



Chapter 2

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Land Use Permits and Entitlements

This chapter establishes the procedures for administering certain planning and zoning-related permits and entitlements.

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Section 2.1 Development Review

A. Purpose

Development Review provides a method for the City to review development proposals based on size, site characteristics and type of project. The following types of review apply:

1. Minor Amendments, as specified in Section 1.5.B in Chapter 1.
2. Zoning Clearance, as specified in Section 1.5.C in Chapter 1.
3. Minor Development Review, as specified in B. below.
4. Major Development Review, as specified in C. below.

B. Minor Development Review

1. **Purpose and Intent.** The intent of this section is to provide a process to consider minor site plan or architectural changes related to new or existing buildings.
2. **Requirements.** Minor Development Review permit is required for the following items:
 - a. Master home plans for single-family residential subdivisions;
 - b. New construction of a multifamily residential building or structure with fewer than twenty (20) units;
 - c. New construction of a nonresidential building or structure of less than five thousand (5,000) square feet (e.g., commercial, office, industrial, public/quasi-public);
 - d. Additions of more than one thousand (1,000) square feet and less than five thousand (5,000) square feet to any building or structure or nonresidential buildings or structures;
 - e. The exterior remodel of multifamily residential buildings or structures or nonresidential buildings or structures;
 - f. Permanent outdoor storage and service uses;
 - g. Permanent and seasonal outdoor seating; and
 - h. Other items identified in this code.
3. **Exemptions.** The following structures are exempt from Minor Development Review. However, such structures may require Zoning Clearance, such as a ministerial building permit, to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions:
 - a. Single-family custom homes;
 - b. Additions to or the exterior remodels of single-family residential homes;
 - c. Additions of less than one thousand (1,000) square feet in size to buildings or structures;
 - d. Accessory structures consistent with the provisions in this Code;
 - e. Repairs and maintenance to the site or structure that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure and that employ the same materials and design as the original construction; and
 - f. Interior alterations that do not change the permitted use of the structure.

4. **Approving Authority.** The Planning Director shall be the designated approving authority for Minor Development Review. Minor Development Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action on any development applications (e.g., Conditional Use Permit, Variance, etc.).
5. **Planning Director–Elevation to Planning Commission.** The Planning Director may elevate a Minor Development Review permit to the Planning Commission for review and consideration. In such instances, the permit request shall become a Major Development Review.
6. **Procedure for Application Processing.** The procedures for Application Processing shall be as provided in Section 1.3 of this code.
7. **Findings.** Approval of a Minor Development Review may be made only when the designated approving authority makes all of the following findings in writing:
 - a. The proposed project is consistent with the General Plan, and complies with applicable zoning regulations, specific plan provisions, and other applicable provisions adopted by the City;
 - b. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
 - c. The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements, establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties;
 - d. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.
 - e. If the project is located within the Chino Airport influence Area, the proposed project is consistent with the most recently adopted version of the Chino Airport Land Use Compatibility Plan.
8. **Appeals.** Appeals per Chapter 1.4 of this code.

C. Major Development Review

1. **Purpose and Intent.** The purpose of this section is to provide a process for the review of development projects within the community. The provisions are intended to promote the orderly and harmonious growth of the city; to encourage development in keeping with the desired character of the city; to ensure physical, visual, and functional compatibility between uses; and to help prevent the depreciation of land values by ensuring proper attention is given to site and architectural design.
2. **Requirements.** A Major Development Review permit is required for the following types of projects:
 - a. Single-family residential subdivision maps (more than five (5) lots);
 - b. New construction of a multifamily residential building or structure with twenty (20) or more units;
 - c. New construction of a nonresidential building or structure of five thousand (5,000) square feet or more (e.g., commercial, office, industrial, public/quasi-public);

- d. Additions of five thousand (5,000) square feet or more to any building or structure;
 - e. Other items identified in this code.
3. **Exemptions.** Anything subject to Minor Development Review or exempt from Minor Development Review is exempt from Major Development Review. Refer to Section 2.1.2.B.2. (Requirements) and 2.1.2.B.3. (Exemptions).
4. **Approving Authority.** The Planning Commission shall be the designated approving authority for Major Development Review. The Planning Commission shall approve, approve with conditions, or deny applications for Major Development Review after making the necessary findings. Major Development Review approval is required prior to issuance of any building permits or site improvement plans and prior to or in conjunction with discretionary action on corresponding development applications (e.g., Conditional Use Permit, Variance).
5. **Procedure for Application Processing.** The procedures for Application Processing shall be as provided in Section 1.3 of this Code.
6. **Findings.** Major Development Review shall be granted only when the designated approving authority makes all of the following findings in writing:
- a. The proposed project is consistent with the objectives of the General Plan, and complies with applicable zoning regulations, specific plan provisions, special planning area provisions, design guidelines, and improvement standards adopted by the City;
 - b. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
 - c. The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements, establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties;
 - d. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
 - e. For residential subdivisions, the subdivision is well-integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian-friendly environment.
 - f. If the project is located within the Chino Airport Influence Area, the proposed project is consistent with the most recently adopted version of the Airport Land Use Compatibility Plan.
7. **Appeals.** Appeals per Chapter 1 of this code.

Section 2.2 Conditional Use Permits

A. Purpose and Applicability

The purpose of the Conditional Use Permit is for the individual review of uses, typically having unusual site development features or operating characteristics, to ensure compatibility with surrounding areas and uses. A Conditional Use Permit is required for all uses specifically identified as requiring a Conditional Use Permit in Chapter 3 (Zoning Districts Regulations), Chapter 4 (Standards Related to Specific Uses) and Chapter 5 (Development Standards) of this code.

B. Approving Authority

The designated Approving Authority for a Conditional Use Permit is the Planning Commission. The Planning Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Conditional Use Permit in accordance with the requirements of this code.

C. Findings

Conditional Use Permits shall be granted only when the Planning Commission determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the General Plan and all applicable provisions of this code.
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.
3. If the project is located within the Chino Airport Influence Area, the proposed project is consistent with the most recently adopted version of the Airport Land Use Compatibility Plan.

D. Conditions/Guarantees

The Planning Commission may impose conditions and/or require guarantees for the Conditional Use Permit to ensure compliance with this section and other applicable provisions of this code and to prevent adverse or detrimental impact to the surrounding neighborhood.

E. Permit Issuance

The final action on the Conditional Use Permit by the Planning Commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period (Section 1.4 (Appeals) has been completed.

Section 2.3 Adjustments

A. Intent

This section allows for adjustments to certain Zoning Code provisions to allow creative design solutions and to accommodate unique site conditions. Adjustments are not intended to convey special privileges to a property beyond what would be otherwise permitted within the zoning district and are only for minor deviations from the code. (See Section 2.4 (Variances) for more significant deviations from the code and Section 5.1 for Height Exceptions.)

While an adjustment allows for creative design, the Variance is reserved for limited circumstances where the property is severely constrained through dimension, topographical, or other site limitations (for comparison, see Variance in Section 2.4).

B. Applicability

An adjustment may be granted to modify certain requirements of this Zoning Code, as listed in **Table 2.3-1**.

Table 2.3-1: Standards Subject to Adjustment

Standard	Maximum Reduction or Increase
Parking or loading spaces–Number required	10%
Setbacks (reduction)	25%
Maximum lot coverage (increase)	10%
Maximum height (increase)	10%

C. Procedure

The Planning Director makes final determinations on adjustment applications. The Planning Director may choose to refer any adjustment application to the Planning Commission for hearing and decision.

D. Findings for all Adjustment Requests

The review authority may approve an adjustment, with or without conditions, only after first making all of the following findings:

1. That the proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
2. The proposed development is compatible with existing and proposed land uses in the surrounding area.
3. That any exceptions to or deviations from the density, requirements or design standards result in the creation of project amenities that would not be available through strict adherence to code provisions (e.g., additional open space, protection of natural resources, improved pedestrian connectivity, public plazas, etc.).
4. Granting the adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.

5. The adjustment is consistent with the General Plan or any applicable Specific Plan or development agreement.
6. The adjustment is the minimum required.
7. If the project as adjusted is located within the Chino Airport Influence Area, the proposed adjustment is consistent with the most recently adopted version of the Airport Land Use Compatibility Plan.

E. Conditions of Approval

In approving an adjustment, the review authority:

1. May impose conditions to ensure that the adjustment does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.
2. May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this chapter.

Section 2.4 Variances

A. Intent

A Variance request allows the City to grant exceptions to the development standards of this code under unique and limited circumstances (see Section 5.1 for Height Exceptions).

B. Approving Authority

The designated approving authority for a Variance is the Planning Commission. The Planning Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Variance in accordance with the requirements of this code.

C. Findings

The review authority may approve a Variance, with or without conditions, only after first making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this code deprives such property of privileges enjoyed by other properties in the vicinity and under identical land use zoning district classifications.
2. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
3. That granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. That granting the Variance is consistent with the objectives of the General Plan and Zoning Code.
5. If the project as approved with the variance is located within the Chino Airport Influence Area, the approved variance is consistent with the most recently adopted version of the Airport Land Use Compatibility Plan.

D. Conditions

The Planning Commission may impose conditions for the Variance to ensure compliance with this section and other applicable provisions of this code.

E. Issuance

The final action on the Variance by the Planning Commission shall constitute approval of the Variance. The Variance shall only become valid after the designated ten-day appeal period has been completed.

Section 2.5 Specific Plans

A. Purpose

The Specific Plan process is established to provide the opportunity for unique and imaginative planning standards and regulations not provided through the application of standard zoning districts.

Where it is used as part of a land use master plan, the Specific Plan encourages the creative and imaginative planning of integrated, mixed-use developments which provide a balance of residential, commercial, industrial, open space, and support land uses.

Where it is used in conjunction with a development project (a Conditional Use Permit, tentative map, or other project), the Specific Plan process is used to provide detailed site planning, landscaping, and other requirements and standards which will govern a particular project.

Once approved, a Specific Plan will contain land use regulations and development standards that replace certain provisions of this Zoning Code. In this sense, each Specific Plan will be the Zoning Code for the properties that it governs. Thus, a Specific Plan must contain sufficient detail to allow City staff to implement its provisions and to describe to developers how properties within a Specific Plan may be developed. Where no specific standard is contained in a Specific Plan (for example, parking or landscaping standards), the applicable provisions of the Zoning Code shall govern.

B. Designation

The abbreviation SP appearing on the zoning map indicates that the property so classified is subject to the provisions of this article and an adopted Specific Plan.

C. Initiation of Specific Plan Zoning

Proposals to prepare a Specific Plan may be initiated by the City of Eastvale or by any person in the same manner as a Change of Zone as provided in this Zoning Code.

D. Mandatory Contents of the Specific Plan

An SP Zone shall be established by ordinance, and each SP Ordinance shall set forth in text, maps, and diagrams the following items, at the level of detail deemed appropriate by the City for the Specific Plan submittal. It is expressly intended that information for projects which are long-term in nature or for which detailed planning may occur at a later date may provide some information at a conceptual level. If required elements are not provided, or are provided at a conceptual level, the Specific Plan shall include a schedule or program for providing these items, and may be conditioned to require the provision of these items prior to the approval of development projects within the Specific Plan:

1. An existing setting description which includes:
 - a. A description of the physical characteristics of the site. The location of structures and other significant improvements shall be shown;
 - b. Available public services and facilities;
 - c. The capacity of the existing and planned circulation system;
 - d. The existing and planned land use of adjacent properties within one thousand (1,000) feet;

- e. A boundary survey map of the property and a calculation of the gross land area within the proposed Specific Plan and any districts, planning areas, etc., within the Specific Plan. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property; and
 - f. An aerial photograph of the Specific Plan area and surrounding properties.
2. A discussion of specific objectives and limits for development of the property which recognize and respond to identified opportunities and constraints of the Specific Plan area.
3. Proposed land uses which correspond to the land use categories established by the General Plan, and a statement of how the Specific Plan relates to the General Plan. The density ranges of residential uses must correspond to density ranges established in the General Plan.
4. A land use plan identifying areas within the proposed Specific Plan and uses to be developed, supported by such related planning and development data as the City may require, including but not limited to: proposed or projected acreage, population, housing units, and employment. The distribution of land uses shall be expressed in terms of acreage and the total number of residential units and/or square footage of nonresidential buildings allowed.
5. A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, and related transportation access or circulation features required to serve the proposed development. The circulation plan shall be supported by schematic designs of principal traffic and circulation improvements and such traffic engineering data as required by the City to demonstrate that existing and proposed facilities, both within and outside the zone, shall be adequate to serve land uses proposed by the development plan.
6. A development plan and preliminary time schedule indicating the general phasing or anticipated schedule indicating the total phasing of the Specific Plan and areas to be developed in phases, and the anticipated time schedule for beginning of construction and for completion of each phase of development. This is specifically intended to be a generalized schedule and may be adjusted according to market constraints as the community develops.
7. Development standards for each of the proposed land use categories, including, but not limited to, regulations specifying:
 - a. Permitted, conditionally permitted, and prohibited land uses
 - b. Setbacks
 - c. Building heights
 - d. Site coverage
 - e. Parking
 - f. Provision of open space
 - g. Grading
 - h. Design guidelines, including site planning, architectural, and landscaping guidelines specific to the project
 - i. Signs
 - j. Nonconforming uses, structures, and signs

8. A preliminary report and overall plan describing anticipated requirements and proposed means of providing utility facilities and public services, including but not limited to storm drainage, sewage disposal, water supply, parks and recreation, and school facilities.
9. Significant natural features and areas to be retained for common open space, and provisions for preserving, maintaining, and using those areas.
10. Known man-made and natural hazards, and the methods for mitigating the impacts of these hazards.
11. Procedure for review of proposed development. The procedures may include:
 - a. Types of projects that require review, and the reviewing and approving authority for each type of project;
 - b. Documents required from developers;
 - c. Review and hearing procedures, if any.
12. If a Specific Plan incorporates by reference any provision of this Zoning Code, this shall be specifically stated in the plan. Reference may be made only to the most current version of the Zoning Code in effect at the time a permit is issued; the Specific Plan may not be used to “vest” standards in this Zoning Code in effect at the time of the Specific Plan’s approval.

E. Findings for Approval or Amendment of the Specific Plan

Prior to adopting or amending a Specific Plan, the City Council shall make the following findings:

1. That the proposed Specific Plan is consistent with the goals, policies, and objectives of the General Plan.
2. That the proposed Specific Plan meets the requirements set forth in this code.
3. If the Specific Plan site, if any portion thereof, is located within the Chino Airport Influence Area, The City Council must find that: a) the Specific Plan and amendment has been reviewed by the Airport Land Use Commission and b) the Specific Plan is consistent with the most recently adopted version of the Chino Airport Land Use Compatibility Plan.
4. The language and contents of the Specific Plan shall be acceptable and must meet all applicable City standards.

F. Application for Amendment to the Specific Plan Land Use Zone

The procedures for amending a Specific Plan adopted pursuant to this article shall be the same as for any amendment to the Zoning Code, as set forth in Section 1.7.