MEETING AGENDA
OF THE PLANNING COMMISSION
Wednesday, May 22, 2019
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

1. 6:00 P.M. – Call to Order and Roll Call for Study Session
   - Corey Moore, Chair
   - Arleen Pruitt, Chair Pro Tem
   - Mariana Lopez
   - Penny Newman
   - Guillermo Silva

2. Public Appearance/Comments
3. Commission Business – Study Session

3.1 MASTER APPLICATION NO. 17235 (MA17235): STUDY SESSION TO DISCUSS AND PROVIDE DIRECTION REGARDING A POTENTIAL GENERAL PLAN AMENDMENT FROM BUSINESS PARK TO LIGHT INDUSTRIAL AND CONSIDERATION OF A POTENTIAL CONDITIONAL USE PERMIT THAT WOULD ALLOW A 124,217 SQUARE-FOOT MINI-STORAGE FACILITY WITH MANAGEMENT OFFICE AND RECREATIONAL VEHICLE (RV) STORAGE AREA AT THE NORTHWEST CORNER OF BELLEGRAVE AVENUE AND VAN BUREN BOULEVARD (APN: 170-330-026) APPLICANT: DOLLAR STORAGE

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

RECOMMENDATION

Receive an introduction of a potential General Plan Amendment and Conditional Use Permit that would allow a mini-storage warehouse and identify any issues to be addressed at any future public hearings. No action will be taken on this item.

REGULAR SESSION

1. 7:00 P.M. – Call to Order and Roll Call
   • Corey Moore, Chair
   • Arleen Pruitt, Chair Pro Tem
   • Mariana Lopez
   • Penny Newman
   • Guillermo Silva

2. Pledge of Allegiance

3A. Public Appearance/Comments (30 minutes)

3B. Continued Study Session (If necessary)

3.1 MASTER APPLICATION NO. 17235 (MA17235): STUDY SESSION TO DISCUSS AND PROVIDE DIRECTION REGARDING A POTENTIAL GENERAL PLAN AMENDMENT FROM BUSINESS PARK TO LIGHT INDUSTRIAL AND CONSIDERATION OF A POTENTIAL CONDITIONAL USE PERMIT THAT WOULD ALLOW A 124,217 SQUARE-FOOT MINI-STORAGE FACILITY WITH MANAGEMENT OFFICE AND RECREATIONAL VEHICLE (RV) STORAGE AREA AT THE NORTHWEST CORNER OF BELLEGRAVE AVENUE AND VAN BUREN BOULEVARD (APN: 170-330-026) APPLICANT: DOLLAR STORAGE

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RECOMMENDATION

Receive an introduction of a potential General Plan Amendment and Conditional Use Permit that would allow a mini-storage warehouse and identify any issues to be addressed at any future public hearings. No action will be taken on this item.

4. Approval of Agenda
5. Approval of Minutes

5.1 May 8, 2019 Regular Meeting

6. Public Hearings

6.1 ZONING CODE AMENDMENT (ZCA) NO. 19001 (ZCA19001): CONSIDERATION OF AMENDMENT TO JURUPA VALLEY MUNICIPAL CODE SEC. 9.100.300, CONCERNING THE MINIMUM AREA REQUIRED FOR PREMISES IN THE R-4 ZONE; AND CHANGE OF ZONE NO. 19002 (ZC19002); MINIMUM AREA WAIVER AND CHANGE OF ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY FROM R-1 (ONE FAMILY DWELLINGS) TO R-4 (PLANNED RESIDENTIAL) – “HIGHLAND PARK 2” TRACT LOCATED SOUTH OF INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, & 177-110-005)

On the basis of an evaluation of a Previous Environmental Document Review Determination, all potentially significant effects (a) have been analyzed adequately in an earlier MND, pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier MND, including revisions or mitigation measures as imposed upon the proposed project. Nothing further is required.

RECOMMENDATION

By motion: 1. Adopt Planning Commission Resolution No. 2019-05-22-01 recommending that the City Council (a) approve Zoning Code Amendment No. 19001 to amend Jurupa Valley Municipal Code Sec. 9.100.300 – Minimum area for zone, and (b) make a determination of exemption under CEQA; and 2. Adopt Planning Commission Resolution No. 2019-05-22-02, recommending that the City Council (a) adopt a Previous Environmental Declaration Document Review Determination and (b) approve a waiver of minimum area and Change of Zone No. 19002 to change the zoning of approximately 6.74 acres of real property from R-1 (One Family Dwellings) to R-4 (Planned Residential)

6.2 MASTER APPLICATION NO. 18224 (MA18224) FOR A CONDITIONAL USE PERMIT 18010 (CUP18010) AND FINDING OF PUBLIC CONVENIENCE OR NECESSITY 19002 (PCN19002) TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION AT AN EXISTING CHEVRON GAS STATION AND CONVENIENCE STORE AT THE NORTHWEST CORNER OF JURUPA ROAD AND VAN BUREN BOULEVARD (APN: 167-160-044) APPLICANT: G&M OIL, LLC

The proposed activity is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities).

RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2019-05-22-03 1) Approving Conditional Use Permit No. 18010; and 2) issuing a Determination for Public Convenince or Necessity No. 19002 to allow beer and wine sales for off-premise consumption at an existing Chevron Gas Station and convenience store.
6.3 MASTER APPLICATION NO. 19096 (MA19096) AND ZONING CODE AMENDMENT 19002 (ZCA19002) TO CHANGE SECTION 9.240.510 OF THE CITY OF JURUPA VALLEY ZONING CODE ADDING PROVISIONS AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS IN THE MANUFACTURING-MEDIUM (M-M) ZONE

The adoption of the proposed amendment falls under the “general rule” that only applies to projects that have a potential for causing a significant effect on the environment (15061(b),(3)). The project is an administrative process of the City that will not result in any direct or indirect physical changes to the environment.

**RECOMMENDATION**

By motion, adopt Planning Commission Resolution No. 2019-05-22-04 recommending that the City Council adopt an Ordinance approving Zoning Code Amendment No. 19002 to Section 9.240.510 to modify the permitted zoning and development standards for metal shipping containers.

7. Commission Business

8. Public Appearance/Comments

9. Planning Commissioner's Reports and Comments

10. Planning Department Report

11. Adjournment to the June 12, 2019 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).
1. Call to Order and Roll Call

The Regular Session of the Jurupa Valley Planning Commission meeting was called to order at 6:00 p.m. on May 8, 2019 at the City Council Chambers, 8930 Limonite Ave., Jurupa Valley.

Members present:
- Corey Moore, Chair
- Arleen Pruitt, Chair Pro Tem
- Penny Newman, Commission Member

Members absent:
- Guillermo Silva, Commission Member
- Mariana Lopez, Commission Member

2. Public Appearance/Comments – None

3. Commission Business – Study Session

3.1 MASTER APPLICATION NO. 18186 (MA18186) PE-APPLICATION REVIEW 18006 (PAR 18006) FOR “LA RUE APARTMENTS” – A 66-UNIT, MULTI-FAMILY COMPLEX ON 3.75 ACRES AT THE SOUTHEAST CORNER OF CANAL STREET & LA RUE STREET (APN: 179-021-001 AND 179-051-001)

Ms. Annette Tam, Senior Planner, provided a PowerPoint presentation for a proposal of a 66-unit apartment complex on the southeast corner of La Rue Street and Canal Street. Ms. Tam stated the proposed project will require a Change of Zone and a Site Development Permit. The project, as proposed, is three stories at 35 feet in height and provides 12 one-bedroom units, 42 two-bedroom units, and 12 three-bedrooms units. Ms. Tam provided additional information such as rental costs of units, amenities, density of project, surrounding neighborhood, and buffering from freeway and roadways.

COMMISSIONER COMMENTS
- Property Management
- Access Points to property
- Rental Rates
- Solar panels on carports
- Number of elevators
- Consider Air Filtration System
- Washer and Dryer hookups
- Sound wall along freeway
- Vegetation barriers surrounding the complex
- Affordable housing for low-income families – Section 8 to be considered
- Architecture

Chair Moore called for public comment.

Ms. Jacqueline Lee stated she is opposed to the project.

Mr. Vincent Zou, owner and applicant, stated that he will consider the suggestions by the Commissioners. He also stated that Canal Street would most likely to be widened, and improved with curb and gutter.

Study Session adjourned at 6:47 P.M.

REGULAR SESSION

1. 7:00 P.M. – Call to Order and Roll Call
   - Corey Moore, Chair
   - Arleen Pruitt, Chair Pro Tem
   - Mariana Lopez, Commission Member
   - Penny Newman, Commission Member

   Members absent:
   - Guillermo Silva, Commission Member

2. Pledge of Allegiance – Chair Moore led the Pledge of Allegiance

3. Public Appearance/Comments - None

4. Approval of Agenda

   Commissioner Lopez moved, and Commissioner Newman seconded, a motion to approve the May 8, 2019 agenda. The motion was approved 4:0

   Ayes: Lopez, Moore, Newman, Pruitt
   Noes: None
   Abstained: None
   Absent: Silva

5. Approval of Minutes

   Commissioner Newman moved and Commissioner Pruitt seconded, a motion to approve the March 27, 2019 Planning Commission Minutes with corrections. The motion was approved 5:0

   Ayes: Lopez, Moore, Newman, Pruitt
   Noes: None
   Abstained: None
Absent: Silva

Commissioner Lopez moved and Chair Moore seconded, a motion to approve the April 10, 2019 Lack of Quorum Planning Commission Minutes. The motion was approved 5:0
Ayes: Lopez, Moore, Newman, Pruitt
Noes: None
Abstained: None
Absent: Silva

Commissioner Lopez moved and Commissioner Pruitt seconded, a motion to approve the April 24, 2019 Planning Commission Minutes with corrections. The motion was approved 4:0
Ayes: Lopez, Moore, Newman, Pruitt
Noes: None
Abstained: None
Absent: Silva

6. PUBLIC HEARING

6.1 MASTER APPLICATION (MA) NO. 19070: 2ND REQUEST FOR A ONE (1) YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP (TTM) NO. 36827 – SCHEDULE “A” SUBDIVISION

Ms. Rocío Lopez, Senior Planner, provided a PowerPoint presentation and summarized the background and project description. The applicant, Rixon Kein, Investment City, LLC has requested a 2nd one (1) year Extension of Time (EOT) for a 3.35-acre parcel for 13 single-family residential lots with a public street and a water quality basin. Ms. Lopez noted the individual parcels will have a minimum of 7,200 square feet with average lots widths of 60 feet and average lot depths of 100 feet. There are no changes proposed to the design or layout of the subdivision.

COMMISSIONER COMMENTS
- Concern for Tree removal
- Questioned why the Applicant needed more time to record map

STAFF RESPONSE
- Project was conditioned to provide for Oak Tree replacement at a 5:1 ratio.
  Additionally, Mitigation Measures call for the preservation of an Oak Tree.

PUBLIC HEARING OPENED

Chair Moore opened the public hearing.

Mr. Sat Pal, applicant’s representative, stated the owner was ill at the time and therefore had not recorded the map, however final map and street improvement plans have now been submitted to the Engineering Department. Furthermore, development plans have also been submitted to the Building and Safety Department.

PUBLIC HEARING CLOSED

There being no other persons wishing to address the Commission, Chair Moore closed the public hearing.
Commissioner Lopez moved, and Commissioner Newman seconded, a motion to adopt Resolution No. 2019-05-08-01 granting the 2nd issuance of a one (1) YEAR Extension of Time for Tentative Tract Map (TTM) No. 36827. The motion was approved 4:0

Ayes: Lopez, Moore, Newman, Pruitt
Noes: None
Abstained: None
Absent: Silva

7. Commission Business

7.1 CONFORMANCE OF THE CITY OF JURUPA VALLEY’S THREE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2019-2020 THROUGH 2021-2022 WITH THE CITY OF JURUPA VALLEY GENERAL PLAN

Ms. Carolina Fernandez, Assistant City Engineer, provided a PowerPoint presentation and background information. She provided a list of proposed public works projects and explained the legal requirement for the planning agency to find the plan in conformance with the City General Plan. Ms. Fernandez discussed the Capital Improvement Program (CIP) Roadway Projects which includes:
- Annual Pavement Rehabilitation/Maintenance
- Designated Pavement Rehabilitation
- Street Improvements
- Market Street and Mission Boulevard Bridges
- Sidewalk Improvements
- Traffic Projects

Chair Moore called for public comment. There being no one wishing to address the Commission, Chair Moore closed public comments.

COMMISSIONER COMMENTS
- CDBG Funding projects clarification requested at next Planning Commission Meeting
- Concern over the Overhead Street Banner Poles in the CIP Program Budget and a proposed parade

Commissioner Pruitt moved and Chair Moore seconded a motion to adopt Resolution No. 2019-05-08-02 finding that the City of Jurupa Valley’s Capital Improvement Program (CIP) for Fiscal Year 2019-2020 is consistent with the City of Jurupa Valley’s General Plan. The motion was approved 4:0.

Ayes: Lopez, Moore, Newman, Pruitt
Noes: None
Abstained: None
Absent: Silva

8. Public Appearance/Comments

Mr. Gary Grossich, representing Bloomington Municipal Advisory Council, stated their community is in opposition to the Fontana West Valley Logistics Center.
9. **Planning Commissioner's Reports and Comments** – Commissioner Newman stated she would be absent at the next two Planning Commission Meetings and would like to arrange an alternative way to connect to meetings via conferencing.

10. **Planning Department Report** – Planning Director Mr. Merrell discussed upcoming agenda items and noted to the Commissioners the May 22nd Planning Commission meeting would be scheduled to begin at 6:00 pm.

There being no further business before the Jurupa Valley Planning Commission, Chair Moore adjourned the meeting at 7:55 p.m. to the May 22, 2019 Planning Commission meeting.

Respectfully submitted,

Thomas G. Merrell, AICP, Planning Director
Secretary of the Planning Commission
DATE: MAY 22, 2019
TO: CHAIR MOORE AND MEMBERS OF THE PLANNING COMMISSION
FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: ROB GONZALEZ, ASSISTANT PLANNER
SUBJECT: AGENDA ITEM NO. 3.1

MASTER APPLICATION NO. 17235 (MA17235): STUDY SESSION TO DISCUSS AND PROVIDE DIRECTION REGARDING A POTENTIAL GENERAL PLAN AMENDMENT FROM BUSINESS PARK TO LIGHT INDUSTRIAL AND CONSIDERATION OF A POTENTIAL CONDITIONAL USE PERMIT THAT WOULD ALLOW A 124,217 SQUARE-FOOT MINI-STORAGE FACILITY WITH MANAGEMENT OFFICE AND RECREATIONAL VEHICLE (RV) STORAGE AREA AT THE NORTHWEST CORNER OF BELLEGRAVE AVENUE AND VAN BUREN BOULEVARD (APN: 170-330-026) APPLICANT: DOLLAR STORAGE

RECOMMENDATION

Receive an introduction of a potential General Plan Amendment (GPA) and Conditional Use Permit (CUP) that would allow a mini-storage warehouse and provide direction to the applicant regarding the feasibility of the application.

PROJECT DESCRIPTION

The purpose of this study session is for the applicant to receive input on the feasibility of changing the General Plan Land Use Designation from Business Park to Light Industrial. The change is desired so the applicant will be allowed the construction of a 124,217 square-foot mini storage facility with three detached buildings, a management office, and a parking area to accommodate RV storage on a 3.13-acre site as follows:

- Building A: one (1) story – 20,300 square feet
- Building B: one (1) story – 14,477 square feet
- Building C: three (3) story – 87,672 square feet
- Management Office: one (1) story – 1,768 square feet
- 12 RV storage spaces
- Six (6) parking spaces

Table 1 outlines existing land use and zoning designations.

<table>
<thead>
<tr>
<th>TABLE 1: GENERAL PLANNING AND ZONING</th>
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<tr>
<td>TOTAL ACREAGE OF PROJECT SITE</td>
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<tr>
<td>GENERAL PLAN LAND USE DESIGNATION</td>
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<td>ZONING CLASSIFICATION</td>
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The site is located adjacent to the northwest corner of Van Buren Boulevard and Bellegrave Avenue. There are County of Riverside Flood Control channels on each side of the property to the east and west. An ARCO gas station is located farther to the east. Vacant land is located to the south and an industrial business park is situated to the west and north of Van Buren Boulevard. The Union Pacific Railroad extends along Van Buren to the north. Exhibit 1 provides an aerial view of the project site, and Exhibit 2 presents the existing General Plan Land Use (GPLU) designation and zoning of the site and surrounding parcels.

EXHIBIT 1: SITE LOCATION MAP
Under the current General Plan Land Use Designation of Business Park (BP), the applicant would not be allowed to construct a mini-storage warehouse. The BP land use designation allows for a variety of employee-intensive uses such as corporate offices in a campus-like setting. In contrast, the LI (Light Industrial) land use designation allows service-commercial type uses such as mini-storage businesses subject to a CUP. A mini-storage use is typically characterized as having low-intensity operations with usually one (1) to two (2) employees and customers who visit the site infrequently.
Section 9.30.040 of the Jurupa Valley Municipal Code includes required findings for the approval of General Plan Amendments. If recommended for approval, the amendment will require the two (2) findings listed below. The Planning Commission should consider the two findings listed below in comparison with the proposed GPA.

(a) The proposed change does not involve a change in or conflict with the Jurupa Valley Vision, any General Planning Principle set forth in the General Plan or any Foundation Component designation in the General Plan.

(b) The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.

Staff has concerns that the proposed General Plan Amendment may not fulfill criteria "a" and "b" listed above as the use may not promote, or contribute significantly, to the Economic Development Strategy outlined in the 2017 Jurupa Valley General Plan. The City's Economic Development Strategy includes the following:

**ES 1.2 Economic Development Strategy.** Seek out selective development opportunities that will bring private capital investment into the community, provide skilled and professional labor, and increase median income and property values. Ensure that land use, capital improvement, and fiscal management decisions are consistent with the City’s Economic Development Strategy, are guided by the General Plan, and emphasize mid- and long-term development of the local economy, rather than focus on short-term goals or individual projects.

**Factors Favoring Other Alternative Uses**

Mini-storage businesses usually do not generate significant numbers of employment opportunities as the industry is based on the short-term rental of storage space units. Mini-storage uses are generally characterized as having low intensity operations, which may require one or two employees (at most) to maintain. Other uses may be better suited, or more conducive to the development of the mid- and long-term development of the local economy.

Staff requests that the Planning Commission discuss these considerations with respect to the proposed General Plan Amendment.

**Factors Favoring the Mini Storage Use**

The parcel is in a key location and is highly visible from Van Buren Blvd. and Jurupa Avenue. To promote a more appropriate development for the site, planning staff had previously recommended that the applicant pursue covering the abandoned flood control channel on the east side of the property, thereby creating the opportunity to share access and circulation with the adjoining commercial development. The applicant however, decided to move forward as is.

The applicant has pointed to the challenges to developing the site with alternative uses:

- Irregular shaped parcel
- Riverside County Flood Control District cooperation to cover or eliminate the east side channel
- Cost of covering the east side channel
- Limited vehicular access to Van Buren
TOPICS FOR DISCUSSION

The applicant is seeking informal feedback from the Planning Commission to better understand the City’s vision and preference for the land use development on this property. In order to pursue a General Plan amendment and CUP to allow the mini storage use, the applicant will invest substantial time and money in the process.

In order to facilitate the Planning Commission’s discussion of the issues and feedback to the applicant, staff suggests the following topics:

1. Changing the GP land use from Business Park (BP) to Light Industrial (LI), which would accommodate the proposed mini storage facility use.

2. Is this the best use for this site given its location in close proximity to heavily traveled Van Buren and Jurupa?

3. Should the site remain designated BP to promote optimum economic development?

Prepared by:

[signature]

Rob Gonzalez
Assistant Planner

Submitted by:

[signature]

Thomas G. Merrell, AICP
Planning Director

Reviewed by:

[signature]

//s// Serita Young

Serita Young
Deputy City Attorney
DATE: MAY 22, 2019
TO: CHAIR MOORE AND MEMBERS OF THE PLANNING COMMISSION
FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: ANNETTE TAM, SENIOR PLANNER
SUBJECT: AGENDA ITEM NO. 6.1

ZONING CODE AMENDMENT (ZCA) NO. 19001: CONSIDERATION OF AMENDMENT TO JURUPA VALLEY MUNICIPAL CODE SEC. 9.100.300, CONCERNING THE MINIMUM AREA REQUIRED FOR PREMISES IN THE R-4 ZONE; AND

CHANGE OF ZONE (CZ) NO. 19002: CHANGE OF ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY FROM R-1 (ONE FAMILY DWELLINGS) TO R-4 (PLANNED RESIDENTIAL) – "HIGHLAND PARK 2" TRACT LOCATED SOUTH OF INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNs: 177-020-018, 177-020-012, & 177-110-005)

RECOMMENDATION

By motion:

1. Adopt Planning Commission Resolution No. 2019-05-22-01, recommending that the City Council (1) approve Zoning Code Amendment No. 19001 to amend Jurupa Valley Municipal Code Sec. 9.100.300 – Minimum area for zone, and (2) make a determination of exemption under CEQA; and

2. Adopt Planning Commission Resolution No. 2019-05-22-02, recommending that the City Council (1) approve a waiver of the minimum area requirement under Jurupa Valley Municipal Code Section 9.100.030 applicable to premises in the Planned Residential (R-4) Zone for approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005), (2) approve CZ No. 19002 to rezone 6.74 gross acres located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone, and adopt a Previous Environmental Declaration Document Review Determination.

3. BACKGROUND

On February 7, 2019, the City Council held a public hearing for a 34-single-family lot subdivision named "Highland Park 2." See Exhibit A for the map. The staff presented the staff report for the project and informed the City Council of the Planning Commission's approval of the entitlements: TTM37470, VAR18004, and exception to Section 7.10.080 (c) of Title 7.
The City Council discussed their concerns for the proposed Variances for reduced lot area, lot width, and lot frontage. After the public hearing, the City Council took the following actions in order to consider the map and variances along with the rezone:

- Continued the public hearing of the Change of Zone No. 18001
- Received and filed the Notice of Planning Commission’s Decision to approve the TTM37470, VAR18004, and exception to Section 7.10.080 (c) of Title 7
- Appealed the Planning Commission’s Decision to approve TTM37470, VAR18004, and exception to Section 7.10.080 (c) of Title 7

On March 21, 2019, the City Council held a public hearing. In order to address the City Council’s concern for the variances, the staff recommended the City Council to initiate (1) a code amendment to R-4 zone to eliminate the 9 acre minimum requirement for the R-4 zone and subsequently rezone Highland Park 2 from R-1 to R-4 (if their CZ18001 is approved). Staff explained that the project meets the R-4 zone development standards and would not require any variance. However, the Applicant cannot apply for the R-4 zone because the project area is less than 9 acres and would not meet the R-4 9-acre minimum requirement for the R-4 zone.

The code amendment to the R-4 zone would allow future applicants to request the R-4 zone and the City Council has the authority to approve or deny the request. Additionally, the subsequent rezone to R-4 of the Highland Park 2 project site would allow the applicant to move forward with the permitting process while the City is processing the code amendment and the subsequent rezone to R-4.

In conclusion, the City Council took the following actions:

1. Approved the Change of Zone (CZ) No. 18001: Change existing zoning classification from R-R (Rural Residential) to R-1 (One-Family Dwelling).
2. Sustained the Planning Commission’s approval of the following entitlements: Tentative Tract Map (TTM) No. 37470 with exception and Variance No. 18004.

3. Initiated (a) an amendment to Sec. 9.100.030 “Minimum area for zone” to include a provision for the City Council to waive the minimum 9-acre requirement for an R-4 zone, and (b) a Change of Zone for Highland Park 2 project site from R-1 to R-4. Exhibit A presents the Highland Park 2 project site.

ANALYSIS

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

a. Zoning Code Amendment (ZCA) No. 19001: The City of Jurupa Valley has prepared an exemption per Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines in accordance with CEQA.

b. Change of Zone (CZ) No. 19002: The City of Jurupa Valley has previously adopted a Mitigated Negative Declaration (MND) for the “Highland Park 2” Project. The City has prepared a Previous Environmental Document Review Determination in accordance with CEQA, including all criteria, standards, and procedures of CEQA (Cal. Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.). The document has been prepared to determine if the proposed Project is within the scope of the analysis contained in the MND adopted by the City of Jurupa Valley City Council by Resolution No. 2019-10 on March 21, 2019, and to ensure the proposed Project does not create new significant impacts or substantially increase the severity of previously analyzed impacts as compared to those identified previously.

On the basis of the evaluation in the Previous Environmental Document Review Determination, all potentially significant effects (a) have been analyzed adequately in an earlier MND, pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier MND, including revisions or mitigation measures are imposed upon the Proposed Project. Nothing further is required.

II. ZONING CODE AMENDMENT (ZCA) NO. 19001. At this time, the R-4 zone requires a minimum of 9 acres for a project site to be rezoned to R-4 (Planned Residential):

“Sec. 9.100.030 – Minimum area for zone. The R-4 Zone shall not be applied to any area containing less than nine (9) acres.”

Staff recommended the City Council to remove this requirement of the code to allow applicants to request the R-4 zone as applicants do for other zones. No other zone has a requirement for a minimum area.

The City Council preferred to keep the requirement the same but include a waiver provision to evaluate each project, on a case-by-case basis. The attached proposed code amendment includes provisions for a waiver to this 9-acre minimum requirement. The granting of this waiver does not indicate a Change of Zone would be approved. It would only allow the applicant to request the R-4 zone for their project.

If the City Council grants the waiver, the applicant must pursue the entitlements for their project diligently. The waiver will be voided if the applicant abandons the project or their application(s) for the project become(s) dormant for at least 90 days.
III. CHANGE OF ZONE (CZ) NO. 19002. As stated in the Background section, the City Council had concerns with the multiple variances for Highland Park 2 project. Thus, the City Council initiated a Change of Zone for approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNS: 177-020-018, 177-020-012, 177-110-005) from R-1 (One-Family Dwelling) zone to R-4 (Planned Residential) zone. This is the "Highland Park 2" project site (TTM37470) for 34-single-family lots.

Highland Park 2 is consistent with R-4 zone and would not require any variance. Furthermore, Highland Park 2 is a small addition to Highland Park 1. With the rezone to R-4, both project sites have the same zone.

CONCLUSION

The zoning code amendment would allow applicants to request the R-4 zone for consideration if a waiver is granted. Allowing the applicant to request the zone would give the City Council more opportunities to consider projects. Staff recommends the Planning Commission approve the waiver for an R-4 zone for Highland Park 2.

Highland Park 2 is a small addition to Highland Park 1. With the rezone to R-4, both project sites have the same zone. Additionally, Highland Park 2 is consistent with the R-4 zone without a variance.

Prepared by: ____________________________  Submitted by: ____________________________

A. Tam
Annette Tam
Senior Planner

Thomas G. Merrell, AICP
Planning Director

Reviewed by: ____________________________

///s/// Serita Young
Serita Young
Deputy City Attorney

www.jurupavalley.org
ATTACHMENTS

1. Resolution No. 2019-05-22-01 for ZCA19001
   a. Exhibit A. proposed Code Amendment
2. Resolution No. 2019-05-22-02 for CZ19002
   a. Exhibit A. Previous Environmental Document Review Determination
3. Applicant's Request for a Waiver of the 9-acre minimum requirement for an R-4 Zone
RESOLUTION NO. 2019-05-22-01

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 SECTION 9.100.030 ("MINIMUM ARE FOR ZONE") OF CHAPTER 9.100 ("R-4 ZONE (PLANNED RESIDENTIAL)") OF TITLE 9 ("PLANNING AND ZONING") OF THE JURUPA VALLEY MUNICIPAL CODE CONCERNING LIMITED WAIVERS OF THE MINIMUM AREA REQUIREMENTS FOR PREMISES IN THE R-4 ZONE, 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. **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 March 21, 2019 regular City Council meeting, the City Council initiated an amendment to Section 9.100.030 ("Minimum Area For Zone") of Chapter 9.100 ("R-4 Zone (Planned Residential)") of Title 9 ("Planning and Zoning") of the Jurupa Valley Municipal Code, concerning the adoption of waiver procedures applicable to the minimum area requirement of nine (9) acres for premises in the R-4 Zone (the "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 May 22, 2019, the Planning Commission 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 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 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, permitting waivers of the minimum area requirement for premises in the R-4 Zone and adopting standards for such waivers, 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 waivers are submitted to the City. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA
exemption, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance 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).

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:

(a) The proposed Code Amendment is consistent with the City of Jurupa Valley General Plan in there is no change to the permitted uses or development standards for the lots of the R-4 zone.

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 Planning 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 22nd day of May, 2019.

Corey Moore  
Chair of Jurupa Valley Planning Commission

ATTEST:

Thomas G. Merrell, AICP  
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

CITY OF JURUPA VALLEY

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-05-22-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 22nd day of May, 2019, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

THOMAS G. MERRELL
PLANNING DIRECTOR
EXHIBIT A OF ATTACHMENT NO. 1

Proposed Code Amendment
EXHIBIT A OF RESOLUTION NO. 2019-05-22-01

Sec. 9.100.030. - Minimum area for zone.

The R-4 Zone shall not be applied to any area containing less than nine (9) acres unless the City Council grants a waiver to the minimum area requirement for an R-4 zone. The waiver application shall be processed in accordance with Sec. 9.100.030 (1) and (2):

(1) Waiver Application. Applications shall be made to the City Council on forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.85 for a Change of Zone application.

(2) Processing Waiver Application.

a) Planning Commission’s Recommendation. The Planning Commission shall review the waiver request and make a recommendation to the City Council.

b) Approving Body. The City Council is the approving body for the 9-acre area waiver.

c) Approval of Waiver. The approval of the Waiver application shall become effective upon a determination by the Planning Director that the corresponding Change of Zone application is complete.

The approval of the Waiver application shall become null and void upon either of the following:

i. The application becomes inactive, or is abandoned for a period of 90 days; or

ii. The proposed development project has changed substantially from the approved conceptual development project of the Waiver Application.

The Waiver period shall terminate upon City Council action on the Change of Zone application.
RESOLUTION NO. 2019-05-22-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY APPROVE A WAIVER OF THE MINIMUM AREA REQUIREMENT FOR APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNs: 177-020-018, 177-020-012, 177-110-005), APPROVE CHANGE OF ZONE NO. 19002 TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNs: 177-020-018, 177-020-012, 177-110-005) FROM ONE (1) FAMILY DWELLINGS (R-1) ZONE TO PLANNED RESIDENTIAL (R-4) ZONE, AND DETERMINE THAT NO FURTHER CEQA REVIEW IS REQUIRED.

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

Section 1. Project. JA Bray, LLC (the “Applicant”) has applied for a waiver of the minimum area requirement under Jurupa Valley Municipal Code Section 9.100.030 applicable to premises in the Planned Residential (R-4) Zone approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005). Further, at the March 21, 2019 regular City Council meeting, the City Council initiated Change of Zone No. 19002 (CZ No. 19002) to change the classification of approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone, as depicted in Exhibit “A” attached hereto.

Section 2. Waiver of Minimum Area Requirement.

(a) The Applicant is seeking approval of a waiver of the minimum area requirement under Jurupa Valley Municipal Code Section 9.100.030 applicable to premises in the Planned Residential (R-4) Zone for approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005).

(b) At the March 21, 2019 regular City Council meeting, the City Council initiated an amendment to Section 9.100.030 (“Minimum Area For Zone”) of Chapter 9.100 (“R-4 Zone (Planned Residential)”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, concerning the adoption of waiver procedures applicable to the minimum area requirement of nine (9) acres for premises in the R-4 Zone (the “Code Amendment”).
(c) On May 22, 2019, the Planning Commission 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 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 hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-05-22-01, recommending that the City Council adopt the proposed Code Amendment.

(d) If adopted by the City Council, proposed new Section 9.100.030(2a) of the proposed Code Amendment provides that the Planning Commission must review a waiver request and make a recommendation to the City Council.

(e) If adopted by the City Council, proposed new Section 9.100.030(2b) of the proposed Code Amendment provides that the City Council is the approving body for waiver requests.

(f) Further, if adopted by the City Council, proposed new Section 9.100.030(2c) of the proposed Code Amendment provides that the City Council’s approval of a waiver will become effective upon a determination by the Planning Director that a corresponding change of zone application is complete.

Section 3. Change of Zone.

(a) Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment changes any property from one zone to another, shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive.

(b) Government Code Section 65854 provides that the planning commission must hold a public hearing on the proposed amendment to a zoning ordinance, with notice of the hearing given pursuant to Government Code Section 65090 and, if the proposed amendment to a zoning ordinance affects the permitted uses of real property, also given pursuant to Government Code Section 65091. Additionally, Sections 9.285.040.(1) and (2) of the Jurupa Valley Municipal Code provide that the Planning Commission must hold a noticed public hearing on a proposed amendment to Title 9 of the Jurupa Valley Municipal Code that proposes to change property from one zone to another.

(c) Government Code Section 65855 provides that after the hearing, the planning commission must render its decision in the form of a written recommendation to the legislative body, which must include the reasons for the recommendation, the relationship of the proposed amendment to applicable general and specific plans, and must transmit the recommendation to the legislative body in such form and manner as may be specified by the legislative body. Additionally, Section 9.285.040.(3) of the Jurupa Valley Municipal Code provides 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 shall contain the reasons for the recommendation and the relationship of the proposed amendment to 2017 General Plan. 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 change of zone.

Section 4. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The waiver application and CZ No. 19002 (collectively, the “Project”) were processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On May 22, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on the waiver application and CZ No. 19002, 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 5. California Environmental Quality Act Findings. The Planning Commission of the City of Jurupa Valley 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) Pursuant to the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines, City staff has considered the potential environmental impacts of the Project. City staff has also reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) prepared for Master Application No. 18089 (Change of Zone No. 18001, Variance No. 18004, and an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470) and approved by the Planning Commission on January 9, 2019, and by the City Council on March 21, 2019, including the impacts and mitigation measures identified therein, and prepared a Previous Environmental Document Review Determination in accordance with CEQA for the Project. Based on that review, the City of Jurupa Valley Planning Department has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior IS/MND. All potential environmental impacts associated with Master Application No. 18089 and the Project are adequately addressed by the prior IS/MND, and the mitigation measures contained in the prior IS/MND will reduce those impacts to a level that is less than significant.

(b) The City Council has independently reviewed the Previous Environmental Document Review Determination, and based upon the whole record before it, the Previous Environmental Document Review Determination, and its independent review and judgment, finds that that the Project, as modified, is not subject to further environmental review pursuant to the Guidelines because:

1) The Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental
effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior IS/MND; and

2) All potential environmental impacts associated with Master Application No. 18089 and the Project are adequately addressed by the prior IS/MND, and the mitigation measures contained in the prior IS/MND will reduce those impacts to a level that is less than significant.

(c) The custodian of records for the prior IS/MND, and all other materials that constitute the record of proceedings upon which the Planning Commission determination is based, is the Planning Department of the City of Jurupa Valley. Those documents are available for public review in the Planning Department located at 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 6. Findings for Recommendation of Approval of Waiver of Minimum Area Requirement. 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 request to waive the minimum area requirement under Jurupa Valley Municipal Code Section 9.100.030 applicable to premises in the Planned Residential (R-4) Zone for approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) should be approved because Highland Park 2 (TTM37470, 34-single family lot subdivision) is consistent with the R-4 zone and the R-4 zone is consistent with the Medium Density Residential.

Section 7. Findings for Recommendation of Approval of Change of Zone. 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 CZ No. 19002 should be adopted because the proposed change of zoning classification from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone is consistent with the 2017 Jurupa Valley General Plan and the requirements of the General Plan land use designation of Medium Density Residential (MDR). MDR allows for single-family dwelling units up to 5 DU per acre with lot sizes range from 5,500 square-feet to 22,000 square-feet. The area to be rezoned to R-4 has an approved tentative tract map for 34 single-family lots is 5 dwelling units per acre with an average lot size of 6,400 square-feet.

Section 8. Recommendation of Approval of Waiver and Change of Zone No. 19002. Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley approve (1) a waiver of the minimum area requirement under Jurupa Valley Municipal Code Section 9.100.030 applicable to premises in the Planned Residential (R-4) Zone for approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005), and (2) CZ No. 19002 to rezone 6.74 gross acres located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone, as depicted in Exhibit “A” attached hereto. The Planning Commission further recommends that the City Council’s approval of the waiver and CZ No. 19002 take effect on the effective date of the
ordinance adopted by the City Council approving the proposed Code Amendment (ZCA No. 19001).

Section 9. **Certification.** The Planning 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 22nd day of May, 2019.

________________________________________
Corey Moore
Chair of Jurupa Valley Planning Commission

**ATTEST:**

________________________________________
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF JURUPA VALLEY  )

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-05-22-02 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 22nd day of May, 2019, by the following vote, to wit:

AYES:  COMMISSION MEMBERS:

NOES:  COMMISSION MEMBERS:

ABSENT:  COMMISSION MEMBERS:

ABSTAIN:  COMMISSION MEMBERS:

THOMAS G. MERRELL, AICP
PLANNING DIRECTOR
Exhibit A of Attachment 2

Previous Env. Document
Previous Environmental Document Review Determination

Prepared for Change of Zone No. 19002
*Adopted Mitigated Negative Declaration for MA18089*

**Lead Agency**

City of Jurupa Valley  
8930 Limonite Avenue  
Jurupa Valley, CA 92509  
Contact: Annette Tam, Senior Planner  
(951) 332-6464  
atam@jurupavalley.org

**Applicant:**

JA Bray, LLC c/o  
John Schafer  
jshafer@richlandcommunities.com  
949-383-4127

May 7, 2019
1.0 INTRODUCTION

A. Document Purpose.

This document is a Previous Environmental Document Review Determination prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

This document has been prepared to determine if the Proposed Project is within the scope of the analysis contained in the Initial Study/Mitigated Negative Declaration, City of Jurupa Valley Master Application No. 180089 (MND) adopted by the City of Jurupa Valley City Council by Resolution No. 2019-10 on March 21, 2019, and to ensure the Proposed Project does not create new significant impacts or substantially increase the severity of previously analyzed impacts as compared to those identified previously.

B. Project Location.

Sierra Avenue between 20th Street and Canal Street, west of Rio Vista Specific Plan (See Exhibit 1).

C. Project Description.

Approved Project

Change of Zone (CZ) No. 18001: Amend the City of Jurupa Valley Zoning Map from R-R (Rural Residential) to R-1 (One Family Dwelling).

Tentative Tract Map (TTM) No. 37470 with an Exception: Subdivide 6.76 acres of land into 34 single-family residential lots with a minimum lot size of 5,711 square feet. The exception is to allow several lots out of 34 lots to have lot depth greater than 2 ½ times than the lot width.

Variance (VAR) No. 18004: The Variance application is to request the change of minimum lot area from 7,200 square-feet to 5,711 square-feet and the minimum average frontage of lot from 60 feet to 50 feet.

Proposed Project

Change of Zone (CZ) No. 19002: Amend the City of Jurupa Valley Zoning Map from R-1 (One-Family Dwelling) to R-4 (Planned Residential).

2.0 USE OF PREVIOUS MND

The MND was adopted by the City of Jurupa Valley City Council by Resolution No. 2019-10 on March 21, 2019. The MND evaluated the above described entitlements.

The California Environmental Quality Act (CEQA) allows a previously certified MND to be used as the environmental assessment for a project if it is determined that the project currently under
review is "within the scope" of the earlier MND pursuant to CEQA Guidelines Section 15162 (a) which states:

“When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The MND is on file with the City of Jurupa Valley Planning Department (8930 Limonite Avenue, Jurupa Valley, CA 92509) and is hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.
3.0 DETERMINATION:

On the basis of the evaluation in this document, I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures are imposed upon the Proposed Project, nothing further is required.

Signature

Thomas G. Merrell, AICP, Planning Director

Printed Name/Title

City of Jurupa Valley

Agency

May 7, 2019

Date

Page 5 of 7
4.0 ANALYSIS

The Project site currently has a zoning classification of R-1 (One-Family Dwellings) which primarily allows single-family detached dwelling with a minimum lot area of seven thousand, two hundred (7,200) square feet. The proposed change of zone is from R-1 (One-Family Dwellings) to R-4 (Planned Residential). The following table provides a comparison of the development standards

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>R-1</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td>40 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>7,200 square feet</td>
<td>3,500 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet. That portion of a lot used for access on flag lots shall have a minimum width of twenty (20) feet.</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum Depth</td>
<td>100 feet (average)</td>
<td>80 feet</td>
</tr>
<tr>
<td>Minimum Frontage of a Lot</td>
<td>60 feet, except that lots fronting on knuckles or cul-de-sac may have a minimum frontage of thirty-five (35) feet. Lot frontage along curvilinear streets may be measured at the building setback in accordance with zone development standards.</td>
<td>40 feet</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>Side yards on interior and through lots shall be not less than ten (10) percent of the width of the lot, but not less than three (3) feet in width in any event, and need not exceed a width of five (5) feet. Side yards on corner and reversed corner lots shall be not less than ten (10) feet.</td>
<td>Side yards on interior and through lots shall be not less than a width of five (5) feet. Side yard on corner and reversed corner lots shall be not less than ten (10) feet</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

The fundamental differences between the R-1 zone and the R-4 zone is that the R-4 allows for a smaller lot size and requires the approval of a development plan that shows the location of each existing and each proposed structure in the development area; the use or uses to be contained therein; location of all pedestrian walks, malls, recreation and other open areas for the use of occupants and members of the public; location and height of all walls, fences and screen planting, including a plan for the landscaping of the development, types of surfacing, such as paving, turfing, or other landscaping to be used at various locations; and plans and elevations of typical structures to indicate architectural type and construction standards.
The primary reason for changing the zone from R-1 to R-4 is that upon approval of the R-4 zone, the variance to allow the minimum lot area from 7,200 square-feet to 5,711 square-feet and the minimum average frontage of lot from 60 feet to 50 feet is no longer needed as the Approved Project will meet the development standards of the R-4 zone.

In addition, as it applies to the development of the Project site as approved under Tentative Tract Map (TTM) No. 37470 with an Exception, the change of zone from R-1 to R-4 will not result in any changes to the type, density, or design of the Approved Project.

**Conclusion:**

Based on a review of the MND and the analysis above, there are no substantial changes, no new information of substantial importance, or a substantial change with respect to the circumstances under which the Proposed Project is undertaken that would change the analysis and conclusions made in the MND. No new significant adverse impacts are identified or anticipated and no new mitigation measures are required as a result of the Proposed Project.
ATTACHMENT 3
Applicant’s Waiver
May 17, 2019

Honorable City Council
c/o Annette Tam
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Re: APNs 177-020-012, 177-020-018 & 177-110-005
Approximately 6.76 acres

Annette:

Please consider this letter our request to grant a waiver to the minimum area requirement for an R-4 zone. Highland Park 2 is 6.74 gross acres and it is consistent with the R-4 zone.

Sincerely,

John H. Schafer
Vice President
JA Bray, LLC

cc: Richard Valdez
DATE: MAY 22, 2019
TO: CHAIR MOORE AND MEMBERS OF THE PLANNING COMMISSION
FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: CHRIS MALLEC, ASSISTANT PLANNER
SUBJECT: AGENDA ITEM NO. 6.2

MASTER APPLICATION NO. 18224 (MA18224) FOR CONDITIONAL USE PERMIT NO. 18010 (CUP18010) AND FINDING OF PUBLIC CONVENIENCE OR NECESSITY 19002 (PCN19002) TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION AT AN EXISTING CHEVRON GAS STATION AND CONVENIENCE STORE AT 9267 JURUPA ROAD (APN: 167-160-044) APPLICANT: G&M OIL, LLC

RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2019-05-22-03 that: 1) approves Conditional Use Permit No. 18010; and 2) issues Determination for Public Convenience or Necessity No. 19002 to allow beer and wine sales for off-premise consumption at an existing Chevron gas station and convenience store.

PROJECT DESCRIPTION

The Applicant ("Applicant" or "G&M Oil, LLC") has submitted the following applications:

- **Conditional Use Permit (CUP) No. 18010**: Sale of beer and wine for off-site consumption concurrent with an existing gasoline service station.
- **Public Convenience or Necessity (PCN) No. 19002**: Sale of alcoholic beverages for off-site consumption in an over concentrated census tract.

<table>
<thead>
<tr>
<th>TABLE 1: GENERAL PROJECT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel and Building Size</td>
</tr>
<tr>
<td>General Plan Land Use Designation</td>
</tr>
<tr>
<td>Specific Plan</td>
</tr>
<tr>
<td>Zoning</td>
</tr>
</tbody>
</table>

**Location**

The project site is located at the northwest corner of Jurupa Road and Van Buren Boulevard, further identified as APN 167-160-044. Van Buren Boulevard and other commercial uses are located to the north, Van Buren Boulevard and Jurupa Road intersect to the east, Jurupa Road with single-family residential and commercial uses occur to the south, and single-family
residential and partially developed commercial land exists to the west and north. Existing and surrounding land uses are shown on Table 2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Existing Chevron gas station with convenience store</td>
</tr>
<tr>
<td>North</td>
<td>Van Buren Boulevard and other commercial uses</td>
</tr>
<tr>
<td>South</td>
<td>Jurupa Road, followed by commercial and single-family residential uses</td>
</tr>
<tr>
<td>East</td>
<td>Van Buren Boulevard and Jurupa Road with railroad tracks and commercial uses beyond.</td>
</tr>
<tr>
<td>West</td>
<td>Partially developed commercial uses, followed by single-family residential.</td>
</tr>
</tbody>
</table>

Source: Field Inspection, April 2019

Exhibit 1 provides an aerial view of the project site. Attachment 2 provides Zoning and General Plan Land Use designations of the site and surrounding parcels.

Exhibit 1: VICINITY MAP

Required Entitlements

Per the City’s Municipal Code, Title 9 (Planning and Zoning), Chapter 9.125 (C-P-S) Zone, Section 9.125.020 (Jses Permitted), gasoline service stations, with the concurrent sale of beer and wine for off-premises consumption and convenience stores, including the sale of motor vehicle fuel, are permitted uses subject to the approval of a Conditional Use Permit (CUP).

Additionally, the sale of alcoholic beverages for off-premises consumption within a C-P-S zone shall comply with Sec. 9.240.490, Alcoholic Beverage Sales. As the proposed off-sale license is located within an over concentrated census tract, the City must make the findings for a Public Convenience or Necessity (PCN) per Section 9.240.490.
Existing Site/Floor Plan

The following exhibit illustrates the current site design of the existing Chevron inclusive of the convenience store. No changes to the physical site design are proposed with this application.

EXHIBIT 2: SITE PLAN

The existing convenience store currently offers ancillary food sales such as coffee, prepackaged and prepared pastries, candies, soft drinks, and other incidental items typically offered at most convenience stores.

The store and fueling hours are 24 hours per day, seven (7) days a week, with off-site alcohol sales proposed between the hours of 6:00 a.m. to 2:00 a.m. as permitted by the State Alcohol Beverage Control Board.

Alcoholic Beverage Sales (Section 9.240.490)

The sale of alcoholic beverages for off-premises consumption is allowed in the C-P-S zone with an approved Conditional Use Permit (CUP). In addition to the CUP, a Determination of Public Convenience or Necessity (PCN) is required if an applicant is proposing the sale of alcoholic beverages for off-premise consumption in a census tract with undue concentration of licenses.

The site is located within Census Tract 404.03. According to the Alcohol Beverage Control Board (ABC), three (3) off-sale alcohol licenses are permitted within this census tract, see Attachment 4. Currently, there are two (2) active off-sale licenses, with one currently under review for the 76 Gas Station located at 9306 Jurupa Road. The following locations hold active off-sale licenses within Census Tract 404.03 (see Exhibit 3):

- Perez Market at 9790 Jurupa Rd. (Active) – Type 20
- Jurupa Dairy at 9775 Jurupa Rd. (Active) – Type 20

On June 7, 2017, the Planning Commission approved a CUP for off-site beer and wine sales for the convenience store at the 76 Station, located at 9306 Jurupa Road. Currently, that Station has an application under-review for a Type 20 (beer and wine) license through ABC. Therefore, the proposed Type 20 (beer and wine) license would result in the fourth license. (It should be noted, however, that the 76 Station project has not been completed, has suspended
construction and is not expected to remain after the Jurupa Road grade separation project is constructed. Likewise, the Chevron Station also is not expected to remain after the grade separation project is completed.) Considering both active licenses and ones currently under ABC review, the proposed Type 20 (beer and wine) license would result in the fourth license. Thus, staff is addressing this application on the present fact that there is an over concentration of licenses, in addition to a CUP, and thus the City must also issue a PCN Determination prior to issuance of the ABC license.

**EXHIBIT 3: EXISTING OFF-SALE LOCATIONS WITHIN CENSUS TRACT**

In addition to reviewing the project based on maximum number of licenses within this census tract, staff considered existing businesses that sell alcoholic beverages for off-site consumption in adjacent census tracts. The closest businesses that sell alcohol for off-site consumption are located east of the subject site, Stater Brothers, and Plaza Liquor. See black stars on Exhibit 3 for those locations, as well as the off-sale licenses within the subject Census Tract.

**Section 9.240.490(c) - Development Standards**

The project complies with all of the development standards under this section. Table 3 provides a side by side comparison of the project in relation to the development standard.

**TABLE 3: SECTION 9.240.490(c) ALCOHOLIC BEVERAGE SALES**

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>IN COMPLIANCE?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permit required in C-P-S zone</td>
<td>Applied</td>
</tr>
<tr>
<td>Such facilities shall not be situated in such a manner that vehicle traffic from the facility may reasonably be believed to be a potential hazard to a school, church, public park or playground.</td>
<td>Yes</td>
</tr>
<tr>
<td>Notice of hearing shall be given to all owners of property within 1,000 feet of the subject facility, to any elementary school or secondary school district within whose boundaries the facility is located and to any public entity operating a public park or playground within 1,000 feet of the subject facility. The Planning Director may require that additional</td>
<td>Yes. Notice was provided.</td>
</tr>
</tbody>
</table>

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notice be given, in a manner the Director deems necessary or desirable, to other persons or public entities.

<table>
<thead>
<tr>
<th>Only beer &amp; wine may be sold</th>
<th>Yes. No request for distilled spirits.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educate the public regarding laws related to alcohol such as driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, etc.</td>
<td>Yes. It is made part of the conditions of approval.</td>
</tr>
<tr>
<td>No displays of beer and wine within five (5) feet of any entrance or checkout counter</td>
<td>Yes. It is made part of the conditions of approval. On the floor plan, the display areas are at more than five (5) feet from any entrance or checkout counter.</td>
</tr>
<tr>
<td>Cold beer or wine must be sold or displayed in permanently fixed electrical coolers only</td>
<td>Yes. It is made part of the conditions of approval.</td>
</tr>
<tr>
<td>No advertising of alcoholic beverages on gasoline islands; no lighted advertising of alcoholic beverages on the exterior of the building or within window areas.</td>
<td>Yes. It is made part of the conditions of approval.</td>
</tr>
<tr>
<td>Employees must be at least 21 years of age if selling any alcoholic beverages between the hours of 10:00 pm and 2:00 am.</td>
<td>Yes. It is made part of the conditions of approval.</td>
</tr>
<tr>
<td>No alcoholic beverage sales made from a drive-in window.</td>
<td>Yes. It is made part of the conditions of approval.</td>
</tr>
</tbody>
</table>

**Criteria for the Determination of Public Convenience or Necessity**

Staff has analyzed the application based on the criteria set by Municipal Code Section 9.240.490(e) and provides a side by side analysis of the project in relation to the criteria in Table 4 below.

The intent of the criteria is for staff to evaluate and consider the following:

- Type of outlet of the sales (example: liquor store, stand-alone convenience store, or market);
- Potential negative impacts to school children;
- Owner's ability to maintain the property and comply with applicable laws.

<table>
<thead>
<tr>
<th>TABLE 4: PUBLIC CONVENIENCE OR NECESSITY</th>
<th>Criterion</th>
<th>Does the project comply with the criterion?</th>
<th>Supporting information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Minimum Floor Area: 7,000 square feet</td>
<td>No</td>
<td>The proposed convenience store contains 447 square feet.</td>
<td></td>
</tr>
<tr>
<td>2 Maximum Floor Area for Sales of Alcoholic Beverages: 10%</td>
<td>Yes</td>
<td>4.5% of the floor area (20 sq. feet) is devoted to alcoholic beverage sales.</td>
<td></td>
</tr>
<tr>
<td>3 Minimum Floor Area devoted to Food Sales: 10%</td>
<td>Yes</td>
<td>95.5% of the floor area is dedicated to food and non-alcoholic retail sales.</td>
<td></td>
</tr>
</tbody>
</table>
| 4 Location is not within a high crime area (defined as greater than 20%) | Yes | According to the Sheriff's Department, there were only two (2) alcohol-

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<table>
<thead>
<tr>
<th>No.</th>
<th>Requirement</th>
<th>Result</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>No outstanding code violations or code enforcement activity</td>
<td>Yes</td>
<td>No outstanding City or County Environmental Health violations.</td>
</tr>
<tr>
<td>6</td>
<td>Properly maintained location</td>
<td>Yes</td>
<td>No violations for unmaintained land for this property.</td>
</tr>
<tr>
<td>7</td>
<td>The proposed business shall be located more than 1,000 feet from a public or private school</td>
<td>Yes</td>
<td>Van Buren Elementary school is more than 1,000 feet from the subject site.</td>
</tr>
<tr>
<td>8</td>
<td>Location is no on a regular path for school children to a school.</td>
<td>No</td>
<td>The subject site is within a regular path used by school children going to school.</td>
</tr>
</tbody>
</table>

As indicated above, the project does not comply with two (2) criteria. For Criterion No. 1, the Commission must determine if the other factors, such as location, reputation of the applicant as a responsible seller of alcoholic beverages, etc., carry more weight than the minimum floor area.

In reference to Criterion No. 8, while the proposed business is located slightly more than 1,000 feet from Van Buren Elementary School, it is likely that the site could be within a regular travel path utilized by school children living east of Van Buren Blvd. To address any concerns, staff contacted the Jurupa Unified School District, via phone and email. The District did not express any major concerns with the proposed activity, as long as it follows any comments from the Sheriff’s Department and ABC.

**Riverside County Sheriff’s Department Comments**

The Sheriff’s Department reviewed the proposed sale of beer and wine at this location and provided information on the number of calls/incidents within the Census Tract in 2018. The Sheriff’s Department reported responding to a total of 13 calls at the station. Of these calls, 7 were for theft, one was related to domestic violence, one was for drug possession, 2 for trespassing. The number and type of incidents is not considered by the Sheriff’s Department to be excessive or of unusual concern.

The Sheriff’s Department provided the following comments for this application:

a. Limit alcohol sales to packages containing no less than 6 cans or bottles to a case.
b. Prohibit the sales of single cans or bottles less than or equal to 40 ounces.
c. The placement of alcoholic beverages must be stored in the back of the store or behind the sales counter.
d. The owner must immediately remove any loiterers. If the owner does not immediately remove any loiterers, the Sheriff’s Department will remove the loiterer and the approval for the sales of alcoholic beverages may be subject to revocation.
e. Digital security cameras should be installed and used for monitoring activity on the property.
f. An alarm system should be installed and used especially at the entrances.

The proposed alcohol display area is consistent with the Sheriff’s Department’s recommendation. Beer and wine products will be located within a section of the refrigerator cooler. Of the 6 overall cooler doors, 2 doors will be devoted to beer and wine products, measuring approximately six (6) and a half feet in height, by two (2) and a half feet wide. In addition, the Applicant proposes to store 12 and 24 pack cases of non-refrigerated beer and individual wine bottles, in a four (4) square foot area, in front of the alcohol cooler doors.
Overall alcohol display area will average 20 square-feet and represents 4.5% of the overall store floor area. See Exhibit 5 on the following page.

**EXHIBIT 5: FLOOR PLAN**

Staff has incorporated the Sheriff’s comments into the Conditions of Approval for this project.

**Findings for approval of Conditional Use Permits**

Per Section 9.240.280(4), “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.” Staff has reviewed the applicant’s submittal and determined that the project meets the following required findings:

1. The proposed sale of alcoholic beverages (beer and wine) for off-site consumption will not adversely affect or be materially detrimental to the public health, safety or general welfare of the community in that the area devoted to alcohol sales would only be 4.5% of the retail floor area. Furthermore, the use is consistent with other similar fueling stations with convenience stores offering off-sale alcohol for off-site consumption.

2. The proposed use will not be detrimental to the health, safety or general welfare of the community, in that the proposed sale of beer and wine for off-site consumption will be conducted as an ancillary use to the primary sales of prepackaged cold and hot foods, sundry items, non-alcoholic beverages and fueling for vehicles. Furthermore, as conditioned by staff and the Riverside County Sheriff’s Department, the use will not pose a threat to surrounding land uses.
3. The proposed use will not be detrimental to the health, safety or general welfare of the community, in that the site shall be developed and conditioned to reduce impacts to adjacent land uses and the immediate neighborhood.

Findings for a Determination of Public Convenience or Necessity

A Determination of Public Convenience or Necessity may be granted if the proposed use meets all of the required findings below. Staff has identified that the proposed use has met all the required findings.

Per Section 9.240.490, “In order to make the determination of public convenience or necessity and approve the application or approve with conditions as required by Business and Professions Code Section 23958 and 23958.4, the Planning Commission shall make all of the following findings:

a) That the proposed use will not be detrimental to the health, safety and welfare of the community.

The proposed sale of alcoholic beverages for off-site consumption will not adversely affect or be materially detrimental to the public health, safety or general welfare of the community in that the area devoted to alcohol sales would be approximately 4.5% of the total retail area square footage. Furthermore, the use is consistent with surrounding commercial uses and the gas station/convenience store currently under construction across the street.

b) That the proposed use would enhance the economic viability of the area in which it is proposed to be located.

The sale of beer and wine for off-site consumption is an essential component of the existing convenience store. Although alcoholic beverage sales will only comprise a small percentage of the total gross receipts of the convenience store, their availability is important to the store’s financial viability, as customers expect to be able to purchase these items when they do their shopping. Additionally, the sale of alcoholic beverages would serve a public convenience or necessity in that it is proposed in conjunction with the existing sale of a variety of sundry items, including hot foods, and provide a convenience for customers also fueling their vehicles. The proposed use would therefore enhance the economic viability of the area, in that it will generate sales tax and contribute to economic vitality of the neighborhood and City in general.

c) That the proposed use is compatible with the surrounding area.

The existing Chevron gas station and convenience store are located on a site which is adjacent to Van Buren Blvd., a major arterial. Additionally, the site is zoned C-P-S (Scenic Highway Commercial) within a land use designation of Commercial Retail (CR) as outlined in the General Plan. In 2017, the City approved the Union 76 gas station/convenience store located across the street from the subject site at the intersection of Jurupa Road and Hill Place. As the subject site is also adjacent to the will therefore be compatible with the surrounding commercial and residential land uses.

d) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community.

Founded in 1969, G&M Oil Company owns and operates convenience stores and fueling stations throughout California, including San Diego, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Solano, and Alameda counties. G&M Oil Company is consistently
recognized by Chevron for excelling in their Retail Excellence Programs. Chevron conducts Mystery Shops and Inspections to measure cleanliness and service standards. Since 2010, G&M Oil Company has received over 100 Top Awards from Chevron for their cleanliness and service standards. Additional information about the proposed project was initially provided by the Applicant, included as Attachment 5.

From the period of April 1, 2018 through May 1, 2019, there have been 61 calls for service to this address, in which 2 of those were alcohol related. The majority of calls appear to be an employee reporting customer or citizen related problems, such as disturbing the peace, mentally disturbed, and minor thefts. Therefore, staff concludes that the Applicant in the past and currently has operated stable, professionally managed stores which take the safety of the community, its patrons and its employees seriously. Staff has conditioned that the Applicant train his employees to handle alcoholic beverages responsibly and in compliance with all applicable laws and regulations, along with the recommendations or requirements of the Sheriff’s Department, the ABC and local laws. Future employees shall be trained to prohibit the sales of alcohol to underage persons, limiting or preventing the sale of alcohol to intoxicated patrons and preventing littering and drinking within the parking lot and adjacent businesses.

e) That the Applicant will agree, in writing, to the conditions placed upon the application.

The Applicant has agreed, in writing, to the recommended conditions.

Staff finds that the project is consistent with the General Plan.

With the approved application and required conditions of approval, the project demonstrates consistency with the General Plan, Title 9 (Planning & Zoning) Section within the Jurupa Valley Municipal Code, and applicable state and federal laws.

ENVIRONMENTAL REVIEW

Staff has determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities).

CONCLUSION

Staff supports the project with the recommended Conditions of Approval. All required findings for approval have been affirmatively determined. Conditions of Approval have been established that ensure continual compliance with all requirements of ABC, the Sheriff’s Department and the City. Staff has determined that the proposed sale of beer and wine for off-site consumption will provide a convenience to future patrons of the existing convenience store and Chevron Gas Station.

Staff therefore supports the project with the recommended conditions of approval and ensures that the necessary findings can be made for the Determination of Public Convenience or Necessity (PCN) No. 19002 and recommends approval of Conditional Use Permit (CUP) No. 16010.
ATTACHMENTS

1. Resolution No. 2019-05-22-03
   a. Exhibit A. Recommended Conditions of Approval
2. Zoning Map & General Plan Land Use Map
3. ABC Active Off-Sale License Report
4. ABC Number of Licenses Authorized By Census Tract Report
5. Applicant's Project Description/Statement of Justification
6. Site Plan and Floor Plan
ATTACHMENT NO. 1

Planning Commission Resolution No. 2019-05-22-03
RESOLUTION NO. 2019-05-22-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY APPROVING CONDITIONAL USE PERMIT NO. 18010 AND MAKING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (PCN NO. 19002) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION AT AN EXISTING CHEVRON GAS STATION AND CONVENIENCE STORE LOCATED IN CENSUS TRACT 404.03 AT THE NORTHWEST CORNER OF JURUPA ROAD AND VAN BUREN BOULEVARD (ADDRESS: 9267 JURUPA ROAD; APN: 167-160-044) IN THE SCENIC HIGHWAY COMMERCIAL (C-P-S) ZONE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15301 (CLASS 1 – EXISTING FACILITIES)

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

Section 1. Project. G&M Oil, LLC (the “Applicant”) has applied for Conditional Use Permit No. 18010 and requested the issuance of a Determination of Public Convenience or Necessity (PCN No. 19002) (collectively, Master Application No. 18224 or MA No. 18224) to allow the sale of beer and wine for off-site consumption at an existing Chevron gas station and convenience store located in Census Tract 404.03 at the northwest corner of Van Buren Boulevard and Jurupa Road (APN: 167-160-044) in the Scenic Highway Commercial (C-P-S) Zone and designated Commercial Retail (CR) (the “Project”).

Section 2. Conditional Use Permit.

(a) The Applicant is seeking approval of Conditional Use Permit No. 18010 to allow the sale of beer and wine for off-premises consumption at an existing Chevron gas station and convenience store located in Census Tract 404.03 at the northwest corner of Jurupa Road and Van Buren Boulevard (Address: 9267 Jurupa Road; APN: 167-160-044).

(b) Section 9.125.020.B.(21) of the Jurupa Valley Municipal Code provides that gasoline service stations, with the concurrent sale of beer and wine for off-premises consumption, are permitted in the C-P-S Zone provided a conditional use permit has been granted pursuant to Section 9.240.280 of the Jurupa Valley Municipal Code.

(c) Section 9.240.490.B.(1) of the Jurupa Valley Municipal Code provides that the sale of alcoholic beverages for off-premises consumption shall be allowed in the C-P-S Zone provided a conditional use permit has been approved pursuant to Section 9.240.280 of the Jurupa Valley Municipal Code.
(d) Further, Section 9.125.020.B.(22) of the Jurupa Valley Municipal Code provides that convenience stores, including the sale of motor vehicle fuel, are permitted in the C-P-S Zone provided a conditional use permit has been granted pursuant to Section 9.240.280 of the Jurupa Valley Municipal Code.

(e) 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 either Section 9.240.250 or 9.240.260 of the Jurupa Valley Municipal Code, whichever is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing. Further, the hearing body in Section 9.240.250 of the Jurupa Valley Municipal Code is defined as the Planning Commission of the City of Jurupa Valley.

(f) 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.

Section 4. Determination of Public Convenience or Necessity.

(a) Sections 23958 and 23958.4 of the California Business and Professions Code provide that the California Department of Alcoholic Beverage Control must deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except that the Department may issue the license if the local governing body of the area in which the applicant's premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period commences upon receipt by the local governing body of (i) notification by the Department of an application for licensure, or (ii) a completed application according to local requirements, if any, whichever is later.

(b) The subject market is located in Census Tract 404.03, in which an overconcentration of off-sales liquor licenses exists. California alcoholic beverages licensing regulations allow for a maximum of three (3) off-sale liquor licenses in Census Tract 404.03. A total of three (3) off-sale liquor licenses exist within Census Tract 404.03.

(c) Ordinance No. 2014-01 specifies that in order to make a determination of public convenience or necessity and approve or conditionally approve an application for a Letter of Determination of Public Convenience or Necessity as required by Business and Professions Code Sections 23958 and 23958.4, the Planning Commission must make all of the following findings:

1) That the proposed use will not be detrimental to the health, safety and welfare of the community;

2) That the proposed use will enhance the economic viability of the area in which it is proposed to be located;

3) That the proposed use is compatible with the surrounding area;
4) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community; and

5) That the applicant will agree, in writing, to the conditions placed upon the license and application.

Section 5. **Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18224 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 May 22, 2019, the Planning Commission of the City of Jurupa Valley conducted a public hearing on MA No. 18224, 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 6. **California Environmental Quality Act Findings.** The Planning Commission of the City of Jurupa Valley does hereby finds and determines, in connection with the approval of the Project, 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 "Guidelines") (14 Cal. Code Regs. §15000 et seq.). Pursuant to Guidelines Section 15301 (Class 1 – Existing Facilities), the Project is categorically exempt from environmental review because it can be seen with certainty that there is no possibility that the proposed sale of beer and wine for off-site consumption at a future convenience store located in an over-concentrated census tract will have a significant effect on the environment. Furthermore, four and a half percent (4.5%) of the total retail area square footage will be devoted to alcohol sales. A notice of exemption has been prepared.

Section 7. **Findings for Approval of Conditional Use Permit.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that Conditional Use Permit No. 18010 should be approved because the proposed sale of alcoholic beverages (beer and wine) for off-premises consumption will not adversely affect or be materially detrimental to the public health, safety or general welfare of the community with the imposed conditions, in that:

(a) The area devoted to alcohol sales would be four and a half percent (4.5%) of the total retail area square footage. Furthermore, the proposed sale of alcoholic beverages for off-site consumption is consistent with similar convenience stores located throughout the City that offer off-site beer and wine sales as a convenience to its customers. In addition, there are no sensitive land uses in close proximity to the subject location.

(b) The proposed sale of beer and wine for off-site consumption will be conducted as an ancillary use to the primary sales of prepackaged cold and hot foods, sundry items, and non-alcoholic beverages. Furthermore, as determined by the Riverside County Sheriff’s Department
and the California Department of Alcoholic Beverage Control, the use will not pose a threat to surrounding land uses, as conditioned under this Resolution.

(c) The proposed sale of alcoholic beverages for off-site consumption is not expected to create any adverse impacts from noise, odor, or light upon the community. The proposed convenience store is located within a predominately commercial land use area and there are no sensitive land uses within close proximity of the subject site. In addition, the proposed sale of alcoholic beverages for off-site consumption in the convenience store is not expected to create adverse impacts related to noise, odor or light to surrounding commercial and residential land uses along Jurupa Road.

Section 8. Determination of Public Convenience or Necessity Approval Findings.
The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The proposed sale of alcoholic beverages for off-site consumption will not adversely affect or be materially detrimental to the public health, safety or general welfare of the community, in that the area devoted to alcohol sales would be four and a half percent (4.5%) of the total retail area square footage. Furthermore, the proposed sale of alcoholic beverages for off-site consumption is consistent with similar convenience stores located throughout the City that offer off-site beer and wine sales as a convenience to its customers. In addition, there are no sensitive land uses in close proximity to the subject location.

(b) The proposed sale of alcoholic beverages for off-site consumption will enhance the economic viability of the area in which it is proposed to be located, in that the sale of beer and wine for off-site consumption is an essential component of the existing Chevron gas station and convenience store. Although alcoholic beverage sales will only comprise a very small percentage of the total gross receipts of the convenience store, their availability is important to the store’s financial viability, as customers expect to be able to purchase these items when they patronize the store. Additionally, the sale of alcoholic beverages would serve a public convenience or necessity, in that it is proposed in conjunction with the sale of a variety of sundry items, including hot foods, and non-alcoholic beverages. The proposed sale of alcoholic beverages for off-site consumption would therefore enhance the economic viability of the area.

(c) The proposed sale of alcoholic beverages for off-site consumption is compatible with the surrounding area, in that the existing Chevron gas station and convenience store offering beer and wine sales for off-site consumption is compatible with the adjacent Union 76 gas station and convenience store (currently under construction), other adjacent commercial uses, and residential uses further west along Jurupa Road. As such, the proposed sale of beer and wine for off-site consumption is consistent with surrounding and future land uses.

(d) The background of the proposed licensee and the history of the premises or any premises the Applicant has operated in the past were not detrimental to the health, safety and welfare of the community, in that the Applicant has been in business since 1969 and is a stable, professionally managed chain of convenience stores which takes the safety of the community, its patrons and its employees very seriously. The Applicant trains their employees to handle alcoholic beverages responsibly and in compliance with all applicable laws and regulations,
along with the recommendations or requirements of the Riverside County Sheriff’s Department, the California Department of Alcoholic Beverage Control and local laws. The Applicant’s stores typically have excellent track records with the California Department of Alcoholic Beverage Control and with the communities in which its stores are located. The Applicant’s employees are trained to prohibit the sales of alcohol to underage persons, limiting or preventing the sale of alcohol to intoxicated patrons and preventing loitering and drinking within the parking lot and adjacent businesses.

(e) The Applicant has agreed, in writing, to the conditions placed upon the application.

Section 9. Approval of Master Application No. 18224 with Conditions. Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby approves Conditional Use Permit No. 18010 and issues a Determination of Public Convenience or Necessity (PCN No. 19002) (collectively, Master Application No. 18224 or MA No. 19002) to allow the sale of beer and wine for off-site consumption at an existing Chevron gas station and convenience store located in Census Tract 404.03 at the northwest corner of Van Buren Boulevard and Jurupa Road (APN: 167-160-044) in the Scenic Highway Commercial (C-P-S) Zone and designated Commercial Retail (CR) (the “Project”), subject to the recommended conditions of approval attached hereto as Exhibit “A”.

Section 10. Certification. The Planning 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 22nd day of May, 2019.

_____________________________________
Corey Moore
Chair of Jurupa Valley Planning Commission

ATTEST:

_____________________________________
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

CITY OF JURUPA VALLEY

I, Thomas Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-05-22-03 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 22nd day of May, 2019, by the following vote, to wit:

AYES:        COMMISSION MEMBERS:

NOES:        COMMISSION MEMBERS:

ABSENT:      COMMISSION MEMBERS:

ABSTAIN:     COMMISSION MEMBERS:

THOMAS G. MERRELL
PLANNING DIRECTOR
EXHIBIT A OF ATTACHMENT NO. 1

Recommended Conditions of Approval
EXHIBIT “A”

CONDITIONS OF APPROVAL FOR MA18224 (CUP18010 & PCN19002)

PLANNING DEPARTMENT

1) PROJECT PERMITTED. MA18224 (CUP18010 & PCN19002) is for approval to allow the sale of beer and wine for off-site consumption at an existing 885 square foot Chevron convenience store, ancillary to a gas station. The PCN is for the undue concentration of licenses within Census Tract No. 404.03. The property is located at 9267 Jurupa Road (APN 167-160-044).

2) INDEMNIFY CITY. The applicant, the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the “Indemnitor”), shall indemnify, defend, and hold harmless the City of Jurupa Valley and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein collectively, the “Indemnitees”) from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney’s fees, arising out of either (i) the City’s approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act (“CEQA”), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an “Action”) within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City’s full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City.

3) CONSENT TO CONDITIONS. Within thirty (30) days after project approval, the owner or designee shall submit written consent to the required conditions of approval to the Planning Director or designee.

4) FEES. The approval of MA18224 (CUP18010 & PCN19002) shall not become effective until all planning fees have been paid in full.

5) APPROVAL PERIOD – CONDITIONAL USE PERMIT. This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of

Conditions of Approval for MA18224 (CUP18010 & PCN19002) Resolution No. 2019-05-22-03
no effect whatsoever. By "use", it shall mean the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two (2) year period, the permittee may request up to one (1) year of extension of time in which to begin substantial construction or use of this permit. Should the extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, it shall become null and void.

6) **CONFORMANCE TO APPROVED EXHIBITS.** The project shall be in conformance to the approved plans (listed below) with any changes in accordance to these conditions of approval:

   a) *Architectural Plans:* Site Plan and Floor Plan (both dated 1-29-19)

7) **INCORPORATE CONDITIONS.** Prior to the issuance of any building permit, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the project’s final approval.

8) **ACKNOWLEDGEMENT OF RECEIPT FORM.** Within thirty (30) days after project approval, the owner or designee shall submit written consent to having received a copy of the "Applicant's Acknowledgement of Comments and Code Information from Internal/External Agencies". The receipt form shall be given to the Planning Director or designee.

9) **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).** This project is approved subject to the provisions of CEQA and qualifies for a Categorical Exemption per Guidelines Section 15301 (Class 1 – Existing Facilities). Within forty-eight (48) hours of final approval for this project, the owner or designee shall deliver to the Planning Department a check payable to the Riverside County Clerk in the amount of $50.00, or the fees that are currently in effect at the time. This will enable the City to file a Notice of Exemption.

10) **EFFECTIVE DATE OF CONDITIONAL USE PERMIT (SALE OF BEER AND WINE).** The Conditional Use Permit shall not take effect until the following conditions of approval are satisfied:

   a) **Security System.** The applicant shall install (1) an alarm system and (2) a surveillance monitoring system. The surveillance monitoring system shall include the surveillance monitoring of all entrances and exits. The surveillance plan shall be reviewed and approved by the Planning Department and by the Riverside County Sheriff's Department.

   b) **L.E.A.D. Certificate.** The applicant and any employees of the retail selling alcoholic beverages for off-site consumption shall provide the "Licensee Education on Alcohol and Drugs" (L.E.A.D.) completion certificate to the Planning Department.

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Conditions of Approval for MA18224 (CUP18010 & PCN19002)
Resolution No. 2019-05-22-03

Page 2 of 4
12) **ADDITIONAL REQUIREMENTS RELATED TO SALE OF BEER & WINE FOR CONVENIENCE STORE AT GAS STATION.**

a) **Education for Public.** Applicant shall educate the public regarding laws related to alcohol such as driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages. Applicant shall provide proof of satisfying the condition when requested by the City.

b) **Permitted Display/Storage Locations of Beer and Wine.** The display or storage of alcoholic beverages shall only be as shown on the approved floor plans. No displays of beer and wine within 5 feet of any entrance or checkout counter. Cold beer or wine must be sold or displayed in permanently fixed electrical coolers only.

c) **On-site Advertisement for Beer or Wine.** No advertising of alcoholic beverages on gasoline islands; no lighted advertising of alcoholic beverages on the exterior of the building or within window areas.

d) **Employees' Minimum Age to sell alcohol.** Employees must be at least 21 years of age if selling any alcoholic beverages between the hours of 10:00 p.m. and 2:00 am.

e) **Drive-Thru Sales Prohibited.** If future development included a drive-thru for the convenience store, the following restriction shall apply: no alcoholic beverage sales shall be made from a drive-in window.

13) **LIMITED SALES OF ALCOHOLIC BEVERAGES.** The following types of alcoholic beverages (beer and wine) for off-site consumption are prohibited:

a) Single can or bottle of alcoholic beverage less than or equal to forty (40) ounces.

b) Packages containing less than six (6) cans, or bottles, to a case.

14) **ALL - DELIVERIES. Restricted Loading / Unloading Times.** Hours of delivery for the project site shall only occur between the hours of 7:00 am – 6:00 pm on Mondays to Fridays. Failure to comply with this condition is a violation of this approval of MA18224 (CUP18010 and PCN19002). If the applicant does not correct the violation or has repeatedly violated this condition, the applicant shall be subject to a Planning Commission's public hearing to resolve the violation. If the violation cannot be cured for any reason after the Planning Commission's public hearing, MA18224 (CUP18010 and PCN19002) may be subject to revocation.
The Applicant hereby agrees that these Conditions of Approval are valid and lawful and binding on the Applicant, and its successors and assigns, and agrees to the Conditions of Approval.

Applicant's name (Print Form): ..................................................

Applicant's name (Signature): ..................................................

Date: _______________
ATTACHMENT NO. 2

Zoning & General Plan Land Use Maps
ZONING MAP: C-P-S (Scenic Highway Commercial)

C-P-S (Scenic Highway Commercial), A-1 (Light Agriculture), M-SC (Manufacturing-Service Commercial), BP (Business Park), R-A (Residential-Agricultural), and R2 (Multiple-Family Dwellings)

Project Location: 9267 Jurupa Road
LAND USE MAP: Commercial Retail (CR)

Project Location:
9267 Jurupa Road

LDR-RC  (Low Density Rural – Rural Community)

Commercial Retail
ATTACHMENT NO. 3

ABC Active Off-Sale License Report
## California Department of Alcoholic Beverage Control

### Active Off-Sale Retail Licenses

For the Census Tract of 0404.03

Report as of: 05/15/2019

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ATTACHMENT NO. 4

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<tr>
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<td>2,415,955</td>
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Updated: Aug 2018
ATTACHMENT NO. 5

Applicant's Project Description/Statement of Justification
City of Jurupa Valley - Planning Department
8930 Limonite Avenue
Jurupa Valley, California 92509

Applicant:
G&M Oil Co., LLC
9267 Jurupa Road
Jurupa Valley, California 92509

Parcel: 167-160-044

Request:
This request is for a Conditional Use Permit to allow the sale of beer and wine for off-site consumption only; In conjunction with an existing 885 square foot convenience market with a gas station; with the hours of operation being 24 hours a day, 7 days a week and alcohol sales from 6:00 am to 2:00 am, 7 days a week, in the C-P-S zone.

The subject premises is located within the Commercial Retail (CR) land use area within the C-P-S zone on the North West corner of Jurupa Road and Van Buren Blvd. and is ideally situated to serve the population of residents, workers and visitors who patronize this popular business corridor. The commercial retail land use zone allows for a wide range of activities which include automotive related businesses and retail commercial development with parking in the front or side of the building. These zones are applied to accommodate existing development patterns or encourage patterns that are deemed to be appropriate because of the urban design features anticipated for the area. The focus is on automobile-orientated establishments where the primary commercial function is geared to a single stop activity. This request is a permitted use within the general plan and will not change the site’s ability to conform to any elements or objectives of the development code.

This existing business and the proposed use will not adversely affect the surrounding community or neighboring properties. The surrounding properties are developed with commercial, service-related and retail uses. The location has sufficient parking lot lighting, a state of the art security system and crime deterrence program that helps ensure the peace, comfort and welfare of its customers and the surrounding community. The sale of beer and wine will be incidental in our convenience store as we provide a variety of products to serve those who live and work nearby. The addition of beer and wine will permit our neighbors to patronize a local establishment rather than drive elsewhere. Our store also offers packaged items, fresh food, hot food, dairy products, fruits, breads, a coffee station, beauty products and other essential products used for daily living.

The requested use adds to the diversification of uses within this established business and should remain in proper relation to the adjacent uses. The instant request is an organic extension of the current surrounding uses and will therefore remain in appropriate relation to the contiguous uses and ongoing development of the community. This existing business has only enhanced this part of the community. The proposed request will allow the applicant to include beer and wine in a well-maintained site.
The proposed use will not change the noise impact or traffic as this business has been here for many years; it will instead offer a different shopping environment, different services and a different mix of merchandise. The surrounding properties will not be affected by allowing this inclusion of beer and wine to their beverage department at a neighborhood market.

In addition, we have a zero tolerance loitering program in front of our store to protect our customers or any passer-by. The approval of this project will allow the applicant to offer the community a variety of products at one convenient stop.

The subject premises is bounded on all sides by commercially developed properties and is well-buffered from nearby, residentially zoned and occupied properties and will be secured by alarm and interior and exterior cameras.
Site Description

Legal:
Lot 6, Jurupa Ranch Tract, W.E. 009/026
Total Site Area = 0.43 Acres
Total Floor Area = 885 Sq.Ft.
Total Canopy Area = 2,100 Sq.Ft.

Parking Provided
Standard Spaces (8' x 20' Typ.) = 7 Spaces
Handicapped Spaces (17' x 20' Typ.) = 1 Space

Total Spaces Provided = 8 Spaces

NOTES:
ALL STRUCTURES AND IMPROVEMENTS ARE EXISTING TO REMAIN

ZUPAY MAPPING SERVICE
13543 SHAWLOW AVE.
SYLVANIA, CA 91342
818-833-9039

EXTRA MILE MINI MART
9287 JURUPA ROAD
JURUPA VALLEY, CA 92509
A.P.N. 167-160-044-3

CASE No.
DATE: SEPTEMBER 12, 2018
RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2019-05-22-04 recommending that the City Council adopt an Ordinance approving Zoning Code Amendment No. 19002 to Section 9.240.510 to modify the permitted zoning and development standards for metal shipping containers.

BACKGROUND

On August 2, 2018, Mobile Modular Management Corporation submitted a letter to City staff requesting that the City Council initiate a zoning code text amendment (see Attachment 4) for the purposes of establishing that the present uses on the property are legally or conditionally permitted.

Mobile Modular Management Corporation currently operates a business at 11450 Mission Boulevard that leases and sells portable/modular units, and includes prefab buildings and customizable modular buildings for office trailers, portable classrooms, sales offices, etc., as well as "decommissioned" (no longer needed by the shipping industry) metal shipping containers that are modified for use as portable offices or storage for sale or lease.

Staff reviewed the zoning provisions for the property (M-M Zone) and for metal shipping containers (Section 9.240.510), and determined that the activity for Mobile Modular Portable Storage is not allowed on the site. Section 9.240.510 states that metal shipping containers are prohibited in any zone, due to their impact on the aesthetic appearance of the community. Mobile Modular Management Corporation has been cited for a code violation for the sale and lease of metal shipping containers on the site as a principal use. Mobile Modular Management Corporation staff have expressed interest in selling metal shipping containers as one of their products on the property for the purposes of refurbishing them to sell and lease as portable offices or storage.

The above issues were presented to the City Council at a public hearing on September 6, 2018. Because decommissioned shipping containers are increasingly being refurbished and used for...
other purposes, and allowing them as a principal use in one industrial zone with appropriate
development standards to address aesthetics concerns may potentially allow for growth and
expansion in some businesses, the City Council (Council) was amenable to considering the
potential impacts of such an amendment. As such, at the September 6, 2018 hearing, Council
initiated a code amendment for staff to research, study and prepare language for Planning
Commission consideration that provides modifications to the permitted zoning and development
standards for metal shipping containers.

ANALYSIS

Existing Zoning and Standards for Metal Shipping Containers

Section 9.240.510 of the City of Jurupa Valley Zoning Code establishes minimum development
standards for the placement of metal shipping containers within the City. These standards are
designed to enhance the aesthetic appearance of the community, preserve property values and
protect the public health, safety and welfare. Pursuant to this Section:

(1) Metal shipping containers shall not be allowed as a principal use in any zone.

(2) Metal shipping containers shall be allowed in all zones on a temporary basis when
utilized during construction or grading operations for the site where located and when
utilized solely for the storage of supplies and equipment that are used for construction or
grading on that site.

(3) In commercial and industrial zones, placement of metal shipping containers as an
accessory use is permitted provided a site development permit has been approved
pursuant to the provisions of Section 9.240.330 or the placement has been approved as
part of an approved site development permit, conditional use permit or public use permit.

As noted above, shipping containers are currently not allowed as a permitted principal use in
any zone in the City.

Mobile Modular Management Corporation has indicated that the metal shipping containers on
the site are not active shipping containers, but rather are units that have been modified and can
no longer be used for shipping. These "decommissioned" units, which are no longer needed by
the overseas shipping industry, are then substantially altered to become portable offices or other
storage units. The modifications include installation of locking devices, and other modifications
to insure the units are wind- and water-tight. Once the modifications are complete, the units
then may be used as portable offices or other storage.

Notwithstanding the applicant's statement that these shipping containers are decommissioned,
the units are metal shipping containers that are being modified for another use. The metal
shipping containers have previously been stacked and visible on the northeastern portion of the
property.

Existing Sites with Code Violations Related to Metal Shipping Containers

Through Code Enforcement cases, Staff researched existing sites in the City where metal
shipping containers may be a principal use. Based on the information provided, there are 13
code enforcement cases, including Mobile Modular, where businesses have code violations
related to metal shipping containers. (Note that several of the addresses are adjacent and
represent the same business). According to Code Enforcement, some of these properties were
reported for having shipping containers as a primary use, while others have a combination of
violations such as no CUP for the business; however, most of these code violations are related
to the shipping containers.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Property Address</th>
<th>Zone</th>
<th>Business Name</th>
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<tr>
<td>17-0387</td>
<td>11450 Mission Blvd.</td>
<td>M-M</td>
<td>Mobile Modular</td>
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<tr>
<td>18-0375</td>
<td>6999 Valley Way</td>
<td>C-P-S</td>
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<td>18-0373</td>
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<td>18-0306</td>
<td>3739 Valley Way</td>
<td>A-1</td>
<td>Ramos Towing</td>
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<td>17-2183</td>
<td>5190 Wilson St.</td>
<td>W-1</td>
<td>Rios Recycling Pallets</td>
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<tr>
<td>13-1382</td>
<td>2810 Rubidoux Blvd</td>
<td>C-1/C-P</td>
<td>AAA Recycling</td>
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<td>16-0474</td>
<td>2725 Hall St.</td>
<td>M-SC</td>
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<tr>
<td>16-0468</td>
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</tr>
<tr>
<td>16-0471</td>
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<td>N/A</td>
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<td>18-0754</td>
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<td>Brighton Truck Group Inc.</td>
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<td>Transport and Sales of Storage Containers</td>
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<tr>
<td>17-1848</td>
<td>9883 Bellegrave Ave.</td>
<td>M-SC</td>
<td>Transport and Sales of Storage Containers</td>
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The types of businesses with the code violations include transport and sale of storage containers, recycling businesses, a pallet yard, towing company, and truck storage and repair. According to Code Enforcement, the businesses identified with N/A under business name are, for the most part, businesses that are doing truck storage and repair. Mobile Modular is the only business with a code violation related to shipping containers that refurbishes them for other purposes.

There is only one business, Mobile Modular, which falls within the M-M Zone. The remaining businesses fall within a lighter industrial zone (M-SC), commercial zones, and agricultural and watercourse zones. Therefore, the proposed code amendment would only alleviate the code violation related to shipping containers as a principal use on the Mobile Modular site, and only permit shipping containers as a principal use on this site in the M-M Zone. Note that Mobile Modular also had code violations related to landscaping as part of their originally approved plot plan by the County. Mobile Modular submitted landscape plans to the City, and received approval, to provide the required landscaping and screening to rectify the issue. Landscaping is in process.

Land Use Compatibility

Land use compatibility is of concern. Currently, shipping containers are not permitted as a principal use in any zone. They are permitted as an accessory use with standards in certain zones, and as a temporary use in all zones for construction. To address land use compatibility, the proposed code amendment restricts the location of such uses in the following ways:

- Allowing meta shipping containers, used in part or in whole as a product or service, including raw material for inventory and finished product when refurbished or modified, to be permitted only in the M-M Zone and subject to a Conditional Use Permit where further conditions of approval can be established.
- The M-M zone is located in two areas of the City – the northwest portion near Interstate 15 and SR 60, and the northeast portion adjacent to the Agua Mansa Industrial Corridor.
Both areas are primarily bordered by other industrial zones. There are a limited number of M-M zoned sites in the City, and the majority are developed with industrial buildings and limited room for shipping containers as a principal use.

- To further reduce potential incompatible land adjacency issues, metal shipping containers are prohibited from being located within one thousand (1,000) feet of an existing residential neighborhood or zone.

**Aesthetics**

As described previously, decommissioned shipping containers are increasingly being refurbished and used for other purposes, and may represent an area of growth in some manufacturing businesses. Nonetheless, shipping containers are considered unsightly and potentially represent ongoing and increasing visual blight in the city, even in an industrial zone. As such, the proposed ordinance includes the following development standards that would require screening to address aesthetics concerns:

- The minimum lot size shall be ten (10) acres.
- Metal shipping containers shall not be stacked more than two containers high, or a maximum of twenty (20) feet in height.
- Metal shipping containers that are not stacked and do not exceed ten (10) feet in height shall be located a minimum of twenty (20) feet from any public right-of-way.
- Metal shipping containers that are stacked shall be located a minimum of sixty (60) feet from any public right-of-way.
- Metal shipping container(s) shall be stored within a wholly enclosed building or fully screened by a ten (10) foot high solid decorative wall between any public street and the area where the metal shipping containers are to be located on the site, except that the Planning Commission may approve an alternative design if the applicant demonstrates that:
  
  (i) The metal shipping containers shall be fully screened from public rights-of-way that are elevated less than 15 feet above the project site due to location on the site, topography, placement of other permanent facilities on the site, or any combination screening measures satisfactory to the Planning Commission; and
  
  (ii) Such alternate method of screening is equivalent and will be maintained continuously for the life of the conditional use permit.

- Any wall constructed to satisfy this subsection shall be located a minimum of twenty (20) feet from the edge of the street or sidewalk, and a minimum twenty (20) foot wide landscaped buffer shall be provided in the area between the wall and the public street.
- In addition to the standards that address visual impact, an office building in a permanent structure for sales and administrative purposes shall be provided on the same parcel where the metal shipping container business is taking place, and shall meet the development standards of the underlying M-M Zone.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The adoption of the proposed amendment falls under the "general rule" that only applies to projects that have a potential for causing a significant effect on the environment (15061(b)(3)). The project is an administrative process of the City that will not result in any direct or indirect physical changes to the environment.
CONCLUSION
The intent of this amendment would be to allow for and regulate the location and nature of shipping containers as a principal use when they are used in part or in whole as a product or service, including raw material for inventory and finished product when refurbished or modified. The limited zoning and development standards are intended to prevent blight and preserve the aesthetic quality of the City. Because decommissioned shipping containers are increasingly being refurbished and used for other purposes, and allowing them as a principal use in one manufacturing zone (M-M) with appropriate development standards may potentially allow for growth and expansion in some businesses, the proposed amendment supports economic development in the City.

Staff recommends that the Planning Commission review the draft code amendment, suggest any necessary revisions and recommend that City Council approve an amendment to the Zoning Ordinance to allow for and regulate shipping containers as a principal use in the M-M Zone.

Prepared by:

Jean Ward, AICP
Senior Planning Consultant

Reviewed by:

Serita Young
Assistant City Attorney

Submitted by:

Thomas G. Merrell, AICP
Planning Director

Attachments:
2. Draft Code Amendment Regulating Metal Shipping Containers
3. Letter from Mobile Modular Management Corporation dated August 2, 2018
RESOLUTION NO. 2019-05-22-04


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

Section 1. **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 September 6, 2018 regular City Council meeting, the City Council initiated an amendment to Section 9.240.510 (“Metal Shipping Containers”) of Chapter 9.240 (“General Provisions”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, concerning modifications to the permitted zoning and development standards for metal shipping containers (the “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 65853 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 May 22, 2019, the Planning Commission 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 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 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, permitting metal shipping containers in the M-M Zone and adopting development standards for such containers, 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 Conditional Use Permits for metal shipping containers on premises located within the M-M Zone are submitted to the City. The City Council has reviewed the administrative record concerning
the proposed Code Amendment and the proposed CEQA exemption, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance 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).

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:

(a) The proposed Code Amendment is consistent with Policy LU-3.12 of the Land Use Element of the City of Jurupa Valley General Plan in that it accommodates the continuation of existing industrial and manufacturing development in areas designated by the General Plan, specific plans, community and town center plans. It also supports goals ES-2 and ES-3 of the Economic Sustainability Element by helping to maintain a sustainable industrial base that supports skilled and professional employment and contributes to the local economy, and being a City with a diversity of commercial enterprises that meet local needs.

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 Planning 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 22nd day of May, 2019.

Corey Moore  
Chair of Jurupa Valley Planning Commission

ATTEST:

Thomas G. Merrell, AICP  
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA
COUNTY OF RIVERSIDE ss.
CITY OF JURUPA VALLEY

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-05-22-04 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 22nd day of May, 2019, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

THOMAS G. MERRELL
PLANNING DIRECTOR
Sec. 9.240.510. - Metal shipping containers.

A. **Intent.** The City Council has enacted the following provisions to establish minimum development standards for the placement of metal shipping containers within the city. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.

B. **Permitted zoning and development standards.** Placement of metal shipping containers shall be subject to the following limitations:

1. Metal shipping containers shall not be allowed as a principal use in any zone, except as provided in subsection B.(2) of this section.

2. Metal shipping containers used in part or in whole as a product or service, including raw material for inventory and finished product when refurbished or modified, shall be permitted in the M-M Zone only, provided a conditional use permit has been approved under the provisions of Section 9.240.280, and shall comply with the following development standards:
   
   a. The minimum lot size shall be ten (10) acres.
   b. Metal shipping containers shall not be stacked more than two containers high, or a maximum of twenty (20) feet in height.
   c. Metal shipping containers that are not stacked and do not exceed ten (10) feet in height shall be located a minimum of twenty (20) feet from any public right-of-way.
   d. Metal shipping containers that are stacked shall be located a minimum of sixty (60) feet from any public right-of-way.
   e. Metal shipping container(s) shall be stored within a wholly enclosed building or fully screened by a ten (10) foot high solid decorative wall between any public street and the area where the metal shipping containers are to be located on the site, except that the Planning Commission may approve an alternative design if the applicant demonstrates that:
      
      i. The metal shipping containers shall be fully screened from public rights-of-way that are elevated less than 15 feet above the project site due to location on the site, topography, placement of other permanent facilities on the site, or any combination screening measures satisfactory to the Planning Commission; and
      
      ii. Such alternate method of screening is equivalent and will be maintained continuously for the life of the conditional use permit.

Any wall constructed to satisfy this subsection shall be located a minimum of twenty (20) feet from the edge of the street or sidewalk, and a minimum twenty (20) foot wide landscaped buffer shall be provided in the area between the wall and the public street.
(f) An office building in a permanent structure for sales and administrative purposes shall be provided on the same parcel where the metal shipping container business is taking place, and shall meet the development standards of the underlying M-M Zone.

(g) The minimum separation distance between metal shipping containers and buildings or on-site storage shall be per the requirements of the Fire Code of the City of Jurupa Valley, and shall be verified by annual inspections by the County Fire Department and designated city staff. Such inspections shall be subject to an inspection fee as adopted by resolution of the City Council.

(h) Metal shipping containers shall not be located within one thousand (1,000) feet of an existing residential neighborhood or zone.

(3) Metal shipping containers shall be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

(4) In commercial and industrial zones, placement of metal shipping containers as an accessory use is permitted provided a site development permit has been approved pursuant to the provisions of Section 9.240.030 or the placement has been approved as part of an approved site development permit, conditional use permit or public use permit.

(5) In all zones, other than commercial and industrial zones, placement of metal shipping containers is allowed as an accessory use subject to the following development standards:

   (a) The minimum lot size shall be five (5) acres.
   (b) No more than one metal shipping container shall be permitted on any parcel.
   (c) The setback from all property lines shall be a minimum of fifty (50) feet.
   (d) Placement shall be to the rear of the main building on the rear half (½) of the property.
   (e) The metal shipping container shall be fully screened by an opaque fence or fast-growing landscaping. Fencing may not be provided by any type of chain link fencing.
   (f) The metal shipping container shall be painted a neutral color.
   (g) All outdoor work, assembly, and repair areas shall be conducted in an entirely enclosed structure or under a permanent canopy type structure.
   (h) Outdoor display areas shall be maintained in a neat and orderly condition.
C. *Exception.* The provisions of this section shall not apply in the A-P, A-2, or A-D zones and the placement of metal shipping containers shall be permitted in those zones. (Ord. No. 2012-02, § 1, 6-7-2012)
Via E-Mail

August 2, 2018

Mr. Gary Thompson  
City Manager  
City of Jurupa Valley  
8930 Limonite Avenue  
Jurupa Valley, CA 92509

Re: 11450 Mission Blvd., Jurupa Valley ("Property")

Dear Mr. Thompson:

This letter is being submitted based upon direction we received from you, Tom Merrell, Peter Thorson and Keith Clarke at our recent meeting at City Hall. As we discussed, we hereby request that the City Council allow us to process a zoning text amendment to confirm that our present uses at the Property are legally or conditionally permitted. This text amendment will be narrowly and precisely drafted, to insure that it will apply solely to the Property.

As you know, we have been diligently working with City Staff to address the various alleged Municipal Code violations; because the approvals for the property primarily were issued by the County of Riverside, before the City incorporated, there have been challenges for the City and us to obtain all of the documentation concerning the Property.

Introduction

We are a company with operations throughout North America. We have five divisions; three of our five divisions have operations at the Property. Our three divisions operating at the Property are Mobile Modular; Mobile Modular Portable Storage; and Adler Tank Rentals. We currently have 20 units leased to customers in the City and more than 50 in the surrounding area. We employ 25 people at the Property, all local residents, who collectively receive salary and benefits of approximately $1,900,000 annually.

We are in the business of leasing or selling units for these three businesses (as described further below). Our business model is to lease or sell these units, rather than store them on the Property. We do not generate any revenue if the units are not being leased or sold, so we make every attempt to limit the inventory of our units on the Property, while maintaining a standing inventory for immediate leasing or sales. While onsite, these units are not used for storage purposes.
Mobile Modular Uses on the Property

Mobile Modular customizes a fleet of prefabricated buildings and customizable modular buildings, mobile office trailers, portable classrooms, portable sales office buildings, and portable restrooms for sale and lease. They are used by schools and businesses. These modular buildings are delivered to customer sites around Southern California. After leasing, customers do not keep these buildings on the Property. These buildings are not used for storage purposes.

We estimate that approximately 74.2 acres of the Property, or 90% of the Property is used for the refurbishment, leasing and sale of these modular offices.

Mobile Modular Portable Storage Uses on the Property

We obtain decommissioned containers, then modify them and then sell or lease them. This business unit sells and leases former containers for use as portable offices or storage. The modifications include installation of locking devices, and other modifications to insure the units are wind- and water-tight. Once the modifications are complete, the units then may be used as portable offices or other storage.

We do not store any materials in these containers while they are at the Property. We deliver these containers to our customers; the customers cannot keep the units at the Property once they are leased or sold.

Approximately 4.1 acres of the Property, or only approximately 5% of the Property, is used for the refurbishment, sale and lease of mobile storage units. Approximately 0.8 acre of the Property, or approximately 1% of the Property, is used for the refurbishment, sale and lease of portable offices.

Adler Tank Uses on the Property

We lease these tanks, which we receive directly from the manufacturer, to our customers, who use them off site. The customers cannot use the tanks on the Property.

At the Property, these tanks are clean and free of any liquid or solid material; no storage occurs on the Property. They are specifically designed as relocatable storage tanks. Clearly, the Adler tanks cannot be considered as "metal shipping containers," because they are tanks and are never used for shipping goods. There is no refurbishment of Adler Tanks, only minor repair

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1 These units are not active shipping containers, but rather are units that can no longer be used for shipping. These decommissioned units are then substantially altered to become portable offices or other storage units.
We estimate that approximately 3.3 acres of the Property, or 4% of the Property, is used for the leasing of Adler Tanks.

As we have previously discussed, we believe that our ongoing uses at the Property are legally permitted. However, in order to cooperate with the City, at the request of the City, we are submitting this letter regarding the Property. By our submission of this letter and all of our prior submissions to the City, we are not waiving our right to claim that our ongoing uses are legally permitted under the City Municipal Code.

We hope that this letter provides you with a better understanding of our businesses on the Property.

Please contact us with any questions or comments.

Very truly yours,

Jeff Heitmann
Regional Director

cc: Mr. Thomas Merrell
    Peter Thorson, Esq.
    Mr. Keith Clarke
    Ms. Tamara Campbell
    Romtin Parvaresh, Esq.