



SPECIAL MEETING AGENDA OF THE JURUPA VALLEY CITY COUNCIL

Wednesday, August 3, 2022

Regular Session: 5:30 p.m.

City Council Chamber

8930 Limonite Avenue, 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 City Council.*
- 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 Clerk **BEFORE** the Mayor 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 the Meeting is conducted via teleconferencing pursuant to Government Code Section 54953(e), the public may submit comments to the City Council via email or via telephone prior to the Mayor calling the item. Email comment shall be sent to: CityClerk@jurupavalley.org. Telephone comments may be made by calling (951) 332-6464, Ext. 140. Email and telephone comments are subject to the same rules as in-person comments.*
- D. *Members of the public who wish to comment on the **CONSENT CALENDAR** may do so during the Public Comment portion of the Agenda prior to the adoption of the Consent Calendar.*
- E. *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 3 minutes.*

1. 5:30 PM - CALL TO ORDER AND ROLL CALL FOR SPECIAL MEETING

- Chris Barajas, Mayor
- Leslie Altamirano, Mayor Pro Tem
- Lorena Barajas Bisbee, Council Member
- Brian Berkson, Council Member
- Guillermo Silva, Council Member

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. PUBLIC APPEARANCE/COMMENTS

5. PUBLIC HEARING

A. PUBLIC HEARING TO CONSIDER AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-18, IMPOSING A TEMPORARY MORATORIUM ON EXPANSION OR ESTABLISHMENT OF GASOLINE SERVICE STATIONS FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR

Requested Action: That the City Council conduct a public hearing; receive any public testimony, and adopt, by a 4/5's vote, Urgency Ordinance No. 2022-16, entitled:

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-18, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR NEW GASOLINE SERVICE STATION USES OR THE EXPANSION OF EXISTING GASOLINE SERVICE STATION USES IN THE CITY OF JURUPA VALLEY, DECLARING THE URGENCY THEREOF AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15061 (B)(3)

6. ADJOURNMENT

Adjourn to the Regular Meeting of August 4, 2022 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

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 City Council or other services, please contact Jurupa Valley City Hall at (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, Jurupa Valley City Council Members in connection with a matter subject to discussion or consideration at an open meeting of the City Council 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 Avenue, Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, Jurupa Valley City Council Members. The City Council may also post the writing on its Internet website at www.jurupavalley.org. Agendas and Minutes are posted on the City's website at www.jurupavalley.org.

City of Jurupa Valley

STAFF REPORT

DATE: AUGUST 3, 2022

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: ROD BUTLER, CITY MANAGER

BY: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AGENDA ITEM NO. 5.A

PUBLIC HEARING TO CONSIDER AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-18, IMPOSING A TEMPORARY MORATORIUM ON EXPANSION OR ESTABLISHMENT OF GASOLINE SERVICE STATIONS FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR

RECOMMENDATION

- 1) That the City Council conduct a public hearing and adopt, by a 4/5's vote, Urgency Ordinance No. 2022-16, entitled:

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-18, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR NEW GASOLINE SERVICE STATION USES OR THE EXPANSION OF EXISTING GASOLINE SERVICE STATION USES IN THE CITY OF JURUPA VALLEY, DECLARING THE URGENCY THEREOF AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15061 (B)(3)

BACKGROUND

At the July 1, 2021 City Council meeting, the Council discussed a concern with the over-saturation of gasoline service station uses in the City and that the current zoning regulations do not adequately address the oversaturation, use compatibility and other potential impacts from gasoline service station uses.

On August 5, 2021, pursuant to Government Code Section 65858, the Jurupa Valley City Council adopted Ordinance No. 2021-18 imposing a temporary moratorium on the approval and issuance of any type of entitlement necessary to allow gasoline service station uses in the City. On September 2, 2021, pursuant to Government Code Section 65858, the City Council adopted Ordinance No. 2021-20 extending Ordinance No. 2021-18. Absent any additional action by the City Council, the Ordinance No. 2021-18 will expire on August 4, 2022. However, extra time is necessary to thoroughly research and evaluate a permanent, non-urgency ordinance that updates/amends the Municipal Code establishing objective land use regulations, locational standards, development standards, and operational standards for gasoline service station land uses.

ANALYSIS

Gasoline service stations meet the needs of Jurupa Valley residents and visitors by providing automotive services at convenient locations near freeway off-ramps and when located reasonable distances from home and work. There are 31 active service stations in the City, with the City's service stations being concentrated along SR-60 and Mission Blvd. in the northern portion of the City and along Limonite Avenue in the southern portion of the City.

The City has identified several concerns with gasoline service station uses that include:

- Sheer number of gasoline service stations existing and proposed in the City
- Environmental justice with concentrations in underserved areas of the City
- Impacts on sensitive uses (examples: residential homes, schools, churches)
- A national trend toward fewer service stations due to alternative fuels
- Inconsistent with community character and the development pattern for the City
- Gasoline service stations are potential brownfield sites that are contaminated with hazardous substances and difficult to redevelop
- Gasoline service stations combined with convenience stores have greater impacts on the surrounding area than stand-alone service stations
- The current Municipal Code regulations and review standards are inadequate to address gasoline service stations' potential impacts on the community

Measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 2021-18:

Since the Interim Ordinance was adopted, City Staff has continued its research and development of locational standards, design and development standards, operational standards, and permit requirements for gasoline service stations and associated ancillary uses in order to ensure that gasoline service station uses are consistent with community character and the future development pattern that the City envisioned in the General Plan, reduce negative impacts to adjacent sensitive uses, and address environmental justice concerns related to the unequal distribution and overconcentration of gasoline service station uses. City staff has identified the following objectives in order to address the identified issues and concerns and to form the basis for a proposed ordinance:

- Limit location of new service stations by zone (remove use from some zones)
- Limit concentration of services stations with separation, adjacency, and distance requirements
- Prohibit or limit use adjacent to residential and other sensitive uses
- Limit by minimum lot size and frontage standards
- Prohibit or limit use as part of shopping center development
- Develop physical development standards (setbacks, buffering, screening, landscaping, walls, trash enclosures and receptacles, signage, driveway number and location, ingress/egress locations, parking, queuing, loading, etc.)
- Develop design standards (streetscape, building architecture, pedestrian access)
- Develop operation and performance standards (e.g., hours of operation, noise, lighting, restrooms, air and water services, propane tank sales, outdoor display, etc.)
- Develop use regulations and standards for typical ancillary uses (e.g., car wash, repair services, convenience store, fast food establishments, etc.)
- Require a Conditional Use Permit (CUP) for all zones permitting the use
- Develop specific CUP findings to address potential impacts and potential compatibility issues
- Create new definitions related to gasoline service station uses

A Planning Commission study session was held on March 23, 2022 where staff presented objectives and potential location standards, design and development standards, operational standards, and permit requirements for gasoline service stations and associated ancillary uses. The Planning Commission provided feedback and direction to staff. A detailed report describing the components of a potential Ordinance was presented to the Planning Commission at a public hearing on July 27, 2022 for review and direction (See Planning Commission Staff Report Attachment No. 3). A Draft Ordinance will be presented to the Planning Commission at an August 10, 2022 Public Hearing for final recommendation to the City Council. A public hearing will then be scheduled for the City Council to consider the permanent Ordinance.

URGENCY ORDINANCE

The adoption of an urgency ordinance enacted a temporary moratorium on new or expanded gasoline service stations including processing approval of any Site Development Permits or issuance of any Building Permits, to allow sufficient time for the City to analyze the impacts of gasoline service station uses, establish appropriate regulatory controls and process an amendment to the Zoning Code. To ensure that regulations are in place while City staff drafts and the Planning Commission and City Council considers the adoption of a permanent ordinance, the Urgency Ordinance will need to be extended. This will serve to ensure that gasoline service station uses are consistent with community character and the future development pattern that the City envisioned in the General Plan, reduce negative impacts to adjacent sensitive uses, and

address environmental justice concerns related to the unequal distribution and overconcentration of gasoline service station uses.

Interim Urgency Ordinance No. 2021-18 is scheduled to expire on August 4, 2022. The City Council may extend the moratorium for up to one (1) additional year. As for this hearing, the City Council may extend the moratorium to August 4, 2023. Per State law, a notice was issued ten days prior to the expiration of the interim Ordinance. The report describes the measures taken to alleviate the condition, which led to the adoption of the Ordinance (see Attachment No. 2).

A draft Interim Urgency Ordinance extending the moratorium is attached to this staff report for the Council's consideration. If the Interim Urgency Ordinance is adopted, no new application for any entitlement for the establishment of a service station use shall be accepted and no action can be taken on any existing application during the term of the temporary moratorium, except if a property owner has received land use entitlement(s) for a gasoline service station prior to August 5, 2021 and files an application re-applying for the same land use entitlement(s). The extension will allow time to finish preparation and adoption of a zoning code amendment to establish appropriate development standards and processing requirements for gasoline service stations.

FINANCIAL IMPACT

Staff time will be covered by the Community Development Department budget for Advance Planning projects.

ALTERNATIVES

1. The recommended action: Adopt an Interim Urgency Ordinance extending a moratorium on gasoline service station uses for an additional one (1) year to August 4, 2023.
2. Decline to extend the moratorium on gasoline service station uses.
3. Defer action and request additional information.

Prepared by:



Joe Perez
Community Development Director

Submitted by:



Rod B. Butler
City Manager

Reviewed by:



Connie Cardenas
Administrative Services Director

Reviewed by:



Michael Flad
Assistant City Manager

Reviewed by:



Peter M. Thorson
City Attorney

ATTACHMENTS

1. Draft City Council Ordinance: Extending the Gasoline Station Moratorium
2. 10-day Alleviation Report
3. July 27, 2022 Planning Commission Staff Report

ORDINANCE NO. 2022-16

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-18, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR NEW GASOLINE SERVICE STATION USES OR THE EXPANSION OF EXISTING GASOLINE SERVICE STATION USES IN THE CITY OF JURUPA VALLEY, DECLARING THE URGENCY THEREOF AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15061(b)(3)

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

SECTION 1. Prior Ordinances. On August 5, 2021, the City Council adopted Interim Urgency Ordinance No. 2021-18 imposing a temporary moratorium pursuant to Government Code Section 65858 on the approval and issuance of any type of entitlement necessary to allow gasoline service station uses in the City. That ordinance had a term of forty-five (45) days and was scheduled to expire on September 19, 2021. On September 2, 2021, the City Council adopted Interim Urgency Ordinance No. 2021-20, extending Urgency Ordinance No. 2021-18 by ten (10) months and fifteen (15) days, through and including August 3, 2022 so that it expires on August 4, 2022.

SECTION 2. Legislative Findings. The City Council of the City of Jurupa Valley does find, determine and declare that:

A. California state law allows a city to adopt an interim ordinance that imposes a temporary moratorium on the approval of land use entitlements that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body or planning commission intends to study within a reasonable time. Pursuant to California Government Code Section 65858, an interim urgency zoning ordinance must be adopted by not less than a four-fifths vote of the City Council and is in effect for forty-five (45) days from the date of its adoption.

B. The City Council may consider up to two (2) extensions of Interim Urgency Ordinance No. 2021-18 pursuant to the legal requirements provided in Government Code Section 65858. The City Council may initially extend Interim Urgency Ordinance No. 2021-18 by up to ten (10) months and fifteen (15) days. Then, the City Council may extend Interim Urgency Ordinance No. 2021-18 for one (1) subsequent year. Both extensions require a four-fifths vote of the City Council.

C. The Jurupa Valley Municipal Code permits gasoline service stations, also referred to in the Jurupa Valley Municipal Code as gasoline stations, gas stations, gasoline stations and fuel

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pumps, and gasoline and diesel service stations, and hereafter referred to as “gasoline service stations” in certain zoning designations within the City of Jurupa Valley (“City”).

D. The Environmental Protection Agency (“EPA”) has classified gasoline service stations and fuel storage locations as uses that may result in a brownfield site. Brownfield sites are properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

E. Common contaminants found at gasoline service station sites include gasoline, diesel, and petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at gasoline service stations threatens the public health, safety or welfare of neighboring communities.

F. There are thirty (30) existing operational gasoline service stations in the City. There are an additional five (5) approved gasoline service stations that have received Site Development Permit approval but have not yet been issued a building permit and three (3) proposed gasoline service stations under review for Site Development Permit approval. Further, the City’s Planning Department has received multiple inquiries in recent months regarding the potential of development of service stations throughout the City and staff has identified six (6) additional locations where there is a high potential for a new request for gasoline service station uses to be located. Comparatively, the number of gasoline service stations in the City is greater than in the surrounding cities of Fontana, Ontario and Upland, which have 21, 20, and 17 gasoline service stations, respectively. Furthermore, many of the existing gasoline service stations are located near sensitive receptors. The close proximity of gasoline service stations to these areas increases the risk of contaminant exposure to vulnerable populations. This problem is exacerbated in situations where the gasoline service station may become a brownfield site.

G. The existing gasoline service stations are primarily concentrated along SR 60 and Mission Blvd in the north and along Limonite Avenue in the south of the City. The proliferation of gasoline service stations in particular areas inequitably increases health risks for the residents of these areas due to the potential contaminants present at gasoline service stations. As a matter of environmental justice, the City must carefully consider how such uses are treated under the City’s General Plan designations and policies, zoning measures or development standards in order to avoid an undue concentration of gasoline service stations in any one part of the City.

H. Nationally the amount of gasoline service stations are on a decline. According to the American Petroleum Institute, there are currently 150,000 fueling stations across the country. This is a decline of over 25%, down from the over 200,000 that existed in 1994. Fuel economy, an increase of electric vehicles and big-box discount retailers that offer lower prices are some of the reasons cited for the decreasing number of gasoline service stations nationwide. Vacated gasoline service stations sites potentially present public health, safety and welfare concerns for the neighboring community. With the national decline in the number of gasoline service stations, the likelihood of some of the City’s existing inventory of gasoline service stations failing may be increasing.

I. Of the City’s thirty (30) existing operational gasoline service stations, twenty-eight (28) are combined with a convenience store. Gasoline service stations combined with convenience

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stores can have greater impacts on the surrounding area than gasoline service stations alone, including impacts related to air quality due to increased idling of vehicles, increase trash, noise, and potential crime, particularly when open twenty-four (24) hours a day, seven (7) days a week.

J. The City Council is concerned that under the City's current zoning standards and current general plan policies, certain gasoline service station uses that are allowed might cause a disproportionate public health, safety and welfare impact to the City of Jurupa Valley community and to its residents without compensating benefits to the community.

K. The City Council finds that studies need to be conducted to determine the proper location, concentration, regulations, and other land use regulatory controls that need to be in place in order to ensure that gasoline service station uses do not burden the City and its residents and that the procedures for allowing such uses need to be studied to enable the City to address and mitigate potential burdens on the communities affected.

L. The City Council finds that in order to best protect the immediate threat to the public health, safety, and welfare, it is necessary for the City to immediately study and analyze the implications of allowing additional or expanded gasoline service station uses in the City.

M. To accomplish this, the City Council intends to extend, on an urgency basis, the imposed temporary moratorium on new or expanded gasoline service station uses.

N. This temporary moratorium will allow City staff, the City Council, property owners, and the people of the City of Jurupa Valley sufficient time to analyze the burdens gasoline service station uses have on the City so that the appropriate land use regulatory controls and zone changes can be adopted, if needed. During the moratorium, the City will be able to analyze their potential impacts on the public health such as the potential for contaminant exposure near sensitive receptors and residential areas and impacts on the public welfare due to the number of gasoline service stations and the disproportionate concentration of gasoline service stations in certain residential areas of the City. The City Council finds that these studies will help the City Council and the City's Planning Department determine how best to prevent impacts to the public health, safety and welfare. The City Council further finds that the moratorium will allow time to evaluate the City's General Plan designations and policies, zoning measures or development standards and develop appropriate regulations and/or appropriate zones for new gasoline service stations in the City to achieve a reasonable level of assurance that there will not be serious negative impacts to the overall community and ensure positive outcomes for the City's residents, business community, property owners, and developers.

O. The City Council finds that it is necessary that this Ordinance take effect immediately as there is a current and immediate threat to the public health, safety and welfare. Without this urgency Interim Ordinance, new or expanded gasoline service station uses may be established in the City that may be in conflict with regulations ultimately adopted. Without this urgency Interim Ordinance, new gasoline service stations may be allowed to develop within the City or be redeveloped or expanded within the City that are incompatible with neighboring residential areas and sensitive receptors. Therefore, a current and immediate threat to the public safety, health and welfare exists.

P. For the reasons specified in Section 2 of this Interim Ordinance and all the evidence in the record, the City Council finds that there is a current and immediate threat to the public health, safety and welfare caused by the establishment or expansion of gasoline service station uses in the City, and that the approval of any entitlement to allow such type of use would constitute a current and immediate threat to the public health, safety, and welfare of the residents of the City.

SECTION 3. Compliance with Government Code Section 65858(d). On July 25, 2022, the City issued a report that that identified the measures the City has taken to alleviate the condition which led to the adoption of the ordinance.

SECTION 4. Adoption as an Interim Urgency Zoning Ordinance. This Ordinance is adopted as an interim urgency zoning ordinance pursuant to the provisions of Government Code Section 65858(a), and shall be effective immediately upon its adoption. Based upon the findings set forth in Section 2 of this Interim Ordinance, the City Council finds and determines that the adoption of this Interim Ordinance as an urgency ordinance is necessary for the immediate preservation of public health, safety and welfare pursuant to the requirements of Government Code Sections 65858(a) and 36937(b).

SECTION 5. Temporary Moratorium Extended. The moratorium enacted by the City of Jurupa Valley pursuant to Interim Urgency Ordinance No. 2021-18, and extended by Interim Urgency Ordinance No. 2021-20, is hereby extended pursuant to Government Code Section 65858 for one year so as to extend the moratorium up through and including August 3, 2024 so that it expires on August 4, 2023. This Interim Ordinance hereby extends a temporary moratorium on the approval and issuance of any type of entitlement necessary to allow gasoline service station uses in the City. For the purpose of this Interim Ordinance, a gasoline service station shall be limited to those retail businesses selling motor vehicle fuels derived from fossil fuels. In this context, a gasoline service station is commonly referred to as a gas station. "Gasoline service station uses" shall be defined to include any other use reasonably determined by the Community Development Director to be similar to these types of gasoline service station uses. Nothing contained in this Interim Ordinance shall preclude the improvement, renovation, or demolition of an existing entitled gasoline service station, provided that such development otherwise conforms to applicable law, does not result in an increase to the number of gas pumping facilities, does not add any new accessory uses on site, and does not require a discretionary entitlement to perform such improvement, renovation, or demolition.

SECTION 6. Temporary Moratorium Defined. Notwithstanding any other ordinance or provision of the Jurupa Valley Municipal Code, no application for an entitlement for the establishment of a gasoline service station use as defined in Section 5 above, shall be approved during the term of this temporary moratorium, specified in Section 7 of this Interim Ordinance, provided, however, that this temporary moratorium shall not apply where a property owner has received land use entitlements for a gasoline service station prior to August 5, 2021 and files an application re-applying for the same land use entitlements.

SECTION 7. Temporary Moratorium Term. This Interim Ordinance shall take effect immediately upon adoption, and this Interim Ordinance shall expire, and the temporary moratorium established hereby shall terminate August 4, 2023, The City Council shall retain the authority to terminate or to limit the scope of the temporary moratorium at any time.

SECTION 8. CEQA Finding. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Interim Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that this Interim Ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this Interim Ordinance and the effects derivative from that adoption are exempt from the application of CEQA pursuant to State CEQA Guideline Section 15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)). This Interim Ordinance will provide a temporary moratorium on approvals of applications for gasoline service station uses in the City in order to protect the public health, safety, and general welfare, and will thereby serve to avoid potentially significant adverse environmental impacts during the term of the moratorium. There is no possibility that adopting this Interim Ordinance will have a significant effect on the environment. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations and no environmental analysis is required. The Community Development Director shall prepare and file a Notice of Exemption for this Interim Ordinance.

SECTION 9. Planning Studies. City staff shall continue the studies commenced pursuant to Interim Urgency Ordinance No. 2021-18 that they deem necessary and appropriate to make a recommendation to this City Council regarding the structuring of the General Plan, zoning and other necessary regulatory controls over gasoline service station uses within the City of Jurupa Valley.

SECTION 10. Extension of Time. The Community Development Director and the City Clerk’s office shall undertake all actions legally necessary to extend this Interim Ordinance in the event the studies desired by this City Council will not be concluded on or before the termination of the Interim Ordinance.

SECTION 11. Effect of Ordinance. This Interim Ordinance is intended to supersede any ordinance or resolution of the City of Jurupa Valley in conflict with the terms of this Ordinance; provided, however, that nothing contained in this Interim Ordinance is intended to nor shall be construed to impair the prosecution or other enforcement action for violations of such ordinances.

SECTION 12. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Interim Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Interim Ordinance. The City Council hereby declares that it would have adopted this Interim Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 13. Effective Date. This Interim Ordinance shall take effect immediately upon its passage. It shall be of no further force or effect on August 4, 2023.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 3rd day of August, 2022.

Chris Barajas
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 Urgency Ordinance No. 2022-16 was adopted at a special meeting of the City Council on the 3rd day of August, 2022, 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 3rd day of August, 2022.

Victoria Wasko, City Clerk
City of Jurupa Valley

ISSUANCE OF PUBLIC REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858(D) REGARDING INTERIM URGENCY ORDINANCE NO. 2021-18 ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR NEW GASOLINE SERVICE STATION USES IN THE CITY OF JURUPA VALLEY

RECOMMENDATION:

Staff recommends that the City Council issue this report pursuant to Government Code Section 65858(d).

FISCAL IMPLICATIONS:

There is no fiscal impact associated with the issuance of the report.

BACKGROUND:

Government Code Section 65858(d) requires that “ten days prior to the expiration or extension of any interim zoning ordinance, the legislative body [City Council] must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.” On August 5, 2021, pursuant to Government Code Section 65858, the Jurupa Valley City Council adopted Ordinance No. 2021-18 imposing a temporary moratorium on the approval and issuance of any type of entitlement necessary to allow gasoline service station uses in the City. On September 2, 2021, pursuant to Government Code Section 65858, adopted Ordinance No. 2021-20 extending Ordinance No. 2021-18. Absent any additional action by the City Council, the Ordinance No. 2021-18 will expire on August 4, 2022. However, extra time is necessary to thoroughly research and evaluate a permanent, non-urgency ordinance that updates/amends the Municipal Code establishing objective land use regulations, locational standards, development standards, and operations standards for gasoline service station land uses. Therefore, City staff has scheduled and will notice of a public hearing for August 3, 2022 so that the City Council may consider extending the Interim Urgency Ordinance for a period of 12 months, through and including August 4, 2023.

In compliance with Government Code Section 65858(d), the City Council hereby issues this report for Ordinance No. 2021-18.

Measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 2021-18:

Since the Interim Ordinance was adopted, City Staff has continued its research and development of locational standards, design and development standards, operational standards, and permit requirements for gasoline service stations and associated ancillary uses in order to ensure that gasoline service station uses are consistent with community character and the future development pattern that the City envisioned in the General Plan, reduce negative impacts to adjacent sensitive uses, and address environmental justice concerns related to the unequal distribution and overconcentration of gasoline service station uses. City staff has identified the following objects in order to address the identified issues and concerns and to form the basis for proposed ordinance:

- Limit location of new service stations by zone (remove use from some zones)
- Limit concentration of services stations with separation, adjacency, and distance

requirements

- Prohibit or limit use adjacent to residential and other sensitive uses
- Limit by minimum lot size and frontage standards
- Prohibit or limit use as part of shopping center development
- Develop physical development standards (setbacks, buffering, screening, landscaping, walls, trash enclosures and receptacles, signage, driveway number and location, ingress/egress locations, parking, queuing, loading, etc.)
- Develop Design Standards (streetscape, building architecture, pedestrian access)
- Develop operation and performance standards (e.g., hours of operation, noise, lighting, restrooms, air and water services, propane tank sales, outdoor display, etc.)
- Develop use regulations and standards for typical ancillary uses (e.g., car wash, repair services, convenience store, fast food establishments, etc.)
- Require a Conditional Use Permit (CUP) for all zones permitting the use
- Develop specific CUP findings to address potential impacts and potential compatibility issues
- Create new definitions related to gasoline service station uses.

A Planning Commission study session was held on March 23, 2022 where Staff presented objectives and potential location standards, design and development standards, operational standards, and permit requirements for gasoline service stations and associated ancillary uses. The Planning commission provided feedback and direction to Staff. Staff has subsequently prepared a draft Zoning Code Amendment ordinance that provides a new zoning code section that outlines location standards, design and development standards, operational standards, and permit requirements for gasoline service stations and associated ancillary uses. A detailed report describing the components of a potential Ordinance was presented to the Planning Commission at a public hearing on July 27, 2022 for review and direction. The ordinance will be presented to the Planning Commission at a subsequent public hearing for final recommendation to the City Council. A public hearing will then be scheduled for the City Council to adopt the permanent ordinance.

To ensure that regulations are in place while City staff drafts and the Planning Commission and City Council considers the adoption of a permanent ordinance, the Urgency Ordinance will need to be extended. This will serve to ensure that gasoline service station uses are consistent with community character and the future development pattern that the City envisioned in the General Plan, reduce negative impacts to adjacent sensitive uses, and address environmental justice concerns related to the unequal distribution and overconcentration of gasoline service station uses.

City of Jurupa Valley

STAFF REPORT

DATE: July 27, 2022

TO: CHAIR JACKSON AND MEMBERS OF THE PLANNING COMMISSION

FROM: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR

BY: THOMAS GORHAM, PRINCIPAL PLANNER

SUBJECT: ZONING CODE AMENDMENT NO. 22007 (ZCA22007) AMENDING VARIOUS SECTIONS OF TITLE 9 (“PLANNING AND ZONING”) OF THE JURUPA VALLEY MUNICIPAL CODE TO ADD DEVELOPMENT STANDARDS FOR AUTOMOBILE FUELING STATIONS (CONTINUED FROM JULY 13, 2022)

RECOMMENDATION

Open the public hearing, receive staff presentation and continue the public hearing to the August 10, 2022 Planning Commission meeting, at which time a draft Ordinance will be presented for consideration to the Planning Commission.

BACKGROUND

On August 5, 2021, the City Council initiated a zoning code amendment to establish appropriate development standards and processing requirements for automobile fueling stations and adopted Urgency Ordinance No. 2021-18, imposing a moratorium on approval of building permits or other entitlements for automobile fueling stations for a period of 45 days to September 19, 2021. On September 2, 2021, the City Council extended the moratorium to August 3, 2022.

There are 30 active automobile fueling stations in the City with an additional five approved and three pending approvals. Of the City’s 30 existing service stations, 28 are combined with a convenience store. In addition, Community Development Department has received multiple inquiries in recent months regarding potential new automobile fueling stations throughout the City. Based on these inquiries, six additional locations were identified where there is a high probability for new automobile fueling station requests. The distribution of the City’s service stations is concentrated along State Route (SR) 60 and Mission Boulevard in the north and along Limonite Avenue in the south (See Attachment No. 1, Automobile fueling stations Sites Map).

Summary of issues and concerns: Below is a summary of the issues and concerns related to automobile service stations in the City:

- Proliferation of automobile fueling station uses
- Impacts on adjacent residential and other sensitive uses (e.g., schools, parks, etc.)
- Inconsistency with community character and future development pattern of City
- Limit or prevent more preferable/desirable uses at key locations
- Lost opportunity for neighborhood scale commercial development
- Potential to become brownfield sites due to contaminated soils
- Environmental Justice concerns due to unequal distribution and overconcentration
- Negative impacts: noise; air quality; litter; crime; trash; traffic; lighting
- Ancillary use impacts: car wash; convenience store/alcohol sales; repair service; fast food establishments
- Limited and inconsistent discretionary action required for approval – allowed “by-right”, site development permit, or conditional use permit depending on the zone.
- No development or performance standards in zoning code.

Objectives: The following objectives have been identified in order to address the issues and concerns outlined above and to form the basis for proposed ordinance:

- Limit location of new service stations by zone (remove use from some zones)
- Limit concentration of services stations with separation, adjacency, and distance requirements
- Prohibit or limit use adjacent to residential and other sensitive uses
- Limit by minimum lot size and frontage standards
- Prohibit or limit use as part of shopping center development
- Develop physical development standards (setbacks, buffering, screening, landscaping, walls, trash enclosures and receptacles, signage, driveway number and location, ingress/egress locations, parking, queuing, loading, etc.)
- Develop Design Standards (streetscape, building architecture, pedestrian access)
- Develop operation and performance standards (e.g., hours of operation, noise, lighting, restrooms, air and water services, propane tank sales, outdoor display, etc.)
- Develop use regulations and standards for typical ancillary uses (e.g., car wash, repair services, convenience store, fast food establishments, etc.)
- Require a Conditional Use Permit (CUP) for all zones permitting the use
- Develop specific CUP findings to address potential impacts and potential compatibility issues
- Create new definitions

On March 23, 2022, a Planning Commission Study Session was held to consider proposed development standards and processing requirements for automobile fueling

stations. The Planning Commission reviewed the proposed development, operational, locational, and processing standards for automobile fueling station uses. The Commission supported the proposed conceptual standards and provided the following feedback:

- The Commission inquired about the process for non-conforming gasoline stations. They asked about the outreach efforts the City will take to notify potential businesses affected by the proposed development standards how such businesses will be brought into compliance.
- The Commission inquired about the required site remediation if a gasoline station is abandoned.
- The Commission requested clarity and consistency related to gasoline services stations definition.
- The Commission inquired about the environmental requirements for automobile fueling stations.
- The Commission requested that any future automobile fueling stations be prohibited or restricted near sensitive uses (i.e., residential, schools, day cares, parks, etc.).
- The Commission discussed the overconcentration of automobile fueling stations within the City and requested a study be conducted to indicate how many automobile fueling stations are in the City per square mile or per capita. Please see Attachment No. 2 for per square mile and per capita data.

ANALYSIS

Based on the objectives listed above and Planning Commission direction provided at the Planning Commission Study Session, a recommended Automobile Fueling Station Ordinance has been prepared which would add Section 9.240.560. – “Automobile Fueling Stations” to Zoning Code Chapter 9.240. – General Provisions with related code amendments. The proposed section would provide for the following: permit process, definitions, location and separation requirements, and development and operational standards. The proposed Section is summarized below:

Section 9.240.560 A Definitions

Five definitions for Automobile Fueling Stations, Car Wash, Convenience Store, Fast Food Establishment, and Vehicle Service Shops are included in the Ordinance that define an automobile fueling station use as well as the various ancillary uses and services that may be associated with use. The Automobile Fueling Station definition is also added to Chapter 9.10 – “Definitions” of the Zoning Code and is added to the various zoning district chapters where the use is allowed for internal consistency. The five new definitions included in the draft Ordinance are recommended to read as follows:

1. Automobile Fueling Station: A retail business engaged primarily in selling gasoline or other motor vehicle fuels, which may also provide services which are ancillary to fuel services. These ancillary services may include vehicle service shops, car wash facilities, convenience stores, and fast food establishments.

2. Car Wash: An ancillary use to an automobile fueling station for permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services.
3. Convenience Store: An ancillary use to an automobile fueling station for any retail sales of food, beverages and small convenience items primarily for off-premises consumption.
4. Fast Food Establishment: An ancillary use to an automobile fueling station for a retail food service establishment in which all, or a portion of, the food service is provided through a drive-through window or counter inside the fast-food establishment as opposed to a sit-down table service restaurant.
5. Vehicle Service Shops: – Any accessory use to an automobile fueling station for service and repair of vehicles conducted wholly within a building.

Section 9.240.560 B Purpose and Intent

This section outlines the purpose and intent of the ordinance which is to present locational criteria, development standards, and operational standards to be used by the City to regulate automobile fueling stations and ancillary uses under Conditional Use Permit procedures.

Section 9.240.560 C Permit Requirement

The purpose of this Section is to require a conditional use permit for a new automobile fueling station, or the reconfiguration or enlargement of an established automobile fueling station. In addition, this section provides the following specific findings that the Planning Commission must make in order to approve an automobile fueling station use:

1. The overall development of the project site shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.
2. The proposed use will not substantially increase vehicular traffic on any public rights-of-way in the immediate vicinity, especially those serving residential uses.
3. The proposed use will not create increased traffic hazards to pedestrians, cyclists, or equestrian users.
4. The proposed use will not adversely affect adjoining land uses, or the growth and development of the area in which it is proposed to be located.

Section 9.240.560 D. Location and Separation Requirements

In order to limit the overconcentration of automobile fueling stations, this section requires the following:

- Automobile fueling stations to be separated from other automobile fueling stations by a minimum of one-thousand, (1,000) feet, with an allowance for a maximum of two (2) automobile fueling stations permitted at any single intersection. This

requirement will limit clusters of automobile fueling stations and allow for more preferable/desirable uses at key locations.

- New automobile fueling station are prohibited if there are four (4) or more existing automobile fueling stations located within a one (1) mile radius of the proposed automobile fueling station site, unless the Planning Commission can make a finding that the proposed automobile fueling station is necessary for the public convenience and will not be detrimental to the public health, safety, and general welfare as outlined in the findings section above. This requirement addresses the concerns of overconcentration.
- Requires automobile fueling stations located in shopping centers to be located at the periphery in order to minimize internal traffic and pedestrian conflicts.

Section 9.240.560 E. Development Standards

Automobile fueling stations and any ancillary car wash, convenience store, fast food establishment, or vehicle repair shop must meet all the development standards summarized in the table below and be consistent with the purpose and intent under section 9.240.560 B.

RECOMMENDED DEVELOPMENT STANDARDS		
Title	Standard	Intent
Minimum Site Area	40,000 square feet for new automobile fueling stations.	Large lot size will limit potential locations and provide for more efficient site layout to minimize potential negative impacts.
Minimum Frontage	175 feet on each street.	Large lot frontage will limit potential locations and provide for more efficient site layout to minimize potential negative impacts. Deviations to this requirement can be considered by the City as part of the CUP review process.
Maximum Lot Coverage	40% percent of the total lot size. No more than 20% percent of the total lot area shall be covered by a canopy	This will limit large-scale automobile fueling stations as well as multiple ancillary uses such as car washes, convenience stores, fast food, vehicle repair shop.

RECOMMENDED DEVELOPMENT STANDARDS		
Title	Standard	Intent
Minimum Street Setbacks	The minimum street setback shall be 25 feet; However, to encourage a more pedestrian streetscape, a primary building with direct access from the street may be located a minimum of 15 feet from the right-of-way.	The setbacks will allow for increased landscaping along the street frontage.
Minimum Side and Rear Setbacks Adjacent to Sensitive Uses	All structures shall be set back a minimum of 50 feet from the side and rear property lines where adjoining parcels are used, zoned, or designated by the General Plan for residential uses, schools, parks, or places of religious worship.	This setback requirement is consistent with setback requirements for multi-family residential uses next to commercial properties and along with additional landscaping requirements will help to mitigate potential impacts to these sensitive uses.
Minimum Side and Rear Setbacks Adjacent to Nonresidential Districts	The minimum interior or rear setback shall be 15 feet.	Will provide adequate space for increased perimeter landscaping.
Vehicular Access Points	No more than two driveways or means of access shall be provided to any one street or highway. No more than 35% percent of the street frontage shall be devoted to curb cuts.	Limits potential traffic conflicts and allows for more street frontage landscaping.
Location of Driveways	Driveways shall not be located closer than 25 feet to the end of a curb corner or closer than 25 feet to a common property line when adjacent to a residential zoning district.	Limits potential traffic conflicts at corners and provides separation buffer from residential uses.
Driveway Design	Driveways shall be designed and located to ensure a safe and efficient movement of traffic on and off the site, to and from the lane of traffic nearest the curb. All driveways shall be located and constructed according to the standards of the City. Driveways for automotive fueling stations which are developed as part of or in conjunction with adjacent uses shall be located as part of the total circulation facilities of such adjacent uses. Decorative paving shall be provided at all driveway entrances.	Ensures driveways are designed to City standards to provide efficient movement of vehicular traffic to and from the site. Also, provides for paving enhancement requirements.

RECOMMENDED DEVELOPMENT STANDARDS		
Title	Standard	Intent
Internal Circulation	The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site. The pump island shall be situated to provide stacking space for a minimum of 2 vehicles behind the vehicle parked at the pump closest to the any entrance and/or exit driveway.	Ensures that vehicles do not block ingress and egress or internal circulation through the site. Deviations can be granted as warranted.
Pedestrian Access to Convenience Store/Fast Food Establishment	A minimum of 1 continuous 4-foot-wide internal pedestrian decorative paved walkway shall be provided from the perimeter public sidewalk of each abutting street to the nearest entrance to the convenience market and/or fast-food establishment.	Provides pedestrian connectivity from the adjacent sidewalk.
Parking	<ul style="list-style-type: none"> • Stand-alone automobile fueling stations (no ancillary uses): 4 spaces • Automobile fueling station with a Convenience Store: Five (5) spaces per 1,000 square feet of gross floor area of the convenience store. Up to fifty (50%) percent of the pump islands may be counted as parking spaces at a minimum ratio of one space for each pump island. • Automobile fueling station with a Fast-Food Establishment and/or Car Wash: The parking requirements for all uses on the site shall be determined by a parking demand study prepared by an independent traffic engineer licensed by the State of California • Provides for requirements for loading 	Specific parking requirements to address the various configurations of automobile fueling stations with and without ancillary uses.
Building and Canopy Design	<ul style="list-style-type: none"> • Building and/or canopy, and any ancillary use building shall be designed for architectural compatibility and in compliance with any applicable design guidelines. Scale, massing, and detailing should be complementary to the surrounding uses, building form, and relationship to streetscapes. 	Provides specific building design standards to ensure quality, integrated, visually interesting and compatible building design.

RECOMMENDED DEVELOPMENT STANDARDS		
Title	Standard	Intent
Building and Canopy Design (cont.)	<ul style="list-style-type: none"> Building elevations shall incorporate architectural features that are visually interesting with pronounced massing. Blank walls are prohibited. Architectural detailing and materials shall be of a high and durable quality. Maximum height of 25 feet for building and 16 feet for canopy. 	
Pump Islands	Requires pump islands to setback 60 feet for a pump island from sensitive use and 25 feet for all other uses.	Protects separation of pump islands from sensitive uses to reduce potential impacts.
Ancillary Devices	Device providing air service, water service, recharging for electric vehicles, and similar services shall be not be located in any required building setback area.	Reduces potential visual, noise and impacts from ancillary devices from adjacent uses and the public right-of-way.
Cashier Location & Visibility of the Fueling Area	Requires cashier location to have direct full visual access to the pump islands and the vehicles parked adjacent to the islands.	This is a safety and security measure.
Signs	<ul style="list-style-type: none"> Freestanding signs 20 feet maximum height Monument signs 8 feet maximum height One freestanding or monument sign per street frontage Sign bases shall have architecturally integrated bases. No exposed single- or twin-pole mounts Freeway oriented signs permitted as allowed in the sign section of the zoning code with 45-foot maximum height Walls signs <ul style="list-style-type: none"> ❖ 1 per building elevation. Not permitted on elevations facing residential uses ❖ 20 square feet per building elevation 	Specific standards unique to automobile fueling stations to ensure quality sign design and minimize signage while providing for adequate business and services identification

RECOMMENDED DEVELOPMENT STANDARDS		
Title	Standard	Intent
Signs (cont.)	<ul style="list-style-type: none"> ❖ Individual channel letters halo or internally illuminated • Window signage 10% of window area • Temporary Signage allowed with a temporary sign permit • Lighter Box Sign – a sign above the fuel pumps • Canopy Sign – one per street frontage and 20 square feet maximum • Car Wash Sign -1 above entrance and 1 price sign • Type of Service Sign -to identify full or self service • Special Service Sign- for ancillary devices (air, water, charging) • Directions Signs – for entrance and exit to site and ancillary uses • Pump-Top Video Display Terminal – to regulate video screens at pumps dispenser 	
On-site Landscaping	<ul style="list-style-type: none"> • Minimum of eighteen (18%) percent of the site shall be landscaped • 15-foot street frontage landscape setback and 10-foot interior property line setback with solid row of screen tress abutting sensitive uses • Minimum 400 square feet landscape area required at street corners • 36-inch box sized trees required 	Extensive landscaping requirements provides for beautification of the street, visual enhancement of the site, and screening and buffer to adjacent sensitive uses.
Perimeter Walls	<ul style="list-style-type: none"> • 8-foot-high solid decorative masonry wall along property lines adjacent to sensitive uses. 	Along with landscape screening the walls will provide a buffer from potential noise and visual impact to sensitive use.
Exterior Lighting	<ul style="list-style-type: none"> • Requires onsite lighting to be recessed and shielded and directed away from adjoining streets and properties. 	Eliminates negative impacts of spillover lighting.

Section 9.240.560 F. Automobile Fueling Station Operational Standards

Automobile fueling stations with any ancillary uses must meet all the operational standards summarized in the table below and be consistent with the purpose and intent of this Section.

RECOMMENDED OPERATIONAL STANDARDS		
Title	Standard	Notes
Location of Activities	Requires all activities and operations to be conducted in enclosed structures with the exception of fuel dispensing, vehicle charging, air water services, and emergency services.	Minimize outdoor activities to reduce impacts on adjacent properties
Site Maintenance	The site, including all structures, landscaping, walls/fences, and signs, shall be maintained in good repair, in a clean, neat and orderly condition. Requires driveways and service areas to be keep clean of petroleum products and oil as well as litter.	Ensures cleanliness of the site
Trash Enclosure	Requires a trash enclosure to be designed with a 6-foot-high solid decorative masonry wall, self-closing gates, perimeter landscaping, and an overhead trellis structure	Ensures aesthetically functional and screened trash enclosure
Public Service Facilities	Provides requirements for customer restrooms and for air, water services	Standard requirements for automobile fueling stations
Noise	<ul style="list-style-type: none">• Require the submittal of a professional noise analysis to quantify outdoor noise sources• Limits the hours of speakers, pump station video/audio noise sources and sound signals to be turned off daily for 10 pm to 7 am.• Automobile fueling station noise (e.g., bells, loudspeakers, tools, etc.) shall not be audible from residentially zoned or occupied parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays.	Limits noise sources during evening and early morning hours and adjacent to residential uses

RECOMMENDED OPERATIONAL STANDARDS		
Title	Standard	Notes
Trash Receptacles	Requires trash receptacle at pump islands and building entrances and daily removal of trash from the receptacles.	Standard trash requirements to ensure cleanliness of site and provide customers with adequate trash disposal methods.
Pollution Prevention	Requires plans to implement best management practices to eliminate discharge into storm drains in compliance with the city's NPDES criteria.	Standard Requirement
Hazardous Materials	All necessary permits for the storage and use of hazardous materials shall be obtained. All automobile fluids shall be recycled or removed according to applicable state and federal standards.	Standard Requirement
Propane Tank Sales	Propane tank sale displays shall be located outside of any required setback area and shall be stored in a secure display. The City may require landscaping or other type of screening to conceal the propane tanks from public view.	Ensures screening and proper storage of propane tanks.
Gasoline Tanker Trucks	Requires tanker trucks not to obstruct the public right-of-way during delivery and standard fuel loading requirements.	Standard Requirement
Mechanical Equipment	<ul style="list-style-type: none"> • All hydraulic hoists and pits, all equipment for lubrication, greasing, automobile washing and permitted repairs shall be enclosed entirely within a building. • All rooftop mechanical equipment shall be screened from view of adjacent properties and public rights-of-way. • All ground mounted vapor venting pipes and equipment shall be located behind a six (6) foot high decorative solid screen wall and landscaping and shall not be located in any required setback area. 	Eliminates visual impacts of mechanical equipment

RECOMMENDED OPERATIONAL STANDARDS		
Title	Standard	Notes
Payment Areas	Points of cash or other payment shall be designed so as to provide a safe and adequate customer queuing area. Outdoor walk-up service facilities shall be located and designed so as to prevent adverse impacts on adjacent properties.	Ensures security and reduces impact to sensitive uses.
Prohibited Uses	No sale or rental of automobiles, boats, trucks, trailers, motor bikes, or other vehicles shall be permitted on an automobile fueling station site.	Eliminates nuisance uses

Section 9.240.560 G. Ancillary Uses

Provides standards for ancillary convenience store, car wash, fast food establishments, and vehicle repair shops uses as follows:

- Convenience Store: requires compliance with Section 9.2.240.490 – Alcoholic Beverage Sales
- Car Wash: requires a queuing study prepared by an independent traffic engineer licensed by the State of California and a noise study prepared by an independent acoustical engineer licensed by the State of California.
- Fast Food Establishment: requires a queuing study prepared by an independent traffic engineer licensed by the State of California
- Vehicle Repair Shop:
 - Requires opening of service bays to minimize visual intrusion onto adjoining properties and street
 - Requires service bay doors shall not directly face an existing residential development or residential zone
 - Limited to battery and ignition services, tire repair and sales, and other accessory sales and services for automobiles; but shall exclude major automobile repairs, tire recapping, steam cleaning, painting, body and fender work, engine overhaul, or other work of a similar nature.

Section 9.240.560 H. Discontinuation of an Automobile Fueling Station Use or Structure

Prohibits re-establishment of an automobile fueling station if the use has been discontinued for a continuous 12-month period or more, or has been changed to, or replaced by, a conforming use changes.

Section 9.240.560 I. Legal Nonconforming

Legally established *nonconforming* automobile fueling stations and ancillary uses on said automobile fueling station sites shall be handled pursuant to Section 9.240.080. –

Nonconforming structures and uses. If conformity with standards adopted pursuant to this Section causes hardship due to existing configuration of on-site buildings or structures, a Variance may be applied for pursuant to Section 9.240.270. –Variances.

Section 9.240.560 I. Modifications to Existing Automobile Fueling Stations Use

Automobile fueling station uses and structures related thereto shall not be enlarged, extended, reconstructed or moved to a different portion of the lot or parcel of land occupied by such use unless in compliance with the provision of Section 9.240.560 - Automobile Fueling Stations including the requirement for a conditional use permit.

The following exceptions apply:

- Modifications to Improve Soil, Ground Water and Storm Water Quality. Automobile fueling station uses may be modified to conform to current storm water quality control regulations or remediate contamination of the soil or ground water.
- Modifications to Improve Traffic Safety. As determined by the City Engineer, the pedestrian and vehicular circulation features (e.g., curbing, sidewalks, and traffic control devices) of an automobile fueling station use may be modified to improve public safety.
- Modifications to Enable Zero Emission Vehicles (Battery Charging Station). Automobile fueling station uses may be modified to accommodate battery charging station(s) for zero emission vehicles.
- Modifications to Enable Zero Emission Vehicles (Hydrogen Fuel Cell Station). Automobile fueling station uses may be altered to include facilities for the storage, conveyance and dispensing of hydrogen to zero emission vehicles.

Amendments to Other Zoning Code Sections

It is recommended to make the following amendments to be consistent with proposed new Section 9.240.560 -Automobile Fueling Stations:

- Add a definition to automobile fueling station in Chapter 9.10 – Definitions.
- Add a provision to Section 9.240.120 – Off -Street Vehicle Parking to refers to the automobile fueling station parking requirements in the proposed Section 9.240.560 -Automobile Fueling Stations
- Remove automobile fueling station use(s) from the following residential zones: R-R (Rural Residential) and R-3A (Visitor Tourist Residential).
- Require a Conditional Use Permit for automobile fueling station uses in the following commercial and industrial zones:
 - B-P Zone Business Park
 - C-1/C-P General Commercial
 - C-T Zone Tourist Commercial
 - C-P-S Zone Scenic Highway Commercial
 - C-R Zone Rural Commercial
 - C-N Zone Commercial Neighborhood
 - R-VC Zone Rubidoux Village Commercial
 - I-P Zone Industrial Park

- M-SC Zone Manufacturing-Service Commercial
- M-M Zone Manufacturing-Medium
- M-H Zone Manufacturing-Heavy

ENVIRONMENTAL REVIEW

The proposed Zoning Code Amendment of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, adding development standards for automobile fueling stations, is exempt from CEQA because the Zoning Code Amendment is covered by the common-sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this case, the Zoning Code Amendment will not result in an immediate or indirect change to the physical environment.

NOTICING REQUIREMENTS

An advertisement for this public hearing was published on July 4, 2022 in the Press-Enterprise Newspaper. There have been no comments to date.

CONCLUSION

The recommended Automobile Fueling Station Ordinance addresses the issues and concerns. It is comprehensive and provides new definitions, permit requirements and findings, location and separation requirements, development standards, operations standards, standards for ancillary uses, regulations for discontinued and nonconforming automobile fueling stations, and modifications to existing stations. The ordinance will help reduce the proliferation, over concentration, and compatibility issues associated with automobile fueling stations. The proposed standards and procedures provide clear guidance for any proposed new, modified, or expanded automobile fueling station so that they are of high-quality design, and minimize impacts to adjacent properties, sensitive uses, vehicle and pedestrian movement, and the general health safety and welfare.

Prepared by:



Thomas Gorham
Principal Planner

Submitted by:



Joe Perez
Community Development Director

Reviewed by:

//s// Maricela Marroquín
Maricela Marroquín

Attachments:

1. Existing, Proposed and Potential Automobile fueling station Location Map
2. Automobile Fueling Station per capita and per square mile data

ATTACHMENT NO. 1
EXISTING, PROPOSED AND POTENTIAL
AUTOMOBILE FUELING STATION LOCATION MAP

City of Jurupa Valley | Existing, and Future Gas Station Sites



Existing Gas Stations (30)

- | | | | | |
|-----------------------|-----------------------|------------------------|----------------------|------------------------|
| 1. Flyers Energy #462 | 7. Circle K #2700337 | 13. Shell | 19. 7-Eleven #16825E | 25. Circle K |
| 2. Flying J | 8. 76 | 14. ARCO | 20. ARCO | 26. Circle K #2705247 |
| 3. 7-Eleven #37220A | 9. Jurupa Dairy & Gas | 15. Circle K #5063 | 21. ARCO | 27. ARCO |
| 4. Shell | 10. ARCO | 16. Chevron #129 | 22. Mobil | 28. Shell |
| 5. 76 | 11. ARCO | 17. Circle K #27055245 | 23. Shell | 29. ARCO |
| 6. ARCO | 12. Gas & Go | 18. Shell | 24. Valero | 30. Flyers Energy #469 |

Approved (5)

- 31. 4685 Pier Enterprises Way
- 32. Van Buren Blvd & Rutile St.
- 33. Pedley Rd. & Ben Nevis Blvd.
- 34. Shops @ Jurupa Valley
- 35. 1890 Market St.

Pending (3)

- 36. Paradise Knolls SP
- 37. Freeway Commerce Center
- 38. Mission Blvd. & Byrne Rd.

Potential (6)

- 39. Lesso Business Park
- 40. Vernola Ranch
- 41. Wineville Marketplace
- 42. 9253 Mission Blvd.
- 43. 9170 Mission Blvd.
- 44. District @ Rubidoux GPA

ATTACHMENT NO. 2
AUTOMOBILE FUELING STATION
PER CAPITA AND PER SQUARE MILE DATA

Automobile Fueling Station Per Capita and Per Square Mile Data

City	Population	Square Miles	Number of Gas Stations	Gas Stations per Capita	Gas Stations per Square Mile
Jurupa Valley	105,503	43.68	30 plus 8 approved or proposed 38 total	1 per 3,516 1 per 2,776	0.69 0.86
Fontana	208,393	43.07	21	1 per 9,923	0.49
Ontario	181,000	50.00	20	1 per 9,050	0.40
Upland	77,140	15.62	17	1 per 4,537	1.09