. All trash receptacles and air-conditioning units located outdoors and next to any active play area shall be fully enclosed by a wall or fence to protect children.
5. Trash receptacles shall be maintained in a sanitary condition with no odor detectable from adjacent properties.
6. Hours of operation shall be less than 12 hours per day.
7. Noise levels shall comply with Title 9 of the Municipal Code.

D. Residential Day Care Facilities.

1. The use shall be clearly incidental and subordinate to the primary.
2. All required State licenses and permits shall be obtained.
3. There shall be a maximum of 14 children allowed per residential day care facility.

E. Child Day Care Centers.

1. An on-site vehicle turn-around or separate entrance and exit points, and passenger loading area must be provided. The city shall specifically consider the location and appearance of the proposed turn-around or access in determining compatibility with surrounding uses.
2. The operator must obtain the written consent of the property owner when the child day care facility is located.
3. Outside play areas shall have a minimum fence height of 5 feet.
4. Outside play areas shall be located a minimum of 10 feet from public right-of-ways.
5. Outside play areas shall be a minimum of 75 square feet per child, excluding infants.

20.512.100 – Cigar Lounges and Hookah Bars

Cigar lounges and hookah bars shall comply with the following regulations.

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- A. **Distance from Residential Zone.** Cigar lounges, vape lounges, and hookah bars shall be at least 200 feet from the boundary of any residential zone or property.
- B. **Distance from Schools.** Cigar lounges, vape lounges, and hookah bars shall be at least 1,000 feet from any public or private school.
- C. **Admission Charge.** There shall be no charge, nor shall tickets be sold, for admission to a cigar lounge, vape lounge, or hookah bar.
- D. **Owner-Operated Business.** The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace set forth in California Labor Code Section 6404.5.
- E. **Alcohol Prohibited.** The sale or consumption of alcoholic beverages shall not be permitted on the premises.
- F. **Age of Patrons.** All patrons of cigar lounges, vape lounges, or hookah bars shall be at least 21 years.

20.512.110 – Commercial nurseries

- A. **Purpose.** The purpose of this section is to establish standards for commercial nurseries and garden centers.
- B. **General Requirements.** Commercial nurseries and garden centers must be located, developed, and operated in compliance with applicable base zoning district standards and the following additional standards, in the zones where they are allowed by the 200 Series, Base Zoning Districts.
- C. **Minimum Lot Area.** The minimum lot area is 10,000 square feet.
- D. **Products for Sale.** Products offered for sale are limited to nursery stock and related materials incidental to the planting, care, and maintenance of plants, including fertilizer, pesticides, seeds, and planting containers, and exclude general building materials, hardware, tools other than for soil preparation and general landscaping.
- E. **Enclosure.** All storage, display, and sale of products other than nursery stock must be conducted within a completely enclosed building or within an area enclosed by a solid wall or fence and gate between five and six feet in height.
- F. **Parking and loading.** One parking space per 1,000 square feet of outdoor display area for live plants for sale, plus one space per 500 square feet in retail sales area.

20.512.120 – Commercial Recreation

- A. **Street Frontage and Location.** Commercial recreation facilities should only be permitted on a lot or parcel with frontage on a primary or secondary arterial street, and in a single-tenant building. However, the Planning Commission may make exceptions based on access, parking, safety, and other considerations.
- B. **Submittal Requirements.** At a minimum, the following information shall be submitted with an application requesting approval of a commercial recreation facility:
 1. The proposed hours of operation.

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2. A schedule of activities including the times of each and anticipated number of participants.
3. The number of parking stalls dedicated to the lease area, location of a pick up/drop off area, an access/parking plan, and the anticipated parking demand.
4. If the facility is to be located within a business or industrial park, provide a list of tenants within the park, type of business, and hours of operation.
5. Provide information on how the walls of the lease area will be insulated or other measures utilized to ensure music and/or other noises will not adversely affect adjacent tenants.

C. Arcades. Arcades shall be subject to the provisions of Title 5 of the Municipal Code and shall only be permitted to operate in the CR and CG zones with a Conditional Use Permit.

20.512.130 – Common Interest Subdivisions

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20.512.140 – Congregate Care Facilities

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20.512.150 – Convenience Markets and Grocery Stores

A. Convenience Markets. Where a convenience market abuts residentially zoned property, no commercial loading activity is permitted between the hours of 6:00 p.m. and 6:00 a.m.

B. Grocery Stores.

1. Where a grocery store or supermarket abuts residentially zoned property, no commercial loading activity is permitted between the hours of 6:00 p.m. and 6:00 a.m. In addition, the Planning Commission may restrict hours of operation based upon potential adverse impacts on the surrounding neighborhood.
2. The final approving authority may impose additional operational conditions, requirements or standards, as it deems necessary to ensure the public health, safety and general welfare.
3. New or substantially altered commercial development utilizing outdoor shopping carts shall develop and implement, in coordination with the property owner, an anti-theft/abandoned cart prevention plan. The anti-theft/abandoned cart prevention plan must include, at a minimum, the following information subject to review and approval by the Director of Development Services.
 - a. Pertinent business information, including the name and address of the business, phone number for the premises where business is conducted. If the address and phone number of the cart owner is different from the business owner, this information shall also be provided.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- b. Cart identification conforming to State law.
- c. A complete cart inventory of all carts belonging to, maintained on or in the premises.
- d. Standard procedure for written notification to customers that removal of carts from the premises is prohibited and a violation of State and local law. Appropriate notification may be provided in the form of shopping bags, flyers, or any form of written notification effective in notifying customers of the prohibition.
- e. A description of physical measures designed to prevent the removal of carts from the premises. These measures may include but are not limited to: devices attached to carts which prevent their removal from the premises or a designated employee or security guard posted to deter or stop customers from removing carts from the premises.
- f. A standard procedure for retrieval of abandoned carts, or proof that the owner has entered into a contract approved by the City of Chino for cart retrieval services.
- g. A description of an ongoing employee training program designed to educate all employees on the anti-theft/abandoned cart prevention plan.

20.512.160 – Conversion of Residential Structures

- A. Permit Required.** Conversion of a structure originally constructed for residential use and currently occupied by a resident, to a commercial use requires Planning Commission approval of a Conditional Use Permit. To approve the conversion, the Planning Commission shall make the following findings:
- 1. All applicable provisions of this Code are met, including but not limited to landscaping and parking.
 - 2. The proposed conversion is consistent with the General Plan and any applicable specific plans.
 - 3. The overall design and physical condition of the conversion achieves a high degree of appearance, quality and safety.
 - 4. The conversion would not displace predominantly low and moderate-income families or tenants without adequate provision for suitable relocation of such families or tenants. **Replacement housing is provided as required by Government Code Section 66300.6. The replacement housing shall be developed prior to or concurrently with the development project. The required replacement housing may be located on a site other than the project site that is within the City provided the land use regulations for the applicable zoning district allows residential uses. The project proponent may contract with another entity to develop the required replacement housing.**
 - a. Any existing occupants will be allowed to occupy their units until six months before the start of construction activities. The project proponent shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under this section. Notice shall be provided at least six months in advance of the date that existing occupants must vacate.

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- b. Any existing occupants that are required to leave their units shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

B. Improvements Required. A structure that is permitted to be converted shall be remodeled and upgraded to meet all federal, State and local codes and ordinances for commercial buildings, which are in effect at the time of conversion.

~~20.512.170 — Cyber Cafes~~

~~All cyber cafes shall comply with the following regulations:~~

~~A. Location and Design.~~

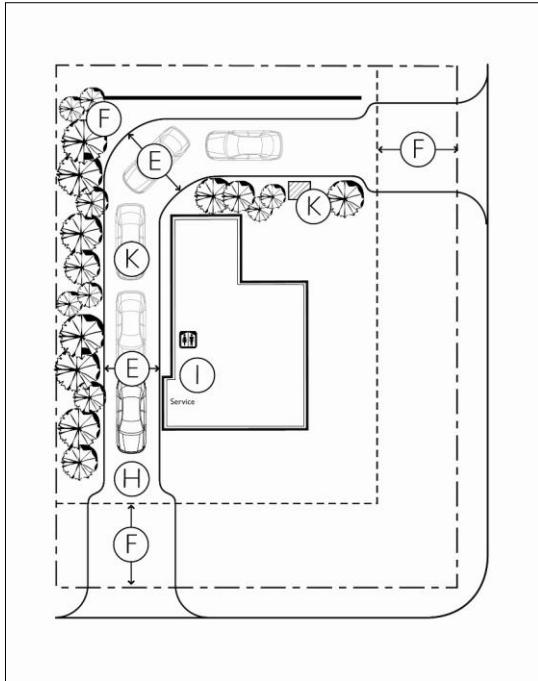
- ~~1. No cyber cafe shall be maintained within 500 feet of any primary or secondary public or private school, park or public playground.~~
- ~~2. Front windows shall not be tinted, shaded, painted, blacked out, or similarly covered or obscured during business hours.~~
- ~~3. A waiting area inside the establishment shall be provided, with seating equal to one seat for every four computer stations. No waiting list shall be maintained beyond the seating capacity of the waiting area. No outside waiting or seating areas are permitted.~~

20.512.180 – Drive-Thru Facilities

Drive-through facilities shall be developed in accordance with the following standards, as shown in Figure 20.512-1:

(Graphic to be updated)

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FIGURE 20.12-1 DRIVE-THROUGH FACILITY STANDARDS (ADDITIONAL EDITS PENDING.)

- A. Aisle Width.** Drive-through aisles shall have a minimum width of 11 feet on straight sections and 12 feet on curved sections.
- B. Aisle Setback.** Drive-through aisles shall be set back a minimum of 15 feet from all street property lines and shall be screened by landscape berms, low garden walls, or a combination thereof.
- C. Landscape Buffer.** There shall be a minimum 10-foot-wide landscaped buffer between drive-through aisles and any abutting residentially zoned property.
- D. Entries and Exits.** Entries and exits shall be no closer than 25 feet from a street intersection and their locations are subject to approval of the Director of Development Services.
- E. Screening.** All service areas and restrooms accessed from the exterior of the building shall be screened from view of the public street.
- F. Design.** Drive-through facilities within an integrated shopping center shall be consistent with the center in terms of architectural design and detailing, roof material, exterior finish materials and color.
- G. Noise.** Drive-through facilities that rely upon the use of speaker/microphone stations for the placing and/or receiving of customer orders, shall locate the station a minimum of 50 feet from any residentially zoned property. In no case, however, shall noise emanating from a speaker/microphone station be audible beyond the property line.
- H. Length of Queuing Lane.** Drive through facilities shall provide a queuing lane sufficient in length to not interfere with traffic on adjoining public and private streets and with on- or off-street parking and shall accommodate no less than five vehicles at the point of food ordering. The Director of Development Services shall require a longer queue lane or double lanes for high volume facilities.

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20.512.190 – Emergency Shelters

- A. Purpose and Intent.** The purpose of these standards is to ensure the development of emergency shelter facilities does not adversely impact adjacent property or the surrounding neighborhood, and that these facilities will be developed in a manner that protects the public health, safety, and general welfare of all city residents while meeting the housing needs of the community.
- B. Use Standards.**
1. Number of beds.
 - a. Emergency shelter facilities shall contain no more than 30 beds and shall serve no more than 30 persons at any one time.
 2. Duration of stay.
 - a. Emergency shelter shall be available to residents for no more than 90 days.
 3. Staff and services shall be provided to assist residents in obtaining permanent shelter, at no cost to the residents.
 4. Emergency shelter providers shall have a written management plan including, as applicable: provisions for staff training, neighborhood outreach, security, and screening of residents to insure compatibility with the type of services provided.
 5. Proximity to other emergency shelters. Emergency shelters shall be located a minimum of 300 feet from any other emergency shelter.
 6. Hours of operation. Facilities shall establish set hours for client intake and discharge.
 7. On-site management. On-site personnel shall be provided at all times.
 8. Lighting. Facilities shall provide security and safety lighting in the parking lot, on buildings, and areas of pedestrian access.
 9. Security. Facilities shall provide secure areas for personal property.
 10. Waiting area. If intake of clients will occur on-site, a minimum 200 square foot enclosed or screened waiting area shall be provided to prevent queuing in the public right-of-way. Additional waiting area may be required depending on the anticipated client load.
 11. Living area. 120 square feet of indoor living area of indoor living area, plus an additional 50 square feet of living area for each additional person over two persons, excluding staff, of which 30 percent shall be common or recreational space.
 12. **Parking.** Each emergency shelter shall have a minimum of one parking space for every two on-site employees and two bicycle parking spaces.
 13. **Emergency Home Shelter Management Plan.** The operator of an Emergency Homeless Shelter shall prepare and submit a management plan to the Director of Development Services that includes, as applicable, the following: staff training to meet the needs of shelter residents; community outreach to explain the services offered to the homeless community; adequate security measures to protect shelter residents and surrounding uses; services provided to assist

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residents with obtaining permanent shelter and income; and screening of residents to ensure compatibility with services provided at or through the shelter.

20.512.200 – Equipment Rental and Sales

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20.512.210 – Farm Employee Housing

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20.512.220 – Group homes

- A. **Purpose.** The purpose of this section is to establish standards for group homes within residential and residential mixed use zoning districts to ensure land use compatibility, while also facilitating development of this type of housing to meet the City’s housing needs.
- B. **General Requirements.** Group residential facilities must be located, developed, and operated in compliance with applicable base zoning district standards and the following additional standards, in the zones where they are allowed by the 200 Series, Base Zoning Districts.
- C. **Minimum Lot Area.** When located in a Residential zoning district, the minimum lot area is 10,000 square feet.
- D. **Laundry Facilities.** Laundry facilities must be provided on-site, either in the units or in a shared facility.
- E. **Common Open Space.** Common open space of 20 square feet for each person who resides in the facility must be provided. To ensure this common open space is a well-designed, coherent area that is an essential component of the project's design, not merely space left over after the building mass is placed, the following standards must be met:
 - 1. Landscape areas having minimum dimensions of less than twenty feet but at least five feet at any point which are contiguous with and an integral part of the common open space or are connected to the common open space by walkways, may be included in calculating the area of such space. Non-contiguous landscape areas proposed to be included shall not exceed twenty percent of the total area of common open space.
 - 2. Up to one-half of covered patio areas designed to be commonly used by residents of a development may be included in calculation of common open space provided such area does not comprise more than twenty-five percent of the total common open space.
 - 3. For group homes for 20 people or more, up to thirty percent of the required common open space area may be provided within a recreational building.
- F. **Security.** Parking garages, surface parking, and private and common areas located outside the building must be designed to protect the security of residents, guests, and employees with security

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lighting. If circumstances warrant, the facility operator may control access to a parking garage by other persons.

- G. **Building Accessibility and Safety Equipment.** Indoor common areas and living units shall be designed to accommodate persons with disabilities, as required by the Americans with Disabilities Act and be provided with all necessary safety equipment (e.g., grab bars, ramps etc.), as well as emergency signal/intercom systems.
- H. **Parking.** The entrance to off-street parking spaces shall be located a maximum of 150 feet from building entrances.

20.512.230 – Gym/Athletic Instruction

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20.512.240 – Hazardous Materials Use and Storage

A. General Requirements.

1. Any quantity of hazardous material that exceeds the exempt amounts per control area or outdoor area as specified in the Uniform Fire Code, latest edition, shall require the approval of a Conditional Use Permit.
2. No changes in practices or procedures, or the type and/or maximum quantity of material shall occur without first notifying the Chino Valley ~~Independent~~ Fire District and appropriate amendments made to the approved business emergency/contingency plan and/or risk management prevention program on file with the San Bernardino County department of environmental health services.
3. All operations shall comply with all applicable requirements of the Uniform Fire Code, latest adopted edition.
4. At all times, all operations shall be in full compliance with all federal, state and local regulations pertaining to containment, including restricting use/storage to designated areas, stacking height limitations of materials, and the provision of appropriate preapproved containment walls where required.

B. Explosive or Extremely Hazardous Substances, Radioactive Material and Quantities Exceeding the Exempt Amounts per Control Area or Outdoor Area. The use, generation, processing, production, treatment, storage, emission or discharge of explosives, extremely hazardous substances, radioactive material and quantities exceeding the exempt amounts per control area or outdoor area shall be conditionally permitted only as a use incidental to the primary permitted land use.

C. Hazardous Waste Generators—More Than 55 Gallons, 500 Pounds or 200 Cubic Feet of a Compressed Gas. Hazardous waste generators shall file with the Development Services Director a copy of an approved business emergency/contingency plan from the county of San Bernardino, pursuant to the provisions of Sections 25501(d) and 25504 of the California Health and Safety Code.

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D. Outdoor Propane Storage. ...

20.512.250 – Health Care Offices

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20.512.260 – Home Occupations

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20.512.270 – Hotels, Motels, and Bed and Breakfast, and Boarding Houses

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20.512.280 – Live Entertainment

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20.512.290 – Live/Work Units

A. Purpose. This section establishes standards for dwelling units that function as both work space and a residential accommodation.

B. Limitations on Use.

1. ...

C. Prohibited Uses. The following uses are not permitted as part of a live/work unit:

1. Adult-oriented businesses.
2. Vehicle sales, service, maintenance, or repair.
3. Welding, machining, or open-flame work.
4. Manufacturing or processing activities.
5. Any use that might affect the health or safety of nearby residents or associated with hazardous materials and other uses determined incompatible by the Development Services Director because of their potential to create dust noise, vibration, noxious gases, odors, smoke or any other negative impacts are not permitted in live/work units.

D. Design Standards.

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EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.300 – Low Barrier Navigation Centers

- A. Purpose.** This section establishes standards for low barrier navigation centers (LBNCs), consistent with the General Plan and State law.
- B. General Requirements.** LBNCs are allowed by right with a zoning clearance in all areas zoned for multi-family homes and residential mixed use development under the 200 Series, Base Zoning Districts.
- C. Development Standards.** LBNCs shall be located, developed, and operated in compliance with the development standards of the zone where they are located.
- D. Operating Standards.** LBNCs shall comply with the requirements of California Government Code Section 65660 as follows:
 1. LBNCs shall offer services to connect people to permanent housing through a services plan that identifies services staffing.
 2. LBNCs shall be linked to a coordinated entry system, so that staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. In this context, a “coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as amended, and any related requirements, intended to coordinate participant intake, assessment, and referrals.
 3. LBNCs shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the California Welfare and Institutions Code.
 4. LBNCs shall have a working system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- E. Review and Approval.** The time periods for determining whether an LBNC application is complete and making a decision on a proposed LBNC shall be those set for in California Government Code § 65664.

20.512.310 – Manufactured Housing

- A. Purpose.** This section establishes regulations and standards for manufactured housing in the City, consistent with the General Plan and State and federal law.
- B. General Requirements.** Manufactured homes, including mobile homes on permanent foundations, shall be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts. More specifically, manufactured homes are allowed by right with a zoning clearance in all zones where single-family homes are permitted; they are subject to the same development standards as a single family home. Manufactured homes also must conform to the Manufactured Housing Act of 1980 codified in Division 13, Part 2, of the California Health and Safety Code, commencing with Section 18000.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- C. Required Certification.** A manufactured home must be certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976, as amended, at the time of any application for placement of such manufactured home.
- D. Permanent Foundation.** The manufactured home must be placed on a permanent foundation in accordance with the standards set forth in the California Building Code as adopted by the City.
- E. Age of Home.** No more than 10 years may elapse between the date of the manufacture of the manufactured home and the date of the application for issuance of a permit to install a home on a lot in the City.
- F. Utilities.** Each manufactured home must be provided permanent hookups for electricity, gas, water, and sewer connections in the same manner applicable to permanent buildings. Gas shutoff valves, meters, and regulators must not be located beneath the manufactured home, in compliance with the requirements of the Building Code for comparable residential structures.

20.512.320 – Massage Establishments¹

- A. Purpose.** This section establishes general requirements and standards for massage establishments, consistent with the General Plan and State law.
- B. Definitions.**
 1. “California Massage Therapy Council” or “CAMTC” shall mean the California Massage Therapy Council as defined in Business and Professions Code Section 4602.
 2. “Massage” shall mean a method of procedure upon the external parts of the body consisting of rubbing, stroking, kneading or tapping with the hand or any instrument, and other techniques recognized as legitimate by CAMTC.
 3. “Massage establishment” shall mean a fixed place of business where any person(s), association or corporation engages in or conducts or permits to be engaged in or conducted any business of giving massage. Massage establishment also includes any public bath house that provides Turkish, Russian, Swedish, vapor, sweat, electric, salt or any other kind of character of baths where alcohol rub, fomentation, bath or electric massage procedure, manipulation of the body or similar procedures are given with the assistance of an attendant. Home-based massage businesses and businesses that provide out-call massage services are also massage establishments for purposes of this section.
 4. “Massage therapist” shall mean any person who administers to another person, for any form of consideration having monetary value, a massage, alcohol rub, fomentation, bath or electric massage procedure, manipulation of the body or other similar procedure.
 5. “Operator” shall mean any person who is a manager of a massage establishment, whether on a continuing, temporary or one-time basis. An operator may also be an owner.
 6. “Owner” shall mean any of the following persons:
 7. The sole proprietor of a sole proprietorship operating a massage establishment.

¹ Following Commission review, Title 5 will be updated to be consistent with the Zoning Code Update.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

8. Any general partner of a general or limited partnership that owns a massage establishment.
 9. Any person who has a ten percent or greater ownership interest in a corporation that owns a massage establishment.
 10. Any person who is a member of a limited liability company that owns a massage establishment.
 11. All owners of any other type of business association that owns a massage establishment.
 12. “Out-call massage services” shall mean the engaging in or carrying on of massage therapy for compensation at locations other than at a fixed place of business.
- C. General Requirements.** Massage establishments **are** allowed by right with a zoning clearance in all areas zoned for commercial and mixed use development under the 200 Series, Base Zoning Districts, provided the massage therapists are CAMTC-certified and the standards of this section are met
- D. Development Standards.** All massage establishments shall comply with the following requirements:
1. Dressing areas, and toilet facilities shall be provided for patrons. Lockers shall be provided whenever patrons are required to undress or disrobe. Male and female patrons shall not be served simultaneously in the same room. Male and female patrons shall not simultaneously use massage rooms, dressing areas, lockers and toilet facilities.
 2. Lighting of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
 3. Massage shall be provided on a massage table manufactured for the purpose of providing massage.
 4. Ventilation shall be provided for each enclosure of room.
 5. Equipment for disinfecting and sterilizing instruments shall be provided.
 6. Closed cabinets shall be utilized for the storage of clean linen.
 7. The inside of doors to individual massage rooms or enclosures shall not be fitted with locks or any device intended to prevent the opening of such doors. Doors of individual massage rooms shall not be locked at any time during a massage therapy session.
 8. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and other physical facilities must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
 9. Clean and sanitary towels and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted.
- E. Operating Standards.**
1. The owner and the operator shall comply with the Massage Therapy Act (California Business and Professions Code Section 4600 et seq.), including but not limited to those provisions relating to the display of certificates, sexual acts, advertising, and dressing requirements.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

2. A list of services and the cost of such services provided by the establishment shall be displayed at a conspicuous location in the reception area. Any services rendered, which are not so listed, may be grounds for revocation or suspension of the massage establishment permit.
3. No massage establishment shall be kept open for business between the hours of ten p.m. and seven a.m.
4. No alcoholic beverages shall be sold, served, or furnished to any client; nor shall any alcoholic beverages be permitted, kept or possessed on the premises of a massage establishment unless the massage establishment has a current ABC license and all required city approvals.
5. Except in emergencies, patrons shall be directed to use the front or street facing entrance and exit.
6. All payment for services, including gratuities, shall be exchanged in a reception room or other central area, if any, and not within any of the massage rooms.
7. The operator shall maintain a record of the date and hour of each treatment, the name and address of the patron, the amount paid for the treatment including any gratuity, and the name of the massage therapist administering such treatment

20.512.330 – Mobile Home Parks

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~~**20.512.340 – Motor Vehicle Sales and Leasing**~~

~~Motor vehicle sales and leasing establishments shall comply with the following standards:~~

- A. ~~**Minimum Lot Area.** A vehicle sales and leasing use shall not be conducted on a site less than 2.5 acres in size.~~
- B. ~~**Minimum Building Size.** A minimum 300-square-foot building shall be provided on the same lot or parcel for the sole benefit of the motor vehicle sales, leasing, or rental business. At a minimum, the building shall contain employee restroom facilities and private office space for the business.~~
- C. ~~**Vehicle Display Areas.**~~
 1. ~~Motor vehicle display areas shall not utilize parking spaces or loading areas required pursuant to Chapter 20.507 (Parking and Loading).~~
 2. ~~Vehicle display areas shall not be permitted within a required landscape setback.~~
 3. ~~If vehicles are stored or displayed along a street frontage, a minimum 10-foot landscape setback that includes a combination of trees, shrubs and appropriate ground cover shall be provided.~~
- D. ~~**Paving.** The surface of open-air display areas shall be paved with an impervious surface (i.e., concrete or asphalt) to the satisfaction of the Development Services Director and the City Engineer.~~

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- E. ~~Projections into Setback Areas.~~ Open air display areas shall not project into any required setback area.
- F. ~~Screening.~~ Service and associated car storage areas shall be completely screened from public view. Vehicle maintenance and repair shall only be conducted within an enclosed building.
- G. ~~Landscaping.~~
 1. ~~If vehicles are stored or displayed along a street frontage, a minimum 10-foot landscape setback that includes a combination of trees, shrubs and appropriate ground cover shall be provided.~~

20.512.350 – Nightclubs, Bars, and Cocktail Lounges

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~~20.512.360 – Non-Traditional Financial Institutions Check Cashing~~

Non-traditional financial institutions (e.g., check cashing centers and businesses offering payday loans and auto title loans) shall comply with the following standards:

- A. **Permits Required.** A Conditional Use Permit must be obtained to operate a ~~check cashing center~~ non-traditional financial institution.
- B. **Location.**
 1. ~~Non-traditional financial institutions~~ ~~Check cashing centers~~ are conditionally permitted in the General Commercial (GC), Regional Commercial (RC), and Service Commercial (SC) zoning districts only.
 2. No more than one ~~non-traditional financial institution~~ ~~check cashing center~~ shall be located within a ¼-mile radius of another non-traditional financial institution to prevent the over-concentration of such businesses and to maintain existing financial establishments such as banks and other lending institutions.
 3. ~~Check cashing centers~~ Non-traditional financial institutions shall be located no less than 500 feet from any sensitive land uses including public or private schools, religious institutions ~~or state- or federally-owned bank, savings association, credit union~~ or similar use.
 4. ~~Check cashing centers~~ Non-traditional financial institutions shall be separated by no less than 300 feet from any residential district ~~or existing residential use~~.
- C. **Operational Standards.**
 1. The exterior of the building shall be adequately illuminated on all frontages and shall illuminate persons standing outside so as to be identifiable from 50 feet away. Off-site lighting shall be designed so as not to cast off-site glare.
 2. A minimum of 60 percent of Storefronts shall be glass, and no more than ~~25~~ 10 percent of any window area shall be obscured by signs, banners, or any opaque covering at any time.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

3. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. daily.
4. Pay phones are prohibited from being located on the premises of the check cashing establishment.
5. The site must be maintained free of litter at all times. Trash, litter, and debris also must be removed from all abutting sidewalks.
6. A security plan shall be provided to the Chino Police Department and Planning Division for review and approval.
7. Graffiti shall be removed within 72 hours of application to property on the check cashing premises.

20.512.370 – Offices, Professional/Business

Executive and business offices as the primary land use within a multi-tenant industrial building in the M1 and M2 zones shall be permitted subject to the following:

- A. **Permit Required.** The use shall be subject to the review and approval of a Zoning Clearance.
- B. **Building Characteristics.** The building must be a multi-tenant building containing four or more tenant spaces and shall not contain dock high loading doors. Offices as a primary use shall not be permitted in a single tenant industrial building or building containing less than four tenant spaces.
- C. **Location.** The primary office use should generally not be located adjacent to a business that manufactures or stores hazardous waste or creates loud noise, unless all impacts can be mitigated to the satisfaction of the Director of Development Services.
- D. **Multiple Tenancies.** Multiple tenancies and subtenants are allowed within office buildings without restrictions on floor area to allow flexibility in leasing space. ...

20.512.380 – Outdoor Displays and Sales

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20.512.390 – Outdoor Manufacturing and Processing

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20.512.400 – Outdoor Seating Areas

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EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.410 – Outdoor Storage and Storage Containers**A. Outdoor Storage of Vehicles, Equipment and Materials.**

1. Outdoor storage areas shall be completely screened from public view through use of building walls, decorative screen walls, view-obstructing access gates with decorative screening, and landscaped berms or mounding, or a combination thereof.
2. Items stored outside, within 100 feet of any residentially zoned property or a public street, shall be stacked no higher than 6 feet.
3. Combustible materials stored outside shall be placed no closer than 20 feet from any property line, and a minimum 20 feet wide clear access drive shall be provided to the rear of the property to permit free access of fire trucks or any other safety vehicles at any time.
4. No materials or waste stored outside shall be deposited on the subject property in such form or manner that may be transferred off the lot by natural causes or forces (i.e., stormwater runoff, wind, etc.). All waste material shall be stored in an enclosed area, accessible to service vehicles.

B. Storage in Agricultural Districts. Outdoor storage of vehicles, equipment and materials that are used for crop cultivation, animal husbandry, or other related uses in agricultural districts is permitted in agricultural districts provided that it is screened from street view from adjacent residential uses.

C. Storage, Shipping, and Sea Cargo Containers. Storage containers, shipping containers, sea cargo containers, PODS, or other such containers (“containers”) shall be limited to 120 square feet or less and be subject to the following regulations

1. Containers are not permitted in any Residential zoning district, except as follows:
 - a. Relocation or moving of an occupant of a permitted residence, in which case a container shall not be permitted for a period of more than 30 days.
 - b. In conjunction with a building permit for an approved addition, remodel, or similar project at an existing residence. The storage container shall be removed within 7 days of the permit expiring or being finalized and shall not exceed 6 months. Additional time may be granted by the Director of Development Services if it can be shown that progress is being made and there is a schedule for the completion of the work.
 - c. In conjunction with a residential housing tract development. Plans for the location and timeframe for removal shall be included in the site approval application for such development.
2. Containers shall only be permitted in Commercial zoning districts on a temporary basis pursuant to the requirements of Chapter 20.203 of this code; a temporary use permit is required; see Section 20.602.060. However, bona-fide nonprofit charitable organizations that distribute food, clothing, and goods to the public shall be allowed one (1) storage container for a period of time to be determined by the Development Services Director, provided the container is placed on the same lot or parcel where the nonprofit organization has its business address or where the primary use/operation is located, the container is located out of public view from a public or private street right-of-way, and the placement of the container is not located in a required parking area.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

3. Containers shall be permitted in Industrial zoning districts only in conjunction with and incidental to a permitted land use, and in accordance with the following:
 - a. Containers shall be screened from public view through the use of building walls, decorative screen walls, a landscaped berm or mounding, or a combination thereof.
 - b. Containers shall not be placed within 40 feet of residentially zoned property.
- D. Planning Commission Exemption.** The Planning Commission may grant an exemption from the regulations contained in this section through the issuance of a Conditional Use Permit, if they find that the exemption will not endanger the public health, safety or general welfare.

20.512.420 – Outdoor Vendors (Carts, ~~and~~ Kiosks, and Mobile Food Vendors)

- A. Applicability.** The standards in this section apply to any portable, non-motorized wagon, cart, or similar non-wheeled unit used by a vendor from which retail goods, food, and/or beverages are offered for sale as well as mobile food vendors operating from a truck.
- B. Permits Required.**
1. Outdoor vendors shall obtain a City business license and an administrative approval. Reasonable conditions of approval may be imposed to ensure that the standards of this section are met.
 2. If food and/or beverages are being sold, a Mobile Food Facility Health Permit must be obtained from the County Environmental Health Services Office of the Public Health Department².
 3. Any mobile food vending unit owner shall provide proof that the vehicle is State-certified as a mobile food preparation truck.
 4. Proof of current insurance and registration of the vehicle must be presented with the application for administrative approval.
 5. The administrative approval for an outdoor vendor is temporary and is granted only for a maximum of two years. It may be renewed.
- C. Locational Criteria.**
1. Outdoor vending activities shall only be allowed in Mixed Use, Commercial and Institutional Districts.
 2. The minimum distance between outdoor vendors is 300 feet.
 3. The location where the outdoor vending unit is to be stored overnight must be identified in the application for administrative approval. Mobile outdoor vending units shall not be parked in Residential Districts.
 4. Washdown of the outdoor vending units shall only be permitted at an approved facility that will capture the wastewater and convey it to the public sewer system.

² San Bernardino County Environmental Health Services has a robust permitting and inspection program for mobile food vendors which will ensure safe operations; see: <https://ehs.sbcounty.gov/programs/food-facilities/#mobilefoodfacility>

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

5. The outdoor vending unit shall not be located within 12 feet of the outer edge of an entrance to any building or facility used by the public nor located where space for pedestrian passage will be reduced to less than 12 feet.

D. Operating Conditions.

1. A **non-motorized** cart/kiosk shall only be permitted on public or private property within a defined plaza area between buildings that are part of a professional office, commercial, or mixed-use development.
2. The cart/kiosk should generally not exceed 5 feet in width, 9 feet in length, and no more than 6 feet in height excluding canopies, umbrellas or transparent enclosures. Deviations in size may be approved by the Director of Development Services on a case-by-case basis based on unique site or user circumstances.
3. The cart/kiosk shall not obstruct access to or occupy a parking space, obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture.
4. The number of employees per individual cart/kiosk shall be a maximum of two persons at any one time.
5. All cart/kiosk uses shall be self-contained or located on a site that has been specifically designed to provide for water, waste and power to operate. No exposed pipes or wires are permitted.
6. All packaging containers or boxes shall be stored within the cart/kiosk.
7. The sale of alcoholic beverages shall be prohibited.
8. The design, color scheme and signage of the cart/kiosk shall be appropriate to its location.

20.512.430 – Places of Worship

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20.512.440 – Portable Toilets

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20.512.450 – Public Assembly

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20.512.460 – Public Storage

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EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.470 – Recycling Facilities

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20.512.480 – Residential Care Facilities, Large

- A. Purpose.** This section establishes standards for residential care facilities for the physically and/or mentally handicapped to provide quality services and facilities and minimize impacts to neighboring properties.
- B. Applicability.** The standards below apply only to Large Residential Care Facilities with 7 or more residents in addition to the caregiver.
- C. Permit Required.** Planning Commission approval of a Conditional Use Permit is required to establish a large residential care facility. The application for a residential care facility shall include the following information:
 - 1. The number of persons being cared for.
 - 2. The number of employees.
 - 3. The facility’s hours of operation.
 - 4. The State license number.
 - 5. A site plan, including locations of existing residences or any other nearby structures.
 - 6. An accurate traffic circulation plan detailing parking, circulation and areas for pick-up and drop-off.
- D. State Licenses and Permits Required.**
 - 1. All required State licenses and permits shall be obtained or applied for prior to applying for a permit to operate a residential care facility.
 - 2. No city permit shall be effective until satisfactory evidence has been provided demonstrating that all necessary State licenses and permits have been obtained.
- E. Development Standards within Commercial Zones.** Residential care facilities in commercial zones shall be developed in accordance with all development standards and density requirements applicable to the RD20 zone and the multiple family residential design standards in Chapter 20.505 (Design Standards).

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20.512.490 – Retail Sales in Conjunction with a Manufacturing Use

The area used for retail sales in conjunction with warehousing and manufacturing shall be limited to 20 percent of the gross floor area of the building. A Conditional Use Permit shall be required for all retail sales areas larger than 20 percent of the gross floor area of the building.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.500 – Schools for Personal Enrichment

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20.512.510 – Self-storage Facilities

- A. Purpose.** This section establishes regulations and standards for self-storage facilities in the City, consistent with the General Plan.
- B. General Requirement.** Personal storage facilities shall be located, developed and operated in compliance with applicable base zoning district standards and the following additional standards, in the zones where they are allowed by the 200 Series, Base Zoning Districts.
- C. Buffering and Screening Adjacent to Residential Districts.** A landscaped setback is required adjacent to a Residential District; see Chapter 20.506.
- D. Business Activity.** All personal storage facilities shall be limited to inactive items, such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
- E. No Hazardous Materials Storage.** No storage of hazardous materials is permitted.
- F. Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- G. Limited Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building façades or solid fences.
- H. Internal Circulation.** Driveway aisles shall be a minimum of 20 feet wide.
- I. Exterior Wall Treatments and Design.** Exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.
- J. Screening.** Where exterior walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.
- K. Fencing.** A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

20.512.520 – Senior Housing Projects

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20.512.530 – Service Stations

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20.512.540 – Smoke Shops and Retail Tobacco Sales

- A. Purpose.** This section establishes regulations and standards for smoke shops and tobacco stores to minimize undesirable impacts to the community, including potential sales to minors and negative aesthetic effects while also providing for a reasonable number of locations for smoke shops and tobacco stores in the City.
- B. General Requirements.** Smoke shops and stores devoted to retail tobacco sales shall be located, developed, and operated in compliance with the standards below, in zones where this housing is allowed by the 200 Series, Base Zoning Districts.
- C. Definitions.**
1. “Ancillary sale” shall mean where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, “ancillary sale” shall mean where no more than five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco.
 2. “E-cigarette/vaping” shall mean any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as “juice,” and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.
 3. “Smoke shop and tobacco store” shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, excluding grocery stores, supermarkets, and convenience markets.
 4. “Tobacco” shall mean any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.
 5. “Tobacco paraphernalia” shall mean any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products,

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

or other controlled substances as defined in California Health and Safety Code Section 11054 et seq. These include but are not limited to the following: pipes, punctured metal bowls, bong, water bong, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material.

6. “Tobacco product” shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. The term “tobacco product” excludes any product specifically approved by the federal Food and Drug Administration for sale as a tobacco/smoking cessation product.

D. Development Standards.

1. **Location.**
 - a. Smoke shops and tobacco stores shall not be located within 500 feet of a public or private school, family day care home, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
 - b. Smoke shops and tobacco stores shall not be located within 800 feet from another smoke shop and tobacco store.
 - c. Smoke shops and tobacco stores shall not be located within 300 feet of a Residential zone.
 - d. If a public or private school, family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather is located within 500 feet of a smoke shop or tobacco use after that use has been established, the smoke shop or tobacco store shall be considered a nonconforming use; it may continue to operate at its existing location but may not expand.
2. **No Minors Allowed.** It is unlawful for the owner, manager or any salesperson in a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
3. **Required Signs.** Smoke shops and tobacco stores shall post signs within the shop or store stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store.
4. **Standard Conditions of Approval of a Conditional Use Permit.** The conditions of approval of a conditional use permit for a smoke shop or tobacco store shall include, at a minimum, the following:
 - a. No smoking shall be permitted on the premises at any time.
 - b. No sampling or seating areas are allowed.
 - c. No sales may be solicited or conducted on the premises by minors.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- d. No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
- e. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.
- f. Each smoke shop/tobacco retail use shall hold a valid California cigarette and tobacco products retailer's license issued by the State Board of Equalization.

20.512.550 – Tattooing, Body Piercing, and Body Art

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20.512.560 – Supportive Housing

- A. Purpose.** This section establishes regulations and standards for supportive housing in the City that will ensure land use compatibility, while also providing opportunities for this type of housing to meet the City's housing needs.
- B. General Requirements.** Supportive housing shall be located, developed, and operated in compliance with the standards below, in zones where this housing is allowed by the 200 Series, Base Zoning Districts.
- C. On-Site Office Space.** At least 90 square feet of space shall be provided as office space for on-site supportive services, which may include counseling, access to social services, medical and mental health care, housing and employment opportunities. Supportive services provided on-site are considered an accessory use and not subject to any additional standards or permitting requirements.
- D. Development Standards.** Supportive housing shall only be subject to the development standards that apply to other residential uses in the zone where such housing is proposed. The maximum number of allowable dwelling units or guest rooms for supportive housing shall be the same as number allowed for residential development projects in the zone where the supportive housing project is proposed unless a residential density bonus is granted or the land use regulations for specific zone specify another limit.
 - 1. Supportive housing may be provided in a multiple-unit structure or group residential facility.
 - 2. Only a zoning clearance is required for supportive housing projects.
 - 3. Supportive housing facilities shall have the minimum amount of living space that meets the standards for an efficiency unit, shower and toilet facilities, laundry facilities, and secure storage areas for intended residents.
- E. Recreation Areas.** Recreation areas at least 600 square feet in area for a development of 16 or more dwelling units or guest rooms, or at least 400 square feet in area for a development of fewer than 16 dwelling units or guest rooms, shall be provided as recreational open space, but this area shall not qualify for more than 40 percent of the total required open space.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

1. Landscape areas having minimum dimensions of less than twenty feet but at least five feet at any point which are contiguous with and an integral part of the common open space on the project site or are connected to the common open space by walkways, may be included in calculating the area of such space. Non-contiguous landscape areas proposed to be included shall not exceed twenty percent of the total area of common open space.
 2. Up to one-half of covered patio areas designed to be commonly used by residents of supportive housing may be included in calculation of common open space provided such area does not comprise more than twenty-five percent of the total common open space.
 3. Up to one-third of the required recreational area may be provided within a recreational building.
- F. Building Accessibility and Safety Equipment.** Indoor common areas and living units shall be handicapped adaptable and be provided with all necessary safety equipment (e.g., grab bars, ramps etc.), as well as emergency signal/intercom systems.
- G. Parking.** The entrance to off-street parking spaces shall be located a maximum of 150 feet from building entrances.
- H. Licensing Requirements.** Applicants shall comply with all federal and California state licensing requirements and applicable building codes and fire codes, including maximum occupancy restrictions. No limits shall be established on the length of stay.

20.512.570 – Transitional Housing

- A. Purpose.** This section establishes regulations and standards for transitional housing in the City that will ensure land use compatibility, while also providing opportunities for this type of housing to meet the City's housing needs.
- B. General Requirements.** Transitional housing shall be located, developed, and operated in compliance with the standards below, in zones where this housing is allowed by the land use regulations in the 200 Series, Base District Regulations.
- C. Additional Land Use Regulations.** Transitional housing may include office space for on-site supportive services, such as counseling, access to social services, medical and mental health care, housing and employment opportunities. On-site supportive services are considered an accessory use and not subject to any additional standards or permitting requirements.
- D. Development Standards.** Transitional housing shall only be subject to the development standards that apply to other residential uses in the zone where such housing is proposed. The maximum number of allowable dwelling units for transitional housing shall be the same as number allowed for residential development projects in the zone where the transitional housing project is proposed unless a residential density bonus is granted or the land or the land use regulations for specific zone specify another limit.
1. Transitional housing may be provided in a variety of rental housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, or single unit dwelling).
 2. Transitional housing providing accommodations for six or fewer individuals shall be deemed a single-family use; only a zoning clearance is required.

EXHIBIT B: CODE AMENDMENTS AND STANDARDS FOR SPECIFIC LAND USES

- 3. Transitional housing providing accommodations for more than six individuals also is a permitted use in zones where multi-family and mixed use development is allowed and shall require administrative and design review.
- E. Minimum Unit Size.** Transitional housing facilities shall have the minimum amount of living space that meets the Building Code standards for an efficiency unit, shower and toilet facilities, laundry facilities, and secure storage areas for intended residents.
- F. Building Accessibility and Safety Equipment.** Indoor common areas and living units shall be handicapped adaptable and be provided with all necessary safety equipment (e.g., grab bars, ramps etc.), as well as emergency signal/intercom systems.
- G. Parking.** Then entrance to off-street parking spaces shall be located a maximum of 150 feet from building entrances.
- H. Operating Standards.** No individual or family shall reside in transitional housing for more than 24 months. A minimum of 60 days shall be required between stays. The operator of the transitional housing shall maintain adequate documentation to demonstrate compliance with this provision.
- I. Licensing and Permit Requirements.** Applicants shall comply with all federal and California state licensing and permit requirements and applicable building codes and fire codes, including maximum occupancy restrictions.

20.512.580 – Vehicle Repair Garages

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20.512.590 – Vehicle Towing Services and Vehicle Storage

- A.** Outdoor storage in conjunction with a towing service requires an Administrative Approval subject to the following standards:
 - 1. Outdoor storage areas shall be completely screened from public view through use of building walls, decorative screen walls, landscaped berms or mounding, or a combination thereof.
 - 2. Vehicles stored outside shall not be located within 100 feet of any residentially zoned property.
 - 3. Vehicles stored outside shall be placed no closer than 20 feet from any property line, and a minimum 20 feet wide clear access drive shall be provided to the rear of the property to permit free access of fire trucks or any other safety vehicles at any time.
 - 4. No towed motor vehicles are permitted to be parked outside of fenced/secured area.
- B.** Planning Commission Exemption. The Planning Commission may grant an exemption from the regulations contained in this section through the issuance of a Conditional Use Permit, if they find that the exemption will not endanger the public health, safety or general welfare.