



Community Development Department  
14000 City Center Dr., Chino Hills, CA 91709  
(909) 364-2780 Fax (909) 364-2795  
www.chinohills.org

MJV No.: \_\_\_\_\_  
TDA No.: \_\_\_\_\_  
Submittal Date: \_\_\_\_\_  
Accepted By: \_\_\_\_\_

## MAJOR VARIANCE

This application is required when a major variance from a development standard is requested.

### APPLICANT INFORMATION:

Applicant (Main Contact Person): \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_ Tract: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Zoning District: \_\_\_\_\_ General Plan Land Use: \_\_\_\_\_

### DETAILED PROJECT DESCRIPTION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### TYPE OF VARIANCE REQUESTED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that under penalty of perjury that I am the (check one) and that the foregoing information is true and accurate to the best of my knowledge:

- Legal Owner (all individuals must sign their names, names appear on the deed to the land, or)
- Owner's Legal Agent

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

**APPLICATION CONTINUED ON PAGE 2**

**REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A MAJOR VARIANCE:**

It is the applicant's responsibility to provide specific justification for each of the following six (6) findings. An approval of the requested variance (justification) should include specific evidence, details and/or qualities of the proposed use, structure, or other project.

**Describe the exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties in the same vicinity and zone:**

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**Describe why the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question:**

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**Describe why the granting of such Variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity:**

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**By granting the Variance, describe how the spirit and intent of this Development Code will be observed:**

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**Describe how the Variance does not grant special privilege to the applicant:**

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**That the Variance request is consistent with the General Plan of the City of Chino Hills:**

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**SUBMITTAL REQUIREMENTS & ADDITIONAL INFORMATION ATTACHED**  
**MAJOR VARIANCE INFORMATION:**

1. A Major Variance may be requested to modify the following requirements of Chapter 16.70 of the Chino Hills Municipal Code:
  - a. A greater than thirty (30) percent reduction in the number of required parking or loading spaces;
  - b. A greater than forty (40) percent reduction of the required front yard or side yard setback;
  - c. A greater than thirty (30) percent reduction of the required rear yard setback;
  - d. A greater than thirty (30) percent increase of the maximum lot coverage standard;
  - e. A greater than thirty (30) percent increase in the maximum building height;
  - f. Any change related to the size, placement, number, or illumination of on-site and off-site signs;
  - g. Any reduction in required driveway length as defined in Section 16.34.070(C) of the Chino Hills Municipal Code; and
  - h. Any other change not classified as a minor variance in Section 16.72.020 of the Chino Hills Municipal Code.

**APPLICATION INFORMATION AND PROCEDURES:**

This application is required when a major variance from a development standard is requested. It does not apply for land uses, only development standards. A major variance is any variance that is not a minor variance as described in Section 16.72 of the Municipal Code. The variance procedure is provided pursuant to Section 65906 of the California Government Code to grant relief from zoning provisions when, because of special circumstances applicable to a property, including size, shape, topography, location, or surroundings, adhering to the strict application of the Chino Hills Development Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification. Variances shall not be granted to authorize a use or activity by the provisions of the Chino Hills Development Code governing that property. A variance is not a substitute for a zone change or zone text amendment.

1. Once a formal application is submitted, the application will be scheduled for a Project Review Committee (PRC) meeting, where staff from the different departments and divisions will comment on the proposal, discuss whether the application is complete or incomplete, and identify any corrections that are required on the plans. If the application is deemed incomplete and/or corrections are required, then the applicant shall submit the additional information that is required to make the application complete and provide revised plans. Once the revised plans are submitted, the PRC will review the plans, determine the completeness of the application (if the project was previously deemed incomplete), and identify any outstanding issues on the plans.
2. Following the acceptance of your application for a Major Variance, notification of your proposal will be sent to the contiguous property owners and other interested parties informing them that a Major Variance application has been submitted and comments are requested. Any comments that are received by the Project Manager will be forwarded to the applicant for incorporation into the project design. The comments will also be included in the Planning Commission staff report.
3. Once your project is ready for the Planning Commission hearing, the Project Manager will provide a public hearing notice and prepare the Planning Commission staff report with its recommendation. A copy of the staff report will be provided to the applicant at the same time that the report is provided to the Planning Commission.
4. An approval or denial decision for a Major Variance is based upon the findings per Chapter 16.70 of the Chino Hills Municipal Code.
5. If the Planning Commission can make the required findings at the Planning Commission hearing, the Planning Commission may approve the application and may add conditions of approval.

**APPEAL PROCESS:**

Planning Commission actions may be appealed by any interested party, including the applicant.

1. Appeals of any decision by the Planning Commission must be filed within ten (10) working days after the written decision has been mailed. The appeal forms can be obtained from the Community Development Department and must be accompanied by the filing fee.

2. The applicant and the individual initiating the appeal will be notified in writing ten (10) working days prior to the City Council hearing date. All interested parties should be present to explain their position, state the action being appealed, the grounds for the appeal, and the requested action.

### **SUBMITTAL CHECKLIST:**

ALL ITEMS MUST BE INCLUDED AT THE TIME OF FILING. PLEASE RETURN THIS CHECKLIST WITH APPLICATION PACKET UPON SUBMITTAL. ONLY USE CITY FORMS. IF MORE SPACE IS NEEDED, USE ATTACHMENTS. COMPUTER GENERATED APPLICATIONS ARE NOT ACCEPTABLE.

- One (1) copy** of the completed Major Variance Application.
- Initial Deposit** for Major Variance Application. Refer to the Community Development Fee/Deposit Schedule. This is an Actual Cost application. The actual cost for a project is determined according to the time spent by personnel on that project and the associated personnel benefits, department overhead, and other costs incurred for that project.
- One (1) signed and dated copy** of the "Trust Deposit Account Procedures/ Agreement" Form.
- One (1) copy** of a completed Land Use Application Questionnaire. All owners must sign the Application Certificate. The notarized power of attorney must contain the names of all owners.
- One (1) signed and dated copy** of the "Hazardous Waste Site Certification".
- Fifteen (15) copies** of the completed Findings necessary for the granting of a Major Variance. Findings must be TYPED on a separate piece of paper. Please use page 5 of this application. Additional pages or supporting documentation (photographs, previous variance approvals, etc.) may also be attached.
- One (1) copy** of recorded Grant Deed or Quit Claim Deed.
- Fifteen (15) copies** of a plot plan and elevations drawn to scale to accurately delineate the proposed project. (Folded accordion style – 8" x 10 1/2" size.) (Refer to the Plot Plan checklist for specific requirements. A conceptual plan is not acceptable.)
- One (1) copy** reduced copy (8 1/2" x 11") of a site plan, elevations, etc.
- Three (3) copies** of Preliminary Soils and Geology Report, if required by Building & Safety.
- One (1) copy** of the appropriate assessor's map obtained from the Assessor's office with a redline/black line drawn on the map showing the 300' radius. For automotive uses, please provide a redline/black line drawn on the map showing the 500' radius.
- Fifteen (15) copies** of page 2 of the application: "Required Findings Necessary For The Granting Of A Major Variance". Responses must be TYPED. Use separate sheet of paper if necessary.

### **SURROUNDING PROPERTY OWNERS CERTIFICATION AND LABELS:**

- One (1) copy** of the signed Certified Surrounding Property Owners List Declaration. Property owner's information may be obtained from Assessor's Parcel Books in the County Assessor's Office. Please contact the Assessor's office.
- Three (3) sets and one Xerox copy** of labels listing names and addresses of surrounding property owners which corresponds with the 300' or 500' radius map.

### **ADDITIONAL FEES:**

**Fire District Review Fee:** Fire District Review Fees will be required prior to application submittal. Contact the Chino Valley Independent Fire District at (909) 902-5280 for fee applicability and payment prior to application submittal.

### **PLOT PLAN CHECKLIST:**

ALL ITEMS LISTED BELOW MUST BE ON THE PLOT PLAN. ATTACHMENTS ARE NOT ACCEPTABLE

- Name(s), Address(s), and telephone number(s) of the record owner(s), applicant(s) and the person preparing the map. Legal description of the property involved including Assessor's Parcel number(s).
- Identify the type of project, as well as the variance requested. Include the use of each existing and proposed structure.
- North point, date of drawing and Engineer's scale (suggest 1:20 or 1:30). The direction of the "north" arrow should be shown pointing towards the top or right hand side of the plot plan.

- Location, width and names of all streets and recorded easements on property. Locate all existing and proposed road improvements and driveway locations.
- Dimensions of property lines or boundary lines of project and parcels within project.
- Zone/District classification and the type of development on all adjacent properties, including across any streets. Show distance of structure(s) on adjacent properties from the project property lines.
- Location, size and use of all existing and proposed buildings, including dimensions, square footage, distance from property lines, roof eave lines and building separations.
- Locate all signs, including a side elevation for all proposed signs showing the face dimensions, overall height and height above grade from bottom of sign.
- Submit a letter of intent clearly indicating the intended use of the building for all areas of the building.
- Indicate the present land use of all surrounding property.
- Show parking spaces in detail. Refer to the Chino Hills Development Code Chapter 16.34 for detailed information regarding parking requirements for your use and for handicap requirements.
- Show loading zone space(s) (10' x 20'), if required.
- Indicate any unusual drainage or hilly terrain that might affect the building site, parking area or access by flow line arrows and contour lines.
- If applicable, compute all building coverage, open space and sign area requirements as established by a "T" Standard or a Community Plan.
- Illustrate all native and non-native trees on the plot plan or state on the plot plan that no such trees exist on the site. Indicate whether any trees are to be removed.
- Vicinity Map.

# CITY OF CHINO HILLS

## PLANNING COMMISSION POLICIES AND PROCEDURES

### EX PARTE COMMUNICATIONS

Date Accepted: 11/05/2019

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#### 1. PURPOSE

The Planning Commission intends to make transparent its communications with project applicants and residents by establishing a policy for Planning Commission *ex parte* communications regarding adjudicatory and quasi-judicial proceedings.

#### 2. BACKGROUND

An *ex parte* communication is any oral or written communication with a Planning Commissioner that is relevant to the merits of a proceeding, and which takes place outside of a noticed public hearing or similar proceeding open to all parties to the matter. These communications include oral and written information, but can also include any other communication, such as visual or auditory information obtained during a site visit. Casual communications that are non-substantive in manner are not *ex parte* communications.

Adjudicatory or quasi-judicial proceedings are proceedings in which “due process guarantees” apply because there is a property interest (ownership rights) at stake. Typical examples of these types of proceedings include property development applications (Tentative Tract Maps, Site Plan Applications, Specific Plans, Conditional Use Permits, Variances, etc.) or permit revocations.

For the purposes of this policy, *ex parte* communications are a concern only in adjudicatory or quasi-judicial decision-making matters. Planning Commissioners will follow the policy provided below for all such matters that have a proposed or active entitlement application with the City of Chino Hills or for permit revocations or modifications.

#### 3. POLICY FOR ADJUDICATORY AND QUASI-JUDICIAL PROCEEDINGS

3.1 If anyone requests contact with a Planning Commissioner, the Planning Commissioner will endeavor to direct that person to use a City “Planning Commission” email address and phone line that staff will monitor and then forward applicable emails and messages to the Planning Commission.

3.2 Each Planning Commissioner will be provided business cards with the City “Planning Commission” email and phone contact information.

- 3.3 Any information intended for Planning Commission review on an adjudicatory or quasi-judicial proceeding will be submitted to staff who will distribute it. Should a Planning Commissioner receive information directly, the Commissioner will provide that information to staff as soon as feasible.
- 3.4 To the greatest extent possible, all communications with a Planning Commissioner on an adjudicatory or quasi-judicial proceeding, that occurs outside agendaized meetings, will be directed through City staff. When such communication does occur without staff involvement, the Commissioner will notify staff as soon as feasible to ensure the communication is included in the public record for the proceeding.
- 3.5 To the greatest extent possible, all meetings with a Planning Commissioner on an adjudicatory or quasi-judicial proceeding, will be arranged and attended by staff. When a meeting does occur without staff involvement, the Commissioner will notify staff of the meeting and the content of the meeting as soon as feasible to ensure the information is included in the public record for the proceeding.
- 3.6 A Planning Commissioner will announce the details of evidence received in any communication or meeting outside of a Commission meeting, or outside of a staff attended meeting, at the beginning of the Planning Commission meeting at which the item will be considered.
- 3.7 There shall be no communications with a Planning Commissioner during the period between the closing of a public hearing and the final decision on an adjudicatory or quasi-judicial proceeding.
- 3.8 The Planning Commission will review this policy annually at its first regularly agendaized meeting of the calendar year and have the opportunity to modify the policy at that meeting.

For the purposes of this policy, City staff shall mean the Planning Commission Secretary and the Community Development Department Director.