

City of Jurupa Valley

STAFF REPORT

DATE: SEPTEMBER 28, 2022
TO: CHAIR JACKSON AND MEMBERS OF THE PLANNING COMMISSION
FROM: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR
BY: TAMARA CAMPBELL, PRINCIPAL PLANNER
SUBJECT: ZONING CODE AMENDMENT NO. 22008 AMENDING THE CITY OF JURUPA VALLEY MUNICIPAL CODE RELATING TO RELIGIOUS INSTITUTE AFFILIATED HOUSING DEVELOPMENTS (RIAHDS) AS REQUIRED BY ASSEMBLY BILL 1851

RECOMMENDATION

By motion, adopt Resolution No. 2022-09-28-03 recommending that the City Council approve Zoning Code Amendment No. 22008 amending Section 9.240.120 (Off-street vehicle parking) of the Jurupa Valley Municipal Code and Chapter 9.10 (Definitions) pertaining to religious institute affiliated housing developments.

BACKGROUND

On January 1, 2021, Assembly Bill 1851 (AB 1851) became effective which is intended to facilitate the development of housing (at all levels of income) at religious institution-owned places of worship. The new law mandates that cities: 1) allow qualifying housing developments by right; and 2) decrease parking requirements for such projects. Specifically, the new law allows a religious institute to develop a “religious institute affiliated housing development” (RIAHD) project, even if the development necessitates a reduction in the number of parking spaces required or provided at the existing place of worship. An example of this is a place of worship that would be allowed to build housing on an adjacent lot or the same lot, even if it results in a reduction of parking for the place of worship. Certain exemptions are outlined in AB 1851.

To qualify as an RIAHD project, it must meet each of the following criterion:

1. Be located on one or more contiguous parcels that are each owned entirely by a place of worship;
2. Qualify as being near or co-located at a place of worship parking area by being either on, or adjacent to, a parcel with religious use parking, or within one-tenth of a mile of a parcel that contains religious use parking; and

3. Qualify for a density bonus (as set forth in Government Code Section 65915). To qualify for a density bonus, a portion of the project must be designated for residents considered to be “very low, low or moderate income.” Density bonus law allows different increases of the number of units that may be built based on the various levels of income prescribed by State law (either very low, low, or moderate income).

AB 2244

On July 19, 2022, a subsequent bill was passed (Assembly Bill 2244 (AB 2244)) to clarify AB 1851 by adding a definition of “religious-use parking spaces.” The term applies to both existing parking spaces and those parking spaces required of a proposed development for a new place of worship. The bill revises the provisions relating to the elimination of parking spaces and specifically stipulates that a new RIAHD development must not allow the elimination of more than 50% of the spaces that would otherwise be required. The bill would not preclude the enforcement of any requirement otherwise imposed on a new RIAHD development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

On August 18, 2022, in response to AB 1851 and AB 2244, the City of Jurupa Valley City Council initiated a Zoning Code Amendment (ZCA 22008) to ensure the City remains in compliance with the new State law.

ANALYSIS

The intent of AB 1851 is to increase the development potential for housing in response to the State of California’s declaration of a housing crisis.

Specifically, AB 1851 prohibits the City from taking any of the following actions on a proposed RIAHD project:

- 1) Deny a RIAHD project solely on the basis that it reduces the parking spaces for the existing place of worship;
- 2) Require replacement parking for the place of worship;
- 3) Require additional parking for the RIAHD if the place of worship is deficient in the number of spaces provided.

The reduction in parking spaces shall not reduce the minimum parking standards that the City may require of a RIAHD project below one space per unit, unless the project is located within ½ mile of public transit or within one block of a car share vehicle. Table 1, on page 3, presents the current parking requirements for places of worship and residential projects.

The intent of AB 2244 is to clarify the regulations of AB 1851 with respect to allowed parking decreases and to include provisions for electric vehicles. The proposed ordinance (Exhibit A) has been drafted to accomplish the City’s compliance with State law.

Recommended Code Amendment

The recommendation includes the following modifications to the municipal code in order to be consistent with State law:

- Add definitions of “Religious institutional affiliated housing developments” and “Religious-use parking spaces.”
- Add the following parking provision to address RIAHD in the Specific Plan zone:
“For religious institution affiliated housing developments, off-street vehicle parking shall be provided in accordance with the requirements of the underlying specific plan. Notwithstanding the foregoing, a reduction in religious use parking spaces or reduction in replacement of religious use parking shall be allowed in compliance with Government Code section 65913.6.”
- Add minimum parking requirements and allow for a reduction in parking consistent with State law:

Civic/Religious/Institutions	Per Square foot or Unit	Other Criteria
“Religious institutional affiliated housing developments”	The parking standards set forth in “residential uses” apply	A reduction in religious use parking spaces or reduction in replacement of religious use parking shall be allowed in compliance with Government Code section 65913.6

The City is required to allow a reduction in the parking requirements, provided that it does not eliminate more than 50% of the required parking spaces. As such, the City is only required to allow a maximum of 50% reduction in parking spaces in order to accommodate a RIAHD.

ENVIRONMENTAL DETERMINATION

The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

NOTICING REQUIREMENTS

An advertisement was published with the Press Enterprise Newspaper on September 14, 2022. To date, no comments or concerns have been received.

CONCLUSION

Approval of the proposed Zoning Code Amendment will change the Jurupa Valley Municipal Code to ensure consistency and compliance with State law. It is recommended that the Planning Commission adopt the attached resolution that forwards a recommendation of approval of Exhibit A (Draft Ordinance) to the City Council.

Prepared by:

Submitted by:



Tamara Campbell
Principal Planner



Joe Perez
Community Development Director

Reviewed by:

//s// Maricela Marroquin

Maricela Marroquin
Deputy City Attorney

ATTACHMENTS:

1. Resolution 2022-09-24-03
 - a. Exhibit A - Draft City Council Ordinance
2. Assembly Bills 1851 and 2244

ATTACHMENT 1
(Resolution No. 2022-09-28-03)

RESOLUTION NO. 2022-09-28-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADOPT “AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE JURUPA VALLEY MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS FOR RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENTS, AND MAKING A FINDING OF EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES”

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

Section 1.

(a) At the August 18, 2022 regular City Council meeting, the City Council initiated an amendment to Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, to amend the parking requirements for religious institution affiliated housing developments to comply with State law (ZCA 22008).

(b) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 may be initiated by either the Planning Commission or the City Council.

(c) Section 9.285.010 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 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, 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 of the Jurupa Valley Municipal Code provides that the Planning Commission must hold a public hearing on the proposed amendment. 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. 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.

(f) Government Code Section 65853 provides that when the legislative body has requested the Planning Commission to study and report upon an amendment to the zoning ordinance and the Planning Commission fails to act upon such request within a reasonable time, the legislative body may, by written notice, require the Planning Commission to render its report within 40 days. Upon receipt of the written notice, the Planning Commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed amendment to the zoning ordinance.

(g) Government Code Section 65854 provides that the Planning Commission shall hold a public hearing on the proposed amendment to a zoning ordinance. Notice of the hearing shall be given pursuant to Government Code Section 65090.

(h) Government Code Section 65855 provides that after the hearing, the Planning Commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall 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.

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

(a) ZCA No. 22008 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 September 28, 2022, the Planning Commission of the City of Jurupa Valley held a public hearing on ZCA No. 22008 at which time all persons interested in the amendments 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. 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 ZCA No. 22008:

(a) The proposed Zoning Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3). The proposed Zoning Code Amendment revises the Municipal Code to be consistent with State law requirements. The proposed Zoning Code Amendment does not allow additional uses that were not previously permitted but rather revises parking requirements for religious institution affiliated housing developments as required by State law. The proposed Zoning Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has

reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Section 4. Findings for Recommendation of Approval of Zoning 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 Zoning Code Amendment (ZCA No. 22008) should be adopted because the proposed Zoning Code Amendment is consistent with State law enacted in Assembly Bill 1851 and Assembly Bill 2244, which amended the Government Code to provide that parking requirements are reduced for religious institution affiliated housing development. Without the amendment, Municipal Code Section 9.240.120 would be inconsistent with State law.

Section 5. Recommendation of Approval of Zoning Code Amendment. 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 adopt the proposed Zoning Code Amendment attached hereto as Exhibit “A.”

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

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 28th day of September, 2022.

Hakan Jackson
Chair of Jurupa Valley Planning Commission

ATTEST:

Joe Perez
Community Development Director/Secretary to the Planning Commission

ATTACHMENT 1A
(Draft City Council Ordinance)

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE JURUPA VALLEY MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS FOR RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENTS, AND MAKING A FINDING OF EXEMPTION FROM CEQA UNDER SECTIONS 15061(B)(3) OF THE CEQA GUIDELINES

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

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

(a) At the August 18, 2022 regular City Council meeting, the City Council initiated an amendment to the Planning and Zoning Code to make amendments to the code consistent with State law, including revisions to the family day care provisions of the Code (“Ordinance”).

(b) On September 28, 2022, the Planning Commission of the City of Jurupa Valley held a public hearing on the Ordinance, at which time all persons interested in the Ordinance 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. 2022-09-28-22 recommending that the City Council approve the Ordinance.

(c) On _____, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the Ordinance, at which time all persons interested in the Ordinance had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

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

Section 2. The Ordinance conforms with the goals, policies, programs and guidelines of elements of the General Plan in that the General Plan is implemented through zoning regulations, adopted standards and other City laws. As required by State law, zoning regulations and related land use policies must be consistent with the General Plan. This ordinance will ensure compliance with State law (Assembly Bill 1851 and 2244).

Section 3. A new Section 9.10.1112 (Religious institution affiliated housing developments.) is added to Chapter 9.10 (Definitions) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.10.1112 - Religious institution affiliated housing developments.

A housing development project (as defined by Government Code section 65589.5(h)(2) that meets all of the following criteria:

(A) The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.

(B) The housing development project qualifies as being near collocated religious-use parking spaces by being any of the following:

(i) Located on one or more parcels that collectively contain religious-use parking spaces.

(ii) Located adjacent to a parcel owned by the religious institution that contains religious-use parking spaces.

(iii) Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking spaces.

(C) The housing development project qualifies for a density bonus under Section 65915.”

Section 4. A new Section 9.10.1113 (Religious-use parking spaces.) is added to Chapter 9.10 (Definitions) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.10.1113 - Religious-use parking spaces.

Existing parking spaces that are required under the City’s parking requirements for places of worship.

Section 5. Subsection B(1) of Section 9.240.120 (Off-street vehicle parking.) of Chapter 9.240 (General Provisions) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to read as follows with additions shown in underlined text, with all other provisions of Section 9.240.120 remaining unchanged:

“B. Off-street vehicle parking shall be provided in accordance with this section when the associated building or structure is constructed or the use is established. Additional off-street parking shall be provided in accordance with this section when an existing building is altered or dwelling units, apartments or guest rooms are added, or a use is intensified by the addition of floor space or seating capacity, or there is a change of use.

(1) Parking design standards.

(a) Approval of off-street parking plan. A site development permit, pursuant to the provisions of Section 9.240.330, shall be filed for approval of all off-street parking facilities, except for one (1) and two (2) family residences, unless the off-street parking facilities are approved as a part of a site development permit, conditional use permit or public use permit approval.

(b) Number of required parking spaces.

(i) In the case of mixed land uses, the total number of parking spaces shall be the sum of the requirements for the various uses computed separately unless shared parking is approved as provided in this chapter.

(ii) The following tables are designed to allow calculation of parking spaces required for the uses shown, with any fractions rounded up to the nearest whole number:

<i>Industrial Uses</i>	<i>Per Square Foot or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>	<i>For Vehicle Stacking</i>
Industrial uses	If number of workers cannot be determined: 1 space/250 sq. ft. of office area, plus 1 space/500 sq. ft. of fabrication area, plus 1 space/1,000 sq. ft. of storage area, and 1 space/500 sq. ft. of floor plan which is uncommitted to any type of use	If number of workers can be determined: 1 space/2 employees of largest shift, and 1 space/vehicle kept in connection with the use		
Manufacturing or repair plants maintaining more than one shift of workers		2 spaces/3 employees on each of the two largest shifts	1 space/company operated vehicle	
Salvage and junk yards, including, but not limited to, automobile dismantling, auto wrecking yards, storage yards, scrap metal processing and similar uses	1 space/5,000 sq. ft. of lot area			
Warehouses and wholesaling	1 space/2,000 sq. ft. of gross floor area			

NOTES: The columns, working left to right, are generally additive unless otherwise indicated.

Unless otherwise specified, all parking must be within three hundred (300) feet of the use served, on the same parcel as the use, or on an adjoining appropriately zoned parcel.

All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area.

<i>Residential Uses</i>	<i>Per Square Foot or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>
(parking must be located on-site conveniently distributed throughout the project. For multiple family residences, condominiums, planned residential developments and senior citizen planned residential developments, at least one of the required parking spaces per unit shall be located in a garage or carport which is architecturally harmonious with the main structure. All parking spaces shall be located within 200 feet of the building they serve unless otherwise specified.)			
Single-family	2 spaces/dwelling unit		
Multiple family			
Single bedroom or studio dwelling unit	1.25 spaces/unit		
Two bedrooms/dwelling unit	2.25 spaces/unit		
Three or more bedrooms/dwelling unit	2.75 spaces/unit	1 space/employee	
Planned residential development			
Single bedroom dwelling unit	1.5 spaces/unit		
Two or more bedroom dwelling unit	2.5 spaces/unit		
Senior citizen (Parking spaces shall be located no more than 150 feet from the unit they serve)	Refer to single-family and multiple family residential requirements stated above.		
Mobilehome parks	2 spaces/travel trailer or mobilehome space-spaces may be tandem		1 guest space/8 mobilehome spaces

NOTES: The columns, working left to right, are generally additive unless otherwise indicated.

Unless otherwise specified, all parking must be within three hundred (300) feet of the use served, on the same parcel as the use, or on an adjoining appropriately zoned parcel.

All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area.

<i>Lodging Uses</i> (All parking must be within 150 feet of the use served)	<i>Per Square Foot or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>
Boarding houses, lodging or rooming houses, dormitories, fraternity and sorority houses			1 space/2 beds
Hotels and motels			1 space/room, and 2 spaces/resident manager
Recreational vehicle parks	1 space/recreation vehicle site		1 visitor space/5 recreational vehicle sites
<i>Medical Uses</i>			
Home for the aged, sanitariums, convalescent homes, children's homes, asylums, and nursing homes or similar institutions		1 space/3 employees	1 space/3 beds, and 1 space/vehicle owned and operated by the institution
Hospitals and clinics (A hospital may have a parking area more than 150 feet from the building to be served as long as an automatic parking gate or similar method of vehicular control is installed)		1 space/staff member of largest shift	1 space/2 patient's beds, and 1 space/vehicle owned and operated by hospital or clinic
Medical and dental offices, clinics, and medical business offices	1 space/200 sq. ft. of net leasable floor area		
Veterinary hospitals and clinics	1 space/300 sq. ft. of gross floor area		

NOTES: The columns, working left to right, are generally additive unless otherwise indicated.

Unless otherwise specified, all parking must be within three hundred (300) feet of the use served, on the same parcel as the use, or on an adjoining appropriately zoned parcel.

All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area.

<i>Civic/Religious/Institutions</i>	<i>Per Square Foot or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>
Auditoriums with fixed seats:	1 space/3 seats		
Auditoriums without fixed seats	1 space/30 sq. ft. of net assembly area in the assembly hall		
Cemeteries and crematories, mausoleums, columbariums and funeral establishments when incidental to a cemetery	1 space/30 sq. ft. of net assembly room area	1 space/employee	1 space/vehicle operated on the grounds by the proprietary institution

<i>Civic/Religious/Institutions</i>	<i>Per Square Foot or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>
Churches, chapels and other places of worship	1 space/35 sq. ft. of net assembly area used simultaneously for assembly purposes		When a school bus is kept, there can be a reduction of 2 spaces/bus
Libraries, museums, art galleries or similar uses	1 space/300 sq. ft. of gross floor area	1 space/2 employees	
Mortuary and funeral homes	1 space/35 sq. ft. of net assembly area	1 space/employee	
<u>Religious institutional affiliated housing developments</u>	<u>The parking standards set forth in “residential uses” apply</u>		<u>A reduction in religious use parking spaces or reduction in replacement of religious use parking shall be allowed in compliance with Government Code section 65913.6</u>
<i>Public Utilities/Telecommunications</i>			
Public utility facilities, including, but not limited to, electric, gas, telephone, and telecommunication facilities not having business offices on the premises		1 space/2 employees	1 space/vehicle kept in connection with the use

NOTES: The columns, working left to right, are generally additive unless otherwise indicated.

Unless otherwise specified, all parking must be within three hundred (300) feet of the use served, on the same parcel as the use, or on an adjoining appropriately zoned parcel.

All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area.

<i>Educational Institutions</i>	<i>Per Square Foot Or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>	<i>For Vehicle Stacking</i>
Day care centers, including nurseries and pre-schools	1 space/500 sq. ft. of gross floor area		When a school bus is kept, there can be a reduction of 2 spaces/bus	
Elementary and intermediate	Whichever is greater: 1 space/classroom, or 1 space/3 seats in the		When a school bus is kept, there can be a	Loading/unloading space for at least 2 school buses

<i>Educational Institutions</i>	<i>Per Square Foot Or Unit</i>	<i>Per Employee or Student</i>	<i>Other Criteria</i>	<i>For Vehicle Stacking</i>
	auditorium or multi-purpose room.		reduction of 2 spaces/bus	
High schools		1 space/employee, plus 1 space/faculty member, and 1 space/8 students	When a school bus is kept, there can be a reduction of 2 spaces/bus	Loading/unloading space for at least 2 school buses
Colleges and universities	Whichever is greater: 1 space/30 sq. ft. of net assembly area of main auditorium or stadium	1 space/employee, plus 1 space/faculty member, and 1 space/2 students		
Trade schools, business colleges and commercial schools		1 space/employee, plus 1 space/2 students		
Private schools		1 space/employee, plus 1 space/2 students		Loading / unloading space for at least 10 cars

NOTES: The columns, working left to right, are generally additive unless otherwise indicated.

Unless otherwise specified, all parking must be within three hundred (300) feet of the use served, on the same parcel as the use, or on an adjoining appropriately zoned parcel.

All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area.”

Section 6. A new Section 9.235.060 is hereby added to Chapter 9.235 SP Zone (Specific Plan) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.235.060. - Religious institution affiliated housing developments.

A. For religious institution affiliated housing developments, off-street vehicle parking shall be provided in accordance with the requirements of the underlying specific plan. Notwithstanding the foregoing, a reduction in religious use parking spaces or reduction in replacement of religious use parking shall be allowed in compliance with Government Code section 65913.6.”

Section 7. California Environmental Quality Act Findings. The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) The proposed Code Amendment revises the Municipal Code to be consistent with

State law requirements. The proposed Code Amendment does not allow additional uses that were not previously permitted but rather revises parking requirements for religious institution affiliated housing developments as required by State law. The proposed zoning code amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Section 8. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 8. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

Section 9. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 10. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this ___ day of _____, 2022.

Chris Barajas, Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk

ATTACHMENT 2
Assembly Bills 1851 & 2244

Assembly Bill No. 1851
CHAPTER 196

An act to add Section 65913.6 to the Government Code, relating to land use.

[Approved by Governor September 28, 2020. Filed with Secretary of
State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1851, Wicks. Religious institution affiliated housing development projects: parking requirements. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing, including the Density Bonus Law, which requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would prohibit a local agency from requiring the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. The bill would prohibit the number of religious-use parking spaces requested to be eliminated from exceeding 50% of the number that are available at the time the request is made. The bill would prohibit a local agency from requiring the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project. The bill would require a local agency to allow the number of religious-use parking spaces that will be available after completion of a religious institution affiliated housing development project to count toward the number of parking spaces otherwise required for approval. The bill would prohibit a local agency from denying a housing development project proposed by a religious institution, or a developer working with a religious institution, solely on the basis that the project will reduce the total number of parking spaces available at the place of worship provided that the total reduction does not exceed 50% of existing parking spaces. The bill would authorize a local agency to require up to one parking space per unit for a religious institution affiliated housing development project. The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 65913.6 is added to the Government Code, to read:

65913.6.

(a) For purposes of this section, all of the following definitions shall apply:

(1) "Housing development project" means a housing development project as defined in paragraph

(2) of subdivision (h) of Section 65589.5.

(2) "Local agency" means any county, city, or city and county, including a charter city, or city and county.

(3) "Place of worship" means a property owned or operated by a religious institution, that is used for the purpose of regular assembly by members of the institution.

(4) "Religious institution" means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the Corporations Code.

(5) "Religious institution affiliated housing development project" means a housing development project that meets all of the following criteria:

(A) The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.

(B) The housing development project qualifies as being near colocated religious-use parking by being any of the following:

(i) Located on one or more parcels that collectively contain religious-use parking.

(ii) Located adjacent to a parcel owned by the religious institution that contains religious-use parking.

(iii) Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking.

(C) The housing development project qualifies for a density bonus under Section 65915.

(6) "Religious-use parking spaces" means existing parking spaces that are required under the local agency's parking requirements for places of worship.

(b) (1) Notwithstanding any other law or ordinance, a local agency shall not require the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project pursuant to this section.

(2) The number of religious-use parking spaces requested to be eliminated by a developer of a religious institution affiliated housing development project pursuant to this section shall not exceed 50 percent of the number of religious-use parking spaces that are available at the time the request is made.

(3) The elimination of religious-use parking spaces pursuant to a religious institution affiliated housing development project that has been approved by a local agency does not constitute a concession pursuant to Section 65915.

(c) Notwithstanding any other law or ordinance, a local agency shall not require the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.

(d) Notwithstanding any other law or ordinance, a local agency shall allow the number of religious-use parking spaces that will be available after completion of a religious institution affiliated housing development project to count toward the number of parking spaces otherwise required for approval of the housing development project under any other law or ordinance.

(e) Notwithstanding any other law or ordinance, a local agency shall not deny a proposed religious institution affiliated housing development project solely on the basis that the project will reduce the total number of parking spaces available at the place of worship provided that the total reduction does not exceed 50 percent of existing parking spaces.

(f) (1) Notwithstanding any provision of this section, except as provided in paragraph (3), the reduction in parking spaces authorized in this section shall not reduce the minimum parking standards that a local agency may require of a religious institution affiliated housing development project below one space per unit.

(2) For the purposes of this subdivision, a local agency shall not be required to allow the remaining religious-use parking spaces to count toward the number of parking spaces otherwise required for approval of the housing development project as provided in subdivision (d) to the extent that the application of subdivision (d) would prohibit a local agency from requiring up to one parking space per unit.

(3) This subdivision shall not apply to a religious institution affiliated housing development project if either of the following is true:

(A) The parcel is located within one-half mile walking distance of public transit. For the purposes of this paragraph, "public transit" means either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(g) The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, and therefore this section applies to all cities, including charter cities.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Assembly Bill No. 2244
CHAPTER 122

An act to amend Section 65913.6 of the Government Code, relating to housing.

[Approved by Governor July 19, 2022. Filed with Secretary of
State July 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2244, Wicks. Religious institution affiliated housing: place of worship.

Existing law prohibits a local agency from requiring the replacement of religious-use parking spaces, as defined, that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. Existing law prohibits the number of religious-use parking spaces requested to be eliminated from exceeding 50% of the number that are available at the time the request is made.

This bill would clarify that the definition of "religious-use parking spaces" applies to both existing parking spaces and those parking spaces required of a proposed development for a new place of worship. The bill would recast the provisions relating to the elimination of parking spaces to prohibit the number of spaces proposed to be eliminated in the case of a proposal for a newly constructed place of worship from exceeding 50% of the spaces that would otherwise be required. The bill would also prohibit the number of spaces proposed to be eliminated in the case of an existing place of worship from exceeding 50% of the spaces that exist at the time the request is made. The bill would not preclude the enforcement of any requirement otherwise imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

BILL TEXT

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS
FOLLOWS:**

SECTION 1.

Section 65913.6 of the Government Code is amended to read:

65913.6.

(a) For purposes of this section, all of the following definitions shall apply:

- (1) "Housing development project" means a housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(2) "Local agency" means any county, city, or city and county, including a charter city, or city and county.

(3) "Place of worship" means a property owned or operated by a religious institution, that is used for the purpose of regular assembly by members of the institution.

(4) "Religious institution" means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the Corporations Code.

(5) "Religious institution affiliated housing development project" means a housing development project that meets all of the following criteria:

(A) The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.

(B) The housing development project qualifies as being near colocated religious-use parking spaces by being any of the following:

(i) Located on one or more parcels that collectively contain religious-use parking spaces.

(ii) Located adjacent to a parcel owned by the religious institution that contains religious-use parking spaces.

(iii) Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking spaces.

(C) The housing development project qualifies for a density bonus under Section 65915.

(6) "Religious-use parking spaces" means parking spaces that are required under the local agency's parking requirements for existing places of worship, or parking spaces that would be required in a proposed development for a new place of worship.

(b) (1) Notwithstanding any other law or ordinance, a local agency shall not require the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate, or reduce in the case of a plan for a new development, as part of that housing development project pursuant to this section.

(2) The number of religious-use parking spaces requested to be eliminated, or reduced in the case of a plan for a new development, by a developer of a religious institution affiliated housing development project pursuant to this section shall not exceed the following:

(A) In the case of an existing place of worship to be retained, 50 percent of the number of religious-use parking spaces that are available at the time the request is made.

(B) In the case of a newly constructed place of worship, 50 percent of the number of religious-use parking spaces that would be required for a newly constructed place of worship.

(3) The elimination of religious-use parking spaces pursuant to a religious institution affiliated housing development project that has been approved by a local agency does not constitute a concession pursuant to Section 65915.

(c) Notwithstanding any other law or ordinance, a local agency shall not require the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.

(d) Notwithstanding any other law or ordinance, a local agency shall allow the number of religious-use parking spaces that will be available after completion of a religious institution affiliated housing development project to count toward the number of parking spaces otherwise required for approval of the housing development project under any other law or ordinance.

(e) Notwithstanding any other law or ordinance, a local agency shall not deny a proposed religious institution affiliated housing development project solely on the basis that the project will reduce the total number of parking spaces available at the place of worship provided that the total reduction

does not exceed 50 percent of existing parking spaces, or 50 percent of the parking spaces that would be required of a new development of a place of worship.

(f) (1) Notwithstanding any provision of this section, except as provided in paragraph (3), the reduction in parking spaces authorized in this section shall not reduce the minimum parking standards that a local agency may require of a religious institution affiliated housing development project below one space per unit.

(2) For the purposes of this subdivision, a local agency shall not be required to allow the remaining religious-use parking spaces to count toward the number of parking spaces otherwise required for approval of the housing development project as provided in subdivision (d) to the extent that the application of subdivision (d) would prohibit a local agency from requiring up to one parking space per unit.

(3) This subdivision shall not apply to a religious institution affiliated housing development project if either of the following is true:

(A) The parcel is located within one-half mile walking distance of public transit. For the purposes of this paragraph, "public transit" means either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(g) This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that otherwise applies.

(h) The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, and therefore this section applies to all cities, including charter cities.