

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION CONDITIONS OF APPROVAL

DATE: August 20, 2025

PROJECT FILE NO.: PL24-0131 (Special Conditional Use Permit)

LOCATION: 12795 Ross Avenue

APPLICANT: Michael Carpenter

1.0 TIME LIMITS:

- 1.1. Special conditional use permit approval shall expire on August 20, 2026, if building permits are not obtained. The expiration date may be extended upon written request by the applicant on a City application form. The request must be received by the Director of Development Services at least 30 days prior to expiration of the application.

2.0 GENERAL REQUIREMENTS:

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

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within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the applicable section of the entire project shall be reviewed by the City and substitute conditions may be imposed.

- 2.7. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, claims, liabilities, losses, damages, penalties, obligations and expenses, including but not limited to attorneys' fees and costs, (collectively "claims") against the City for any such claims and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City, including for the City's required participation in defense of the claims. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant.
- 2.8. The City of Chino has an exclusive contract with Waste Management for all solid waste collection and hauling services within the City. The applicant shall be responsible for making arrangements with Waste Management for disposal of any/all construction debris or trash generated as a result of this permit. Waste Management can be reached at 1-800 423-9986.
- 2.9. Pursuant to Public Resources Code Section 21089 and Fish and Wildlife Code Section 711.4, the developer shall provide those fees marked [X] below in the form of a check made payable to the **San Bernardino County Clerk of the Board of Supervisors** within 5 days of Planning Commission approval. Project approval shall not be complete until the required fee(s) is (are) paid:

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

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

- 3.1. Revised plans, incorporating all conditions of approval, shall be submitted for review and approval by the Director of Development Services.
- 3.2. All plans shall be coordinated for consistency.
- 3.3. The developer shall pay development impact fees at the established rate. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, building permit and plan check fees.
- 3.4. A construction management plan shall be submitted for review and approval by the Director of Development Services. The plan shall coordinate and address construction activities that may impact residents and/or surrounding businesses on site and in adjacent areas. Elements of the plan would contain, but not be limited to, the following:
 - a. Routing of construction equipment
 - b. Hours of operation
 - c. Dust control
 - d. Vector control
 - e. Vehicle, equipment, and personnel staging
- 3.5. Prior to the issuance of a building permit, the approved grading plans shall be attached to the construction plan set. The project shall be built according to the plans approved by the Planning Commission on August 20, 2025, as prepared by Michael Carpenter. Any substantial modification to the project shall require Planning Commission review and approval. If minor in nature, the modification may be reviewed and approved by the Development Services Director.
- 3.6. Upon submittal of construction drawings to the Building Division for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.

4.0 PRIOR TO THE START OF CONSTRUCTION:

- 4.1. A pre-construction meeting, scheduled with the Building Division, shall be held with all applicable City staff members, developer, contractor, superintendent, and all subcontractors prior to start of construction.

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- 4.2. The approved construction management plan shall be distributed to all contractors and subcontractors and shall be maintained on-site through the duration of construction.

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

- 5.1. All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
- 5.2. The operation or activity shall not cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution that can cause damage to human health, vegetation, or other forms of air pollution that can cause excessive soiling on any other parcel. No emission shall be permitted which exceeds the requirements of the South Coast Air Quality Management District or the requirements of any Air Quality Plan adopted by the City of Chino.
- 5.3. The operation or activity shall not emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable with or without the aid of instruments at or beyond the project site boundary.
- 5.4. The operation shall not discharge, at any point, into any public or private street, public sewer, storm drain, private stream, body of water, or into the ground, any material which can contaminate any water supply, interfere with bacteriological processes in sewer treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with the standards approved by the California Department of Public Health, or any other federal, state or local government agency.
- 5.5. No operation or activity shall emit heat or cold that would cause a temperature increase or decrease on any adjacent parcel in excess of 10°F (5.56°C).
- 5.6. No operation or activity shall cause any impermissible source of electronic disturbance that adversely affects persons or the operation of any equipment on any other parcel that is not in conformance with the regulations of the Federal Communications Commission (FCC). Impermissible interference for the purposes of this document shall mean any interference that violates the rules and regulations of the FCC and/or the Communications Act of 1934, as amended.

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- 5.7. No operation or activity shall be permitted to cause a steady state, earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute beyond the project site. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from this requirement.
- 5.8. Noise emanating from the project site, and which is received by adjacent land uses, shall not exceed the levels specified below, except that loudspeakers, bells, gongs, buzzers or other noise attention or attracting devices shall not exceed a maximum daytime dBA level of 60 and nighttime dBA of 40, measured anywhere beyond the boundaries of the property within which the noise is created.

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

- 5.9. Non-Habitable Accessory Structure (Barn/Recreational Vehicle Storage):
- 5.9.1. The special conditional use permit is approved for the construction of a 1,600 square foot barn/RV storage (non-habitable accessory structure) in the rear yard of an existing single-family lot. Recreational vehicles may be kept on the property for non-commercial purposes by the owners or occupants of the residence. Any minor modifications to the project shall require review and approval by the Director of Development Services. Any significant modifications to the project and/or change in use at the project site shall require review and approval by the Planning Commission.
- 5.9.2. All building materials for the project, including but not limited to concrete color, roofing material, metal siding, windows, and colors, shall match the approved plans.
- 5.9.3. The non-habitable accessory structure shall only be for the use of the property owners or occupants of the primary structure. A

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covenant of restriction to run with the land, in a form approved by the City Attorney, shall be recorded which specifies the non-habitable accessory structure shall only be used for non-commercial purposes, by the owners or occupants of the residence, and shall not be converted to habitable living space unless the proper permits are obtained.