

Proposed Ordinance for Draft Zoning Amendments for Housing Element Implementation

PREPARED BY

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For

City of Chino

February 9, 2023

ORDINANCE NO. 2023-00X

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING SELECTED PROVISIONS OF TITLE 20 (ZONING) OF THE MUNICIPAL CODE TO ADOPT REGULATIONS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT, A MIXED USE OVERLAY DISTRICT, AND FARMWORKER HOUSING AND TO MODIFY PARKING REGULATIONS TO IMPLEMENT THE GENERAL PLAN HOUSING ELEMENT.

The City Council of the City of Chino, California, does hereby ordain as follows:

SECTION 1. CHAPTER 20.03 (ZONING DISTRICTS AND ZONING MAPS) IS HEREBY AMENDED AND SHALL READ AS FOLLOWS (ADDITIONS IN RED).

CHAPTER 20.03 ZONING DISTRICTS AND ZONING MAP

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20.03.020 – Zoning Districts and Zoning Map

A. **Base Zoning Districts.** The City of Chino shall be divided into zoning districts that implement the City of Chino General Plan.

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B. **Overlay Zoning Districts.** The City of Chino establishes the overlay zoning districts set out in Table 20.03-2. These impose additional requirements on certain properties within one or more underlying base zoning districts.

TABLE 20.03-2 OVERLAY ZONING DISTRICTS

Overlay Zoning District Symbol	Name of Zoning District
AHO	Affordable Housing Overlay District
AO	Agricultural Overlay District
A	Airport Overlay District
DO	Downtown Overlay
MUO	Mixed Use Overlay District

SECTION 2. CHAPTER 20.09 (OVERLAY DISTRICTS) IS HEREBY AMENDED AND SHALL READ AS FOLLOWS (ADDITIONS IN RED).

CHAPTER 20.09 OVERLAY DISTRICTS

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20.09.090 Overlay districts for affordable housing

- A. ***Purpose and intent.*** The purpose of the overlay districts for affordable housing – the Affordable Housing Overlay (AHO) district and the Mixed Use Overlay (MUO) district – is to promote the development of affordable housing for low, very low, and moderate income households in specific areas identified in the General Plan at densities of up to 30 dwelling units per acre if affordability requirements established in this section are met. More specifically, the AHO and MUO allow residential uses where they would not otherwise be allowed and provide for additional density in return for projects providing more affordable housing. The AHO is intended for standalone affordable housing projects, while the MUO provides for mixed use development with affordable housing either on upper floors or in separate buildings. This section also provides the residential development community two alternatives for construction of affordable housing within market-rate development and offers a streamlined process for administrative review of qualifying projects with affordable housing using checklists and objective standards as required by State law.
- B. ***Relation to base zoning.*** The AHO and MUO district regulations shall apply in the case of a conflict with the base zoning district regulations when a housing project is proposed. However, when an applicant proposes only non-residential uses, then only the base zoning

district land use regulations and development standards apply. The AHO and MUO regulations and development standards only apply to proposed housing projects.

- C. **Permitted uses.** Table 20.09-4 identifies residential land uses permitted in the AHO and MUO districts in addition to the uses that are permitted within the existing base zoning district.

**TABLE 20.09-4: ADDITIONAL LAND USES PERMITTED
IN AHO and MUO DISTRICTS**

Uses	District	Additional Regulations
	AHO and MUO	
Residential Uses		
Accessory Dwelling Units	P	Section 20.11.020
Multiple-Family Dwellings	P	
Senior Housing Projects	P	Section 20.21.340 with additional density allowed for affordable housing under criteria established in this section

- D. **Maximum base density and increased density for affordable housing.**
 - 1. **Maximum base density.**
 - a. Rental projects. The maximum base density for residential development with rental units in the AHO and MUO districts shall be 20 units per adjusted gross acre unless a project qualifies for additional density by providing more affordable housing pursuant to subsection (2) below or qualifies for additional density under state law under subsection (3) below, or both.
 - b. For sale projects. The maximum base density for residential development with for-sale units in the AHO and MUO districts shall be 30 units per adjusted gross acre provided that at least 5 percent of the units are available for purchase by moderate income households at an affordable purchase price.
 - 2. **Additional density for affordable rental housing.** An increase in the maximum density is allowed, as shown in Table 20.09-5, for qualifying residential development with rental units if the percentage of low income units meets or exceeds the percentages shown, provided that the maximum density shall not exceed 30 units per adjusted gross acre.

TABLE 20.09-5: ADDITIONAL DENSITY FOR QUALIFYING AFFORDABLE RENTAL HOUSING PROJECTS IN AHO AND MUO DISTRICTS

	<i>Maximum Allowable Density (Units per Adjusted Gross Acre)</i>										
	20	21	22	23	24	25	26	27	28	29	30
Percent Affordable Units Required in Rental Projects:											
Low Income units	10	11	12	13	14	15	16	17	18	19	20

3. *Additional density under state law.* Applicants also may be eligible for a density bonus, incentives, and/or concessions under the State Density Bonus Law, the Affordable Housing and High Road Jobs Act of 2022, and other applicable State laws.

E. *Additional land use regulations for MUO district.*

1. *Types of mixed use allowed.* Both horizontal and vertical mixed use development shall be allowed in the MUO district.
 - a. Horizontal mixed use development allows a range of uses adjacent to one another, either in separate buildings or parcels. Individual buildings may share project components, such as parking, serving, loading, and utility areas.
 - b. Vertical mixed use allows for a mix of uses within a single building where non-residential uses occupy the ground floor and residential uses are on the upper levels. A vertical mixed use project may have surface parking, subterranean parking decks, and/or at grade and above grade parking decks.
2. *Minimum amount of retail and service uses required in a mixed-use project.* In a mixed use project, at least 10 percent of the gross floor area shall be reserved for and occupied by retail shops, eating and drinking establishments, retail banks, financial and business services, or businesses offering personal services. If the project is within or adjacent to a shopping center or regional retail complex, this requirement for on-site retail uses shall be reduced to 5 percent.
3. *Active frontages required.* Along the primary building frontage, active ground floor uses are required for at least 60 percent of street-facing spacing. These may include retail shops, eating and drinking establishments, retail banks, financial and business services, personal services, and offices for walk-in clientele, such as employment agencies, insurance offices, real estate offices, travel agencies, and offices for elected officials.

F. *Development standards for the AHO district.* All residential development in the AHO district shall comply with the development standards in Table 20.09-6 and the supplemental design standards following the table; and with the Multiple-Family Residential Design Standards in Section 20.17.050 to the extent these are not superseded by the supplemental design standards following the table. If no housing is proposed, then non-residential development

must comply only with the standards of the base zoning district with which the AHO district is combined and the Commercial Design Standards in Section 20.17.070.

TABLE 20.09-6: DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE AHO DISTRICT

<i>Feature</i>	<i>Standard</i>	<i>Additional Regulations</i>
Site Requirements		
Minimum Lot Area	10,000 sq. ft.	
Minimum Lot Width	100 feet	
Maximum Lot Coverage	65%	
Maximum Floor Area Ratio (non-residential space)	0.75	Note 1
Minimum Landscape Coverage	15%	See Chapter 20.19
Refuse Storage and Recycling		See Chapter 20.10.060
Building Form and Location		
Maximum Building Height	35 feet	Note 2
Minimum Setbacks:		
Front	15 feet	Notes 3, 4, and 5
Rear	15 feet	See also Subsection (H)(1).
Interior Side	5 feet; 10 feet adjacent to a Residential district	
Street Side	10 feet	Chapter 20.18 and Notes 3, 4, and 5
Minimum Building Separations	15 feet	
Other Requirements		
Off-street parking and loading for non-residential uses	See Chapter 20.18 (Parking)	
Street curb cuts	Note 6	

TABLE 20.09-6: DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE AHO DISTRICT

Feature	Standard	Additional Regulations
<p>Notes:</p> <p>[1] Additional FAR is allowed up to 1.25 for projects with affordable rental units. The amount of additional FAR shall be calculated based on the same proportional increase in density allowed for qualifying projects meeting affordable housing criteria. For example, if a project receives a 25 percent increase in density, then it receives a 25 percent increase in allowable FAR.</p> <p>[2] Additional height is allowed up to 45 feet for lots with at least 100 feet of primary street frontage to enable provision of common open space for recreational facilities. The upper story above 35 feet shall be setback back an additional seven feet from the interior property line if the project is adjacent to a Residential zoning district.</p> <p>[3] The front setback may be reduced to 10 feet on the following streets: Riverside, Central, and Euclid.</p> <p>[4] A minimum 20-foot setback must be provided for garages and carports facing a street.</p> <p>[5] Open or covered porches may be constructed in the front and street side setbacks to encroach no closer than 12 feet to the front property line and 5 feet to the street side property line.</p> <p>[6] New street curb cuts are not allowed on lots with alley access unless approved by the Director of Development Services and the City Engineer to accommodate affordable housing units.</p>		

1. *Required side and rear yards for residential uses.* In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks shall apply to any building wall containing windows and facing an interior side or rear yard. The required setbacks apply to that portion of the building wall containing and extending 3 feet on either side of any window.
 - a. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.
 - b. For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided.
 - c. For all other walls containing windows, a setback of at least 5 feet shall be provided.
2. *Required building wall.* Building walls shall be constructed along or within 10 feet of the front property line for a minimum of 70 percent of the primary street frontage and 40

percent on secondary street frontages. This requirement may be waived by the Director of Development Services upon finding that:

- a. Ground-floor residential uses are proposed, a minimum 15-foot setback is proposed, and substantial landscaping will be located between the build-to and ground-floor residential units as a buffer;
 - b. Entry courtyards, plazas, entries, or outdoor eating areas are located between the build-to line and the building and buildings are constructed at the edge of the courtyard, plaza, or dining area; or
 - c. The building incorporates an alternative entrance design that creates a welcoming entry facing the street.
3. *Building entrances.*
- a. Principal building entries shall front upon the primary street or be in a visually-prominent location as determined by the Director of Development Services.
 - b. Building entries shall be accented with features such as moldings, lighting, overhangs, or awnings.
4. *Building mass and scale.*
- a. To reduce upper-story building mass, floorplates for the third story and above shall not exceed 80 percent of the ground-floor floorplate.
 - b. Buildings that are more than 150 feet in length shall include a minimum 2-foot vertical variation in height for at least 50 feet.
5. *Pedestrian orientation and accessible pedestrian facilities.*
- a. All development shall incorporate such features as plazas, interior walkways, canopies, arcades, paseos, ornamental gates, trellises, lighting, plant materials, seating, fountains, or other similar features, as appropriate, to support and enhance pedestrian spaces.
 - b. Outdoor pedestrian space shall be landscaped and shall include appropriate street furniture to encourage pedestrian activity.
 - c. Clearly-marked pedestrian connections shall be provided between parking areas and buildings.
 - d. All sidewalks, crosswalks, courts, plazas and residential buildings shall be designed to be safe, accessible, and convenient for individuals of all abilities, whether

travelling by foot, wheelchair, or other mobility aid, consistent with the City’s adopted Policy on Accessible Pedestrian Facilities.

6. *Parking.*

- a. Parking areas are prohibited between the building and primary street edge. On-site parking shall be in the rear half of the site or within a parking structure.
- b. Multi-story parking structures within 25 feet of a street frontage shall be lined with foundation landscaping at the ground floor.
- c. Building siting and parking design shall maximize opportunities for shared parking, access entries, and driveways in order to minimize the number of curb cuts and thus limit possible conflict between pedestrians and automobiles.
- d. Whenever possible, vehicle access shall be provided from side streets and alleys to limit the number of driveways along arterial streets.

7. *Landscaping.*

- a. Street trees shall be included along all street frontages with multi-family housing development. Trees shall be selected from a list of City-approved trees and shall be approved by the Director of Development Services prior to installation.
- b. Where pedestrian paths or walkways cross parking areas or driveways, the paths shall incorporate landscaping and decorative paving to define the pedestrian space.

G. ***Development standards for the MUO district.*** All residential-only buildings and mixed use development with residential units in the MUO district shall comply with the development standards in Table 20.09-7 and the supplemental design standards following the table, and with the Multiple-Family Residential Design Standards in Section 20.17.050 and the Mixed Use Design Standards in Section 20.17.060 to the extent these are not superseded by the supplemental design standards following the table. Non-residential development shall comply with the standards of the base zoning district with which the MUO district is combined and the Commercial Design Standards in Section 20.17.070.

TABLE 20.09-7: DEVELOPMENT STANDARDS FOR RESIDENTIAL AND MIXED USE DEVELOPMENT IN MUO DISTRICT

<i>Feature</i>	<i>Standard</i>	<i>Additional Regulations</i>
Site Requirements		
Minimum Lot Area	10,000 sq. ft.	
Minimum Lot Width	100 feet	
Maximum Lot Coverage	80%	
Maximum Floor Area Ratio (non-residential space)	1.0	Note I
Minimum Landscape Coverage	15%	See Chapter 20.19

TABLE 20.09-7: DEVELOPMENT STANDARDS FOR RESIDENTIAL AND MIXED USE DEVELOPMENT IN MUO DISTRICT

Feature	Standard	Additional Regulations
Refuse Storage and Recycling		See Chapter 20.10.060
Building Form and Location		
Maximum Building Height	45 feet	Note 2
Minimum Setbacks (ft.):		
Front	10 feet; 15 feet if ground floor is residential	Notes 3 and 5
Rear	10 feet; 15 feet adjacent to a Residential District	See also Subsection (G)(1).
Interior Side	0 feet; 10 feet adjacent to a Residential district	
Street Side	10 feet	Notes 3, 4, and 5
Minimum Building Separations	15 feet	
Other Requirements		
Off-street parking and loading for non-residential uses		See Chapter 20.18
Street curb cuts		Note 6
<p>Notes:</p> <p>[1] Additional FAR is allowed up to 1.25 in mixed use development with affordable rental units. The amount of additional FAR shall be calculated based on the same proportional increase in density allowed for qualifying projects meeting affordable housing criteria. For example, if a project receives a 25 percent increase in density, then it receives a 25 percent increase in allowable FAR.</p> <p>[2] Additional height is allowed up to 55 feet for lots with 100 feet of street frontage to enable provision of common open space for recreational facilities. The upper story above 35 feet shall be setback back an additional seven feet from the interior property line if the project is adjacent to a Residential zoning district.</p> <p>[3] A minimum 15 feet of front and street side setback shall be provided along primary and secondary arterial streets. A reduced front setback may be allowed on the following streets: Riverside, Central, and Euclid.</p> <p>[4] A minimum 20-foot setback must be provided for garages and carports facing a street.</p> <p>[5] Open or covered porches may be constructed in the front and street side setbacks to encroach no closer than 12 feet to the front property line and 5 feet to the street side property line.</p> <p>[6] New street curb cuts are not allowed on lots with alley access unless approved by the Director of Development Services and the City Engineer to accommodate for affordable housing units.</p>		

1. *Required side and rear yards for residential uses.* In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks shall apply to any building wall containing windows and facing an interior side or rear yard. The required

setbacks apply to that portion of the building wall containing and extending 3 feet on either side of any window.

- a. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.
 - b. For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided.
 - c. For all other walls containing windows, a setback of at least 5 feet shall be provided.
2. *Required building wall.* Building walls shall be constructed along or within 10 feet of the front property line for a minimum of 70 percent of the primary street frontage and 40 percent on secondary street frontages. This requirement may be waived by the Director of Development Services upon finding that:
- a. Ground-floor residential uses are proposed, a minimum 15-foot setback is proposed, and substantial landscaping will be located between the build-to and ground-floor residential units as a buffer;
 - b. Entry courtyards, plazas, entries, or outdoor eating areas are located between the build-to line and the building and buildings are constructed at the edge of the courtyard, plaza, or dining area; or
 - c. The building incorporated an alternative entrance design that creates a welcoming entry facing the street.
3. *Required ground floor transparency for non-residential uses.* Exterior walls for non-residential ground-floor uses facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 60 percent of the building wall area between 2 feet and 8 feet above the sidewalk. No wall shall run in a horizontal plane more than 25 feet without an opening.
- a. Openings fulfilling this requirement shall have transparent glazing and provide views into display areas, sales areas, work area, lobbies or other active spaces, and window displays shall be at least 3 feet in depth.
 - b. Parking garages are not required to meet these transparency requirements.
 - c. Alternatives to the building transparency requirement may be approved by the Director of Development Services for uses that have unique operational requirements making windows or doors infeasible or for street-facing building walls that exhibit

architectural relief and detail with landscaping that creates visual interest at the pedestrian level.

4. *Building entrances.*
 - a. Principal building entries shall front upon the primary street.
 - b. Building entries shall be accented with features such as moldings, lighting, overhangs, or awnings.
5. *Building mass and scale.*
 - a. To reduce upper-story building mass, floorplates for the third story and above shall not exceed 80 percent of the ground-floor floorplate.
 - b. Buildings that are more than 150 feet in length shall include a minimum 2-foot vertical variation in height for at least 50 feet.
 - c. To maintain a human-scale at the street level where ground floor commercial space is provided, building storefront widths shall not exceed 30 feet without a recess or a break, which may be a building entry or a separate display window.
 - d. Minimum ground floor height for commercial uses, including retail shops, restaurants, and offices: 14 feet.
6. *Pedestrian orientation.*
 - a. All development shall incorporate features such as plazas, interior walkways, canopies, arcades, paseos, ornamental gates, trellises, lighting, plant materials, seating, fountains, or other similar features, as appropriate, to support and enhance pedestrian spaces.
 - b. Outdoor pedestrian space shall be landscaped and shall include appropriate street furniture to encourage pedestrian activity.
 - c. Clearly-marked pedestrian connections shall be provided between parking areas and buildings.
 - d. Encroachments into the public right-of-way are allowed for outdoor seating in conjunction with full-service restaurants and food retailers, provided a minimum 6-foot wide walkway and pedestrian clear zone is maintained and the outdoor eating area is contiguous with interior eating space and does not encroach into the public right-of-way of an adjacent business. An encroachment permit issued by the City is required, and a fee may be charged.
 - e. All sidewalks, crosswalks, courts, plazas, and residential buildings shall be designed to be safe, accessible, and convenient for individuals of all abilities, whether

travelling by foot, wheelchair, or other mobility aid, consistent with the City’s adopted Policy on Accessible Pedestrian Facilities.

7. *Parking.*

- a. Parking areas are prohibited between the building and primary street edge. On-site parking shall be in the rear of buildings in the back half of the lot or development site.
- b. Multi-story parking structures within 25 feet of a street frontage shall be buffered with foundation planting or lined with commercial, retail, or residential use at the ground floor.
- c. Building siting and parking design shall maximize opportunities for shared parking, access entries and driveways in order to minimize the number of curb cuts and thus limit possible conflict between pedestrians and automobiles.
- d. Whenever possible, vehicle access shall be provided from side streets and alleys to limit the number of driveways along arterial streets.

8. *Landscaping.*

- a. Street trees shall be included along all street frontages of mixed-use development. Trees shall be selected from a list of city-approved trees and shall be approved by the Director of Development Services prior to installation.
- b. Where pedestrian paths or walkways cross parking areas or driveways, the paths shall incorporate landscaping and decorative paving to define the pedestrian space.

H. ***Open spaces standards for residential projects.*** The open space requirements of the Multiple-Family Residential Design Standards in Section 20.17.050 for private areas and common areas shall apply to all proposed residential development and to residential units in mixed use development with the following modifications. Private areas shall consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common areas shall consist of landscaped areas, walks, patios, swimming pools, picnic and barbeque areas, playgrounds, children’s play areas, playing courts, turf, rooftop areas, gym and fitness facilities, space for yoga, dance and instruction, or other such improvements as are appropriate to enhance the outdoor living environment of the development and to provide recreational facilities for residents. Landscaped courtyard entries that are oriented towards the public street and create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items or devoted to perimeter landscaping shall be developed as common areas with the types of attributes described above

1. *Minimum amount of outdoor living area (private or common open space).* The minimum percentage of net lot area devoted to permanent open space is 20 percent, and the

minimum area to be devoted to outdoor living area (private or common open space) shall be 400 square feet per unit.

2. *Minimum amount of private open space.* The minimum amount of private open space shall be at least 25 percent of the amount of outdoor living area required. This space shall be provided on patios, decks or balconies shall be as follows:
 - a. Ground floor units: 150 square feet patio with a minimum horizontal dimension of 10 feet or 72 square foot deck with a minimum horizontal dimension of 6 feet; and
 - b. Upper level units: 72 square feet with a minimum horizontal dimension of 6 feet.
3. *Minimum amount of common open space areas.* A minimum of 65 percent of the required outdoor living area shall be provided as common open space with a minimum horizontal dimension of 20 feet. This common open space shall be a well-designed, coherent area that is an essential component of the project's design, not merely space left over after the building mass is placed.
 - a. Areas having minimum dimensions of less than 20 feet but at least eight feet at any point which are contiguous with and an integral part of the common open space, may be included in calculating the area of such space.
 - b. Up to one-half of covered patio areas designed to be commonly used by residents of a development may be included in calculation of common open space provided such area does not comprise more than 25 percent of the total common open space.
 - c. Up to 10 percent of the required common open space area may be provided within a recreational building.
4. *Usability.* A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The maximum slope shall not exceed 10 percent.
5. *Accessibility.*
 - a. Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
 - b. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.
6. *Recreational facilities requirements.* In high density multi-family or mixed use development with a minimum of 25 dwelling units per gross adjusted acre, essential recreational facilities, as prescribed below, may be proposed in lieu of the requirements of major and minor facilities in Section 20.17.050 (C) which require more land than may be available in a high density project. These essential recreational facilities may include: 1) a gym or

fitness room, 2) space for yoga, dance, or other instruction, 3) enclosed or outdoor space for playing courts or games, 4) children's play area, 5) picnic and barbeque area, or 6) children's daycare space. At least 250 square feet per unit shall be provided for these recreational facilities, and there shall be a minimum of 2 of these facilities in projects with 10-50 units, 3 of these facilities in projects with 51-100 units, and 4 or more of these facilities in projects with more than 100 units. No essential recreational facilities are required in a small project, with less than 10 dwelling units.

I. ***Minimum affordable housing requirement.***

1. ***Requirement.*** Residential development projects in an AHO and an MUO district with 10 or more dwelling units shall provide the following minimum numbers of affordable housing units:
 - a. Rental projects: 10 percent of the total units affordable to low income households at an affordable rent.
 - b. For-sale projects: 5 percent of the total units in a Common Interest Development for moderate income households at an affordable sales price, provided that all of the units are offered to the public for purchase.
 - c. Projects with both rental units and for sale units: The minimum numbers shall be calculated separately for each type of housing.
2. ***Calculations.*** All calculations of the number of affordable units required to be built on-site in a project that result in fractional units shall be rounded up to the next whole number.
3. ***Common owners and control.*** An applicant for development within an AHO or MUO district shall not avoid the requirements of this section by submitting piecemeal planning applications. At the time of the first application for residential development, the applicant shall identify all contiguous property under common ownership and control. The applicant shall not be required to construct housing on contiguous property but must include such property in a comprehensive affordable housing plan.
4. ***Income qualifications.*** Household income qualifications shall be those established by the California Department of Housing and Community Development each year for San Bernardino County, as adjusted for household size, pursuant to California Code of Regulations, Title 25, Section 6932, and Health and Safety Code Section 50093.
5. ***Location, size, design, and distribution of affordable units.*** Affordable units shall have the same bedroom and bathroom count ratio as the market rate units in a project, be equally distributed within the project, and have the same type or quality of appliances, fixtures, and finishes. The affordable housing units shall be integrated with other housing units in the housing development with regard to siting and placement within buildings and shall not differ in exterior appearance from the other housing units. The location of the affordable housing units may or may not be on contiguous parcels within the site. In no

event shall the affordable housing units be located in only one portion of the housing development or situated in one building of a multi-building development.

6. *Timing of Construction.* All required affordable units shall be made available for occupancy prior to, or concurrently with, the market-rate units. The affordable units may be constructed in phases if the market-rate units are constructed in phases, provided that the percentage of affordable units developed in each phase shall be equivalent to or greater than the total percentage of affordable units to be developed as part of the residential development until such time that all the affordable units have been built.
- J. ***Alternatives.*** In lieu of providing the affordable units in the housing development project required by Section 20.09.090 (D) and (F), the requirements of those subsections may be satisfied through one or more of the alternatives set forth below.
1. *In-Lieu Fee.*
 - a. For housing development projects proposing up to 20 units, the developer may, by right, pay a fee in lieu of providing affordable units on site.
 - b. For housing development projects proposing more than 20 units, the developer shall only be allowed to pay in-lieu fees if the Planning Commission makes a finding that inability to pay in-lieu fees would result in an extreme financial hardship to the developer and make the proposed project financially infeasible. The developer shall submit a request to pay a fee in lieu of providing affordable units on site as part of the project application. Such request shall include sufficient documentation and financial analysis to allow the Planning Commission to make the required findings. At the City's discretion, the City may contract with a third-party financial consultant to evaluate the documentation and analysis submitted by the applicant and make a recommendation to the City regarding the issues of extreme financial hardship and financial infeasibility. The developer shall be required to reimburse the City for all costs related to hiring any such third-party consultant, which shall be in addition to any other required application fees. The demonstration of financial hardship and infeasibility may be based on, among other things, such factors as project size, site constraints, and/or excessively large affordability gaps, or upon a demonstration that in the absence of allowing for payment of in-lieu fees, the imposition of the affordable housing production requirements in this Section would violate the California and/or United States Constitutions because it would be a regulatory taking of property without fair and just compensation.
 - c. In-lieu fees shall be paid as follows:
 - (i) The amount of the fee shall be calculated using the fee schedule established by resolution of the City Council at the time the fee is paid.
 - (ii) One-half of the in-lieu fee required by this subsection shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the housing development project. The remainder of the fee shall be paid before a certificate of occupancy is issued for any unit in the housing development

project. In a phased project, payment of fees also may be allowed in phases, corresponding to the number of units in each phase.

(iii) The fees collected shall be deposited in the Housing Trust Fund established by Section 20.09.090 (P).

2. *Land Dedication.* In lieu of providing affordable units on-site, a developer may request City Council approval to dedicate land to the City or to a City-approved affordable housing developer that the Director of Development Services determines is suitable for the construction of the required number of affordable units and is within one mile of the project site. To accept a land dedication in lieu of on-site affordable units, the City Council must determine the fair market value of the dedicated land is equivalent to or greater than the amount of in-lieu fees that would have been needed to satisfy the housing development project's affordable housing obligation and that the required number of units for very low income residents will be built on this land based on a proposed conceptual site plan and proforma financial analysis demonstrating project feasibility with available funding.
 - a. The developer must submit evidence that the land proposed to be dedicated is under the developer's control, will be conveyed at no cost to the City or a City-approved affordable housing developer with experience building rental housing for very low income households, is free of any liens, all property taxes and special taxes have been paid, does not contain any hazardous materials, has the appropriate General Plan designation and zoning to allow construction of the required number of units, and has the necessary infrastructure and public improvements to support the required number of affordable units. Only sites within an AHO or MUO district that are within one mile of the project site can be considered for land dedication.
 - b. The developer must disclose whether any hazardous materials were previously contained on the site; and hazardous materials were previously remediated, the

developer must provide evidence that the cleanup was performed in accordance with applicable law.

- c. The land proposed for dedication cannot have been improved with any residential use for at least five years prior to the submission of a land dedication proposal.
 - d. The affordable units to be constructed on the dedicated land shall be at least 20 percent of the total number of units in the project, and these units must be rental units affordable to very low income households.
3. *Off-site Construction.* A market-rate developer may enter into an agreement with an affordable housing developer to construct, own, and operate affordable rental housing units required by Sections 20.09.090 (D) and (F), provided:
- a. The affordable housing developer is approved by the Director of Development Services on the basis of recent relevant experience;
 - b. The affordable housing developer does not request any financial assistance from the City;
 - c. The affordable rental housing units shall be constructed prior to or concurrently with the market-rate development triggering the affordable housing requirement; and
 - d. At least 20 percent of the total number of units to be built on the site shall be rental units affordable to very low income residents.

K. ***Review Procedures.***

1. *Preliminary Review.* A developer requesting additional density above 20 units per adjusted gross acre under Section 20.09.090(F) shall submit an application for preliminary review, accompanied by the required application fee, for feedback prior to the submittal of any formal requests for approval of additional density. The purpose of the preliminary review is to determine whether the proposed development is in substantial compliance with applicable planning regulations and to establish the basis and procedures for granting the additional density. The following information is required to be submitted for

preliminary review in the form of a proposed affordable housing plan in addition to information required by the Department’s preliminary review checklist:

- a. Evidence that the project includes the qualifying percentages of affordable units set forth in Section 20.09.090(F) to justify the additional density requested;
 - b. Calculations showing the maximum base density and the density with the additional units;
 - c. Number and percentage of total units that are proposed to meet affordability criteria and the income level to which the units will be restricted; and
 - d. A description of any proposed waivers or reductions of development standards or other zoning requirements and why they are necessary for making the project physically or financially possible; and
2. *Site approval required.* All residential development or mixed use development with residential units in an AHO or MUO district shall require approval of a Site Approval application as outlined under Section 20.23.090. For residential development and mixed use development with residential units, design review by the Planning Commission shall be undertaken only to determine compliance with the City’s objective design standards using the Site Approval process.
 3. *Additional findings for approval.* The Planning Commission shall grant a Site Approval if it makes the findings required by Section 20.23.090 and the following additional findings:
 - a. The proposed development meets the affordability criteria for the requested density in accordance with the requirements of subsection (F); and
 - b. The increased density would not have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment or on any real property listed in the California Register of Historic Resources.
 4. *Conditions of approval.* The Planning Commission has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable specific plan adopted by the City Council, and this Title are met, including requirements for needed off-site public improvements. The Commission may require reasonable guarantees and evidence that such conditions are being, or will be, met.
- L. ***Required affordable housing agreement for continued affordability.*** Prior to the issuance of a building permit for any residential development project with affordable housing units in an AHO or MUO district, the applicant shall enter into a written agreement with the City ensuring the continued affordability of the affordable dwelling units for a period of not less than 75 years or as long as the property is in residential use, whichever is greater, for rental

units and 45 years for for-sale units. The terms and conditions of the agreement shall be binding upon the successor in interest of the developer and shall be recorded in the main office of the San Bernardino County Assessor-Recorder-Clerk. The agreement shall be executed by the City Manager, be in a form acceptable to the City Attorney, and include provisions for the following:

1. The number and proportion of housing units affordable to moderate-income, low-income, and very-low income households by type, their location, and the number of bedrooms in each one;
 2. Standards for maximum qualifying household incomes and maximum rents or sale prices;
 3. Minimum home buyer payments and sources of funds for them;
 4. The party responsible for certifying rents and sales prices of affordable housing units and reporting this information to the City;
 5. The process that will be used to certify incomes of tenants or purchasers of the affordable housing units;
 6. The manner in which vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units;
 7. Deed restrictions on the affordable housing units binding on property upon sale or transfer and any subsequent sale or transfer;
 8. Enforcement mechanisms to ensure that the affordable rental units are continuously occupied by eligible households and are not rented, leased, sublet, assigned, or otherwise transferred to non-eligible households, with reasonable allowances for inherited units and units initially occupied by very low income individuals whose incomes may increase to a low income level;
 9. Provisions allowing moderate income homebuyers to resell the unit at fair market value in return for the City receiving payment equal to the original Affordability Gap plus a defined share of the equity appreciation achieved on sale, which shall be deposited in the City's Housing Trust Fund and used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership; and
 10. Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units.
- M. *Housing Trust Fund.* There is a separate fund of the City known as the Housing Trust Fund, and all in-lieu fees or other funds collected under this section shall be deposited into the

Housing Trust Fund. Additional funds from other sources also may be deposited in the Housing Trust Fund.

1. Money deposited in the Housing Trust Fund may be used to pay for the direct costs associated with administration and enforcement of the affordable housing program established for the AHO and MUO districts.
2. After payment of expenses, at least 70 percent of the remaining money shall be expended to provide housing affordable to low income and very low income housing holds; the remaining money may be expended to provide housing affordable to moderate-income households.
3. The fund shall be administered by the Director of Development Services.
4. A developer receiving funding from the fund shall implement a local preference in their resident selection criteria.

SECTION 3. CHAPTER 20.08 (AGRICULTURAL, OPEN SPACE AND PUBLIC ZONING DISTRICTS) AND CHAPTER 20.21 (STANDARDS FOR SPECIFIC LAND USES) ARE HEREBY AMENDED AND SHALL READ AS (ADDITIONS IN RED).

CHAPTER 20.08, AGRICULTURAL, OPEN SPACE AND PUBLIC ZONING DISTRICTS

20.08.030 - Use regulations.

- A. Permitted uses. Table 20.08-1 identifies land uses in the agricultural, open space and public zoning districts.

TABLE 20.08-1 LAND USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, AND PUBLIC ZONING DISTRICTS

Uses	Zoning District					Additional Regulations
	AG	OS 1	OS 2	P	PS	
Residential Uses						
Single-Family Dwellings	P	■	■	■	■	
Accessory Dwelling Units	P	■	■	■	■	Section 20.11.020
Junior Accessory Dwelling Units	P	■	■	■	■	Section 20.11.020
Caretaker Quarters	P	■	■	■	■	Section 20.21.110
Farm Employee Housing, Large	C	■	■	■	■	Section 20.21.490
Farm Employee Housing, Small	P	■	■	■	■	Section 20.21.490
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CHAPTER 20.21 STANDARDS FOR SPECIFIC LAND USES

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20.21.490 Farm Employee Housing

Farm Employee Housing must be located, developed, and operated in compliance with the following standards, where allowed by the land use regulations for the agricultural zoning district in Chapter 20.08.

- A. **Eligible facilities.** Farm employee housing may consist of a variety of living quarters, dwelling units, group housing, tents, bunkhouses, recreational vehicles, mobile homes, or other housing designed and maintained for use by eligible farm employees for temporary or seasonal residency or permanent residency. Farm employee housing does not include a hotel, motel, inn, tourist hotel, multiple-family dwelling, or single-family homes where the housing is offered and rented to nonagricultural employees on the same terms as to farm employees, the owner of the housing is not an agricultural employer, or the housing is classified as “employee community housing” under the California Health and Safety Code Section 17005.5, which is owned by a public entity or is privately owned by a qualified

nonprofit entity and has been granted an exemption under Health and Safety Code Section 17031.3.

- B. ***Streamlined review – when only a zoning clearance is required in an agricultural zone.*** Small farm employee housing, consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household on a site in an Agricultural Zone, is a permitted agricultural use and only requires a Zoning Clearance under Section 20.23.120 to confirm that the standards of this Section and other applicable requirements of this Title are met. Large farm employee housing requires Site Approval by the Planning Commission; however, the time limits for review and approval, established in Section 17021.8 of the California Health and Safety Code apply.
- C. ***Limits on location.*** No farm employee housing shall be allowed in the following locations:
1. Within 75 feet of barns, pens, or structures housing livestock or poultry;
 2. Within 50 feet of a Residential zoning district;
 3. On wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993);
 4. Within a high fire hazard severity zone, as determined by the California Department of Forestry and Fire Protection;
 5. On a hazardous waste site, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
 6. Within a delineated earthquake fault zone, as determined by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission and by the City's building department;
 7. Within a flood plain as determined by the Federal Emergency Management Agency, unless the development has been issues a flood plain development permit;
 8. Within a floodway as determined by the Federal Emergency Management Agency;

9. On land subject to a natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan, or subject to a conservation easement (excluding Williamson Act contracts); and
 10. On land where the groundwater is within five feet of the soil surface where onsite wastewater disposal would serve six or more family units.
- D. **Limits on fees.** No taxes or permit fees that are not normally required for other agricultural activities in an Agricultural Zone can be required of an applicant developer of farm employee housing.
 - E. **Maximum height.** 25 feet.
 - F. **Minimum sleeping area – group quarters.** In group quarters, the minimum floor area available for sleeping purposes shall be 50 square feet per occupant.
 - G. **Accessory uses and structures – group quarters.** The following accessory uses and structures are allowed for farm employee group quarters: food service for residents with a kitchen and dining hall; laundry facilities; storage facilities; and community facilities for education, group or individual meetings, reading, health, or other services.
 - H. **No limits on density.** Farm employee housing is exempt from the density limits of the Agricultural zoning district
 - I. **No occupancy restrictions.** The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not required to live in the housing by the employer of the occupants, an agent of the employer of the occupants, or an agricultural employer as defined the California Labor Code.
 - J. **Open space required.** When a farm employee housing project includes more than 10 dwelling units, recreational facilities and common open space for residents’ use shall be provided as follows:
 1. **Common area.** A minimum of 20 percent of the site area for the farm employee housing shall be outdoor common area with recreational facilities for activities such as baseball, basketball, soccer, horseshoes, or children’s play areas.
 2. **Private open space.** Private open space shall be provided as follows:
 - a. A minimum of 80 square feet per unit for ground-floor units with a minimum horizontal dimension of 8 feet; and
 - b. A minimum of 36 square feet for upper-level units with a minimum horizontal dimension of 6 feet.
 - K. **Employee housing for six or fewer employees.** Employee housing that accommodates six or fewer employees shall be considered a single-family structure and residential use pursuant to California Health and Safety Code Section 17021.5 and only has to meet the standards that apply to a single family dwelling on a lot. Use of a single-family dwelling for such housing

does not constitute a change of occupancy for purposes of State Housing Law or the City’s Building Code.

- L. **Permit Required.** A permit from the California Department of Housing and Community Development (HCD) is required for housing for five or more employees pursuant to the California Employee Housing Act; a copy of the HCD permit shall be provided to the Director of Development Services within 14 days of issuance.
- M. **Exterior lighting.** Exterior lighting shall be limited to security needs only, directed downward, and full shielded from streets and adjacent residences.
- N. **Off-street parking.** Off-street parking shall be provided as required by Chapter 20.18, Parking. The minimum parking requirement for farm employee housing shall be one parking space for one bedroom or studio units, two spaces for units with two or more bedrooms, and one space per three beds for group quarters.
- O. **Setbacks.** All farm employee housing shall be a minimum of 75 feet from any barn, pen, or other structure that houses livestock or poultry and a minimum of 50 feet from any other agricultural use.
- P. **Water and wastewater disposal.** All farm employee housing shall have public water service and public wastewater collection service unless a private on-site wastewater disposal system in approved by the City.
- Q. **Minimum period of occupancy.** The owner of farm employee housing approved under this section must agree to maintain this housing for a minimum period of 10 years after issuance of a final building permit. Failing to do so would allow the County to recover any taxes, fees, assessments, or charges that were waived for the farm worker housing.
- R. **Compliance with other codes.** Farm employee housing shall conform with all the requirements of the City that are applicable to agricultural uses in an Agricultural Zone in which the property is located. All farm employee housing must satisfy building, fire, and safety standards, such as fire lane widths, minimum fire flows, and emergency egress, as established through State of California’s Fire and Building Codes and as amended by the City.

SECTION 4. CHAPTER 20.18 (PARKING) IS HEREBY AMENDED AND SHALL READ AS FOLLOWS (ADDITIONS IN RED; DELETIONS IN STRIKETHROUGH FORMAT).

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20.18.030 - Number of parking spaces required.

- A. **Off-street parking.** Off-street parking spaces shall be provided as specified in Table 20.18-1 (Off-Street Parking Requirements) of this chapter.
- B. **Uses not listed.** Off-street parking requirements for uses not specifically listed shall be as determined by the Director of ~~community development~~ **Development Services**, based upon the requirements for comparable uses and the particular characteristics of the site and proposed use.
- C. **Multiple uses.** Whenever more than one land use is conducted on a lot or parcel, the required number of parking spaces shall be the sum of the requirements for each individual use.
- D. **Fractional spaces.** If the number of required parking spaces does not result in a whole number, the number shall be rounded up to the nearest whole number.

TABLE 20.18-1 OFF-STREET PARKING REQUIREMENTS	
<i>Uses, Activities and Facilities</i>	<i>Number of Required Parking Spaces (all spaces are uncovered unless otherwise noted)</i>
20.18.050	
Single-Family Dwellings	2 garage spaces per dwelling
Duplexes	2 garage spaces per dwelling 1 covered space per dwelling less than 950 sq. ft.
Multiple-Family Dwellings <i>(Less than 16 units/acre)</i>	Studio Units: 1 covered space per dwelling, 1 Bedroom Units: 1.5 covered spaces per dwelling, 2 or more Bedroom Units: 2 covered spaces Guest Parking: 1 space for every 10 dwelling units
Multiple-Family Dwellings <i>(16-19 units/acre)</i>	<i>Studio Units: 1 covered space per dwelling 1 Bedroom Units: 1 covered and 0.5 uncovered space per dwelling 2 or more Bedroom Units: 1 covered and 1 uncovered space per dwelling Guest Parking: 1 space for every 10 dwelling units</i>
Multiple-Family Dwellings <i>(20 units/acre or greater)</i>	Studio Units: 1 covered <i>or uncovered</i> space per dwelling, 1 Bedroom Units: 1.5 covered <i>or uncovered</i> spaces per dwelling, 2 or more Bedroom Units: 2 covered <i>or uncovered</i> spaces Guest Parking: 1 space for every 10 dwelling units
Accessory Dwelling Units	1 covered or uncovered space per dwelling, in compliance with section 20.11.020 (Accessory Structures - Accessory Dwelling Units).

TABLE 20.18-1 OFF-STREET PARKING REQUIREMENTS	
<i>Uses, Activities and Facilities</i>	<i>Number of Required Parking Spaces (all spaces are uncovered unless otherwise noted)</i>
Live/Work Units	1.5 spaces for up to 1,000 sq. ft. of floor area, plus 0.5 additional space for every additional 500 sq. ft. of floor area above the first 1,000 sq. ft.
Group Homes and Facilities	1 space per bed plus 1 space per employee
Mobile Home Parks	1 covered and 1 uncovered space per dwelling, 1 uncovered guest space for every 5 dwellings and 1 recreational vehicle parking space for every 5 dwellings
Senior Housing Projects	1 covered or uncovered space per dwelling, plus 1 uncovered guest space for every 10 dwelling units, plus 1 uncovered space for each 2 employees (if any) during the largest shift

20.18.040 – General parking regulations.

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- E. ***Reductions to the required number.*** The planning commission may grant a reduction in the amount of required parking when one or more of the following conditions exist:
1. ***Shared parking.*** Multiple uses may use joint parking facilities when operations for the respective uses are not normally conducted during the same hours, or when hours of peak use differ. Requests for the use of shared parking must meet the following conditions:
 - a. **A parking demand study has been prepared which demonstrates that there will be no substantial conflicts between the subject uses with regard to principal hours of operation and periods of peak parking demand.**
 - b. **The total number of parking spaces required for the subject uses does not exceed the number of parking spaces reasonably anticipated to be available at periods of maximum use.**
 - c. **The proposed joint parking facility is not located further than four hundred feet from the uses which it serves.**
 - d. **A written agreement by and between the City of Chino and all other affected parties shall be executed and recorded with the county recorder, assuring the availability of**

the number of parking spaces designated for joint use, during the hours specified in the agreement, for the duration of the uses.

2. *Low demand.* The number of parking spaces required by this chapter may be reduced if it can be demonstrated that the use will not utilize the required number of spaces due to the nature of the specific use, or the manner in which the specific use is conducted.
3. *Transportation management plan.* The number of required parking spaces may be decreased, subject to the approval of an alternate commute mode awareness plan, prepared in accordance with standards set forth by the city's transportation manager and adopted by resolution of the city council.
4. *Bus stop/transportation facility credit.* A commercial or multiple-family development project located within four hundred feet of a bus stop may reduce the number of required parking spaces by up to five percent with approval of a site approval. If a commercial or multiple-family development project is located within four hundred feet of a bus transportation facility, the project may reduce the number of required parking spaces by up to ten percent with approval of a site approval. A transportation facility is defined as a place where more than four bus routes converge and where passenger amenities, such as trash receptacles, benches and covered waiting areas are also located.
5. *Mixed use projects.* A mixed use project with both commercial and residential units may reduce parking requirements up to fifty percent for either the commercial or residential use, whichever parking requirement is smaller. A mixed use project with both office and commercial uses and residential may reduce parking requirements up to seventy-five percent for either the office or residential uses, whichever parking requirement is smaller, with approval of a site approval if the Planning Commission makes the following findings in addition to the findings otherwise required:
 - a. That adequate measures will be put in place to reduce parking demand, such as promoting use of public transit, bicycling, and walking, and allowing telecommuting; and
 - b. That the reduction or elimination of the required parking spaces will not substantially reduce the availability of on-street parking for the occupants of nearby commercial, office, and/or residential buildings.
6. *Affordable housing projects.* Where an applicant can demonstrate to the satisfaction of the Planning Commission that variations in the number of spaces or the standards or dimensions otherwise required by this Chapter are warranted for affordable housing, an alternative parking area design and loading plan may be allowed with site approval. To

grant such a variation, the Planning Commission must make the following findings in addition to the findings otherwise required for a site approval:

- a. That the applicant qualifies for reduced parking under Section 65915 of the Government Code; or
- b. That the applicant has convincingly demonstrated that the alternative plan is a superior solution and the requested modifications in the design and parking area layout standards are warranted to be able to reduce development costs and as a consequence of provide affordable housing; and
- c. That the alternative parking arrangement will be in place at all times during operation and life of the principal uses to be served by the parking (a minimum of 45 years for for-sale projects and a minimum of 75 years or as long as the property is in residential use, whichever is greater, for rental projects).

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20.18.050 - Parking design standards.

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B. *Location of parking areas and spaces.*

- 1. Setbacks of parking stalls and drive aisles from property lines and buildings shall be as provided in Table 20.18-4 (Parking and Drive Aisle Setbacks, Minimum).
- 2. Carpool and vanpool spaces should be located as close as possible to the primary employee entrance(s) of the user(s) which they are intended to serve.
- 3. Parking spaces for multiple unit residential dwellings shall be located within one hundred fifty feet from the dwelling unit (front or rear door) for which the space is provided.
- 4. For residential development at densities exceeding 16 units per acre, including residential uses in mixed use development, required off-street parking located in the front half of a lot or within 25 feet of the side street on a corner lot shall be covered with a carport, garage or roofed structure. Other spaces may be uncovered if located in the rear half of the lot or site or when more than 25 feet from a side street. On larger sites with 10 or more dwelling units, uncovered spaces are allowed if setback at least 50 feet from a front property line and 25 feet from a street side property line and screened by a wall or landscaping so as not to be visible from a public street.

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SECTION 5. CHAPTER 20.23 (ADMINISTRATION) IS HEREBY AMENDED AND SHALL READ AS FOLLOWS (ADDITIONS IN RED; DELETIONS IN STRIKETHROUGH).

CHAPTER 20.23 ADMINISTRATION

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20.23.090 - Site approvals.

- A. ***Purpose and intent.*** The purpose of the site approval procedure is to provide a process whereby the integrity and character of the physical fabric of the residential, commercial, ~~and~~ industrial, **and agricultural** areas of the city will be protected in a manner consistent with the goals and policies of the city's general plan. This is assured through the review of development plans for the suitability of:

...

B. ***Applicability.***

1. Site approval shall be required for the physical alteration of a lot or parcel, the construction of a new building, or the addition to or alteration of an existing building, except that site approval shall not be required for:
 - a. **The development of buildings or structures reviewed and approved pursuant to the provisions of section 20.23.120 (Administrative Approval);**
 - b. **Changes in tenancy of an existing building, structure or land where that change does not involve the issuance of a special conditional use permit, or the alteration of either the site or the existing building; ~~and~~**
 - c. **Tenant improvements wholly within an existing building; and**
 - d. **Single family dwellings, accessory dwelling units, caretaker units, and agricultural buildings in agricultural zones.**

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F. ***Review and Action***

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4. **A site approval application for large farm employee housing shall be reviewed and approved within the time limits established in Section 17021.8 of the California Health and Safety Code.**

20.23.110 - Zoning clearance.

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B. **Applicability.**

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4. Within the Agricultural Zone, a zoning clearance is required for the following:

a. **Small farm employee housing pursuant to Section 20.21.090.**

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E. **Special procedures for accessory dwelling units and junior accessory dwelling units.** The Development Services Director or the Director's designee shall act on an application to create an accessory dwelling unit or a junior accessory dwelling unit **as required by State law, and no zoning clearance is needed.** ~~within sixty days from the date the city receives a completed application if there is an existing single family or multifamily dwelling on the lot. If the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single family dwelling on the lot, the city may delay acting on the application for the accessory dwelling unit or the junior accessory dwelling unit until the city acts on the permit application to create the new single family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty day time period shall be tolled for the period of the delay.~~

F. **Special procedure for streamlined approval for certain eligible affordable housing projects as defined in state law.** An applicant proposing a residential development that meets the eligibility criteria of the Government Code Section 65913.4 for ministerial review of infill affordable housing projects based on meeting the minimum affordability requirements and other provisions of this section may request that the entitlement be approved through a streamlined, ministerial approval process. Projects that meet these eligibility criteria are exempt from environmental review under the California Environmental Quality Act. This process also exempts such projects from any discretionary review, such as for a special conditional use permit that would otherwise be required by this Zoning Ordinance and does not allow public hearings. Design review to determine compliance with objective standards is allowed.

G. **Special procedure for small farm employee housing.** The Director of Development Services shall confirm that the standards of Section 20.21.490 and other applicable requirements of this Title are met and act on an application to create small farm employee housing within 90 days from the date the City receives a completed application.

—~~F~~H. **Public notice and hearing.** No public notice or hearing is required for a zoning clearance.

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SECTION 6. CHAPTER 20.24 (GLOSSARY) IS HEREBY AMENDED AND SHALL READ AS FOLLOWS (ADDITIONS IN RED).

CHAPTER 20.24 GLOSSARY

Affordable Housing. A housing unit which is available for rent or sale to households with income levels at the very low-, low-, or moderate-income level as those terms are defined in this section.

Affordable Housing Development. A development project of ten or more residential units, including mixed-use developments, that includes affordable housing.

Affordable Housing Agreement. A legally binding agreement between an Applicant and the City of Chino to ensure that continued affordability of affordable housing units that may be required by this Title persists and the units are maintained in accordance with this Title.

Affordable Rent. means the total housing costs paid by a qualifying household, which shall not exceed a specified fraction of their gross income, adjusted for family size appropriate for the unit, as follows:

- For purposes of the City’s density bonus in the AHO and MUO zoning districts, the low income rent shall be based on 30 percent of 80 percent multiplied by the area median income for San Bernardino County as published by the California Department of Housing and Community Development.
- For applicants seeking a density bonus under Government Code Section 65915, the Section 50053(b) of the Health and Safety Code calculation methodology will be applied.

Affordable Sales Price. The maximum purchase price that can be charged for an affordable unit calculated in accordance with Section 50052.5 of the California Health and Safety Code. The affordable sales price is equal to the lesser of: 1) the sum of the assumed mortgage cost plus the benchmark down payment, which is used solely for calculation of the affordable sales price, or 2) the purchase price prospective buyers are willing to pay in return for purchasing a home that is subject to restrictive covenants. The benchmark down payment is set at five percent of the affordable sales price.

Bedroom. A habitable space within a dwelling unit in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

Development Costs. The aggregate of all costs incurred in connection with a development which are reasonable and necessary, including, but not limited to, those costs listed in California Health and Safety Code Section 50065.

Development Standard. A site or construction condition, including, but not limited to, height limits, required setbacks, maximum floor area ratio, on-site open-space requirement, or required parking that applies to a development pursuant to any ordinance, General Plan, Specific Plan, or other local condition, law, policy, resolution, or regulation.

Discretionary Approval. Any entitlement or approval, including but not limited to a use permit, variance, site approval, and subdivision map.

Equity Share Agreement. An agreement by which appreciation on the value of an affordable unit from the time of the original purchase at an affordable price to the time of resale shall be shared between the purchaser of the affordable unit and the City according to details specified in the Affordable Housing Agreement for the project. Having such an agreement shall be a condition of sale of the affordable unit.

Fair market value. The real estate market value of an affordable housing unit at the time of initial purchase of that unit without regard to any restrictions on sales price, as substantiated by an appraisal in a form and substance, and by an appraiser, acceptable to the City.

Farm Employee. A person employed in agriculture or activities associated with agricultural packing and storage and transportation of agricultural products. The employment may be full-time, full-time seasonal, temporary, or part-time.

Farm Employee Housing, Large. Farm employee housing consisting of more than 36 beds in group quarters used exclusively for farm employees, or more than 12 units or spaces designed for use by a single family or household with one or more farm employees.

Farm Employee Housing, Small. Farm employee housing consisting of no more than 36 beds in group quarters used exclusively for farm employees, or 12 units or spaces designed for use by a single family or household with one or more farm employees. Farm employee housing includes single-family dwelling units occupied by a farmworker employed full-time and working on-site where the dwelling unit is located and the farmworker's household.

Income (Household), Very Low. A household whose gross income does not exceed 50 percent of the area median income for San Bernardino County, adjusted for family size, as published and periodically updated by the U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

Income (Household), Low. A household whose gross income does not exceed 80 percent of the area median income for San Bernardino County, adjusted for family size, as published and periodically updated by the U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

Income (Household), Lower. A household whose gross income falls under the categories of very low-, or low-income as those terms are defined in this glossary.

Income (Household), Moderate. A household whose gross income does not exceed 120 percent of the area median income for the San Bernardino County, adjusted for family size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

Maximum Allowable Density. The maximum number of dwelling units per acre as allowed under the General Plan Land Use Designation. Where an Affordable Housing Development is permitted by an overlay in a Land Use Designation that does not provide a residential density allowance, the maximum allowable density shall be calculated in reference to the residential density allowance

designated in the Zoning Code for the overlay zone. In non-residential zones, the Maximum Allowed Density shall be the maximum number of dwelling units, without the inclusion of Density Bonus Units or associated incentives, concessions, waivers, and reductions, that can be developed on the site in substantial conformance with General Plan policies, and applicable Development Standards.

San Bernardino County Area Median Income. The median income published by the California Department of Housing and Community Development ("HCD") each year as required by California Code of Regulations, Title 25, Section 6932 and Health and Safety Code Section 50093.

Walk-in Clientele. A business providing direct services to patrons or clientele that may or may not require appointments. This classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials.