

# City of Jurupa Valley

**IMPORTANT NOTICE:**  
**FOR ONLINE PUBLIC PARTICIPATION SEE PAGE 5**

## **MEETING AGENDA OF THE PLANNING COMMISSION**

**Wednesday December 9, 2020**

**Study Session: 6:00 P.M.**

**Regular Meeting: 7:00 P.M.**

**City of Jurupa Valley City Hall**

**City Council Chambers**

**8930 Limonite Ave., Jurupa Valley, CA 92509**

- A. As a courtesy to those in attendance, we ask that cell phones be turned off or set to their silent mode and that you keep talking to a minimum so that all persons can hear the comments of the public and Planning Commission. The Commission Rules of Order require permission of the Chair to speak with anyone at the staff table or to approach the dais.
- B. A member of the public who wishes to speak under Public Comments must fill out a "Speaker Card" and submit it to the City Staff BEFORE the Chairman calls for Public Comments on an agenda item. Each agenda item up will be open for public comments before taking action. Public comments on subjects that are not on the agenda can be made during the "Public Appearance/Comments" portion of the agenda.
- C. If you wish to address the Planning Commission on a specific agenda item or during public comment, please fill out a speaker card and hand it to the Clerk with your name and address before the item is called so that we can call you to come to the podium for your comments. While listing your name and address is not required, it helps us to provide follow-up information to you if needed. Exhibits must be handed to the staff for distribution to the Commission.
- D. As a courtesy to others and to assure that each person wishing to be heard has an opportunity to speak, please limit your comments to 5 minutes.

### **STUDY SESSION**

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#### **1. 6:00 P.M. – Call to Order and Roll Call**

- Arleen Pruitt, Chair
- Guillermo Silva, Chair Pro Tem
- Mariana Lopez
- Penny Newman

#### **2. Public Appearance / Comments**

#### **3. Commission Business – Study Session**

**3.1 STUDY SESSION TO CONSIDER ZONING CODE AMENDMENT NO. 20004 (ZCA20004) REVISING THE MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS AND PARKING REQUIREMENTS AS SET FORTH IN SECTIONS 9.240.545 AND 9.250.120 (RESPECTIVELY) OF THE JURUPA VALLEY MUNICIPAL CODE**

A study session review of a proposed project is not subject to the California Environmental Quality Act.

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**RECOMMENDATION**

That the Planning Commission review and discuss possible changes to the City's Multi-family Residential Development Standards and parking requirements as requested by the City Council.

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**REGULAR SESSION**

**1. 7:00 P.M. – Call to Order and Roll Call**

- Arleen Pruitt, Chair
- Guillermo Silva, Chair Pro Tem
- Mariana Lopez
- Penny Newman

**2. Pledge of Allegiance**

**3A. Public Appearance/Comments (30 minutes)**

**3B. Continued Study Session (if necessary)**

**3.1 STUDY SESSION TO CONSIDER ZONING CODE AMENDMENT NO. 20004 (ZCA20004) REVISING THE MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS AND PARKING REQUIREMENTS AS SET FORTH IN SECTIONS 9.240.545 AND 9.250.120 (RESPECTIVELY) OF THE JURUPA VALLEY MUNICIPAL CODE**

A study session review of a proposed project is not subject to the California Environmental Quality Act.

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**RECOMMENDATION**

That the Planning Commission review and discuss possible changes to the City's Multi-family Residential Development Standards and parking requirements as requested by the City Council.

**4. Approval of Agenda**

**5. Approval of Minutes**

**5.1 November 23, 2020 Adjourned Meeting**

**6. Public Hearings**

**6.1 MASTER APPLICATION (MA) NO. 20154 - CONDITIONAL USE PERMIT (CUP) NO. 20006 TO CONSTRUCT A 15,000 SQUARE FOOT CONCRETE TILT-UP INDUSTRIAL BUILDING, FOR THE ESTABLISHMENT OF A TRUCKING OPERATION.**

**LOCATION: ON EAST SIDE OF RUBIDOUX BOULEVARD & NORTH OF 28TH STREET (APN: 178-222-010)**

**APPLICANT: HAVANA INVESTMENT GROUP**

The Project is exempt pursuant to Section 15270(a) of the CEQA Guidelines, as CEQA does not apply to projects which a public agency rejects or disapproves.

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## **RECOMMENDATION**

By motion, adopt Planning Commission Resolution No. 2020-12-09-01, denying Conditional Use Permit No. 20006 to construct a 15,000 square-foot building for a new trucking operation use on approximately 3.68 acres located on the east side of Rubidoux Boulevard, north of 28th Street.

### **6.2 CONTINUED HEARING FOR MASTER APPLICATION (MA) NO. 20114 (CUP20005 & PCN20001): PROPOSED BEER AND WINE SALES FOR OFF-SITE CONSUMPTION AT A GASOLINE SERVICE STATION AND CONVENIENCE STORE.**

**LOCATION: NORTHWEST CORNER OF CANTU-GALLEANO RANCH ROAD AND PIER ENTERPRISES WAY (APN: 160-040-044)**

**APPLICANT: SAM CHEBEIR & PIER ENTERPRISES**

The Project is exempt pursuant to Section 15270(a) of the CEQA Guidelines, as CEQA does not apply to projects which a public agency rejects or disapproves.

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## **RECOMMENDATION**

Continue the public hearing to January 13, 2021 in order to allow the Applicant to gather additional information and prepare for the public hearing.

### **6.3 CODE AMENDMENT NO. 20001 (CA20001): TO THE CITY OF JURUPA VALLEY MUNICIPAL CODE (JVMC) TO REPLACE THE TERM “SECOND UNIT” WITH “ACCESSORY DWELLING UNIT” TO BE CONSISTENT WITH JVMC SECTION 9.240.290 AND STATE LAW**

Adoption of the amendment to replace the term “second unit” with “accessory dwelling unit” throughout the Municipal Code is exempt from CEQA under Public Resources Code Section 21080.17, as these changes implement Government Code Section 65852.2 and would not have a potential for causing a significant effect on the environment.

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## **RECOMMENDATION**

By motion, adopt Planning Commission Resolution No. 2020-12-09-03 recommending that the City Council of the City of Jurupa Valley adopt an amendment to the Jurupa Valley Municipal Code to replace the term “second unit” with “accessory dwelling unit” for consistency with JVMC Section 9.240.290 Accessory dwelling units and State law.

## **7. Commission Business - NONE**

## **8. Public Appearance/Comments**

## **9. Planning Commissioner’s Reports and Comments**

## **10. Planning Department Report**

## **11. Adjournment to the January 13, 2021 Regular Meeting**

*In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a meeting of the Jurupa Valley Planning Commission, please call 951-332-6464. Notification at least 48 hours prior to the meeting or time when services are needed will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.*

*Agendas of public meetings and any other writings distributed to all, or a majority of, the Jurupa Valley Planning Commission in connection with a matter subject to discussion or consideration at an open meeting of the Planning Commission are public records. If such writing is distributed less than 72 hours prior to a public meeting, the writing will be made available for public inspection at the City of Jurupa Valley, 8930 Limonite Ave., Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, the Jurupa Valley Planning Commission. The Planning Commission may also post the writing on its Internet website at [www.jurupavalley.org](http://www.jurupavalley.org).*



## RETURN TO AGENDA



### **IMPORTANT NOTICE:**

In response to the COVID-19 pandemic, the City of Jurupa Valley is urging those wishing to attend a Planning Commission meeting, to avoid attending the meeting and watch the live webcast, which can be accessed at this link: <https://www.jurupavalley.org/422/Meeting-Videos>. The Planning Commission Agenda can be accessed at this link: <https://www.jurupavalley.org/agendacenter>.

For those wishing to make public comments at Wednesday night's Planning Commission meeting, you are being asked to submit your comments by email to be read aloud at the meeting by the Planning Commission's Recording Secretary.

Public comments may be submitted to the Planning Commission's Recording Secretary at [greed@jurupavalley.org](mailto:greed@jurupavalley.org). Email comments on matters that are not on the Agenda and email comments for matters on the Consent Calendar must be submitted prior to the time the Chair calls the item for Public Comments. Members of the public are encouraged to submit comments prior to 6:00 p.m. Wednesday.

Email comments on other agenda items must be submitted prior to the time the Chair closes public comments on the agenda item or closes the public hearing on the agenda item. All email comments shall be subject to the same rules as would otherwise govern speaker's comments at the Planning Commission Meeting.

The Planning Commission's Recording Secretary shall read all email comments, provided that the reading shall not exceed three (3) minutes, or such other time as the Planning Commission may provide, because this is the time limit for speakers at a Planning Commission Meeting. The email comments submitted shall become part of the record of the Planning Commission Meeting.

Comments on Agenda items during the Planning Commission Meeting can only be submitted to the Planning Commission's Recording Secretary by email. The City cannot accept comments on Agenda items during the Planning Commission Meeting on Facebook, social media or by text.

This is a proactive precaution taken by the City of Jurupa Valley out of an abundance of caution. Any questions should be directed to the Planning Commission's Recording Secretary, Grizelda Reed, at (951) 332-6464.



### **AVISO IMPORTANTE:**

En respuesta a la pandemia de COVID-19, la ciudad de Jurupa Valley le urge a aquellos que desean atender una junta de la Comisión de Planificación, que eviten atender la junta y el lugar ver la junta en el webcast en vivo que puede ser accedido en este vínculo: <https://www.jurupavalley.org/422/Meeting-Videos>. La agenda de la Comisión de Planificación puede ser accedido en este vínculo: <https://www.jurupavalley.org/agendacenter>.

Para ellos que quieran hacer comentarios públicos en la junta del miércoles, se les pide que sometan sus comentarios por correo electrónico para que sean leídos en voz alta en la junta por la Secretaria de Grabación de la Comisión de Planificación.

Comentarios públicos pueden ser sometidos a la Secretaria de Grabación de la Comisión de Planificación a [greed@jurupavalley.org](mailto:greed@jurupavalley.org). Correos electrónicos sobre asuntos que no están en la agenda y correos electrónicos sobre asuntos que aparecen en el calendario de consentimiento deben ser sometidos antes del tiempo en cuando el presidente de la Comisión de Planificación llame el artículo para comentarios públicos. Miembros del público deberían someter comentarios antes de las 6:00 p.m. el miércoles.

Correos electrónicos sobre otros artículos de la agenda tienen que ser sometidos antes del tiempo en que se cierran los comentarios públicos en ese artículo de la agenda o cuando se cierre la audiencia pública sobre ese artículo de la agenda. Todos los comentarios por correo electrónico serán tratados por las mismas reglas que han sido establecidas para juntas de Comisión de Planificación.

La Secretaria de Grabación de la Comisión de Planificación leerá todos los comentarios recibidos por correo electrónico siempre y cuando la lectura del comentario no exceda tres (3) minutos o cualquier otro periodo de tiempo que la Comisión de Planificación indique. Este periodo de tiempo es el mismo que se permite en juntas de la Comisión de Planificación. Los comentarios leídos en la junta serán grabados como parte de la junta de Comisión de Planificación.

Durante la junta de la Comisión de Planificación, comentarios sobre artículos de la agenda solo pueden ser sometidos a la Secretaria de Grabación de la Comisión de Planificación por correo electrónico. La ciudad no puede aceptar comentarios sobre artículos de la agenda durante la junta de Comisión de Planificación por Facebook, redes sociales, o por mensajes de texto.

Esto es una precaución proactiva que se tomó acabo por la ciudad de Jurupa Valley por precaución. Preguntas pueden ser dirigidas a la Secretaria de Grabación de la Comisión de Planificación, Grizelda Reed, al (951) 332-6464.

# City of Jurupa Valley

## **DRAFT MINUTES PLANNING COMMISSION November 23, 2020**

### **1. Call to Order and Roll Call**

The Regular Session of the Jurupa Valley Planning Commission meeting was called to order at 7:00 p.m. on November 23, 2020 at the City Council Chambers, 8930 Limonite Ave., Jurupa Valley.

Members present:

- Arleen Pruitt, Chair
- Chair Pro Tem Guillermo Silva, Chair Pro Tem
- Mariana Lopez, Commission Member – via conference call
- Penny Newman, Commission Member

Members absent: All Present

### **2. Pledge of Allegiance – Chair Pro Tem Silva led the Pledge of Allegiance**

### **3. Public Appearance/Comments - None**

### **4. Approval of Agenda**

Chair Pruitt moved, Chair Pro Tem Silva seconded a motion to approve the November 23, 2020 agenda. The motion was approved 4-0.

Ayes: Lopez, Newman, Pruitt, Silva

Noes: None

Abstained: None

Absent: None

### **5. Approval of Minutes**

Chair Pruitt moved, and Commissioner Moore seconded, a motion to approve the October 7, 2020 Planning Commission Minutes. The motion was approved 4-0.

Ayes: Lopez, Pruitt, Silva, Newman

Noes: None

Abstained: None

Absent: None

Chair Pruitt moved and Chair Pro Tem Silva seconded, a motion to approve the November 10, 2020 Planning Commission Minutes. The motion was approved 4-0.

# City of Jurupa Valley

Ayes: Lopez, Newman, Pruitt, Silva

Noes: None

Abstained: None

Absent: None

## **6. Public Hearing**

### **6.1 MASTER APPLICATION (MA) NO. 20114 (CUP20005 & PCN20001): PROPOSED BEER AND WINE SALES FOR OFF-SITE CONSUMPTION AT A GASOLINE SERVICE STATION AND CONVENIENCE STORE**

#### **PUBLIC HEARING OPENED**

Chair Pruitt moved and Chair Pro Tem Silva seconded, a motion to continue Public Hearing to the December 9<sup>th</sup> Planning Commission Meeting. The motion was approved 4-0.

Ayes: Pruitt, Lopez, Newman, Silva

Noes: None

Abstained: None

Absent: None

## **7. Commission Business - NONE**

## **8. Public Appearance / Comments – NONE**

## **9. Planning Commissioner's Reports and Comments**

Commissioners Pruitt, Silva, Newman and Lopez welcomed Mr. Joe Perez, Community Development Director, and noted they look forward to working with Mr. Perez for future Planning projects.

## **10. Planning Department Report**

Mr. Joe Perez, Community Development Director, presented a summary of Council actions relating to Planning Commission actions and provided information of Council's request to direct Planning staff to provide an analysis for revising the zoning code regulating alcohol sales. Mr. Perez provided an update on the Planning Commission meeting dates for the remainder of the year.

Respectfully submitted,

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Joe Perez, Community Development Director  
Secretary of the Planning Commission

# City of Jurupa Valley

## **RETURN TO AGENDA**

## **STAFF REPORT**

**DATE:** DECEMBER 9, 2020  
**TO:** CHAIR PRUITT AND MEMBERS OF THE PLANNING COMMISSION  
**FROM:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR  
**BY:** TAMARA CAMPBELL, PRINCIPAL PLANNER  
**SUBJECT:** AGENDA ITEM NO. 3.1  
STUDY SESSION TO CONSIDER ZONING CODE AMENDMENT NO. 20004 (ZCA20004) REVISING THE MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS AND PARKING REQUIREMENTS AS SET FORTH IN SECTIONS 9.240.545 AND 9.250.120 (RESPECTIVELY) OF THE JURUPA VALLEY MUNICIPAL CODE

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## **RECOMMENDATION**

That the Planning Commission consider proposed changes to the City's Multi-family Residential Development Standards and parking requirements as requested by the City Council.

## **BACKGROUND**

On February 20, 2020, the City Council adopted Multiple-Family Residential Development Standards (MFR Development Standards) consistent with the provisions of State Law. During its deliberation of this item, the City Council expressed interest in further evaluating the parking requirements for Multiple-Family development proposals and directed that information be obtained from an interested housing developer to determine if further refinement or modification of the MFR Development Standards would be appropriate.

On March 5, 2020, the City Council received a staff report describing the City's current parking provisions and voted to initiate a study for the evaluation of parking requirements and revisions to the MFR parking standards and referred the matter to the Planning Commission for additional study, hearings and recommendations. The City Council specifically requested that we study "spill-over" parking resulting from multi-family developments into adjoining neighborhoods while maintaining compliance with the legal requirements of State Law.

The Planning Commission is requested to conduct a study session and provide feedback on proposed changes. After this internal review, a public hearing on the changes will then be scheduled for a Planning Commission meeting in January 2021.

## ANALYSIS

### Section 9.240.545 – Development Standards – Multiple Family dwellings

Since March 2020, we have been in discussions with Palm Communities, a developer of affordable housing communities, and evaluated the City's current regulations as they would be applied to a potential project site owned by the Riverside County Housing Authority and adjacent to a site developed by Palm Communities ("Vista Rio Apartment Homes"). The "Vista Rio Apartment Community" is located at 3901 Briggs Street in the Rubidoux Village area and consists of 38 units that are reserved for lower-income tenants on approximately 3 acres. It should be noted that the Vista Rio Apartment Community received an American Planning Association Award.

Over the course of several months, it became apparent that some of the new multi-family residential development standards should be clarified, deleted and/or modified. A copy of Section 9.240.545 pertaining to the standards is attached to this report. Where text has "strike-through" font, the standard is proposed for removal. Proposed new text is highlighted in yellow.

The following provides a summary of proposed changes:

1. Section 9.240.545 (A) Definitions. One of the development standards requires a 50-foot setback from "commercial, industrial and institutional uses/activities." However, the code's definition of "institutional" only included educational institutions. Since the site is adjacent to a day care facility and next to an elementary school, it was determined that a more detailed definition of institutional uses/activities should be adopted.

We propose adding the following definition:

"An organization, establishment, foundation, society (or the like) devoted to the promotion of a particular cause or programs, especially one of public, educational or charitable character. Examples include: hospitals, clinics, day care facilities, senior centers, convalescent facilities, elementary, middle and high schools, colleges and universities, public buildings, prisons, post offices, and parks and facilities."

2. Section 9.240.545 (8). Buffers from adjacent commercial, industrial, or institutional uses. This subsection includes a standard requiring that a proposed multi-family development be setback a minimum of fifty (50) feet from any property line abutting property zoned for, or used for, commercial, industrial and institutional activities or structures.

It was determined that the application of this standard would substantially reduce the developable area for a multi-family development at the vacant site on Briggs since it is located adjacent to these types of uses and zoning on all sides. To provide flexibility and to ensure the intent of State Law, to promote additional housing, is satisfied, it is recommended that the standard be amended to read as follows:

- (a) Residential structures shall be setback a minimum of fifty (50) feet from any property line abutting property zoned for, or used for, commercial and/or industrial activities or structures. The 50-foot setback shall only apply to the living areas within the buildings and not the detached accessory structures, recreation buildings and structures, parking lots or any portion of the multi-family building not used for living area. Residential structures shall be setback a minimum of twenty (20) feet from any



property line abutting property zoned for, or used for, institutional activities or structures.

3. Section 9.240.545 (B), (6) Landscape Area. One of the provisions of this subsection requires that any new development provide a twenty (20) foot-wide landscape area adjacent to the right-of-way line of all abutting streets, excepting driveways, walkways, or utilities. In an effort to provide flexibility for affordable housing development, we recommend a revision to allow a reduced landscape area to fifteen (15) feet wide when the project meets the requirements for a "stream-lined permitting process," which refers to projects providing below market rate housing and provided for in Government Code Section 65913.4.
4. Section 9.240.545 (B) (10) Project Design (setbacks, height, roof materials, equipment screening, etc.). Subsection (c) requires that all pad mounted mechanical equipment be sound attenuated with baffles or other elements that prevent audible sounds more than ten (10) feet from the equipment and shall be screened from view by a combination of walls, fences and landscaping.

This standard was included in an effort to address potential noise impacts emanating from outdoor air conditioning units. However, after further research, it was discovered that heating and air conditioning equipment are exempt from the City's Noise Ordinance (Section 11.05.020, subsection 12). It is recommended that this provision be removed to eliminate conflicting sections within the zoning code.

5. Section 9.240.545 (11) Project design. Subsection (a) specifies that buildings within fifty (50) feet of any street right-of-way line shall not exceed one (1) story in height, provided however, a one and two-story building shall be located such that the two-story portion of the building is more than fifty (50) feet from any other street right-of-way line.

The intent of this regulation is to reduce architectural massing and bulk of large building facades by creating varying setback requirements when different building heights are proposed. To better articulate the end result, it is recommended that the standard be revised to read as follows:

(a) Front setbacks are required based on the zone in which the development is located. If the project is proposed in compliance with Government Code Section 65913.4, one story buildings are allowed at the setback line and an additional story is allowed if the building is set back twenty feet from the setback line.

### **Section 9.240.120 Off-Street Parking Requirements**

During the March 5, 2020 study session, the City Council expressed concerns about the adequacy of the City's parking requirements for multi-family development. The concern stemmed from issues pertaining to the "spill-over" of parking into surrounding neighborhoods. In particular, the Council requested an evaluation of residential parking in the Rubidoux Village Policy area and that additional research be conducted on the fractional use of parking spaces (e.g. 1.25 spaces per unit).

The following table provides the current requirements for multi-family parking standards on a citywide basis:

**TABLE A – JURUPA VALLEY  
OFF-SITE PARKING REQUIREMENTS (Section 9.240.120)**

<b>Uses</b>	<b>Per Square Foot or Unit</b>	<b>Per Employee or Student</b>
Parking must be located on-site conveniently distributed throughout the project. For multiple family residences, condominiums, planned residential developments and senior citizen planned residential developments, at least one of the required parking spaces per unit shall be located in a garage or carport which is architecturally harmonious with the main structure. All parking spaces shall be located within 200 feet of the building they serve unless otherwise specified.		
<b>Multiple family</b>		
Single bedroom or studio dwelling unit	1.25 spaces / unit	
Two bedrooms / dwelling unit	2.25 spaces / unit	
Three or more bedrooms / dwelling unit	2.75 spaces / unit	1 space / employee
<b>Planned residential development</b>		
Single-bedroom dwelling unit	1.5 spaces / unit	
Two or more-bedroom dwelling unit	2.5 spaces / unit	
Senior citizen (Parking spaces shall be located no more than 150 feet from the unit they serve)	Refer to single-family and multiple family residential requirements.	

Even though a City may have its own parking requirements, certain State laws will preempt the City's regulations whenever certain affordable housing projects are proposed. State law prohibits a City from requiring parking for certain qualifying affordable housing proposals that is more than one parking space per unit.

In an effort to analyze the adequacy of the Jurupa Valley parking requirements, seven (7) southern California municipalities were surveyed to compare parking requirements for multi-family dwellings and to evaluate code enforcement/parking problems pertaining to "spill-over parking"



near MFR apartment projects. In particular, we focused on cities that had communities built by Palm Communities, who constructed the aforementioned Vista Rio apartments near the Rubidoux Village area. The following table provides a summary of findings:

**TABLE B - SURVEY RESULTS OF 7 CITIES**

	<b>Jurupa Valley</b>	<b>Moreno Valley</b>	<b>Riverside</b>	<b>Menifee</b>	<b>Long Beach</b>	<b>Hemet</b>	<b>Fontana</b>
MFR Parking Standard (1-4 bdrms)	1.25 - 2.75 spaces per unit (plus 1 per employee)	1.5 – 2.5 spaces per unit	1.5 – 2.0 spaces per unit	1 – 2.5 spaces per unit plus 1 space for each employee	1.5 – 2.0 spaces per unit plus 1 space for each 4 units (visitors)	1.5 – 2 spaces per unit plus 1 space for each 5 units (visitor)	1.5– 2.5 spaces per unit
Senior Apts.	Same as above, but must be within 150 ft. from unit.	1.25 - 1.5 spaces per unit	1 space per unit	1.25 per unit	Same as above.	1 space per unit plus 1 space for each 10 units for visitors	1–1.25 spaces plus 0.25 spaces per unit for visitors
Complaints regarding “spill over” parking	None	Received complaints but did not specify concern. Code enforcement reported 9 complaints over the last year.	None	None	None	None	None

Based on the above sampling, it appears that the City’s parking requirements for studio units are less restrictive (meaning less parking spaces are required) than in other cities by 0.25 spaces. For example, if a project has 20 studio units, 25 parking spaces would be required in Jurupa Valley as opposed to 30 parking spaces required by the City Riverside.

The City may be found out of compliance with State law if any action is taken that makes it more difficult to construct new affordable housing. As a result, we are not recommending any parking changes for affordable housing projects at this time. However, we are conducting additional analysis to determine if parking standards can be modified for market-rate housing.

#### Fractions

One of the City Council members asked that we consider removing fractions when calculating parking requirements. It is important to note that using fractional parking space calculations will not result in fractional parking spaces. For example, if the calculation results in a fraction, then the fraction becomes a whole number. If the number of spaces required adds up to 25.50 parking spaces, the City would require 26 spaces. If the number adds up to 25.25, the City would still require 26 parking spaces.

While the City Council may wish to eliminate the use of fractions, any action to increase the number of parking spaces by rounding up could be seen as an impediment to new housing construction by the California Department of Housing and Community Development. On the other

hand, if the City were to round down, it may not be requiring enough parking. Our recommendation is that the existing fractional parking space calculation methodology be maintained.

#### Spill-Over Parking

Jurupa Valley Code Enforcement and Riverside County Sheriff's Department have confirmed that there have been no complaints from residential neighborhoods surrounding the Vista Rio apartment community. Out of the seven (7) cities surveyed, only one, Moreno Valley, noted complaints received from (and around) its Palm Communities project. The Moreno Valley Code Enforcement Division reported that they had issued nine (9) citations but could not specify if any complaints were related to spill-over parking. Unless the Planning Commission desires additional study, the parking standards for multi-family residential projects are adequate based on our research. While "spill-over" parking may be of concern, the City has yet to receive formal complaints to its code enforcement division.

Prepared by:



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Tamara Campbell  
Principal Planner

Submitted by:



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Joe Perez  
Community Development Director

Reviewed by:

//s//Serita Young

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Serita Young  
Deputy City Attorney

# City of Jurupa Valley

## RETURN TO AGENDA

## STAFF REPORT

**DATE:** DECEMBER 9, 2020

**TO:** CHAIR PRUITT AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR

**BY:** CHRIS MALLEC, ASSOCIATE PLANNER

**SUBJECT:** AGENDA ITEM NO. 6.1

**MASTER APPLICATION (MA) NO. 20154 - CONDITIONAL USE PERMIT (CUP) NO. 20006 TO CONSTRUCT A 15,000 SQUARE FOOT CONCRETE TILT-UP INDUSTRIAL BUILDING, FOR THE ESTABLISHMENT OF A TRUCKING OPERATION**

**LOCATION: ON EAST SIDE OF RUBIDOUX BOULEVARD & NORTH OF 28<sup>TH</sup> STREET (APN: 178-222-010)**

**APPLICANT: HAVANA INVESTMENT GROUP**

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## **RECOMMENDATION**

By motion, adopt Planning Commission Resolution No. 2020-12-09-01, denying Conditional Use Permit No. 20006 to construct a 15,000 square-foot building for a new trucking operation use on approximately 3.68 acres located on the east side of Rubidoux Boulevard, north of 28<sup>th</sup> Street.

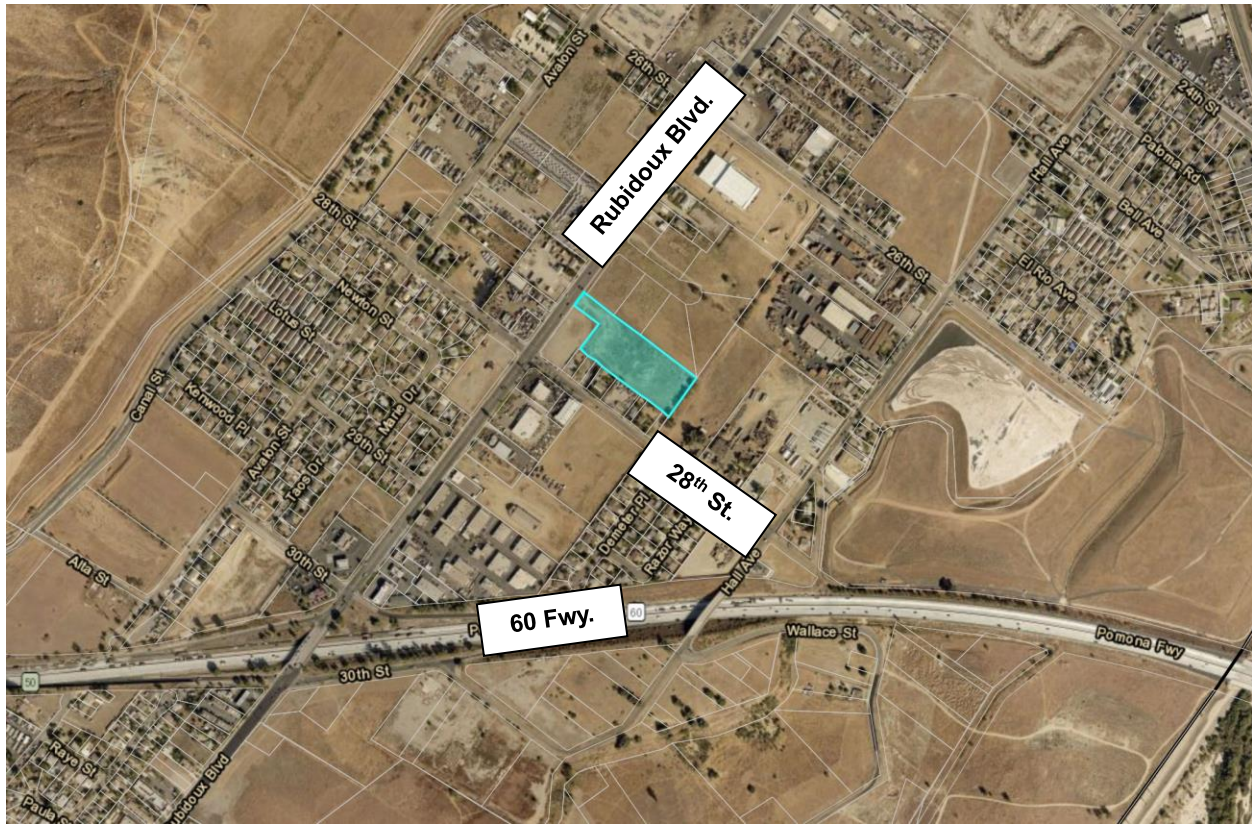
## **PROJECT DESCRIPTION**

The proposed project is for the (1) establishment of a trucking operation by the tenant, JNB Transport, LLC; and (2) construction of a 15,000 square-foot building with minor improvements on a 3.68-acre parcel located along Rubidoux Boulevard, north of 28<sup>th</sup> street. With the principal use of a trucking operation, used by the tenant JNB Transport, LLC, they would also conduct minor repair on the company's fleet of trucks. This is considered an ancillary use.

This project site is located on the east side of Rubidoux Boulevard. See Exhibit A for a map. The vacant properties to the north of the site were recently entitled for an industrial business park. The properties to the south of the site are a mixture of legal nonconforming residential uses and industrial uses. The properties on the west side of Rubidoux Boulevard are industrial uses.

TABLE 1: GENERAL PROJECT INFORMATION	
ACCESSOR'S PARCEL NUMBER(S)	178-222-010
TOTAL ACREAGE OF PROJECT SITE	3.68 gross acres
EXISTING GENERAL PLAN LAND USE DESIGNATION(S)	Light Industrial (LI)
EXISTING ZONING CLASSIFICATION(S)	Manufacturing-Service Commercial (M-SC)

## EXHIBIT A – SITE LOCATION



### **BACKGROUND**

On April 8, 2020, the Planning Commission adopted Resolution No. 2020-04-08-02, approving the applicant's Conditional Use Permit for proposed trucking use under MA18239.

A City Council member appealed the Planning Commission's action which suspended the Planning Commission's decision until the appeal was decided by the City Council. On May 21, 2020, the City Council, after conducting a public hearing, adopted Resolution No. 2020-27 (Attachment 2) that reversed the Planning Commission's approval and denied MA18239 (CUP No. 18011) for proposed trucking use.

**Reasons for Denial.** The City Council made the following findings for the denial of the CUP:

1. The site's development with six (6) foot split-face concrete masonry unit (CMU) walls and landscaping is inadequate to screen the proposed project's operations from adjacent residential/quasi-residential land uses.
2. The indoor maintenance of the trucks would not mitigate the noise and fumes (pollution) associated with the tractor trucks movement throughout the site.
3. While a trucking operation may be appropriate in other locations in the Manufacturing-Service Commercial (M-SC) zoning designation, the nature of the use on this site and its proximity to nearby and adjacent residential land uses is not appropriate.
4. The amount of twenty-five (25) weekly truck trips, averaging five (5) daily truck trips, would substantially generate more truck traffic to and from the Site, with adverse impacts on Rubidoux Boulevard.



5. The proposed center lane configuration to Rubidoux Boulevard would not be sufficient to prevent truck traffic to and from the site, from impeding traffic on Rubidoux Boulevard, as a truck could drive over it. Additionally, no other street improvements could mitigate this concern, given the configuration of Rubidoux Boulevard and anticipated traffic count increases.

The findings made by the Council for the denied CUP were taken into account in staff's analysis of this new application, under MA20154, for the same use. Further details are described in the remainder of the report.

## **ANALYSIS**

### **I. REVISED PROJECT DESCRIPTION (NARRATIVE) BY THE APPLICANT**

The Applicant has provided a revised project description (Attachment 3) and other supporting information with this new CUP application. The intent is to address the City Council concerns and adopted findings for denial with additional information of the proposed project and minor changes to the project. The following is a summary:

- A. The applicant does not agree that their use is a "trucking operation" because the tenant will only store tractors and a few trailers on-site. Only tractors will be dispatched from the site. The tractors will not return to the site with trailers. The few trailers that will be stored on-site will be used once a year during holiday season. Refer to pages 4 and 5 of Attachment 3 for pictures of the tractors and trailers. The applicant provides details of the daily, weekly, and yearly operations.
- B. The applicant clarified the minor, ancillary repair and services to the company's fleet. Examples of these minor services and repairs are oil changes, brake service, wheel alignment, and replacement of burnt-out lights.
- C. To address Council's concerns for inadequate buffer and potential adverse impacts of the project to adjacent properties including residential uses, the applicant increased the buffer along the perimeter of site. The height of wall has increased from 6 to 8 feet, and amount of landscaping has been increased to include mature (taller) trees at the time of planting. With the perimeter wall, exterior security lighting, and gates, the applicant believes the project would not pose any hazard or potential to subject other properties in the vicinity to potential blight or crime.
- D. To address Council's request to consider future installation of charging stations of electric vehicles, this project was modified to add 2 electric truck charging stations. This would also accommodate the potential user's intent to convert future fleet from diesel tractors to electric tractors within 5 years.
- E. Provided reasons that this project will not adversely impact traffic on local streets including information including number of truck trips. See page 3 of Attachment 3.
- F. City Council expressed concerns for departing trucks from project site that would make left-turns on Rubidoux Blvd. and block traffic. To address this concern, the applicant is willing to complete the off-site improvements that were previously recommended by Engineering Department for the denied CUP. The previously recommended condition is below:

*"Constructing and/or installing the following geometrics 12-foot wide painted median, two northbound lanes, two south bound lanes, striped median on Rubidoux Boulevard following improvements required for development north of*

*site (Stronghold Engineering) and continuing to the intersection at 28th Street, curb and gutter, 6-foot sidewalk and landscape within a 21-foot parkway.”*

- G. Applicant expressed support for a new condition of approval to limit truck traffic to a cumulative total number during a specific time period.

After our analysis of the revised project description, it does not change the determination that this use is a trucking operation. Additionally, the proposed modifications are slight, and do not adequately address Council's concerns or adopted findings.

II. **SITE DESIGN & USE.** There are generally slight modifications to the proposed project as described in the previous section.

- a) **Operations.** No change to the project operations to the previous application. The project site will serve as an administration office and outdoor storage of tractor trucks and trailers for JNB Transport, LLC. On-site activities include the following:

- Office use for dispatching tractors (no trailers)
- Outdoor storage of twenty-seven (27), approximately 10 foot long tractors (cab only), and fourteen (14) 53-foot box trailers. The tractor trucks would be dispatched in the morning and return for storage to the site on a weekly basis. The trailers would be stored on-site 8 months out of the year. It will only be used during holiday season.
- Ancillary, minor vehicle maintenance and repair to their own fleet to occur inside the proposed building.

Hours of operation are proposed from 7:00 a.m. to 5:00 p.m., Monday through Friday. Up to 24 employees are anticipated to provide minor vehicle repairs on their own fleet and site maintenance, and manage the outdoor inventory of trucks and trailers. Typical operations would warrant up to fifty (50) tractor-truck trips per week, with a potential daily peak of ten (10) tractor-trucks trips. Additionally, only minor repair equipment associated with the use, such as rollaway toolboxes and wheel alignment machines, are proposed within the building. Any trucks requiring major repairs involving dismantling and body work will be taken off-site.

- b) **Overall Site Development.** Generally, the main changes to this project is the increase of screening and landscaping to enhance the buffer to the residential. No change to the proposed building.

A 15,000 square-foot building is proposed on a total of approximately 3.68 acres of vacant land. The property is shaped as a flag lot, which utilizes a narrow strip of frontage to provide vehicular access from Rubidoux Boulevard to the proposed building. Because of the narrow front portion of the property, the building is proposed 175 feet away from Rubidoux Boulevard. There is at least 35 feet of landscaping within the entry point along Rubidoux Boulevard, and a 10-foot landscape planter along all property lines in the property's interior.

An 8-foot high split-face perimeter wall with pilasters is proposed along all property lines with the exception of the front property line. In combination of the 10-foot-wide perimeter landscaping with mature trees, the wall is intended to screen the outdoor storage of trucks and tractors. Other site improvements include an employee parking area with 23 parking spaces, trash enclosure, landscaping, irrigation, and walls and fences.

- c) **Floor Plan & Elevations.** No change to the floor plan or elevation from the previous application. The proposed building is designed as a concrete tilt-up building with two stories. The primary use of the first floor is for the minor maintenance and repair of the trailers and trucks. There are a total of five (5) service bays located on the northern side of the building. No major maintenance and repair work are proposed on-site. The remaining portion and entire second floor is dedicated for office space.

III. **GENERAL PLAN.** The project is consistent with the City's General Plan. The most specific elements from it are analyzed within this section.

**Light Industrial Land Use Designation.** The General Plan land use designation for the site is Light Industrial (LI), and it is consistent with the underlying zoning classification of Manufacturing-Service Commercial (M-SC). The LI land use allows for industrial uses and demonstrates consistency with following policies:

- **LUE 3.13 Commercial Trucks.** Manage commercial truck traffic, access, loading, and parking to minimize potential impacts on adjacent residential and commercial properties.

***Project:** Access is taken from the property's only frontage from Rubidoux Boulevard. Operations would occur primarily along the eastern portion of the site in the form of outdoor truck parking area that is proposed to be screened by both trees and decorative walls.*

- **LUE 3.15 Locations.** Concentrate industrial and business park uses near major transportation facilities and utilities and along public transit corridors. Avoid siting such uses close to residentially zoned neighborhoods or where truck traffic will be routed through residential neighborhoods.

***Project:** The proposed project would allow development with land uses that are compatible with the existing Light Industrial land use designation. The City's Engineering Department reviewed the project's design layout and determined no hazardous transportation design features would be introduced into the area.*

**Environmental Justice Element.** The City's General Plan includes an Environmental Justice (EJ) Element which seeks to minimize and equalize the effect of environmental hazards among all people regardless of race, ethnicity or income level. The project is consistent with applicable policies including those stated below:

- **EJ-2.10:** Ensure that low-income and minority populations have equal access and influence in the land use decision-making process through such methods as bilingual notices, posting bilingual notices at development sites, conducting informational meetings with interpreters, etc.

*Public hearing notices in both English and Spanish were mailed to all property owners within a 1,000-foot radius (see Attachment #5) of the project site. Notices included contact information for a Spanish translator. There will also be a Spanish translator at the public hearing.*

*As of the date of this report, no phone calls or correspondence have been received from any property owners or residents on this project.*

- **EJ-2.11:** Ensure that low-income and minority populations understand the potential for adverse pollution, noise, odor, vibrations, lighting and glare when new commercial and industrial developments are proposed.

*Public hearing notices were provided in both English and Spanish. Notices included information on potential adverse lighting and glare, and noise.*

- IV. ZONING ORDINANCE.** This project site is zoned M-SC (Manufacturing-Service Commercial). In accordance with the M-SC zone, the applicant has submitted a Conditional Use Permit to request approval of the proposed trucking operations. Staff's analysis and comments for the required findings for a CUP is in Section V Findings for a Conditional Use Permit. The project is consistent with the applicable standards of the zone and Off-Street Vehicle Parking section of Title 9 as presented in Attachment 6.

**V. FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT.**

Per Municipal Code Section 9.240.280, "A Conditional Use Permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

*The proposed use will be detrimental to the health, safety or general welfare of the adjacent residential neighborhoods and property. The project including the increased wall and landscaping is inadequate to screening the project's operation. While a trucking operation may be appropriate in other locations in the Manufacturing-Service Commercial (M-SC) zoning designation, the nature of the use on this site and its proximity to nearby and adjacent residential land uses is not appropriate.*

Additionally, a CUP shall not be granted unless the project meets all of the following additional findings:

1. The proposed use will not adversely affect any residential neighborhood or property in regard to aesthetics, solar access, privacy, noise, fumes, odors, or lights.

*While a trucking operation may be appropriate in other locations in the Manufacturing-Service Commercial (M-SC) zoning designation, the nature of the use on this site and its proximity to nearby and adjacent residential land uses is not appropriate. The indoor maintenance of the trucks would not mitigate the potential noise and fumes (pollution) associated with the tractor trucks movement throughout the site. The site's development with an eight (8) foot high split-face concrete masonry unit (CMU) walls and landscaping is inadequate to screen the proposed project's operations from adjacent residential/quasi-residential land uses or provide mitigation to the potential adverse impacts.*

2. The proposed use will not impact traffic on local or collector streets.

*This project will have an impact on local or collector streets because it is expected to generate a maximum of ten (10) truck trips a day, and a maximum of fifty (50) truck trips per week. The applicant's proposed center lane configuration on Rubidoux Blvd. and additional street improvements, will not be sufficient to prevent truck traffic to and from the site from impeding traffic because a truck driver can drive over the median.*

3. The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child-care facilities, schools, parks, and recreation facilities.



*Although these sensitive uses are not within 1,000 feet of the project, the project's proposed buffers are inadequate to screen the operations from adjacent residential and quasi-residential land uses. The buffer will not mitigate the potential increase of noise, exhaust, and pollution from the trucks moving around on the site. While a trucking operation may be appropriate in other locations in the Manufacturing-Service Commercial (M-SC) zoning designation, the nature of the use on this site and its proximity to nearby and adjacent residential land uses, still considered sensitive uses, is not appropriate. The indoor maintenance of the trucks would not mitigate the noise and fumes (pollution) associated with the tractor trucks movement throughout the site. The site's development with even an eight (8) foot high split-face concrete masonry unit (CMU) walls and landscaping is inadequate to screen the proposed project's operations from adjacent residential/quasi-residential land uses.*

4. The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.

*The cumulative adverse impacts coming from the truck exhaust from the proposed use poses a potential hazard to other properties in the vicinity.*

### **ENVIRONMENTAL REVIEW**

The Project is exempt pursuant to Section 15270(a) of the CEQA Guidelines, as CEQA does not apply to projects which a public agency rejects or disapproves.

### **PUBLIC COMMENTS**

A bilingual notice of public hearing was sent to surrounding property owners within a 1,000-foot radius of the project site's boundaries. The radius map is included as Attachment #5. In addition, a legal advertisement indicating the project's public hearing date was published to the Press-Enterprise on December 3, 2020.

Prepared by:



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Chris Mallec  
Associate Planner

Submitted by:



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Joe Perez  
Community Development Director

Reviewed by:

//s// Serita Young

Serita Young  
Deputy City Attorney

## **ATTACHMENTS**

1. Resolution No. 2020-12-09-01
2. Adopted Resolution No. 2020-27 (City Council Denial of MA18239)
3. Applicant's Revised Project Description & Narrative
4. Plans:
  - a. Architectural Plans
  - b. Conceptual Grading Plans
  - c. Conceptual Landscape Plans
5. Radius Map for Public Notice
6. M-SC Zoning Designation – Applicable Development Standards

## **ATTACHMENT NO.1**

Resolution No. 2020-12-09-01

**RESOLUTION NO. 2020-12-09-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DENYING CONDITIONAL USE PERMIT NO. 20006, A REQUEST TO PERMIT THE CONSTRUCTION OF A 15,000 SQUARE-FOOT CONCRETE TILT-UP INDUSTRIAL BUILDING FOR THE ESTABLISHMENT OF A TRUCKING OPERATION USE ON APPROXIMATELY 3.68 ACRES OF REAL PROPERTY LOCATED ON THE EAST SIDE RUBIDOUX BOULEVARD, NORTH OF 29TH STREET (APN: 178-222-010) IN THE MANUFACTURING-SERVICE COMMERCIAL (M-SC) ZONE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15270(A)**

**THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:**

Section 1.     **Project.**     Havana Investment Group (the “Applicant”) has applied for Conditional Use Permit No. 20006 (Master Application No. 20154 or MA No. 20154) to permit the construction of a 15,000 square-foot concrete tilt-up industrial building for the establishment of a trucking operation use on approximately 3.68 acres of real property located on the east side of Rubidoux Boulevard (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone and designated Light Industrial (LI) (the “Project”).

Section 2.     **Conditional Use Permit.**

(a)     The Applicant is seeking approval of Conditional Use Permit No. 20006 to permit the construction of a 15,000 square-foot concrete tilt-up industrial building for the establishment of a trucking operation use on approximately 3.68 acres of real property located along Rubidoux Boulevard (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone.

(b)     Section 9.148.020.(3)(ff) of the Jurupa Valley Municipal Code provides that draying, freighting, and trucking operations uses may be located in the M-SC Zone provided a conditional use permit has been granted pursuant to Section 9.240.280 of the Jurupa Valley Municipal Code.

(c)     Section 9.240.280.(3) of the Jurupa Valley Municipal Code provides that a public hearing shall be held on the application for a conditional use permit in accordance with the provisions of Section 9.240.250, all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing, and the hearing body in Section 9.240.250 shall be defined as the Planning Commission of the City of Jurupa Valley.

(d)     Section 9.240.250(5) of the Jurupa Valley Municipal Code provides that the hearing body shall hear relevant testimony from interested persons and make its decision

within a reasonable time after the close of the public hearing. Notice of the decision shall be filed by the Planning Director with the City Clerk, together with a report of the proceedings, not more than ten (10) days after the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. If the hearing body is unable to make a decision, that fact shall be filed with the City Clerk in the same manner for reporting decisions and shall be considered as a notice of denial of the application by the hearing body.

(e) Section 9.240.280.(4) of the Jurupa Valley Municipal Code provides that a conditional use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety, or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety, or general welfare of the community.

(f) Section 9.148.020(4) of the Jurupa Valley Municipal Code provides that a conditional use permit required for the use listed in Section 9.148.020(3)(ff) shall not be granted unless the applicant demonstrates that the proposed use meets the general welfare standard articulated in Section 9.240.280(4) and meets all of the following additional findings:

1) The proposed use will not adversely affect any residential neighborhood or property in regards to aesthetics, solar access, privacy, noise, fumes, odors or lights.

2) The proposed use will not impact traffic on local or collector streets.

3) The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child care facilities, schools, parks and recreation facilities.

4) The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.

(g) Section 9.240.250(6) of the Jurupa Valley Municipal Code provides that for any decision where the hearing body is the Planning Commission and it has rendered a final decision rather than a recommendation to the City Council, an appeal of that decision shall be filed and processed pursuant to the provisions of Section 9.05.100 and subject to the provisions of Section 9.05.110.

(h) Section 9.05.100.A. of the Jurupa Valley Municipal Code provides that for any quasi-judicial decision of the Planning Commission in which it has rendered a final decision, rather than a recommendation to the City Council, that decision shall be considered final unless a written appeal, with the required appeal fee, is filed with the City Clerk within ten (10) calendar days after the date of the decision and the appeal shall be processed and resolved in accordance with the provisions of this section. In the event the tenth day falls on a Saturday, Sunday or city holiday, the appeal and the applicable appeal fee shall be filed with the City Clerk on or before the close of business on the next city business day thereafter. The written appeal and appeal fee shall be filed on or before the close of business on the last day of the appeal period.

(i) Section 9.05.100.B. of the Jurupa Valley Municipal Code provides that an appeal may be filed by the applicant for a land use entitlement, the owner of the property subject to the application, a person who presented oral or written comments to the Planning Commission, or any other interested person. An appeal may be filed by an individual Council Member or by the City Council, provided, however, that any such appeal shall be solely on the basis that the issues related to the application are important to the city and should be decided by the entire City Council, and, provided further, that an appeal by an individual Council Member or the Council shall not mean, nor shall it be construed to mean, that the individual Council Member or the City Council is expressing a view in favor of or in opposition to the application. Except for appeals by an individual Council Member or the City Council, the appeal shall be accompanied by the appeal fee set forth in Chapter 3.65 or resolution of the City Council. Any appeal filed by an individual Council Member or by a majority vote of the Council does not require the payment of a fee. The Director of Planning shall prepare appeal forms for these appeals.

(j) Section 9.05.100.C. of the Jurupa Valley Municipal Code provides that upon the filing of an appeal, the decision of the Planning Commission appealed from shall be suspended until such time as the appeal is decided by the City Council or is otherwise resolved as provided in Section 9.05.100 of the Jurupa Valley Municipal Code.

**Section 3. Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 20154 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On December 9, 2020, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 20154, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

**Section 4. California Environmental Quality Act Findings.** The Planning Commission of the City of Jurupa Valley, based on its own independent judgment, does hereby find, determine and declare that the Project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 *et seq.*) and the State Guidelines (the “CEQA Guidelines”) (14 Cal. Code Regs. § 15000 *et seq.*) pursuant to Section 15270(a) of the CEQA Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves.

**Section 5. Findings for Denial of Conditional Use Permit.** The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that the proposed Conditional Use Permit No. 20006 should not be granted because the proposed 15,000 square-foot concrete tilt-up industrial building for trucking operation use will adversely affect and be materially detrimental to the public health, safety, or general welfare of the community

because the project: 1) Will adversely affect nearby and adjacent residential neighborhoods and property; 2) will adversely affect nearby and adjacent residential neighborhoods and property; and 3) will adversely affect nearby and adjacent residential neighborhoods and property. Specifically the project:

(a) Will adversely affect and be materially detrimental to the public health, safety, or general welfare of the community. The project's landscape screening and wall/fence installations are inadequate to screen the project's operations from adjacent residential and quasi-residential land uses. The proposed eight (8) foot high perimeter split-face CMU wall is inadequate to screens the on-site operations form the nearby and adjacent residential neighborhoods and property. While a trucking operation may be appropriate in other locations in the Manufacturing Service-Commercial Zone, the nature of the use on this site and its proximity to nearby and adjacent residential neighborhoods is not appropriate. This is why a trucking operation in MS-C Zone is a conditionally permitted use so that the Planning Commission can assess whether the use is appropriate at a particular location within the MS-C Zone.

(b) Will adversely affect nearby and adjacent residential neighborhoods and uses. The project's landscape screening and wall/fence installations are inadequate to screen the project's operations from adjacent residential and quasi-residential land uses. While maintenance and repair work associated with the trucks and trailers is proposed to occur within an enclosed building, the volume of maintenance work on the trucks and trailers will require movement of the trucks and trailers in and out of the building, increasing noise, exhaust and pollution. The proposed eight (8) foot high perimeter split-face CMU wall is inadequate to screen the on-site operations form the nearby and adjacent residential neighborhoods and uses from increased noise, exhaust and pollution. While a trucking operation may be appropriate in other locations in the Manufacturing Service-Commercial Zone, the nature of the use on this site and its proximity to nearby and adjacent residential neighborhoods and uses is not appropriate. This is why a trucking operation in MS-C Zone is a conditionally permitted use so that the Planning Commission can assess whether the use is appropriate at a particular location within the MS-C Zone.

(c) Will impact traffic on local or collector streets, specifically Rubidoux Boulevard. The Project is expected to generate a maximum of ten (10) truck trips a day and a maximum of fifty (50) truck trips per week. The proposed center lane configuration on Rubidoux Boulevard will not be sufficient to prevent truck traffic to and from the site from impeding traffic on Rubidoux Boulevard as a truck can drive over it and a raised median to physically prevent trucks from turning onto Rubidoux Boulevard is not feasible given the configuration of Rubidoux Boulevard.

(d) Is not adequately buffered from sensitive uses in the vicinity. The Project's landscape screening and wall/fence installations are inadequate to screen the Project's operations from adjacent residential and quasi-residential land uses. While maintenance and repair work associated with the trucks and trailers is proposed to occur within an enclosed building, the volume of maintenance work on the trucks and trailers will require movement of the trucks and trailers in and out of the building, increasing noise, exhaust and pollution. The proposed eight (8) foot high perimeter split-face CMU wall is inadequate to screen the on-site operations form the nearby and adjacent residential neighborhoods and uses from increased

noise, exhaust and pollution. While a trucking operation may be appropriate in other locations in the Manufacturing Service-Commercial Zone, the nature of the use on this site and its proximity to nearby and adjacent residential neighborhoods and uses is not appropriate. This is why a trucking operation in MS-C Zone is a conditionally permitted use so that the Planning Commission can assess whether the use is appropriate at a particular location within the MS-C Zone.

(e) Poses a hazard or potential to subject other properties in the vicinity due to the cumulative adverse impact of truck exhaust.

Section 6.     **Denial of Master Application No. 20154.** Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby denies Conditional Use Permit No. 20006, a request to permit the construction of a 15,000 square-foot concrete tilt-up industrial building for the establishment of a trucking operation use on approximately 3.68 acres of real property located along Rubidoux Boulevard (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone and designated Light Industrial (LI).

Section 7.     **Certification.** The Community Development Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 9<sup>th</sup> day of December, 2020.

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Arleen Pruitt  
Chair of Jurupa Valley Planning Commission

ATTEST:

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Joe Perez  
Community Development Director/Secretary to the Planning Commission



STATE OF CALIFORNIA                    )  
COUNTY OF RIVERSIDE                ) ss.  
CITY OF JURUPA VALLEY                )

I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2020-12-09-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 9<sup>th</sup> day of December, 2020, by the following vote, to wit:

AYES:               COMMISSION MEMBERS:

NOES:               COMMISSION MEMBERS:

ABSENT:            COMMISSION MEMBERS:

ABSTAIN:           COMMISSION MEMBERS:

\_\_\_\_\_  
JOE PEREZ  
COMMUNITY DEVELOPMENT DIRECTOR

**ATTACHMENT NO. 2**

Resolution No. 2020-27  
(City Council Denial of MA18239)

## RESOLUTION NO. 2020-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, GRANTING AN APPEAL OF AND REVERSING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 18011 TO PERMIT THE CONSTRUCTION OF A 15,000 SQUARE-FOOT CONCRETE TILT-UP INDUSTRIAL BUILDING FOR THE ESTABLISHMENT OF A TRUCKING OPERATION USE ON APPROXIMATELY 3.68 ACRES OF REAL PROPERTY LOCATED ALONG RUBIDOUX BOULEVARD, NORTH OF 28TH STREET (APN: 178-222-010) IN THE MANUFACTURING-SERVICE COMMERCIAL (M-SC) ZONE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15270(A)**

**THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:**

Section 1.     **Project.** Lord Contractors (the "Applicant") has applied for Conditional Use Permit No. 18011 (Master Application No. 18239 or MA No. 18239) to permit the construction of a 15,000 square-foot concrete tilt-up industrial building for the establishment of a trucking operation use on approximately 3.68 acres of real property located along Rubidoux Boulevard (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone and designated Light Industrial (LI) (the "Project").

Section 2.     **Conditional Use Permit.**

(a)     The Applicant is seeking approval of Conditional Use Permit No. 18011 to permit the construction of a 15,000 square-foot concrete tilt-up industrial building for the establishment of a trucking operation use on approximately 3.68 acres of real property located along Rubidoux Boulevard (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone.

(b)     Section 9.148.020.(3)(ff) of the Jurupa Valley Municipal Code provides that draying, freighting, and trucking operations uses may be located in the M-SC Zone provided a conditional use permit has been granted pursuant to Section 9.240.280 of the Jurupa Valley Municipal Code.

(c)     Section 9.240.280. (3) of the Jurupa Valley Municipal Code provides that a public hearing shall be held on the application for a conditional use permit in accordance with the provisions of Section 9.240.250, all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing, and the hearing body in Section 9.240.250 shall be defined as the Planning Commission of the City of Jurupa Valley.

(d) Section 9.240.250(5) of the Jurupa Valley Municipal Code provides that the hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. Notice of the decision shall be filed by the Planning Director with the City Clerk, together with a report of the proceedings, not more than ten (10) days after the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. If the hearing body is unable to make a decision, that fact shall be filed with the City Clerk in the same manner for reporting decisions and shall be considered as a notice of denial of the application by the hearing body.

(e) Section 9.240.250(6) of the Jurupa Valley Municipal Code provides that for any decision where the hearing body is the Planning Commission and it has rendered a final decision rather than a recommendation to the City Council, an appeal of that decision shall be filed and processed pursuant to the provisions of Section 9.05.100 and subject to the provisions of Section 9.05.110.

(f) Section 9.05.100.A. of the Jurupa Valley Municipal Code provides that for any quasi-judicial decision of the Planning Commission in which it has rendered a final decision, rather than a recommendation to the City Council, that decision shall be considered final unless a written appeal, with the required appeal fee, is filed with the City Clerk within ten (10) calendar days after the date of the decision and the appeal shall be processed and resolved in accordance with the provisions of this section. In the event the tenth day falls on a Saturday, Sunday or city holiday, the appeal and the applicable appeal fee shall be filed with the City Clerk on or before the close of business on the next city business day thereafter. The written appeal and appeal fee shall be filed on or before the close of business on the last day of the appeal period.

(g) Section 9.05.100.B. of the Jurupa Valley Municipal Code provides that an appeal may be filed by the applicant for a land use entitlement, the owner of the property subject to the application, a person who presented oral or written comments to the Planning Commission, or any other interested person. An appeal may be filed by an individual Council Member or by the City Council, provided, however, that any such appeal shall be solely on the basis that the issues related to the application are important to the city and should be decided by the entire City Council, and, provided further, that an appeal by an individual Council Member or the Council shall not mean, nor shall it be construed to mean, that the individual Council Member or the City Council is expressing a view in favor of or in opposition to the application. Except for appeals by an individual Council Member or the City Council, the appeal shall be accompanied by the appeal fee set forth in Chapter 3.65 or resolution of the City Council. Any appeal filed by an individual Council Member or by a majority vote of the Council does not require the payment of a fee. The Director of Planning shall prepare appeal forms for these appeals.

(h) Section 9.05.100.C. of the Jurupa Valley Municipal Code provides that upon the filing of an appeal, the decision of the Planning Commission appealed from shall be suspended until such time as the appeal is decided by the City Council or is otherwise resolved as provided in Section 9.05.100 of the Jurupa Valley Municipal Code.

(i) Section 9.05.100.E. of the Jurupa Valley Municipal Code provides that after an appeal is filed with the City Clerk as provided in Section 9.05.100, the City Clerk shall set the

matter for public hearing before the City Council not less than thirteen (13) nor more than sixty (60) days after the date the appeal is filed. Further, unless otherwise provided in the Jurupa Valley Municipal Code, public hearings for appeals must be noticed using the same procedures applicable to the Planning Commission's hearing on the application.

(j) Section 9.05.100.F. of the Jurupa Valley Municipal Code provides that the City Council will hear the appeal de novo; however, the documents and the minutes of the hearing before the Planning Commission must be a part of the City Council's record at its hearing on the matter.

(k) Section 9.05.100.G. of the Jurupa Valley Municipal Code provides that the City Council must hear relevant testimony and receive written comments from interested persons prior to or at the hearing. Within a reasonable time after the close of the hearing, the City Council must make its decision sustaining, reversing or modifying the decision of the Planning Commission. The decision of the City Council must be made by resolution and requires three (3) affirmative votes of the City Council. In making its decision sustaining the decision of the Planning Commission or sustaining the decision of the Planning Commission with modifications, the City Council may adopt by reference the findings of the Planning Commission. In making its decision reversing a decision of the Planning Commission, the City Council must make the findings required by law and the Jurupa Valley Municipal Code and must approve, conditionally approve or disapprove the applications appealed. The decision of the City Council will be final.

(l) Section 9.05.100.H. of the Jurupa Valley Municipal Code provides that in the event of a tie vote on an appeal or an affirmative vote of less than three (3) Members of the City Council on an appeal, the decision of the Planning Commission being appealed will be deemed sustained and the Planning Commission decision reinstated and final as to the applications.

(m) Section 9.240.280.(4) of the Jurupa Valley Municipal Code provides that a conditional use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety, or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety, or general welfare of the community.

(n) Section 9.148.020(4) of the Jurupa Valley Municipal Code provides that a conditional use permit required for the use listed in Section 9.148.020(3)(ff) shall not be granted unless the applicant demonstrates that the proposed use meets the general welfare standard articulated in Section 9.240.280(4) and meets all of the following additional findings:

1) The proposed use will not adversely affect any residential neighborhood or property in regards to aesthetics, solar access, privacy, noise, fumes, odors or lights.

2) The proposed use will not impact traffic on local or collector streets.

3) The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child care facilities, schools, parks and recreation facilities.

4) The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.

**Section 3. Procedural Findings.** The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18239 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On April 8, 2020, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18239, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony, the Planning Commission closed the public hearing. Following a discussion of the Project, the Planning Commission adopted Planning Commission Resolution No. 2020-04-08-02, a Resolution of the Planning Commission of the City of Jurupa Valley adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving Conditional Use Permit No. 18011 to Permit the Construction of a 15,000 Square-Foot Concrete Tilt-Up Industrial Building for the Establishment of a Trucking Operation Use on Approximately 3.68 Acres of Real Property Located Along Rubidoux Boulevard, North of 28<sup>th</sup> Street (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone.

(c) On April 15, 2020, Council Member Chris Barajas (“Appellant”) filed a timely appeal of the Planning Commission’s approval of MA No. 18239 (the “Appeal,” Master Application No. 20063, or MA No. 20063)

(d) On May 7, 2020, the City Council held a public hearing on the Appeal, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony, the City Council closed the public hearing, and, after weighing the evidence and considering the adequacy of proposed MA 18239, applied its own independent judgment and analysis to the review and directed the staff to prepare a resolution to reverse the Planning Commission’s approval of MA No. 18239 and sustain the appeal based on the findings herein. The City Council continued the item and directed staff to prepare this resolution, consistent with the City Council’s direction, reversing the Planning Commission’s approval of MA No. 18239 for the City Council’s consideration.

(e) On May 21, 2020, the City Council of the City of Jurupa Valley conducted a continued public meeting on the Appeal.

(f) All legal preconditions to the adoption of this Resolution have occurred.

**Section 4. California Environmental Quality Act Findings.** The City Council of the City of Jurupa Valley, based on its own independent judgment, does hereby find, determine and declare that the Project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 *et seq.*) and the State Guidelines (the “CEQA Guidelines”) (14 Cal. Code Regs. § 15000 *et seq.*) pursuant to Section 15270(a) of the CEQA Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves.



**Section 5. Findings for Denial of Conditional Use Permit.** The City Council of the City of Jurupa Valley does hereby find, determine, and declare that the Planning Commission's approval of proposed Conditional Use Permit No. 18011 should be reversed and denied because the proposed 15,000 square-foot concrete tilt-up industrial building for trucking operation use will adversely affect and be materially detrimental to the public health, safety, or general welfare of the community because the project: 1) Will adversely affect nearby and adjacent residential neighborhoods and property; 2) will adversely affect nearby and adjacent residential neighborhoods and property; and 3) will adversely affect nearby and adjacent residential neighborhoods and property. Specifically the project:

(a) Will adversely affect and be materially detrimental to the public health, safety, or general welfare of the community. The project's landscape screening and wall/fence installations are inadequate to screen the project's operations from adjacent residential and quasi-residential land uses. While maintenance and repair work associated with the 27 trucks and 14 trailers is proposed to occur within an enclosed building, the volume of maintenance work on 27 trucks and 14 trailers will require movement of the trucks and trailers in and out of the building, increasing noise and exhaust. The proposed six (6) high perimeter split-face CMU wall is inadequate to screens the on-site operations form the nearby and adjacent residential neighborhoods and property. While a trucking operation may be appropriate in other locations in the Manufacturing Service-Commercial Zone, the nature of the use on this site and its proximity to nearby and adjacent residential neighborhoods is not appropriate. This is why a trucking operation in MS-C Zone is a conditionally permitted use so that the Council can assess whether the use is appropriate at a particular location within the MS-C Zone. The Applicant states that typical operations would only involve 25 truck trips per week with a daily peak of five trucks, but the proposed plan provides for storage of 27 truck tractors and 14 trailers. This number of truck tractors and trailers that can be stored on the Site, however, will generate substantially more truck traffic to and from the Site with adverse impacts on Rubidoux Boulevard. The impacts from this additional truck traffic cannot be mitigated. The proposed center lane configuration on Rubidoux Boulevard will not be sufficient to prevent truck traffic to and from the site from impeding traffic on Rubidoux Boulevard as a truck can drive over it and a raised median to physically prevent trucks from turning onto Rubidoux Boulevard is not feasible given the configuration of Rubidoux Boulevard and anticipated traffic increases.

(b) Will adversely affect nearby and adjacent residential neighborhoods and uses. The project's landscape screening and wall/fence installations are inadequate to screen the project's operations from adjacent residential and quasi-residential land uses. While maintenance and repair work associated with the 27 trucks and 14 trailers is proposed to occur within an enclosed building, the volume of maintenance work on 27 trucks and 14 trailers will require movement of the trucks and trailers in and out of the building, increasing noise, exhaust and pollution. The proposed six (6) high perimeter split-face CMU wall is inadequate to screen the on-site operations form the nearby and adjacent residential neighborhoods and uses from increased noise, exhaust and pollution. While a trucking operation may be appropriate in other locations in the Manufacturing Service-Commercial Zone, the nature of the use on this site and its proximity to nearby and adjacent residential neighborhoods and uses is not appropriate. This is why a trucking operation in MS-C Zone is a conditionally permitted use so that the Council can assess whether the use is appropriate at a particular location within the MS-C Zone.

(c) Will impact traffic on local or collector streets, specifically Rubidoux Boulevard. The Applicant states that typical operations would only involve 25 truck trips per week with a daily peak of five trucks, but the proposed plan provides for storage of 27 truck tractors and 14 trailers. This number of truck tractors and trailers that can be stored on the Site, however, will generate substantially more truck traffic to and from the Site with adverse impacts on Rubidoux Boulevard. The impacts from this additional truck traffic cannot be mitigated. The proposed center lane configuration on Rubidoux Boulevard will not be sufficient to prevent truck traffic to and from the site from impeding traffic on Rubidoux Boulevard as a truck can drive over it and a raised median to physically prevent trucks from turning onto Rubidoux Boulevard is not feasible given the configuration of Rubidoux Boulevard.

(d) Is not adequately buffered from sensitive uses in the vicinity. The project's landscape screening and wall/fence installations are inadequate to screen the project's operations from adjacent residential and quasi-residential land uses. While maintenance and repair work associated with the 27 trucks and 14 trailers is proposed to occur within an enclosed building, the volume of maintenance work on 27 trucks and 14 trailers will require movement of the trucks and trailers in and out of the building, increasing noise, exhaust and pollution. The proposed six (6) high perimeter split-face CMU wall is inadequate to screen the on-site operations from the nearby and adjacent residential neighborhoods and uses from increased noise, exhaust and pollution. While a trucking operation may be appropriate in other locations in the Manufacturing Service-Commercial Zone, the nature of the use on this site and its proximity to nearby and adjacent residential neighborhoods and uses is not appropriate. This is why a trucking operation in MS-C Zone is a conditionally permitted use so that the Council can assess whether the use is appropriate at a particular location within the MS-C Zone.


(e) Poses a hazard or potential to subject other properties in the vicinity due to the cumulative adverse impact of truck exhaust.

**Section 6. Denial of Conditional Use Permit No. 18011.** Based on the foregoing, the City Council of the City of Jurupa Valley hereby grants the Appeal of the Appellant, reverses the Planning Commission's approval of Conditional Use Permit No. 18011 to permit the construction of a 15,000 square-foot concrete tilt-up industrial building for the establishment of a trucking operation use on approximately 3.68 acres of real property located along Rubidoux Boulevard (APN: 178-222-010) in the Manufacturing-Service Commercial (M-SC) Zone and designated Light Industrial (LI), and denies MA No. 18239.

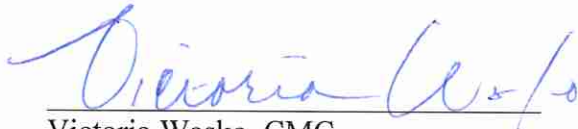
**Section 7. Certification.** The City Clerk shall certify to the adoption of this Resolution.



**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 21<sup>st</sup> day of May, 2020.

  
Anthony Kelly, Jr.  
Mayor

ATTEST:

  
Victoria Wasko, CMC  
City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA           )  
COUNTY OF RIVERSIDE       ) ss.  
CITY OF JURUPA VALLEY       )

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2020-27 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 21<sup>st</sup> day of May, 2020, by the following votes, to wit:

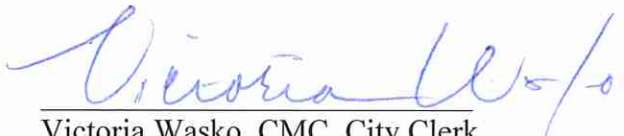
**AYES:       C. BARAJAS, L. BARAJAS, B. BERKSON, M. GOODLAND, A. KELLY**

**NOES:       NONE**

**ABSENT:    NONE**

**ABSTAIN:   NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21<sup>st</sup> day of May, 2020.

  
Victoria Wasko, CMC, City Clerk  
City of Jurupa Valley

## **ATTACHMENT NO. 3**

Applicant's Project Description & Narrative

# Paradigm Engineering Group

427 E. Seventeenth Street, #261  
Costa Mesa, California 92627  
(909) 208-2971

November 9, 2020

## **Re: MA20154 (CUP20006) – HAVANA INVESTMENT GROUP, LLC**

Proposed Development of Property Located at  
27800 RUBIDOUX BOULEVARD, CITY OF JURUPA VALLEY

### **PROJECT NARRATIVE**

**PROJECT DESCRIPTION:** The proposed project consists of a 15,000 s.f. tilt-up concrete building to provide office space and service bays for minor maintenance of company vehicles, plus ancillary site improvements on a 3.68 acre site located on the east side of Rubidoux Boulevard north of 28<sup>th</sup> Street.

A Conditional Use Permit is required because the proposed use of the facility includes bobtail trucks and long-term storage of box semi-trailers. However, the proposed facility will not be a 'trucking operation' as characterized by the zoning code terminology "Draying, freighting or trucking operations", which triggers the requirement for a Conditional Use Permit. The proposed use is not a logistics operation. No shipping, receiving, loading, unloading or 'hauling of goods' occurs onsite. The facility will serve as 'home base' for tractors that depart and return without trailers ("bobtail trucks"). *See attached photo of "bobtail" truck also referred to as a "truck - tractor"*.

The principal uses of the proposed improvements are:

- 1) Administrative office spaces for management, accounting and dispatch functions;
- 2) Five indoor/enclosed service bays for ancillary maintenance and minor repair of fleet vehicles;
- 3) Twenty-three on-site employee/visitor parking spaces;
- 4) Twenty-seven parking stalls for 'bobtail' tractors;
- 5) Fourteen parking stalls for long-term storage of 53-ft. 'box' trailers.

**OPERATIONS:** Proposed hours of operation are 7:00 am to 5:00 pm, Monday through Friday. Approximately 15 employees (five office staff, five mechanics and five drivers) will use the facility on a daily (M-F) basis. Eleven 'long-haul' drivers will depart and return to the facility on a weekly basis. The proposed facility will serve as "home base" for the five local and 11 long-haul drivers.

Only service (oil change, brake service, wheel alignment, etc.) and minor repairs (replace burned-out lights, etc.) will be performed on-site, all within the enclosed service bays. All major mechanical or damage repairs will be performed offsite by third-party vendors.

Typical operations fall into three categories - daily, weekly, and yearly:

- **Daily operations** include the administrative and service bay functions. Five ‘bobtail’ (tractor without a trailer) trucks will depart and return each day to service local routes. The five bobtails pick up loaded semi-trailers from customer facilities, return the empty trailers to the same customer facilities at the end of the day, and then return without a trailer to the home base facility. Tractor/semi-trailer rigs (so-called ‘18-wheelers’) **are not** a part of daily operations.

**Weekly operations** consist of early-in-the-week departures and late-in-the-week returns of eleven ‘bobtail’ (tractor without trailer) tractors. As with the daily operations, the eleven bobtails pick-up loaded semi-trailers from customer facilities and return the empty trailers to the customer facilities before returning without a trailer to this home-base facility. Tractor/semi-trailer rigs (so-called ‘18-wheelers’) **are not** a part of weekly operations. *See attached photo of Trailers used in the business operation that depart and return only two times per year.*

**Yearly events** are the once-a-year departure and return of the semi-trailers stored on-site for most of the year. In the fall (typically October/November), the stored semi-trailers will be moved to customer facilities to meet the customer’s peak demand (holiday season). When peak demand subsides (typically January/February), the empty semi-trailers are returned to the proposed facility for long-term storage. The semi-trailers depart and return once per year. They do not depart from or return to the proposed facility on a daily, weekly or monthly basis.

**SITE DEVELOPMENT:** The proposed project is consistent with the General Plan land use designation (Light Industrial) and the underlying zoning classification (Manufacturing-Service Commercial). All proposed improvements meet or exceed all applicable development standards.

- Due to the ‘flag lot’ configuration of the property, the proposed facility will have little public exposure. The proposed building will be located substantially farther (5.9x) from the public right-of-way than the required setback. It will likely be screened from view by future development of the adjoining vacant property.
- The property will be surrounded by a concrete masonry (CMU) wall with security gates. The wall will be 8-ft. tall – two feet higher than required – along the southeasterly property line to help mitigate potential adverse impacts upon the adjoining pre-existing quasi-residential properties. These adjacent parcels are also designated for Light Industrial use, also zoned M/SC and are currently being used in a manner more consistent with the Land Use and Zoning designations than purely residential use.

- Electrical infrastructure will be installed to facilitate future installation of electrical vehicle (EV) charging stations at all tractor and semi-trailer parking stalls. The proposed user intends to eliminate diesel tractors and convert their entire fleet to electric tractors within five years.
- As proposed, the landscaped area exceeds the applicable requirements, including plant material and trees along all interior property lines as a buffer to all adjoining, predominantly undeveloped property.

**TRAFFIC IMPACT:** The proposed project will not adversely impact traffic on local streets.

- A 'Trip Generation Analysis' in conformance with City guidelines determined a total number of daily trips expected from a hypothetical light industrial facility the size of the proposed project: 74 total trips; 94 'passenger car equivalent' (PCE) trips. These numbers fall below the threshold warranting a Traffic Impact Analysis.
- The total number of daily trips (59) based upon the operational characteristics of the specific proposed use is 15 fewer daily trips than the hypothetical daily total (74). See PROJECT TRIP GENERATION Table attached.
- The semi-trailers stored on-site depart from and return to the facility only once per year. These events have a miniscule impact on the analysis of the actual daily trips generated by the proposed facility.  $(14 \text{ trailers} \times 2 (1 \text{ departure/yr.} \& 1 \text{ arrival/yr.}) / 365 \text{ days/yr.} = 0.077 \text{ trips/day})$
- This property could be developed with a facility intended for a use allowable in the M-SC zone that would not require a Conditional Use Permit, and therefore without Planning Commission or City Council review/approval. The daily truck trips associated with such a project could be five times greater than this currently proposed project. (A nearby proposed M-SC project will likely generate both truck and total daily trips five-to-six times greater than this project with commensurate impacts on traffic flow and street improvements.)

This narrative is provided to address and clarify any concerns that Planning Staff and the Planning Commission may have regarding the City Council rescinding Planning Commission's previous approval of this project. By addressing the concerns of the ill-informed Council, we anticipate receiving Planning Commission's approval of Havana Investments Group's CUP application MA20154 (CUP20006).

Please feel free to contact Peter M Olah at (909) 208-2971 with any questions or concerns.

**PHOTO OF "BOBTAIL TRUCK" AKA "TRUCK TRACTOR" PREDOMINATELY USED WITHOUT THE TRAILER  
IN THE BUSISNESS OPERATIONS**





**ACTUAL TRAILERS USED IN BUSINESS OPERATIONS THAT ARRIVE AND DEPART ONLY TWO TIMES PER YEAR**



PROJECT TRIP GENERATION			
Land Use: <b>Light Industrial *</b>			
	Daily Trip Generation Factors		
Trips/Unit (cars)	3.899	78.6%	3.899
Trips/Unit (2-axle Trucks)	0.397	8.0%	0.397
Trips/Unit (3-axle Trucks)	0.193	3.9%	0.193
Trips/Unit (4+ Axle Trucks)	0.471	9.5%	0.471
Trips/Unit (Total)	4.960		4.960
Units, TSF**	15.00		80.00
	<b>Trip Generation Analysis, Hypothetical Daily Trips</b>	<b>Actual Proposed Facility *** Daily Trips</b>	<b>M-SC Compliant Facility (No CUP), Hypothetical Daily Trips</b>
Trip Generation (Cars)	58	24	312
Trip Generation (2-axle Trucks)	6	22	32
Trip Generation (3-axle Trucks)	3	13	15
Trip Generation (4+ Axle Trucks)	7	0	38
Trip Generation (Total)	74	59	397
PCE Trip Generation (Cars)	58	24	312
PCE Trip Generation (2-axle Trucks)	9	33	48
PCE Trip Generation (3-axle Trucks)	6	26	30
PCE Trip Generation (4+ Axle Trucks)	21	0	114
PCE Trip Generation (Total)	94	83	504

**Notes:**

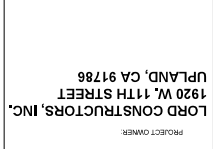
\* Trip generation factors are from the Havana Investment Group Trip Generation Memorandum prepared by LSA dated February 14, 2019. Trip rates are from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th ed.) for Land Use 110 - "General Light Industrial", Setting/Location - "Urban/Suburban." The resulting trips were then converted to passenger vehicles, 2-axle trucks, 3-axle trucks and 4+ axle trucks based upon the splits obtained from the City of Fontana Truck Trip Generation Study dated August 2003. As a result, the mix was 78.6% cars, 8.0% 2-axle trucks, 3.9% 3-axle trucks and 9.5% 4+ axle trucks. All truck trips are converted to passenger car equivalents (PCEs) using a 1.5 PCE factor for 2-axle trucks, 2.0 for 3-axle trucks and 3.0 for 4+ axle trucks.

\*\* TSF = thousand square feet. The 3.68 Ac. site could accommodate an 80,000+ s.f. M/SC-compliant facility.

\*\*\* Cars = 12 (employee stalls) x 2 = 24 daily trips; 2-axle trucks = 11 stalls x 2 = 22 daily trips;  
3-axle bobtail trucks = 5 (daily) x 2 + 11 (weekly) x 2 / 7 days/wk = 13 daily trips;  
4+ axle tractor/trailer = 14 (annual) x 2 / 365 days/yr = 0.0767 daily trips

## **ATTACHMENT NO. 4**

Plans (Architectural, Conceptual Grading,  
& Landscape)



APN:178-222-010  
MA 18239

SHEET TITLE:  
**CONCEPTUAL  
PLANTING PLAN**

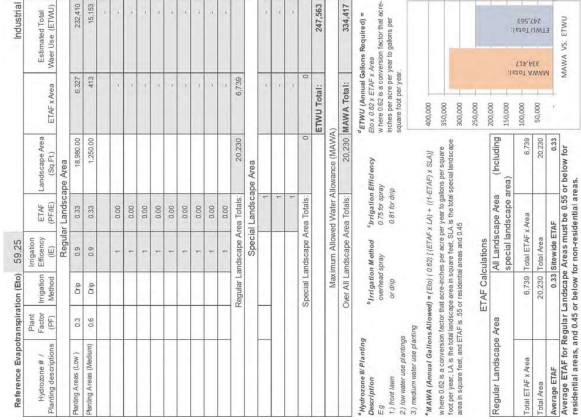
SHEET: 2

[illegible]

## TREE SCHEDULE

SHRUB SCHEDULE

VINE SCHEDULE



SHRUB SCHEDULE				
S.M. QTY.	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
5	BLUE ELF ALOE	BLUE ELF ALOE	5 GAL	L
5	HESPERALOE PARVIFLORA	RED YUCCA	1 GAL	L
6	MULHENBERGIA CAPILLARIS	PINK MUCCA	1 GAL	L
6	TEUCORIUM CHAMAEDRYS	GERMANDER	1 GAL	L
6	CECUMUS STANS	YELLOW TRUMPET FLOWER	5 GAL	L
15	PODOCARPUS MACROPHYLLUS "MAD"	SHRUBBY YEW PODOCARPUS	15 GAL	M
6	DODONAEA VISCOSA "PURPUREA"	PURPLE HORSESHOE BUSH	5 GAL	L

VINE SCHEDULE				
SYM.	QTY.	BOTANICAL NAME	COMMON NAME	DESCRIPTION
~●●~	107	PARTHENOCEISSUS TRICUSPIDATA	BOSTON IVY	WUCOLS M 1 GAL STAKED





PINK DAWN CHITALPA  
CHITALPA T. 'PINK DAWN'



THORNLESS CHILEAN MESQUITE  
PROSOPIS CHILENSIS



DEEP PURPLISH DESERT WILLOW  
CHILOPSIS LINEARIS 'BURGUNDY'



BLUE ELF ALOE  
ALOE 'BLUE ELF'



RED YUCCA  
HESPERALOE PARVILFORA



GERMANDER  
TEUCRIUM CAMEAEDRYS



PINK MUHLY  
MUHLENBERGIA CAPILLARIS



SHRUBBY YEW  
PODOCARPUS  
PODOCARPUS MACOPHYLLUS 'MAKI'



YELLOW TRUMPET FLOWER  
TECOMA STANS



PURPLE HOPSEED BUSH  
DODONAEA VISCOSA 'PURPUREA'



BOSTON IVY  
PARTHENOCISSUS TRICUSPIDATA



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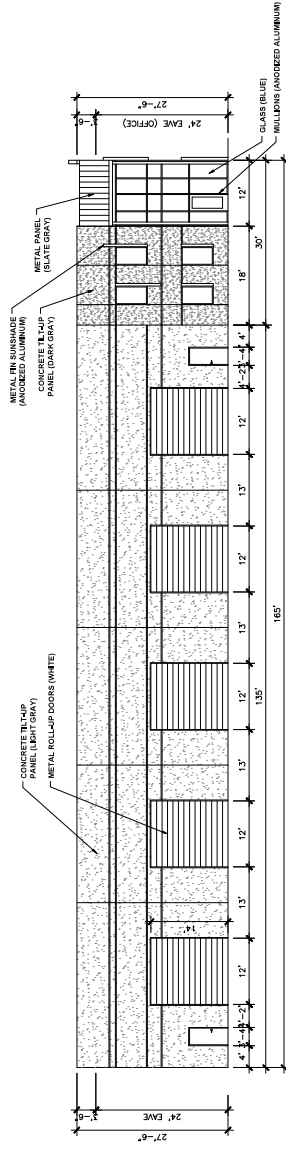
## 2nd FLOOR OFFICE PLAN

2nd FLOOR OFF

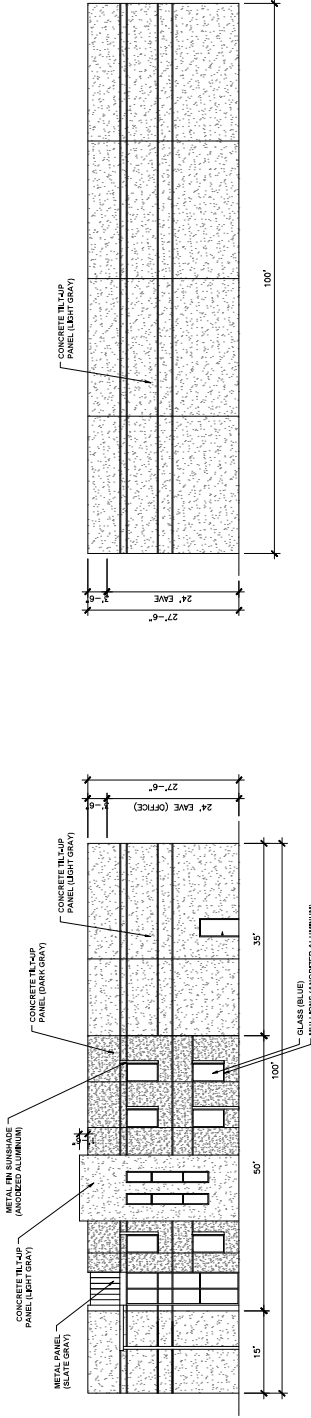
GENERAL NOTES:

1. EGRESS FROM A ROOM OR SPACE SHALL NOT PASS THROUGH ADJOINING OR INTERVENING ROOM OR AREAS, EXCEPT WHERE SUCH ADJOIN ROOMS OR AREAS AND THE AREA SERVED ARE ACCESSORY TO ONE OR THE OTHER. CBC 1016.1(2)
2. AN EXIT ACCESS SHALL NOT PASS THROUGH A ROOM THAT CAN BE LOCKED TO PREVENT EGRESS. CBC 1016.2(3)

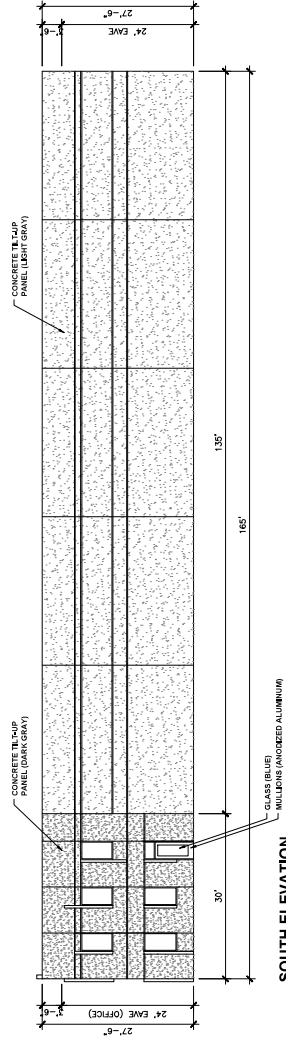
REVISIONS    	DRAWING TITLE: DESIGN PLANS FOR: HAYANA INVESTMENT GROUP SCALE: 1/4" = 1'-0" OFFICE FLOOR PLANS 2780 RUBIDOUX BLVD JURUPA VALLEY, CA	
	Van Dam Engineering P.O. BOX 1769 Upland, California 91785 1920 West Eleventh Street Upland, California 91786 LORD CONSTRUCTORS, INC.	



**NORTH ELEVATION**  
**SCALE: 3/32" = 1'-0"**



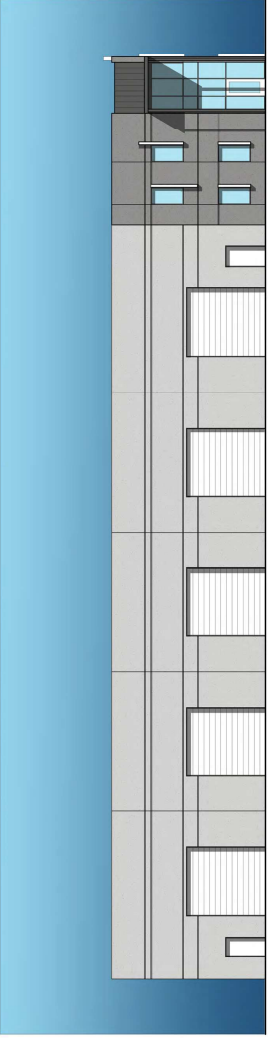
**WEST ELEVATION**  
SCALE: 3/32" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 3/32" = 1'-0"

NOTES:

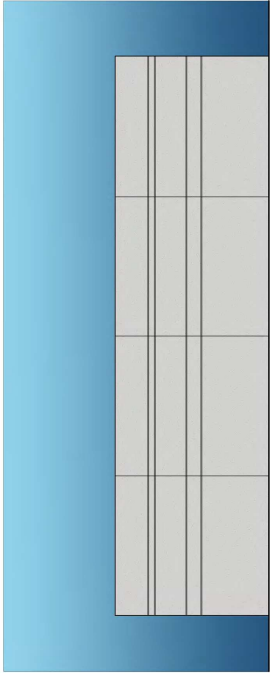
1. NO ROOF TOP EQUIPMENT PROPOSED



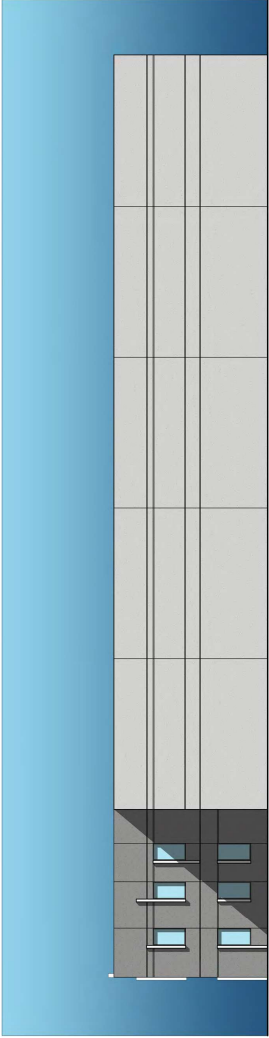
North Elevation



West Elevation



East Elevation



South Elevation

**ATTACHMENT NO. 5**

Radius Map for Public Notice



1000 ft 178 222-010



7 ←

**ATTACHMENT NO. 6**

M-SC Zoning Designation – Applicable Development Standards

M-SC ZONING DESIGNATION – APPLICABLE DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARD	DOES THE PROJECT COMPLY?
<b><u>Setbacks.</u></b> No minimum setback except there is a minimum setback of 25 feet where the front yard adjoins the street.	<b>Yes.</b> Although there is no minimum setback for this project, the proposed building is setback at least 25 feet away. The front 25 feet is proposed to be new landscaping and driveway access.
<b><u>Height requirements.</u></b> The height of structures, including buildings, shall be as follows:  Structures shall not exceed forty (40) feet at the yard setback line.  Buildings shall not exceed fifty (50) feet unless a height up to seventy-five (75) feet is approved pursuant to Section 9.240.370.	<b>Yes.</b> The greatest height of the building is 27 feet and 6 inches.
<b><u>Landscaping.</u></b>  A minimum of 10% of the site proposed for development shall be landscaped and irrigated.  A minimum 10-foot wide strip adjacent to street right-of-way lines shall be appropriately landscaped and maintained, except for designated pedestrian and vehicular access ways. Said landscaped strip shall not include landscaping located within the street right-of-way.	<b>Yes.</b>  The project exceeds the minimum 10% by providing 12% of the site to be landscaped and irrigated.  Project proposes a 20-foot wide landscape strip on the site in addition to the 10-foot wide landscape strip in the parkway along Rubidoux Boulevard.
<b><u>Parking areas.</u></b> Parking areas shall be provided as required by Section 9.240.120 Off-Street Vehicle Parking.	<b>Yes.</b> The plans demonstrates compliance with Section 9.240.120 as the project meets the minimum required amount for standard parking (23 spaces) (based on the number of employees and company vehicles associated with the use), shading for parking area (40 percent) and in addition to compliance with Municipal Code Chapter 9.283 (Water Efficient Landscape Design Requirements).
<b><u>Trash collection areas.</u></b> Trash collection areas shall be screened by landscaping or architectural features in such a manner as not to be visible from a public street or from any adjacent residential area.	<b>Yes.</b> The proposed trash enclosure is to be screened behind a proposed split-face CMU wall and landscaping, which are both required development standards for the project.
<b><u>Outside storage and service areas.</u></b> Outside storage and service areas shall be screened by structures or landscaping.	<b>Yes.</b> The outdoor storage of the trucks and trailers are to be screened both by a proposed eight (8) high split-face CMU wall, and landscaping in the form of 15-gallon box trees, planted at a mature height.

<p><b><u>Mechanical equipment.</u></b> Mechanical equipment used in the manufacturing process shall be required to be enclosed in a building, and roof-mounted accessory equipment may be required to be screened from view.</p>	<p><b>Yes.</b> Minor repair equipment associated with the use is proposed to be enclosed within the proposed building. Additionally, the building's design will completely screen any roof-mounted equipment.</p>
<p><b><u>Lighting.</u></b> All lighting fixtures, including spot lights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas, shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property.</p>	<p><b>Yes.</b> The submitted Photometric Plan shows the proposed coverage of outdoor lighting associated with the use, and demonstrates that it will be focused, directed, and arranged to prevent spillage onto adjacent properties.</p>

# City of Jurupa Valley

## RETURN TO AGENDA

## STAFF REPORT

**DATE:** DECEMBER 9, 2020  
**TO:** CHAIR PRUITT AND MEMBERS OF THE PLANNING COMMISSION  
**FROM:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR  
**BY:** CHRIS MALLEC, ASSOCIATE PLANNER  
**SUBJECT:** AGENDA ITEM NO. 6.2  
MASTER APPLICATION (MA) NO. 20114 (CUP20005 & PCN20001):  
PROPOSED BEER AND WINE SALES FOR OFF-SITE CONSUMPTION AT A  
GASOLINE SERVICE STATION AND CONVENIENCE STORE.  
LOCATION: NORTHWEST CORNER OF CANTU-GALLEANO RANCH ROAD  
AND PIER ENTERPRISES WAY (APN: 160-040-044)  
APPLICANT: SAM CHEBEIR & PIER ENTERPRISES

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### **RECOMMENDATION**

Continue the public hearing to January 13, 2021 in order to allow the Applicant to gather additional information and prepare for the public hearing.

### **BACKGROUND**

On June 18, 2020, the City Council adopted Resolution No. 2020-33 and Ordinance No. 2020-08, approving a gas station, car wash, and convenience store without alcohol sales for off-site consumption.

The applicant has re-applied for a Conditional Use Permit and Public Convenience and Necessity to request for alcohol sales for off-site consumption for the previously approved (unconstructed) convenience store. The item was originally scheduled to be heard on November 23, 2020, however, it was continued until today's date for the applicant to both attend and prepare for the public hearing. The applicant is requesting the public hearing to be continued again (see Attachment 1), to the next scheduled Planning Commission meeting on January 13, 2021, to gather additional information and prepare for the meeting.

*Prepared by:*

*Submitted by:*



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Chris Mallec  
Associate Planner



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Joe Perez  
Community Development Director

# City of Jurupa Valley

*Reviewed by:*

**//s// Serita Young**

*Serita Young  
Deputy City Attorney*

## **ATTACHMENTS**

1. Applicant's request for continuance dated 12/03/2020

**RE: Cantu Gas Project - PC Hearing Continuance Request MASTER APPLICATION (MA)  
NO. 20114 (CUP20005 & PCN20001)**

Jeremy Krout <[jeremy@epdsolutions.com](mailto:jeremy@epdsolutions.com)>

Thu 12/3/2020 10:45 AM

To: Joe Perez <[jperez@jurupavalley.org](mailto:jperez@jurupavalley.org)>; Chris Mallec <[cmallec@jurupavalley.org](mailto:cmallec@jurupavalley.org)>; Norah Jaffan <[norah@epdsolutions.com](mailto:norah@epdsolutions.com)>  
Cc: Annette Tam <[ATam@jurupavalley.org](mailto:ATam@jurupavalley.org)>; Alex Calderas <[acalderas@dc-logistics.com](mailto:acalderas@dc-logistics.com)>; Grizelda Reed <[greed@jurupavalley.org](mailto:greed@jurupavalley.org)>; Robert Pier <[rp@dc-logistics.com](mailto:rp@dc-logistics.com)>

Hi Joe,

Please accept this email as a request on behalf of the applicant (copied on this email) for a request for continuance related to the above-referenced project to allow additional time to prepare further information for the hearing. I appreciate your assistance.

Thank you,

Jeremy Krout

**E | P | D SOLUTIONS, INC.**

[jeremy@epdsolutions.com](mailto:jeremy@epdsolutions.com)

949.794.1181 direct

949.751.8993 cell

2 Park Plaza Suite 1120

Irvine, CA 92614

[www.epdsolutions.com](http://www.epdsolutions.com)



# City of Jurupa Valley

## **RETURN TO AGENDA**

## **STAFF REPORT**

**DATE:** DECEMBER 9, 2020  
**TO:** CHAIR PRUITT AND MEMBERS OF THE PLANNING COMMISSION  
**FROM:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR  
**BY:** JEAN WARD, SENIOR PLANNING CONSULTANT  
**SUBJECT:** AGENDA ITEM NO. 6.3  
CODE AMENDMENT NO. 20001 (CA20001): TO THE CITY OF JURUPA VALLEY MUNICIPAL CODE (JVMC) TO REPLACE THE TERM “SECOND UNIT” WITH “ACCESSORY DWELLING UNIT” TO BE CONSISTENT WITH JVMC SECTION 9.240.290 AND STATE LAW

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## **RECOMMENDATION**

By motion, adopt Planning Commission Resolution No. 2020-12-09-03 recommending that the City Council of the City of Jurupa Valley adopt an amendment to the Jurupa Valley Municipal Code to replace the term “second unit” with “accessory dwelling unit” for consistency with JVMC Section 9.240.290 Accessory dwelling units and State law.

## **BACKGROUND**

In 2018, the City Council adopted an ordinance pertaining to accessory dwelling units (ADUs) to bring the City’s code into compliance with recently adopted State laws at that time, which were aimed at reducing regulatory, physical and financial barriers related to constructing ADUs, and also allowing for junior accessory dwelling units (JADUs). As of January 1, 2020, several new bills came into effect that impact local regulation of ADUs and JADUs: Assembly Bill (AB) 881, AB 68, AB 587, AB 670, AB 3182 and Senate Bill (SB) 13 and SB 1030. Consistent with the trend over the last several years, the aim of each bill is to remove barriers to the construction of ADUs and JADUs. As a result of the aforementioned legislation, multiple amendments to Section 9.240.290 of the Jurupa Valley Municipal Code have been made to ensure compliance with state law.

Prior to 2018, Section 9.249.290 of the Jurupa Valley Municipal Code referred to “second units.” With the changes to meet State law, the term “second unit” has changed to “accessory dwelling unit” in Section 9.249.290. However, other references to the term “second unit” in the Municipal Code have not been updated for consistency with State law.

On October 29, 2020, the City Council initiated an amendment to the Municipal Code to replace the term “second unit” with “accessory dwelling unit” and/or “junior accessory dwelling unit,” as appropriate, for consistency with JVMC Section 9.240.290 Accessory dwelling units and State law.

## **ANALYSIS**

**Second Unit to Accessory Dwelling Unit.** There are several sections in the Jurupa Valley Municipal Code that should be amended to change the term “second unit” to “accessory dwelling unit,” or to delete the section so it is not in conflict with Section 9.249.290 Accessory dwelling units. Provided below are proposed amendments to the JVMC (additional verbiage is underlined):

### **CHAPTER 3.70. - WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM**

#### **Section 3.70.030 - Definitions.**

~~Guest dwellings and detached second units mean, according to the State of California legal definition, as follows:~~

- ~~(1) The second unit is not intended for sale and may be rented;~~
- ~~(2) The lot is zoned for single-family dwellings;~~
- ~~(3) The lot contains an existing single-family dwelling;~~
- ~~(4) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling; and~~
- ~~(5) Are administratively approved by each jurisdiction's local codes.~~

Guest quarter. A detached accessory building designed and intended to provide overnight accommodations and does not contain a kitchen.

Accessory dwelling unit. Has the same meaning ascribed in Government Code Section 65852.2, as the same may be amended from time to time.

#### **Section 3.70.040 - Establishment of the transportation uniform mitigation fee.**

F.(5) Guest dwellings and ~~detached second units~~ accessory dwelling units as described in Section 3.70.030, Definitions, and in the TUMF Administrative Plan.

### **CHAPTER 3.75. - DEVELOPMENT IMPACT FEE**

#### **Section 3.75.020 – Findings.**

(15) Even though ~~second units~~ accessory dwelling units on existing single-family lots may also contribute to the need for certain of the facilities, the City Council refrains from imposing fees on such development at this time, and in this regard finds that ~~second units~~ accessory dwelling units:

- (a) Provide a cost-effective means of serving development through the use of existing infrastructure, as contrasted to requiring the construction of new costly infrastructure to serve development in undeveloped areas;
- (b) Provide relatively affordable housing for low- and moderate-income households without public subsidy; and
- (c) Provide a means for purchasers of new or existing homes to meet payments on high interest loans.

Sec. 3.75.180. - Exemptions.

(5) Detached ~~second-unit~~ accessory dwelling units pursuant to Section 9.240.290 and attached ~~second-unit~~ accessory dwelling units;

CHAPTER 3.80. - WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN MITIGATION FEE ORDINANCE

Section 3.80.020 - Findings

(11) Even though ~~second-unit~~ accessory dwelling units on existing single family lots may also contribute to the need for acquisition of lands necessary to implement the MSHCP, the city refrains from imposing the fee on such development at this time, and in this regard finds that ~~second-unit~~ accessory dwelling units:

- (a) Provide a cost effective means for serving development through the use of existing infrastructure, as contrasted to requiring the construction of new costly infrastructure to serve development in undeveloped areas; and
- (b) Provide relatively affordable housing for low- and moderate-income households without public subsidy.

CHAPTER 9.240. - GENERAL PROVISIONS

Section 9.240.170 - Detached accessory buildings

C. *Guest quarters.* Excluding subsection (B)(14) of this section, all development standards for detached accessory buildings shall apply to guest quarters. In addition, the following development standards shall apply to guest quarters:

- (1) Only one (1) guest quarter shall be allowed on a lot regardless of lot size.
- (2) The square footage of any guest quarter shall not exceed six hundred fifty (650) square feet without the approval of a site development permit. A guest quarter with a floor area of more than six hundred fifty (650) square feet shall require the approval of a site development permit pursuant to subsection D.(1)(a) of this section.
- (3) A guest quarter shall be used exclusively by occupants of the premises and their non-paying guests.
- (4) No reduction of the side and rear yard setbacks shall be allowed for any guest quarter.
- (5) For lots two (2) acres or smaller, a guest quarter shall not be allowed if the lot has an existing or approved ~~second-unit~~ accessory dwelling unit.

Section 9.240.320 – Family day care homes

D. ~~Second-unit~~ accessory dwelling unit/guest dwelling quarter. No ~~second-unit~~ accessory dwelling unit or guest ~~dwelling quarter~~ may be used as a family day care home.

Section 9.240.440 – Applications for modifications to approved permits

A request for approval of a modification to an approved site development permit, conditional use permit, public use permit, ~~second-unit~~ accessory dwelling unit permit, mobilehome permit under [Chapter 9.255](#), or variance, shall be made in accordance with the provisions of this section. A modification under this section means a determination of substantial conformance or a request for a revised permit as further defined herein. These provisions shall not be applicable to wind energy conversion system permits.

## Section 9.240.460 – Kennels and catteries

### C. Development standards.

(1) *Residency.* In those zones permitting Class I Kennels, such kennels may be placed upon parcels containing detached single-family dwelling units. All Class II Kennels and all catteries shall include a single-family dwelling to be used by a live-in caretaker in accordance with the requirements of [Section 10.05.020](#). Notwithstanding any provision within this section to the contrary, no parcel with a kennel or cattery shall contain more than the maximum number of detached single-family dwelling units permitted by the existing zoning on the property. Multi-family dwelling units and attached single-family dwelling units shall not be permitted in conjunction with kennels or catteries, provided, however, that a guest ~~dwelling quarter~~ or ~~second unit~~ accessory dwelling unit shall be permitted in accordance with current county ordinances, as adopted by the City of Jurupa Valley.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Adoption of the amendment to replace the term “second unit” with “accessory dwelling unit” throughout the Municipal Code is exempt from CEQA under Public Resources Code Section 21080.17, as these changes implement Government Code Section 65852.2 and would not have a potential for causing a significant effect on the environment.

### **CONCLUSION**

Several sections of the City’s Municipal Code are inconsistent with the Accessory Dwelling Unit Ordinance (Section 9.240.290) and State law by using the term “second unit”. The proposed amendment will change the term “second unit” to “accessory dwelling unit” throughout the Municipal Code. Staff recommends that the Planning Commission review the draft amendment, suggest any necessary revisions and recommend that City Council approve an amendment to the Municipal Code for consistency with JVMC Section 9.240.290 and State law.

Prepared by:



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Jean Ward, AICP  
Senior Planning Consultant

Submitted by:



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Joe Perez  
Community Development Director

Reviewed by:

//s//Serita Young

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Serita Young  
Deputy City Attorney

**Attachments:**

1. Planning Commission Resolution No. 2020-12-09-03
  - a. Exhibit A. Draft City Council Ordinance

**RESOLUTION NO. 2020-12-09-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADOPT AN AMENDMENT TO THE JURUPA VALLEY MUNICIPAL CODE TO REPLACE THE TERM “SECOND UNIT” WITH “ACCESSORY DWELLING UNIT” FOR CONSISTENCY WITH JURUPA VALLEY MUNICIPAL CODE SECTION 9.240.290 AND STATE LAW, AND FIND THAT THE PROPOSED AMENDMENT IS EXEMPT FROM CEQA**

**THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:**

**Section 1. Municipal and Zoning Code Amendment.**

(a) Section 9.285.010 (“Amendments to Chapter”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code provides that amendments to Title 9 may be initiated by either the Planning Commission or the City Council.

(b) At the October 29, 2019 regular City Council meeting, the City Council initiated an amendment to the Jurupa Valley Municipal Code, including Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, to replace the term “second unit” with the term “accessory dwelling unit” and/or “junior accessory dwelling unit,” as appropriate, for consistency with Jurupa Valley Municipal Code Section 9.240.290 (“Accessory Dwelling Units”) and State law (the “Code Amendment”), and requested that the Planning Commission study and report on the proposed Code Amendment, attached hereto as Exhibit “A”.

(c) Section 9.285.010 (“Amendments to Chapter”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code provides that amendments to Title 9 shall be made in accordance with the procedure set forth in Government Code Section 65800 *et seq.*, as now enacted and hereafter amended, and the requirements of Chapter 9.285.

(d) Section 9.285.030 (“Regulations to be Amended”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code provides that amendments to Title 9 that propose to regulate the use of buildings, structures, and land as between industry, business, residents, open space, including recreation or enjoyment, and other purposes, and that propose to regulate the use of lots, yards, courts, and other open spaces, shall be adopted in the manner set forth in Section 9.285.040. Further, Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment proposes to impose any regulations listed in Government Code Section 65850 not theretofore imposed, must be adopted in the manner set forth in Government Code Sections 65854 to 65857, inclusive.

(e) Section 9.285.040 (“Adoption of Amendments”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code and Government Code Section 65854 provide that the Planning Commission must hold a public hearing on the proposed amendment. Notice of the hearing must be given pursuant to Government Code Section 65090.

(f) Section 9.285.040 (“Adoption of Amendments”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code and Government Code Section 65855 provide that after closing the public hearing the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which must contain the reasons for the recommendation. Such recommendation must include the reasons for the recommendation, the relationship of the proposed amendment to the general plan, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body. If the Planning Commission does not reach a decision due to a tie vote, that fact must be reported to the City Council and the failure to reach a decision shall be deemed a recommendation against the proposed amendment.

**Section 2. Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The proposed Code Amendment was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On December 9, 2020, the Planning Commission of the City of Jurupa Valley held a public hearing on the proposed Code Amendment, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

**Section 3. California Environmental Quality Act Findings and Recommendations for Determinations.** The Planning Commission hereby recommends that the City Council of the City of Jurupa Valley make the following environmental findings and determinations in connection with the approval of the Project:

(a) The proposed Code Amendment is not subject to the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Section 21080.17 because CEQA does not apply to the adoption of an ordinance by a city that implements Government Code Section 65852.2 concerning accessory dwelling units in areas zoned to allow single-family or multifamily use. Further, on a separate and independent basis, the proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, updating the term “second unit” with the term “accessory dwelling unit” and/or “junior accessory dwelling unit” throughout the Jurupa Valley Municipal Code, will have a



significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as applications for accessory dwelling units are submitted to the City. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

**Section 4. Findings for Recommendation of Approval of Code Amendment.** The Planning Commission of the City of Jurupa Valley does hereby recommend that the City Council of the City of Jurupa Valley find and determine that the proposed Code Amendment should be adopted because it is consistent with the General Plan Goals and Policies, that include:

(a) The proposed Code Amendment is consistent with the City of Jurupa Valley General Plan Land Use and Housing Elements in that accessory dwellings contribute needed housing to the community’s housing stock to meet the City’s share of the region’s housing needs for all income levels, and improve and expand housing opportunities.

**Section 5. Recommendation of Approval of Code Amendment.** Based on the foregoing, the Planning Commission hereby recommends that the City Council of the City of Jurupa Valley adopt the proposed Code Amendment attached hereto as Exhibit “A”.

**Section 6. Certification.** The Community Development Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 9<sup>th</sup> day of December, 2020.

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Arleen Pruitt  
Chair of Jurupa Valley Planning Commission

ATTEST:

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Joe Perez  
Community Development Director/Secretary to the Planning Commission

STATE OF CALIFORNIA                    )  
COUNTY OF RIVERSIDE                ) ss.  
CITY OF JURUPA VALLEY                )

I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2020-12-09-03 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 9<sup>th</sup> day of December, 2020, by the following vote, to wit:

AYES:               COMMISSION MEMBERS:

NOES:               COMMISSION MEMBERS:

ABSENT:            COMMISSION MEMBERS:

ABSTAIN:           COMMISSION MEMBERS:

\_\_\_\_\_  
JOE PEREZ  
COMMUNITY DEVELOPMENT DIRECTOR

**ORDINANCE NO. 2021-\_\_**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY  
AMENDING THE JURUPA VALLEY MUNICIPAL CODE  
TO REPLACE THE TERM “SECOND UNIT” WITH  
“ACCESSORY DWELLING UNIT” FOR CONSISTENCY  
WITH JURUPA VALLEY MUNICIPAL CODE SECTION  
9.240.290 AND STATE LAW, AND FINDING THAT THE  
PROPOSED AMENDMENT IS EXEMPT FROM CEQA**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS  
FOLLOWS:**

**Section 1. Project Procedural Findings.** The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) At the October 29, 2019 regular City Council meeting, the City Council initiated an amendment to the Jurupa Valley Municipal Code, including Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, to replace the term “second unit” with the term “accessory dwelling unit” and/or “junior accessory dwelling unit,” as appropriate, for consistency with Jurupa Valley Municipal Code Section 9.240.290 (“Accessory Dwelling Units”) and State law (the “Code Amendment”), and requested that the Planning Commission study and report on the proposed Code Amendment, as set forth in this Ordinance.

(b) On December 9, 2020, the Planning Commission of the City of Jurupa Valley held a public hearing on the proposed Code Amendment set forth in this Ordinance, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearings and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2020-12-09-03 recommending that the City Council approve the proposed Code Amendment.

(c) On [month] [day], 2021, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the proposed Code Amendment, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

(d) All legal preconditions to the adoption of this Ordinance have occurred.

**Section 2. California Environmental Quality Act Findings.** The proposed Code Amendment is not subject to the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Section 21080.17 because CEQA does not apply to the adoption of an ordinance by a city that implements Government Code Section 65852.2 concerning accessory dwelling units in areas zoned to allow single-family or multifamily use. Further, on a separate and independent basis, the proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA

Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, updating the term “second unit” with the term “accessory dwelling unit” and/or “junior accessory dwelling unit” throughout the Jurupa Valley Municipal Code, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as applications for accessory dwelling units are submitted to the City. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

**Section 3. Project Findings.** The City Council hereby finds, as required by the Jurupa Valley Ordinances and applicable state law, that the proposed Code Amendment should be adopted because the proposed Code Amendment is consistent with the General Plan Goals and Policies, that include:

(a) The proposed Code Amendment is consistent with the City of Jurupa Valley General Plan Land Use and Housing Elements in that accessory dwellings contribute needed housing to the community’s housing stock to meet the City’s share of the region’s housing needs for all income levels, and improve and expand housing opportunities.

**Section 4. Amendment to Section 3.70.030.** A new definition of “accessory dwelling unit” is hereby added in alphabetical order to Section 3.70.030, Definitions, of Chapter 3.70, Western Riverside County Transportation Uniform Mitigation Fee Program, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code to read as follows:

“*Accessory dwelling unit*” has the same meaning ascribed in Government Code Section 65852.2, as the same may be amended from time to time.

**Section 5. Amendment to Section 3.70.030.** The definition of “guest dwellings and detached second units” is hereby deleted in its entirety from Section 3.70.030, Definitions, of Chapter 3.70, Western Riverside County Transportation Uniform Mitigation Fee Program, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code.

**Section 6. Amendment to Section 3.70.030.** A new definition of “guest quarter” is hereby added in alphabetical order to Section 3.70.030, Definitions, of Chapter 3.70, Western Riverside County Transportation Uniform Mitigation Fee Program, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code to read as follows:

“*Guest quarter* means a detached accessory building designed and intended to provide overnight accommodations and does not contain a kitchen.”

**Section 7. Amendment to Section 3.70.040.** Subsection (F)(5) of Section 3.70.040, Establishment of the Transportation Uniform Mitigation Fee, of Chapter 3.70, Western Riverside County Transportation Uniform Mitigation Fee Program, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(5) Guest dwellings and detached ~~second units~~accessory dwelling units as described in Section 3.70.030, Definitions, and in the TUMF Administrative Plan.”

**Section 8. Amendment to Section 3.75.020.** Subsection (15) of Section 3.75.020, Findings, of Chapter 3.75, Development Impact Fee, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(15) Even though ~~second units~~accessory dwelling units on existing single-family lots may also contribute to the need for certain of the facilities, the City Council refrains from imposing fees on such development at this time, and in this regard finds that ~~second units~~accessory dwelling units:

- (a) Provide a cost-effective means of serving development through the use of existing infrastructure, as contrasted to requiring the construction of new costly infrastructure to serve development in undeveloped areas;
- (b) Provide relatively affordable housing for low- and moderate-income households without public subsidy; and
- (c) Provide a means for purchasers of new or existing homes to meet payments on high interest loans.”

**Section 9. Amendment to Section 3.75.180.** Subsection (5) of Section 3.75.180, Exemptions, of Chapter 3.75, Development Impact Fee, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(5) Detached ~~second units~~accessory dwelling units pursuant to Section 9.240.290 and attached ~~second units~~accessory dwelling units;

**Section 10. Amendment to Section 3.80.020.** Subsection (11) of Section 3.80.020, Findings, of Chapter 3.80, Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee Ordinance, of Title 3, Revenue and Finance, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(11) Even though ~~second unit~~accessory dwelling units on existing single family lots may also contribute to the need for acquisition of lands necessary to implement the MSHCP, the city refrains from imposing the fee on such development at this time, and in this regard finds that ~~second units~~accessory dwelling units:

- (a) Provide a cost effective means for serving development through the use of existing infrastructure, as contrasted to requiring the construction of new costly infrastructure to serve development in undeveloped areas; and
- (b) Provide relatively affordable housing for low- and moderate-income households without public subsidy.”

**Section 11. Amendment to Section 9.240.170.** Subsection (C)(5) of Section 9.240.170, Detached Accessory Buildings, of Chapter 9.240, General Provisions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(5) For lots two (2) acres or smaller, a guest quarter shall not be allowed if the lot has an existing or approved ~~second-unit~~accessory dwelling unit.”

**Section 12. Amendment to Section 9.240.320.** Subsection (D) of Section 9.240.320, Family Day Care Homes, of Chapter 9.240, General Provisions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“~~D. Second-unit~~accessory dwelling unit/guest dwelling quarter. No ~~second-unit~~accessory dwelling unit or guest ~~dwell~~ing quarter may be used as a family day care home.”

**Section 13. Amendment to Section 9.240.460.** Subsection (C)(1) of Section 9.240.460, Kennels and Catteries, of Chapter 9.240, General Provisions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(1) *Residency*. In those zones permitting Class I Kennels, such kennels may be placed upon parcels containing detached single-family dwelling units. All Class II Kennels and all catteries shall include a single-family dwelling to be used by a live-in caretaker in accordance with the requirements of Section 10.05.020. Notwithstanding any provision within this section to the contrary, no parcel with a kennel or cattery shall contain more than the maximum number of detached single-family dwelling units permitted by the existing zoning on the property. Multi-family dwelling units and attached single-family dwelling units shall not be permitted in conjunction with kennels or catteries, provided, however, that a guest ~~dwell~~ing quarter or ~~second-unit~~accessory dwelling unit shall be permitted in accordance with current county ordinances, as adopted by the City of Jurupa Valley.”

**Section 14. Severability.** If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**Section 15. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

**Section 16. Certification.** The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**Section 17. Effective Date.** This Ordinance shall take effect on the date provided in Government Code Section 36937.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Victoria Wasko, CMC  
City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2021-\_\_ was duly introduced at a meeting of the City Council of the City of Jurupa Valley on the \_\_\_\_ day of \_\_\_\_\_, 2021, and thereafter at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2021, it was duly passed and adopted by the following vote of the City Council:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Victoria Wasko, City Clerk  
City of Jurupa Valley