



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

PCN No.: _____
TDA No.: _____
Submittal Date: _____
Accepted By: _____

PUBLIC CONVENIENCE OR NECESSITY (PCN)

This application is required for alcoholic beverage sales determined to be located within a census tract deemed by the California Department of Alcoholic Beverage Control (ABC) to have undue concentration for the applicable license type.

APPLICANT INFORMATION:

Applicant (Main Contact Person): _____

Address: _____

Phone No.: _____ Email: _____

PROPERTY OWNER INFORMATION:

Property Owner: _____

City, State, Zip: _____

Phone No.: _____ Email: _____

PROJECT INFORMATION:

Project Name: _____

Project Address: _____

Assessor Parcel Number: _____ Tract: _____ Lot: _____ Block: _____

Zoning District: _____ General Plan Land Use: _____

DETAILED PROJECT DESCRIPTION:

I certify under penalty of perjury that I am the legal representative for the project and that the foregoing information is true and accurate to the best of my knowledge.

Print Name: _____ Signature: _____

SEE REVERSE FOR ADDITIONAL INFORMATION & SUBMITTAL REQUIREMENTS

SUBMITTAL CHECKLIST: (All Items must be included at the time of submittal)

PLEASE RETURN THIS CHECKLIST WITH APPLICATION PACKET UPON SUBMITTAL. ONLY USE CITY FORMS. IF MORE SPACE IS NEEDED, USE ATTACHEMENTS. COMPUTER GENERATED APPLICATIONS ARE NOT ACCEPTABLE.

- One (1) Copy** – Application, completed, signed and dated by property owner and/or authorized agent.
- Initial Deposit** – Refer to the Community Development Fee/Deposit Schedule “Conditional Use Permit” for the amount as the PCN process is identical pursuant to Chino Hills Municipal Code Section 16.12.060(E).
- One (1) signed and dated:** copy of the “Trust Deposit Account Procedures/ Agreement” Form.
- One (1) Copy:** of completed Land Use Application Questionnaire. All Owners must sign the “Property Owner’s Authorization Application Certificate”. The notarized power of attorney must contain the names of all owners.
- Fifteen (15) copies:** of plot plan and floor plans drawn at a scale to accurately delineate the proposed project. (Folded accordion style – 8 x 11 size.) (Refer to the plot plan checklist for specific requirements. A conceptual plan is not acceptable.
- One (1) digital copy:** of project plans in PDF format.
- One (1) reduced copy:** (8 x 11) of site plan, floor plan, etc.
- One (1) copy:** of required findings for a PCN found under Information and Procedures No. 3 in this application.
- One (1) copy:** of recorded Grant Deed, or Quit Claim Deed.
- One (1) copy:** of the appropriate Assessor’s map obtained from the Assessor’s Office with a redlined/black line drawn on the map showing the 300 foot radius from the project property lines. For automotive uses, please provide a redline/black line drawn on the map showing the 500 foot radius
- One (1) copy:** of the summary letter if a pre-application Conference was conducted.

SURROUNDING PROPERTY OWNERS CERTIFICATION & LABELS:

- One (1) copy:** of the signed “Certified Surrounding Property Owners’ Certification”. Property owner information must be obtained from Assessor’s parcel books in the County Assessor’s Office.
- Three (3) sets** and **one Xerox copy:** of mailing labels listing names and addresses of surrounding property owners which correspond with the 300 foot or 500 foot radius map. A 500 foot radius required for projects involving automobile maintenance, automobile service stations and car wash.

ADDITIONAL FEES:

- One (1) copy:** of the receipt of payment of Fire Review fees or letter stating such fees are not applicable. (Payment of these fees may be made at the Chino Valley Independent Fire District, located at 14011 City Center Dr., Chino Hills, CA 91709. Please contact the Fire District at (909) 902-5280 regarding Fire Review fees.

Application Information

This application is required for alcoholic beverage sales determined to be located within a census tract deemed by the California Department of Alcoholic Beverage Control (ABC) to have undue concentration for the applicable license type is subject to a determination by the City that the Public Convenience or Necessity (PCN) would be served by the issuance of an ABC permit as set forth in California Business and Professions Code Section 23958.4(a).

This is an Actual Cost application. The actual cost for a project is determined according to the time spent by personnel on that project and the associated personnel benefits, department overhead, and other costs incurred for that project.

Initial Deposits are determined by the fee schedule adopted by City Council. Refer to the Community Development Fee/Deposit Schedule for application fee amounts.

Once the application is assigned to a project manager, an estimated budget will be prepared based on the scope of the project, including the amount of time spent on the project. The deposit of additional funds shall be required if the Trust Deposit Account falls below 25% of the budget remaining for the project. Notification of additional deposit required will be mailed to the applicant, who shall deposit such additional monies prior to the date

Applications and fees are subject to change. Please visit our website for the most current version of this application.

specified in the notice. Projects will not be completed with money due. If the additional deposit is not made by the date specified in the notice, the project shall be suspended, without further action on the part of the City.

PUBLIC CONVENIENCE OR NECESSITY INFORMATION & PROCEDURES:

1. Before submitting your application, the City encourages you or your representative to discuss your proposal with the Planning Division staff at the Community Development public counter or via telephone phone by calling the Planning Division at (909) 364-2740. For projects that require information from multiple divisions and departments within the City, a pre-application conference or consultation may be appropriate. Once a pre-application is submitted, the Project Review Committee (PRC) will meet to discuss the project, identify potential issues, and determine if technical studies will be required with the formal application.
2. Once a formal application is submitted, the application will be scheduled for a PRC meeting, where staff from the different departments and divisions will comment on the proposal, discuss whether the application is complete or incomplete, and identify any corrections that are required on the plan(s). If the application is deemed incomplete and/or corrections are required, the applicant shall submit the additional information that is required to make the application complete and provide revised plans. Once the revised plans are submitted, the PRC will review the plans, determine the completeness of the application, and identify any outstanding issues on the plans.
3. Pursuant to Chino Hills Municipal Code Section 16.12.060 (E) Alcohol Beverage Establishments, where the ABC requires a PCN for sale of alcohol, the PCN shall be processed using the same noticing, processing and hearing requirements as set forth in Chapter 16.68, in addition to the required findings of Chapter 16.68, the hearing body shall find as follows regarding the proposed use subject to the Public Convenience or Necessity review:
 - i. The sale of alcohol, as part of the operation of the business, will not result in nuisance activities within the premises or in close proximity to the premises.
 - ii. The sale of alcohol, as part of the operation of the business, will not create a need to change any operational requirements or staffing of law enforcement personnel.
 - iii. The physical design and layout of the business floor plan and associated parking area will not create loitering, noise, traffic, or other conditions or situations detrimental or incompatible with other businesses in the adjacent area or permitted uses in the vicinity.
 - iv. The proposed management standards, training, and site supervision of the business will deter loitering, noise, traffic, or other conditions or situations detrimental or incompatible with other businesses in the adjacent area or permitted uses in the vicinity.
4. The Planning Commission will make a decision to either approve or deny the project at a public hearing. **A decision by the Planning Commission to approve, deny, or impose specific conditions on the approval of a public convenience or necessity application may be appealed by any interested party, including the applicant, to the City Council. The appeal must be filed with the City Clerk on the appropriate appeal form, along with the appropriate fee, within ten (10) working days of the Planning Commission action.**

SPECIFIC PLOT PLAN REQUIREMENTS FOR PUBLIC CONVENIENCE OR NECESSITY:

A plot plan is a drawing, to scale, on one sheet of paper (minimum 18" x 24") of the entire land parcel showing buildings, improvements, other physical features and all dimensions.

All items listed below must be on the plot plan. The application will not be taken in if any items are omitted. ATTACHMENTS ARE NOT ACCEPTABLE. THIS CHECKLIST MUST BE RETURNED WITH APPLICATION PACKET UPON SUBMITTAL.

- Identification:** Indicate names, addresses AND telephone numbers of the Record Owner, Applicant, AND the person preparing the map.
- Utilities:** Indicate names, addresses and telephone numbers of: a) water company, b) sewage disposal, c) electric, d) gas, e) telephone, f) cable television. If no utility company, then state method of supply.

- Legal Description:** COMPLETE legal description of the property involved including number of acres. **INCLUDE ASSESSOR PARCEL NUMBER.** If a portion of a large parcel is being developed, **include a detailed description of that portion.**
- Project:** Provide detail description of the project including the use of each existing or proposed structure and/or open storage areas.
- North Point:** Indicate north point, date of drawing and scale. Use an **ENGINEERS SCALE** (i.e., 1" to 10', 1" to 20', 1" to 30', etc.). The direction of the "north" arrow should be shown pointing towards the **TOP OF RIGHT HAND SIDE** of the Plot Plan.
- Dimensions:** Indicate property lines and show dimensions. Indicate boundary lines of project if only a portion of the property is being developed.
- Roads/Easements:** Indicate location, names, widths of boundary streets, and recorded road, utility, or drainage easements on property. Where none exist, indicate by a note that no easements exist. If property is not on a road or easement, then show access to property.

STRUCTURES (PROJECT AREA):

For all existing structures, including but not limited to, power poles, towers, fences, trash enclosures, signs, septic systems, curbs, driveways, and sidewalks:

- Locate by distance in relation to other structures and property lines, and indicate existing structures that are to remain or be removed.
- Indicate height, building footprint dimensions (including eave overhang projections), square footage of each story and number of stories, including basements.
- Indicate the proposed type of construction (if known) or as exists.
- Vicinity Map:** Vicinity Map showing location of project so field team can locate and inspect the site.

CITY OF CHINO HILLS

PLANNING COMMISSION POLICIES AND PROCEDURES

EX PARTE COMMUNICATIONS

Date Accepted: 11/05/2019

1. PURPOSE

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

2. BACKGROUND

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

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

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

3. POLICY FOR ADJUDICATORY AND QUASI-JUDICIAL PROCEEDINGS

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

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

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

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