

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

**RECOMMENDATION:**

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

**FISCAL IMPLICATIONS:**

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

**BACKGROUND:**

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

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

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

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

- Limit location of new service stations by zone (remove use from some zones)

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

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

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