

ORDINANCE NO. 298

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 BY ADDING SECTION 16.10.030.C. CLUSTERING STANDARDS AND AMEND CHAPTER 16.76 SITE PLAN APPROVAL TO ESTABLISH DEVELOPMENT STANDARDS AND REGULATIONS FOR CLUSTERING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE AGRICULTURE-RANCH (R-A) AND RURAL RESIDENTIAL (R-R) ZONING DISTRICTS AND FINDING PROPOSED DEVELOPMENT CODE AMENDMENT NO. 15DCA05 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. On February 24, 2015, the City Council of the City of Chino Hills adopted a General Plan Update, which included the establishment of clustering development code standards through the Site Plan Review process.
- b. Cluster development is a means of preserving open space while permitting residential development by clustering homes on only a portion of the development parcel, thereby preserving the remainder of the parcel in open space. The clustering of residential homes into a small area is made possible by reducing the individual lot sizes and corresponding development standards.
- c. This Ordinance is intended to allow the City to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agriculture-Ranch (R-A) and Rural Residential (R-R) zoning districts.
- d. On September 15, 2015, the Planning Commission conducted a public workshop to consider the intent and policies of the General Plan in creating new code provisions to direct the clustering of single-family residential development on potential eligible undeveloped Agriculture-Ranch (R-A) and Rural Residential (R-R) designated areas in Chino Hills through the Site Plan Review process.
- e. On October 20, 2015, the Planning Commission conducted a second public workshop to review, discuss, and provide comments regarding new code provisions to direct the clustering of single-family residential

development on undeveloped Agriculture-Ranch (R-A) and Rural Residential (R-R) designated areas in Chino Hills. Staff highlighted nineteen areas in the City that would be eligible for clustering as well as outlined the potential development standards for clustering. After identifying their concerns, the Commission eliminated three properties from being considered for clustering, which included the Tres Hermanos property as the eventual development will be through the use of a specific plan and two properties along English Road because of their Zoning Map designation of 5-acre minimum. The Commission directed staff to provide additional analysis for the remaining properties by identifying existing ridgeline constraints, potential sensitive habitat, as well as discuss the types of benefits that could be provided to the City such as improved infrastructure for vehicular circulation or expanded preservation of natural open space. The Commission asked staff to clarify the methodology for calculating maximum density as well as outline the advantages or disadvantages for adopting cluster development standards.

- f. On November 3, 2015, the Planning Commission conducted a third public workshop to review, discuss, and provide comments regarding new code provisions to direct the clustering of single-family residential development on undeveloped Agriculture-Ranch (R-A) and Rural Residential (R-R) designated areas in Chino Hills. Pursuant to the direction provided by the Planning Commission, staff provided additional information regarding the calculation of density versus the maximum number of units, and the potential benefits of clustering such as expanded preservation of natural open space or improved infrastructure for vehicular circulation by completing designated roadway segments consistent with the City's General Plan Circulation Element Roadway Plan.
- g. Notice of public hearing for Development Code Amendment 15DCA05 was mailed to all property owners who own property eligible for clustering through the Site Plan Review process on February 18, 2016. Notice of public hearing was published in the Chino Hills Champion newspaper on February 20, 2016.
- h. On March 1, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public, regarding the proposed amendments to the Development Code. Staff explained the background for the proposed clustering development standards and the Commission opened the public hearing to receive any public comments. The Commission requested that staff provide additional information for the potential properties that were considered for clustering during the Planning Commission Workshops by indicating the maximum number of dwelling units that each property could develop if it were to utilize the proposed clustering. The Commission also requested that staff provide a diagram illustrating the difference between traditional residential

developments versus cluster developments. At the request of staff, the Planning Commission continued the public hearing to March 15, 2016 to allow staff additional time to finalize the proposed clustering development standards with the City Attorney's Office.

- i. At their meeting on March 15, 2016, the Planning Commission, at the request of staff, continued the public hearing to April 19, 2016, to provide additional time for staff to finalize the proposed clustering development standards with the City Attorney's Office.
- j. On April 19, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments to the Development Code.
- k. On April 19, 2016, the Planning Commission adopted a resolution recommending to the City Council the approval of Development Code Amendment 15DCA05 to establish development standards, regulations, and review procedures for clustering single-family residential development in the Agriculture-Ranch (R-A) and Rural Residential (R-R) zoning districts through the Site Plan Review process.
- l. Notice of public hearing for Development Code Amendment 15DCA05 was mailed to all property owners who own property eligible for clustering through the Site Plan Review process on May 10, 2016. Notice of public hearing was published in the Chino Hills Champion newspaper on May 14, 2016.
- m. A duly noticed public hearing before the City Council was conducted on May 24, 2016, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. This proposed Ordinance is a necessarily included element of the projects considered in Final EIR No. 2013051082 for the General Plan Update, certified by the City Council on February 24, 2015, which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the Final EIR No. 2013051082 was certified has become known. Therefore, no further environmental review is required under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (California Code of Regulations, Title 14, §§ 15000, et seq.). Further, adoption of the proposed Ordinance is exempt from the provisions of CEQA because it establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agriculture-Ranch (R-A) and Rural Residential (R-R) zoning districts, which does not involve the construction of new buildings or an activity that has the potential of causing a significant

effect on the environment. Consequently, the proposed amendments to the Development Code relative to cluster development are exempt from further CEQA review under California Code of Regulations, Title 14, §15061.b.3. The proposed Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (California Code of Regulations, Title 14, §§ 15000, et seq.) pursuant to California Code of Regulations, Title 14, § 15308 because the Ordinance is authorized by State law and establishes development standards, regulations, and review procedures for clustering single-family residential development in the Agriculture-Ranch (R-A) and Rural Residential (R-R) zoning districts, which will assure the maintenance, restoration, enhancement, or protection of the environment because the proposed Ordinance involves procedures for protection of the environment. Construction activities and relaxation of standards, allowing environmental degradation are not included in this exemption. Further, the proposed Ordinance is exempt pursuant to California Code of Regulations, Title 14, § 15307 because the proposed Ordinance is a non-construction action taken by the City as authorized by State law to assure the maintenance of a natural resource and involves procedures for protection of the environment. Finally, pursuant to § 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, et seq.), there is no possibility that the proposed Ordinance may have a significant effect on the environment because it will result in less grading and intrusion into natural open space and natural resources.

SECTION 3. As required under Government Code § 65860, the City Council finds that the Chino Hills Municipal Code amendments proposed in Development Code Amendment No. 15DCA05 are consistent with the Chino Hills General Plan as follows:

- a. The proposed amendment to the Chino Hills Development Code conforms to General Plan Action LU-1.1.6, Action LU-2.2.1, Action LU-2.4.2, and Action LU-2.4.3 in that the amendment would establish development standards, regulations, and review procedures for clustering single-family residential development in the Agriculture-Ranch (R-A) and Rural Residential (R-R) zoning districts through the Site Plan Review process.

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 Action LU-1.1.6, Action LU-2.2.1, Action LU-2.4.2, and Action LU-2.4.3 in that the amendment would establish development standards, regulations, and review procedures for clustering single-family residential development in Agriculture-Ranch (R-A) and Rural Residential (R-R) zoning districts through the Site Plan Review

process, which will contribute to the protection of Chino Hills' natural environment by encouraging cluster development.

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

FACT: The proposed Development Code Amendment would establish development standards, regulations, and review procedures for clustering single-family residential development in the Agriculture-Ranch (R-A) and Rural Residential (R-R) amendment will provide those properties eligible for clustering an additional land use entitlement process to develop future residential development.

SECTION 5. Upon the effective date of this Ordinance, the Chino Hills Development Code, is amended to add subsection C, including Exhibit "B" Table 20-1 and Figure 20-1B to § 16.10.030, to read as follows:

C. Notwithstanding subsection A and B § 16.10.030 above, clustering is permitted for certain designated properties to protect environmental and visual resources. As an alternative to the development standards set forth in Exhibit "A" Table 20-1, designated properties within the R-A and R-R zone identified in Figure 20-1B may apply to have the clustering standards set forth in Exhibit "B" Table 20-1. Applications for clustering apply through and comply with the requirements of the Site Plan Review process (Chapter 16.76) and the additional following requirements.

1. Applications to cluster must clearly demonstrate that clustering results in:
  - i. Reduced grading;
  - ii. Reduced roadways and driveway intrusions into sensitive habitat areas, open space, and the Chino Hills State Park;
  - iii. Protection of increased amounts of open space; and
  - iv. Protection of environmental and visual resources.
2. In addition to the findings required for Site Plan approval by Section 16.76.060, the following findings must also be made prior to approval of a clustering Site Plan:

F. That the clustering site plan results in a substantial reduction in the following impacts than would have occurred had the property developed pursuant to development standards in Exhibit "A" Table 20-1:

- a. Grading;
- b. Roadways and driveway intrusions into sensitive habitat areas, open space, and the Chino Hills State Park;
- c. Impacts to environmental and visual resources.

G. That the clustering site plan protects more open space than would have been required by Section 16.08.070.

**Exhibit "B"**  
**Table 20-1**

**R-A and R-R Residential Zone Districts – Clustering Development Standards**

Development Standard	Zoning District: R-A Clustering	Zoning District: R-R Clustering
A. Minimum Project Size	10 acres	10 acres
B. Minimum Lot Size (Single-Family Detached Residential Development) or Minimum Project Area	10,000 sf	7,200 sf
C. Minimum Lot Width	80 ft.	50 ft. min.; 60 ft. avg.
D. Minimum Lot Depth	125 ft.	N/A
E. Maximum Lot Coverage by: Buildings	40%	40%
F. Maximum Coverage In Front Yard by Impervious Surfaces	50%	50%
G. Maximum Number of Units <sup>(a)</sup>		
i) Roadway Plan Contribution	i) 1 du/5.0 ac	i) 2 du/1.0 ac
ii) Non-Roadway Plan Contribution	ii) 0.5 du/5.0 ac	ii) 1 du/1.0 ac
iii) Properties along Carbon Canyon Road that are less than 20 acres	iii) 3 units	iii) N/A
H. Maximum Building Height <sup>(b)</sup>	35 ft.	35 ft.
I. Minimum Front Yard Setback		
i) Primary structure	i) 25 ft.	i) 20 ft. min.
ii) Garage	ii) 25 ft.	ii) 20 ft. min.
iii) Structures with Side Loaded Garages	iii) 20 ft. min. for the garage or the primary structure	iii) 16 ft. min. for the garage or the primary structure
J. Minimum Side Yard Setback:		
i) Collector or Larger Street Side	i) 25 ft.	i) 25 ft.
ii) Local Street Side	ii) 15 ft.	ii) 15 ft.
iii) Other Side	iii) 10 ft.	iii) 10 ft.
K. Minimum Rear Yard Setback	25 ft.	15 ft.
L. Minimum Usable Private Open Space	N/A	N/A
M. Minimum Landscape Coverage	Refer to Landscape Manual	

Abbreviations:

sf = square feet; ft. = feet; ac = acre; du = dwelling unit; N/A = not applicable.

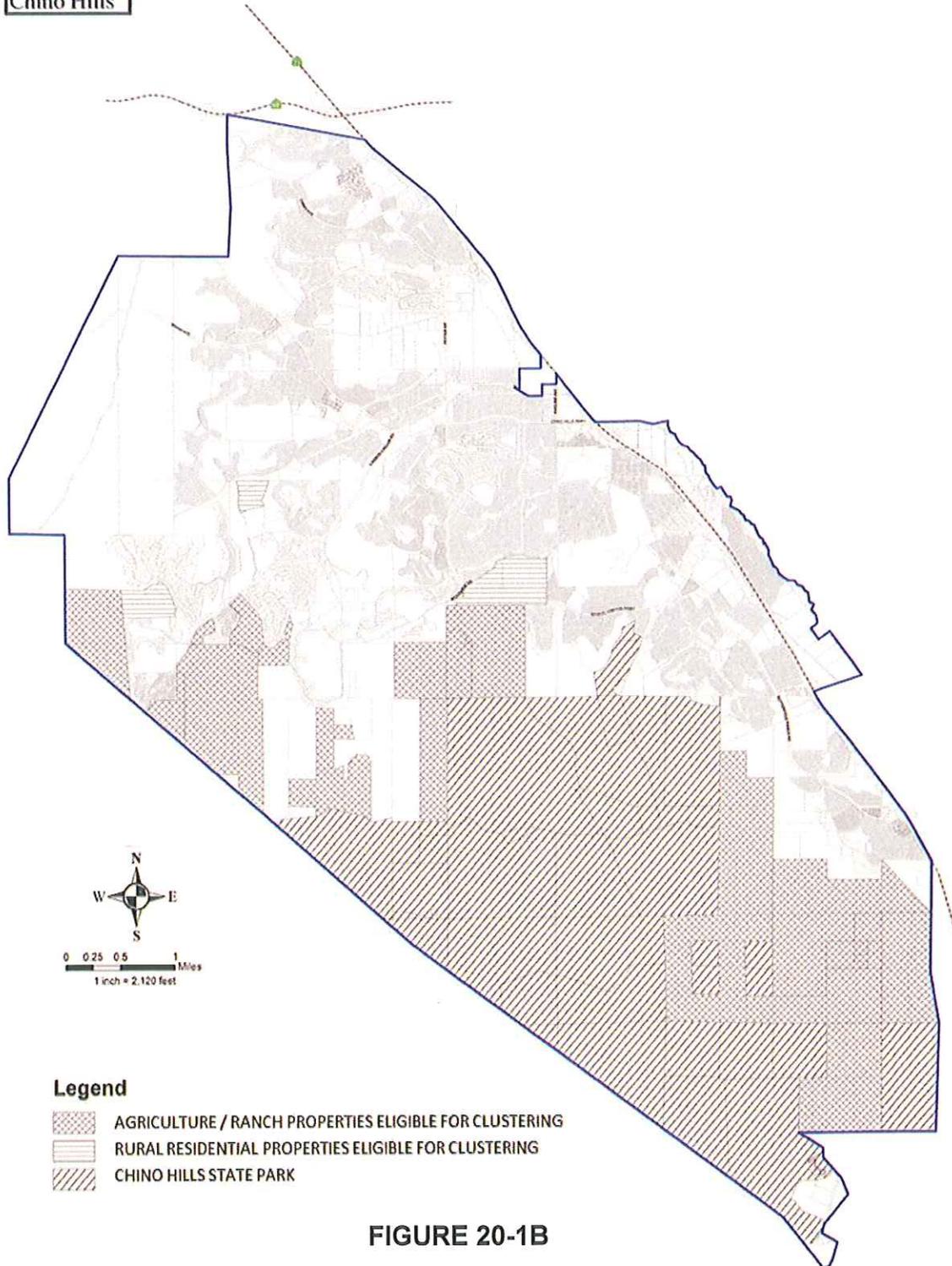
Notes for Table 20-1  
R-A and R-R Residential Zone Districts – Clustering Development Standards

(a)	If development of the project site requires the completion of the full width of a roadway segment consistent with the City's Circulation Element Roadway Plan (Figure 2-1 in the General Plan Circulation Element) along the property line of, or within the property comprising the project site, then the maximum number of dwelling units permissible under the General Plan is allowed. If development of the project site does not include completion of a roadway segment consistent with the City's Circulation Element Roadway Plan, then the maximum number of dwelling units allowed is limited to fifty percent (50%) of the maximum number of dwelling units permissible under the General Plan. Notwithstanding the above, the number of dwelling units may be further reduced based on site specific environmental constraints.
(b)	Exempt antennas as defined in this Development Code are exempt from the maximum height restrictions.



# CITY OF CHINO HILLS

## PROPERTIES ELIGIBLE FOR CLUSTERING THROUGH THE SITE PLAN REVIEW PROCESS



**FIGURE 20-1B**

SECTION 6. Upon the effective date of this Ordinance Chino Hills Development Code § 16.76.020 is amended in its entirety to read as follows:

**16.76.020 – Application requirements**

Applications for Site Plan Approval and subdivision map shall be submitted for all multi-family development, condominium conversion, clustered Agriculture-Ranch (R-A) and Rural Residential (R-R) development, mixed use projects and non-residential projects involving the construction of new buildings.

SECTION 7. Upon the effective date of this Ordinance Chino Hills Development Code § 16.76.080 is amended to read in its entirety as follows:

**16.76.080 – Site plan approval attached to the property**

An approved Site Plan which is valid and in effect pursuant to the provisions of this Development Code shall run with the land and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land. Notwithstanding the above, for Site Plans approved for clustered single-family structures, once the original structure is constructed pursuant to the Site Plan, subsequent changes to the footprint, elevations, and materials and colors of single-family structures may proceed without seeking an amendment to the Site Plan as long as the footprint of such structures stays within the required setbacks set forth in the Site Plan, and the subsequent improvements are in compliance with all other applicable provisions set forth in Title 15 and 16 of this Code.

SECTION 8. 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 9. 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 10. 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 11. 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.

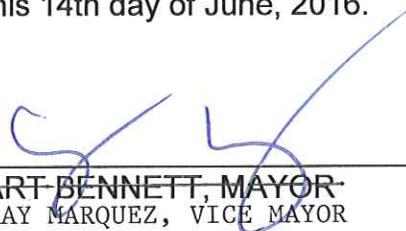
Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 12. 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 13. 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 14. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 14th day of June, 2016.

  
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~~ART BENNETT, MAYOR~~  
RAY MARQUEZ, VICE 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. 298 was duly introduced at a regular meeting held May 24, 2016; and adopted at a regular meeting of the City Council held on the 14th day of June, 2016 by the following vote, to wit:

AYES: COUNCIL MEMBERS: MARQUEZ, GRAHAM, MORAN,  
ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: BENNETT

  
\_\_\_\_\_  
CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 298 duly passed and adopted by the Chino Hills City Council at their regular meeting held on June 14, 2016 and that summaries of the Ordinance were published on June 4, 2016 and June 18, 2016 in the Chino Hills Champion newspaper.

  
\_\_\_\_\_  
CHERYL BALZ, CITY CLERK