

ORDINANCE NO. 297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING THE CHINO HILLS MUNICIPAL CODE TITLE 16, CHAPTER 16.10 RESIDENTIAL DISTRICTS RELATIVE TO IMPERVIOUS SURFACE COVERAGE AND PAVING WITHIN THE FRONT YARD SETBACK OF SINGLE-FAMILY RESIDENTIAL PROPERTIES AND FINDING PROPOSED DEVELOPMENT CODE AMENDMENT NO. 16DCA01 EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

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

- a. The City currently regulates the amount of impervious surface coverage within the required front yard setback area. The purpose of this standard is to provide an aesthetically attractive front yard and prevent the creation of a visually unappealing mass of gray concrete and/or asphalt paving across the frontage of single-family residential properties.
- b. On May 28, 2013, the City Council adopted Ordinance No. 263, which included an amendment to exempt flag lots from the impervious surface coverage standard and allow lots narrower than 50 feet in width to exceed this standard as reasonably required to provide a driveway and walkway, subject to the review and approval of a minor variance. The amendment was intended to provide relief for instances in which the strict application of the impervious surface coverage standard would create a hardship for narrow properties.
- c. Despite the provision for a minor variance, numerous single-family residential properties with front yard widths between 30 to 80 feet do not meet the 50 percent impervious surface requirement. Homes with three-car garages or additional paving for the parking of recreational vehicles often do not conform to this requirement. The City's Code Enforcement Division is currently processing 49 code cases regarding properties that exceed the 50 percent impervious surface coverage standard within the front yard setback. Code Enforcement staff estimate that as many as 35 percent of the City's existing single-family residential properties with front yard widths between 30 and 80 feet currently exceed the 50 percent impervious surface coverage standard. The proposed code amendment has been initiated to resolve the ongoing issue of compliance and provide property owners with increased flexibility.

- d. On February 16, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments. The Commission expressed concern that the amendment proposed by staff at that time would allow the entire front yard of single-family residential properties to be covered with hardscape and indicated that the standard should incorporate a requirement for some vegetation or other soft surface to provide visual relief. Walkways to the front door and side yard were identified as features that should be permitted. The Commission also expressed concern about the number of vehicles that could be parked within the front yard setback if the permissible paving area is increased and indicated that asphalt paving is not desirable within the front yard setback. The Planning Commission directed staff to revise the proposed amendment to incorporate the direction provided and continued the public hearing to March 15, 2016.
- e. At its meeting on March 15, 2016, the Planning Commission, at the request of staff, continued the public hearing to April 5, 2016, to provide additional time for staff to consider the input previously provided by the Planning Commission and develop alternative standards for the Commission's consideration.
- f. Staff subsequently revised the proposed amendment to the Development Code regarding the regulation of impervious surface coverage within the front yard setback of single-family residential properties to incorporate the Planning Commission's comments.
- g. On April 5, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments. The Commission discussed the challenges of finding a balance between providing opportunities for off street parking, including for recreational vehicles, while retaining attractive landscape area and treatments. The Commission also encouraged staff to seek opportunities to provide increased outreach to residents regarding the proposed standard. The Planning Commission adopted a resolution recommending to the City Council the adoption of the proposed Development Code Amendment.
- h. This Ordinance will provide increased flexibility for owners of single-family residential properties to provide adequate driveway and walkways and to reduce turf areas and water consumption, while retaining the requirement for vegetation and other soft surfaces within the front yard setback to maintain the aesthetic appeal of street scenes within the City's single-family residential neighborhoods.

- j. This Ordinance also permits one hundred percent impervious surface coverage in the front yard setback for one day upon the effective date of this Ordinance so that all non-compliant properties that are not in compliance with the impervious coverage front yard setback requirements as of that date will obtain legal non-conforming status pursuant to Chapter 16.82 of this code. This action resolves the current Code Enforcement cases pertaining to impervious surface coverage and allows property owners with previously installed paving to retain their paving through its useful service life. The day after the effective date of the Ordinance, property owners will be required to comply with the newly adopted maximum impervious surface coverage standard for new paving installations and the replacement of existing paved areas within the front yard setback areas of single-family residential properties that do not meet any applicable exemption under Chapter 16.82 of this code. Aerial images of the City recorded on March 15, 2016, will be available to City staff as a tool for determining whether paving within the front yard setback was installed prior to adoption of the Ordinance.
- k. Notice of public hearing was published in the Chino Hills Champion newspaper on April 16, 2016.
- l. A duly noticed public hearing before the City Council was conducted on April 26, 2016, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. The City Council finds that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) because it involves minor alteration of existing private structures or topographical features with negligible or no expansion of use; minor private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees; and minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. This Ordinance, therefore, is categorically exempt from further CEQA review under California Code of Regulations Title 14, §§ 15301, 15304, and 15305. This Ordinance merely modifies development standards relative to the amount of impervious surfaces and paving within the front yard setback area of single-family residential properties and does not have the potential to cause a significant effect on the environment. Consequently, the proposed amendment to the Development Code relative to impervious surfaces and paving within the front yard setback is also exempt from further CEQA review under California Code of Regulations Title 14, §15061.b.3.

SECTION 3. As required under Government Code § 65860, the City Council finds that Chino Hills Municipal Code amendments proposed in Development Code Amendment No. 16DCA01 are consistent with the Chino Hills General Plan as follows:

- a. The proposed Ordinance amending the Chino Hills Development Code conforms to General Plan Goals LU-3 and LU-4 and Policy LU-4.1 in that the amendment will update the Development Code to provide reasonable development standards for single-family residential properties, maintain the integrity of City neighborhoods, and provide excellence in urban design.

SECTION 4. In accordance with Chino Hills Development Code § 16.62.040, the City Council makes the following findings of fact:

- a. FINDING: That the proposed Development Code Amendment is consistent with the goals, policies and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Development Code conforms to General Plan Goals LU-3 and LU-4 and Policy LU-4.1 in that the amendment will update the Development Code to provide reasonable development standards for single-family residential properties, maintain the integrity of City neighborhoods, and provide excellence in urban design.

- b. FINDING: That the proposed Development Code Amendment will not adversely affect surrounding properties.

FACT: The proposed Development Code Amendment would be effective citywide and provides reasonable development standards to further enhance the health, safety, and welfare of the community and will not adversely affect surrounding properties.

SECTION 5. Upon the effective date of this Ordinance Chino Hills Development Code § 16.10.030 Development Standards, Table 20-1 Residential Zone Districts – Development Standards shall be amended to revise Subsection “E” Maximum Coverage in Front Yard by Impervious Surfaces and revise notes “g” and “h”, and add note “i” as follows, while all other items in this section shall remain unchanged:

Development Standard	Zoning District: R-A	Zoning District: R-R	Zoning District: R-S	Zoning District: RM-1	Zoning District: RM-2	Zoning District: RM-3
E. Maximum Coverage In Front Yard Setback by Impervious Surfaces ⁽ⁱ⁾	See note (h)	See note (h)	See note (h)	N/A	N/A	N/A

Notes for Table 20-1 (Residential Zone Districts—Development Standards):	
(g)	For maximum lot coverage by building within the PD District, please see each PD. For the maximum coverage in the front yard setback area by impervious surfaces within the PD district, Subsection E in Table 20-1 shall apply.
(h)	The maximum coverage in the front yard setback by impervious surfaces shall be permitted to be 100% of the front yard setback.
(i)	Asphalt and/or porous asphalt are not permitted paving materials within the front yard setback as of June 9, 2016. Any asphalt or porous asphalt existing in the front yard setback as of June 9, 2016 shall be legal non-conforming pursuant to Chapter 16.82 of this code.

SECTION 6. Upon the day after the effective date of this Ordinance Chino Hills Development Code § 16.10.030 Development Standards, Table 20-1 Residential Zone Districts – Development Standards shall be amended to revise Subsection “E” Maximum Coverage in Front Yard by Impervious Surfaces and revise notes “g” and “h”, and add note “i” as follows, while all other items in this section shall remain unchanged:

Development Standard	Zoning District: R-A	Zoning District: R-R	Zoning District: R-S	Zoning District: RM-1	Zoning District: RM-2	Zoning District: RM-3
E. Maximum Coverage In Front Yard Setback by Impervious Surfaces ⁽ⁱ⁾	See note (h)	See note (h)	See note (h)	N/A	N/A	N/A

Notes for Table 20-1 (Residential Zone Districts—Development Standards):	
(g)	For maximum lot coverage by building within the PD District, please see each PD. For the maximum coverage in the front yard setback area by impervious surfaces within the PD district, Subsection E in Table 20-1 shall apply.
(h)	The maximum coverage in the front yard setback by impervious surfaces shall be the greater of 50% or the aggregate area of the following: (i) the area comprising the driveway directly fronting a primary garage door(s) to the street, (ii) one additional area of up to 15 feet in width on one side of the driveway to the street, (iii) a walkway(s) of up to 5 feet in width providing a walking path between the front door of the residence and the front property line and/or the driveway, and (iv) a walkway of up to 5 feet wide providing access from the driveway to the side yard. The remainder of the area within the front yard setback shall consist of landscaping and/or other pervious surfaces (e.g. bark or decomposed granite); notwithstanding any other provision of this code, for the purposes of this section only, permeable concrete shall be included in the calculation of impervious surface area. Impervious surface coverage that exceeds the maximum coverage permitted by this section within the required front yard setback area and that was installed prior to June 10, 2016 is legal non-conforming pursuant to Section 5 of Ordinance No. 297 consistent with Chapter 16.82 of this code.

	Flag lots, as defined in Section 16.02.240, are exempt from the maximum coverage in front yard setback by impervious surfaces standard.
(i)	Asphalt and/or porous asphalt are not permitted paving materials within the front yard setback as of June 9, 2016. Any asphalt or porous asphalt existing in the front yard setback as of June 9, 2016 shall be legal non-conforming pursuant to Chapter 16.82 of this code.

SECTION 7. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinances Nos. 91-01 and 92-02.

SECTION 8. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 10. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 11. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provisions or other City Ordinances to remain in full force and effect for all purposes.

SECTION 12. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original Ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13. This Ordinance will take effect on the 30th day following its final passage and adoption.

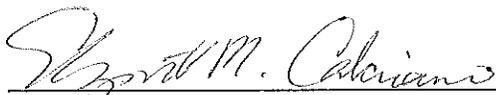
PASSED, APPROVED AND ADOPTED this 10th day of May, 2016.


ART BENNETT, MAYOR

ATTEST:


CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:


MARK D. HENSLEY, CITY ATTORNEY

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

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 297 was duly introduced at a regular meeting held April 26, 2016; and adopted at a regular meeting of the City Council held on the 10th day of May, 2016 by the following vote, to wit:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: GRAHAM, MORAN



CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 297 duly passed and adopted by the Chino Hills City Council at their regular meeting held on April 26, 2016 and that summaries of the Ordinance were published on April 28, 2016 and May 14, 2016 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK