



DATE: April 21, 2021
TO: Mayor and Members of the City Council
FROM: John R. Gillison, City Manager

INITIATED BY: Anne McIntosh, AICP, Planning Director
Mike Smith, Principal Planner

SUBJECT: Discussion of Service Stations in Rancho Cucamonga and Consideration of Urgency Zoning Ordinance No. 980, to Establish an Interim Urgency Zoning Ordinance to Establish a Moratorium for a Period of 45 Days on the Approval of Building Permits or Other Entitlements for New Service Station Uses or the Expansion of Existing Service Station Uses. **(INTERIM URGENCY ORDINANCE NO. 980) (CITY)**

RECOMMENDATION:

At the April 21, 2021, 7:00 PM, Regular Meeting of the City Council of the City of Rancho Cucamonga, Council Chambers, staff recommends the City Council discuss the status of service station uses in the City of Rancho Cucamonga and adopt Urgency Ordinance No. 980 entitled "An Interim Urgency Zoning Ordinance of the City Council of the City of Rancho Cucamonga Enacted Pursuant to Government Code Section 65858 Establishing a Moratorium on The Approval of Applications for Building Permits or other Entitlements for New Service Station Uses or the Expansion of Existing Service Station Uses in the City of Rancho Cucamonga", by four-fifths vote, waive full reading, and read by title only.

BACKGROUND:

The City currently has received applications for four service station projects that are currently under review. They are all located in the southwest area of the City, generally referred to as the "Cucamonga neighborhood," that is bound by Foothill Boulevard, Haven Avenue, 4th Street, and the City's boundaries with the cities of Ontario and Upland. Planning staff has also received multiple inquiries in recent months about the possibility of adding alcohol sales at other existing service stations in the City and thereby increasing the intensity of this use. The increase in the number of applications for service station uses, combined with a decrease in submittals for other types of general commercial uses and the concentration of service stations in one particular area of the City, has raised concerns. This includes questions about the impacts this might have on the City's long-term land use and economic development goals, and how service stations benefit or impact the districts in which they are located.

At the regular City Council meeting of March 17, 2021, the City Council directed the City Manager to research and compile information about service stations in the City of Rancho Cucamonga related to the following topics of concern:

- The number and location of existing service stations in the city;
- Analysis of the land use benefits of service stations to the community;
- Analysis of the fiscal benefits of service stations and how this compares to other retail uses;
- Land use impacts of service stations on the surrounding commercial districts and/or residential neighborhoods;
- Costs to the City of providing service at service station locations, particularly calls for public safety services;
- Land use policies that will be included in the General Plan update the City is currently preparing and which will be available in draft form within the next month; and
- Possible performance stations and/or conditions that could be placed on service station projects in the future.

This report addresses some of this data/analysis. And, these are issues that City staff would continue to research and study during the term of the proposed moratorium.

ANALYSIS:

“Service stations” are, as the name indicates, a service use that meets the needs of both residents and travelers in the city. From our own experience, we can understand the value of being able to purchase service and get basic automobile services in convenient locations within a reasonable distance of home or work. There are 32 active service stations in the City of Rancho Cucamonga, which is approximately 0.69 service stations per square mile. There are two additional sites that have been approved to open/reopen but which have not received building permits yet. Attachment 1 shows the location of existing service stations and their distribution across the city. The distance of any service station from most homes in the developed part of the city is within five minutes “drive time” as shown in Attachment 2. The majority of the existing service stations are located in commercial centers and generally isolated from nearby residential properties. However, some of these service stations are located in, or adjacent to, residential neighborhoods. For example, one proposed application for a new service station and associated convenience store would be located directly across the street from an existing multi-family residential complex on Archibald Avenue.

In considering land use and zoning provisions for service stations, it is reasonable to ask if Rancho Cucamonga is adequately served by the existing service station locations to meet the basic needs and expectations of our residents and visitors. This is an important question because the city is becoming more “built-out” with less vacant land available for development that helps us meet the Council and community’s vision for a world class community. Also, much of the remaining vacant land is surrounded by existing development which can be residential neighborhoods or schools and parks where children are at play. One proposed service station project would be located directly adjacent to a school on Archibald Avenue. It has become increasingly important to consider surrounding uses and context/compatibility when reviewing proposals for service stations. In the absence of an industry standard, staff has considered the following points when considering whether or not the number and/or distribution of service stations is appropriate:

- **General Plan and Development Code:** The current General Plan was adopted in 2010 and the Development Code was comprehensively updated in 2012. The City is currently in the process of updating both documents. As part of this update, staff is evaluating the goals/policies and regulations that relate to existing/potential development and land uses in the city. Staff has observed that neither existing document adequately addresses certain

types of development such as service stations that may be incompatible with, for example, residential neighborhoods. In some zones, service stations are permitted without discretionary review. And there are very few performance standards for service stations in our current Development Code. The definition of service station itself, does not consider forms of fuel, and is outdated. The definition of the use should be refined to contemplate how natural gas and electric vehicle fueling stations are treated under the City's zoning regulations.

Further, the Environmental Protection Agency (EPA) has classified service stations and fuel storage locations as uses that may result in a brownfield site. Brownfield sites are properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Common contaminants found at service station sites include gasoline, diesel, and petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at service stations threatens the public health, safety or welfare of neighboring communities.

The PlanRC General Plan Update and subsequent Development Code update effort is expected to be adopted in the winter of 2021/2022.

The City is reviewing applications for proposed service stations at the southwest corner of Archibald Avenue and 9th Street (7-Eleven project), and at the northeast corner of Arrow Route and Grove Avenue. The applications for both projects were submitted within the last year, but have not received final review; the 7-Eleven project has been recommended for approval by the Planning Commission. The construction plans for a previously approved "reactivation" of a closed service station at the northeast corner of Archibald Avenue and Arrow Route are under review. There is also a service station that is being reconstructed/redeveloped at the intersection of Foothill Boulevard and Red Hill Country Club Drive. These are both in the building plan check review process. Inquiries have also been received about developing service stations at Vineyard Avenue and 8th Street, Foothill Boulevard and Etiwanda Avenue, and Foothill Boulevard and Grove Avenue.

The City has identified in the General Plan numerous major street intersections as sites for intensive "gateway" development such as offices, hotels, and large commercial centers. The purpose of this is to achieve and maintain the City's goal of being "A World Class Community." As companies/operators of service stations desire locations that are highly visible to potential customers, they often select sites that are located at these same street intersections (such as those noted above). The development of service stations at these major intersections is contrary to this particular goal.

As indicated above, there are currently 34 service stations in the city, two of which are inactive and under redevelopment. For purposes of comparison, within the cities of Fontana, Ontario, and Upland there are 21, 20, and 17 service stations, respectively. This is significantly fewer per square mile than in Rancho Cucamonga, for Fontana and Ontario, but greater in Upland, which has 1.09 per square mile. As noted previously and shown in Attachment 2, most areas of Rancho Cucamonga are within five minutes "drive time" of a service station.

A disproportionate amount of the city's existing service stations are concentrated in the southwest and central areas of the city. Thirteen service stations are located in District 2 and eleven are located in District 3. In contrast, there are only five service stations (each) within Districts 1 and 4. The proliferation of service stations in Districts 2 and 3 inequitably increases health risks for the residents within those districts due to potential contaminants present at

service stations. From an environmental justice perspective, how service stations are permitted and regulated needs to be considered under the City's General Plan and Development Code to avoid an undue concentration of them in any one part of the city.

Due to the relatively large number of service stations that exist and have been proposed in the city, staff believes that a moratorium is warranted to evaluate whether more service stations are in the public interest, further the goals of the PlanRC General Plan update and balance the public benefit with potential public safety and environmental costs.

- **Operational Impacts:** Currently, there are no operational nor technical standards in the development code regarding service stations. Thus, staff has limited tools available to effectively address the impacts caused by service station development and ensure that no adverse impacts occur from new service stations.

The City has the opportunity now to develop more detailed standards and operational requirements in the Development Code update currently underway. Examples would include regulating hours of operation, lighting, and security/safety, proximity to neighboring development such as residences, vehicles queueing onto an adjacent street or in a parking lot which could interfere with traffic circulation and public safety access; noise generated by vehicle engines and/or customers; and glare caused by canopy lights.

If passed, a moratorium would allow staff to evaluate the typical operations of a service station in greater detail, the technical standards that should apply to them, and, incorporate necessary requirements and regulations that will minimize their operational and site development impacts.

- **Fiscal Considerations:** Service stations generate tax revenue primarily from the sale of gasoline, as shown in Attachment 3.

Based on the data in Attachment 3 that shows the annual tax revenue for the City between 2008 and 2020, revenue has fluctuated and ranges from a high of \$2.4 million in 2012 to a low of \$1.5 million in 2020. This results in an average revenue of about \$2.0 million per year. When accounting for the impacts of reduced demand for fuel caused by travel restrictions imposed due to the COVID pandemic in 2020 (and therefore not including that year in the calculation as an acknowledgement that 2020 was an anomalous year), the average revenue between 2008 and 2019 is about \$1.9 million. Nevertheless, there clearly has been a decline in demand overall and, in turn, sales tax revenue that is generated.

There is evidence suggesting that the above-noted tax revenue will decline over time in part due to the availability and preference of alternative energy sources for powering an automobile. For example, electric cars powered by batteries are becoming more commonplace. It is estimated that by 2030, more than a one third of all new vehicles sold will be fully or partially electric powered (via batteries). As battery charging can occur at home, work, or in parking lots, the need for service stations is likely to decline in a corresponding manner. The declining demand for gasoline due to changes in technology and consumer preferences may increase competition among the existing service stations in the City such that closures may occur over time. Interestingly, some studies suggest that the decline in tobacco sales and paper maps, also contribute to declining revenues at service stations.

Furthermore, as hydrogen, liquid petroleum service (LPG), compressed natural service (CNG), and biofuels become more readily adopted as power sources for automobiles,

conventional service stations could potentially become obsolete or unable to provide the demand for these alternative fuels. Also, ride sharing services such as Uber, Lyft, and Zipcar are now a feasible and, frequently, a preferred alternative to personal vehicles. The preference of mobility alternatives is expected to increase in the future. That will result in reduced personal automobile usage which will, in turn, reduce demand for service stations of any kind. Both the use of alternative fuels and ride sharing will result in service stations becoming fiscal “underperformers.”

Possibly reflecting this decline in demand, the applicants for a previously approved “reactivation” of a service station located at the northeast corner of Arrow Route and Archibald Avenue have not obtained permits to reconstruct and operate it despite receiving entitlements, i.e. Planning Commission approval, to do so several years ago. Staff believes this presents an example of the concerns that a potentially obsolete land use, and the property where it is located, will not contribute to the fiscal goals of the City.

There is merit in considering the fiscal impacts of former service station sites becoming “brownfield” sites. Former service stations will require significant investment to remediate any potential ground contamination prior to redevelopment. Inactive/closed sites may be abandoned and left unused for years. The removal of contaminants may present health risks for neighboring sensitive receptors.

Lastly, as described in further detail below, there are fiscal impacts related to public safety. The fiscal impact of public safety calls for service and the time spent at the service stations is important to consider. The fully-loaded cost (including benefits, equipment and overhead) for a full-time deputy is about \$337,000 per year, or \$162 per hour. Thus, when averaging the period between 2016 and 2020 the total annual fiscal impact to the City when responding to service calls at all service stations was about \$302,940. This equates to approximately 15% of the revenue generated by these services stations on just calls for service by the Police Department.

- **Public Safety:** The demand for public safety services is shown in Attachment 4. Based on data provided by the San Bernardino County Sheriff’s Department, total calls for service of any kind at service stations in the City have generally increased since 2016. There were 637 calls for service in 2016 compared to 1,059 calls for service in 2020. Data for 2021 is incomplete but thus far there has been 135 calls for service. Over that period of 5 years (2016-2020), this equates to an average of about 924 calls for service. Similarly, the time spent by deputies on these calls (during the same 5-year period) has increased from about 1,101 hours to about 2,455 hours with an average amount of about 1,870 hours on location.

The number of calls for service and the time spent at these service stations result in public safety resources being used in a manner that is likely inefficient and potentially not sustainable. These service stations draw away an important and critical service from other areas of the City. It should be noted that the total calls for service is not equal among the various service stations as shown in Attachment 5. The lowest average amount of calls between 2016 and 2020 is 6.6 calls (each) at the service stations located at 7996 Archibald Avenue and 10477 Lemon Avenue that are operated by Shell and Mobil, respectively. The highest average amount of calls during that same period of time is 68 calls at the service station located at 8808 Foothill Boulevard (Shell). It is not yet clear why there is a disparity in the number of service calls. There has been a combined total of 4,754 calls for service (including 2021 to date) for all service stations.

CONCLUSION:

The analysis of issues related to service stations makes clear that service stations pose a threat to public health, safety, and welfare and the City must evaluate new regulations to address that threat. This could range from additional standards in the development code to limitations on future service station locations. Staff supports the adoption of an urgency interim ordinance in order to study and develop those regulations, as follows.

PROPOSED MORATORIUM:

The City Council has the option of adopting an interim urgency ordinance based on the information provided in this report. Government Code Section 65858 provides:

“Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a...city...to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated General Plan, Specific Plan, or Zoning proposal that the legislative body, Planning Commission or the Planning Department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.”

The City has an obligation to ensure that all development minimizes impacts and that the benefits to existing and future residents are maximized. Staff believes there is a current and immediate threat to the public health, safety and welfare that is presented by proposals to expand and/or develop new service stations and that a moratorium is necessary. The Development Code refers to “gas stations” as “service stations.” The proposed interim urgency ordinance that would adopt the moratorium uses the latter term.

The City is proposing a moratorium that will apply to the issuance of building permits and other land use entitlements, such as, new Design Review and Conditional Use Permit applications for service stations within the City. This will allow time to evaluate the General Plan, the Development Code, and the Zoning map (where applicable/necessary) to develop appropriate regulations to achieve a reasonable level of assurances that there will not be serious negative impacts to the overall Community and ensure a positive and mutually acceptable set of outcomes for the City’s residents, business community, property owners, and service station developers. The moratorium will not apply to the limited improvement or renovation of an existing service station such as interior modifications, exterior repainting, and general maintenance, or the demolition of an existing service station.

The moratorium will allow for a comprehensive analysis of service stations during which staff will analyze the compatibility of service stations with neighboring land uses, the impact and demand on public safety resources, and other appropriate regulations.

Pursuant to Government Code Section 65858, the initial term of the moratorium is 45 days (expiring on June 5, 2021). Staff does not anticipate completing the work required to incorporate new service station development regulations into the General Plan and Development Code within this 45-day period. Therefore, staff expects to bring a further ordinance to extend the term of the moratorium for up to 10 months, 15 days. Ten days before the proposed extension, staff will

provide a report to the City Council for consideration that identifies steps to address the potential impacts caused by service station development during the moratorium's initial term.

ATTACHMENTS:

Attachment 1 – Map of the Locations of Existing and Previously Approved Service Stations

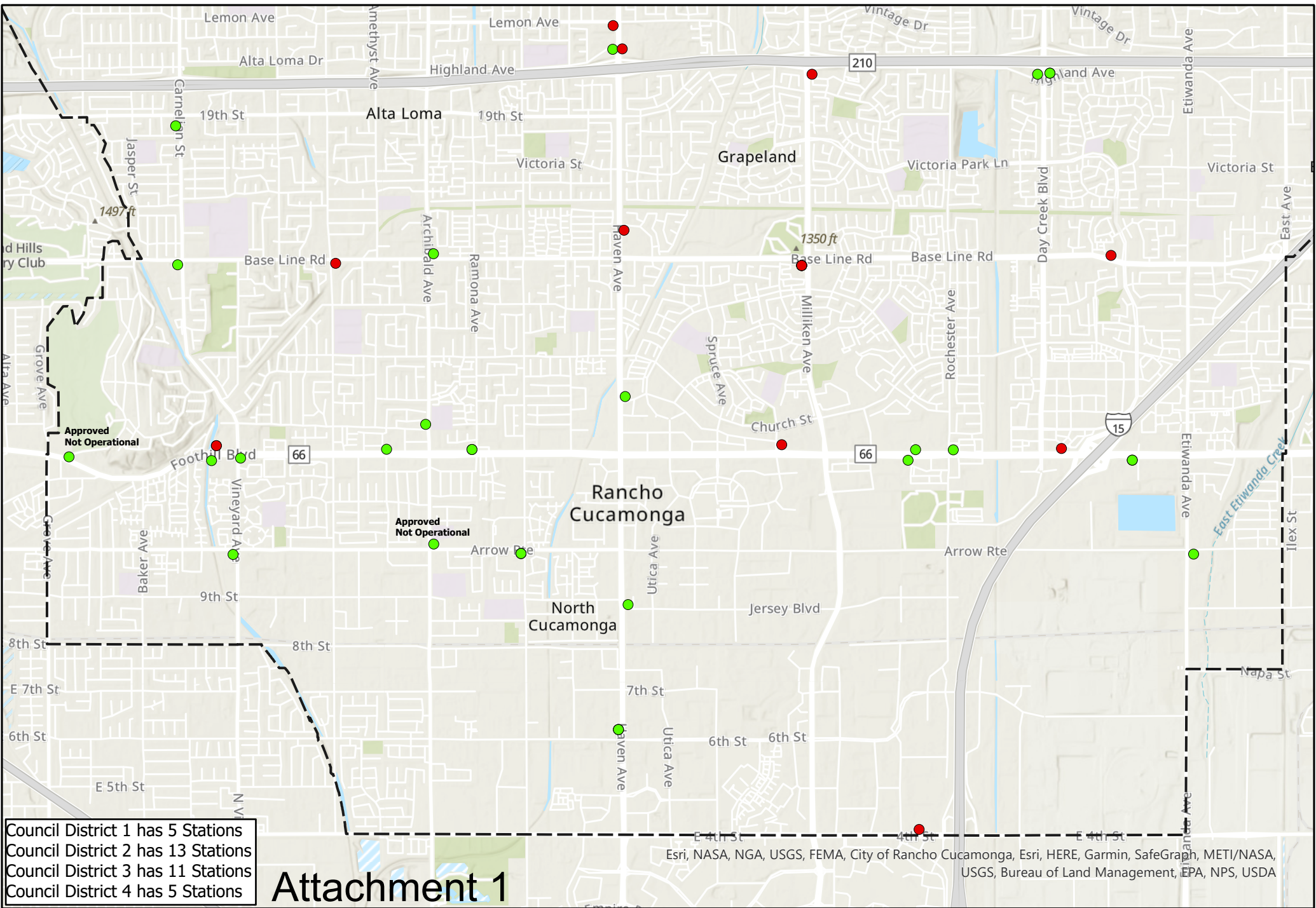
Attachment 2 – Map of the Proximity of Service Stations (Five Minute “Drive Time”) to Areas of the City

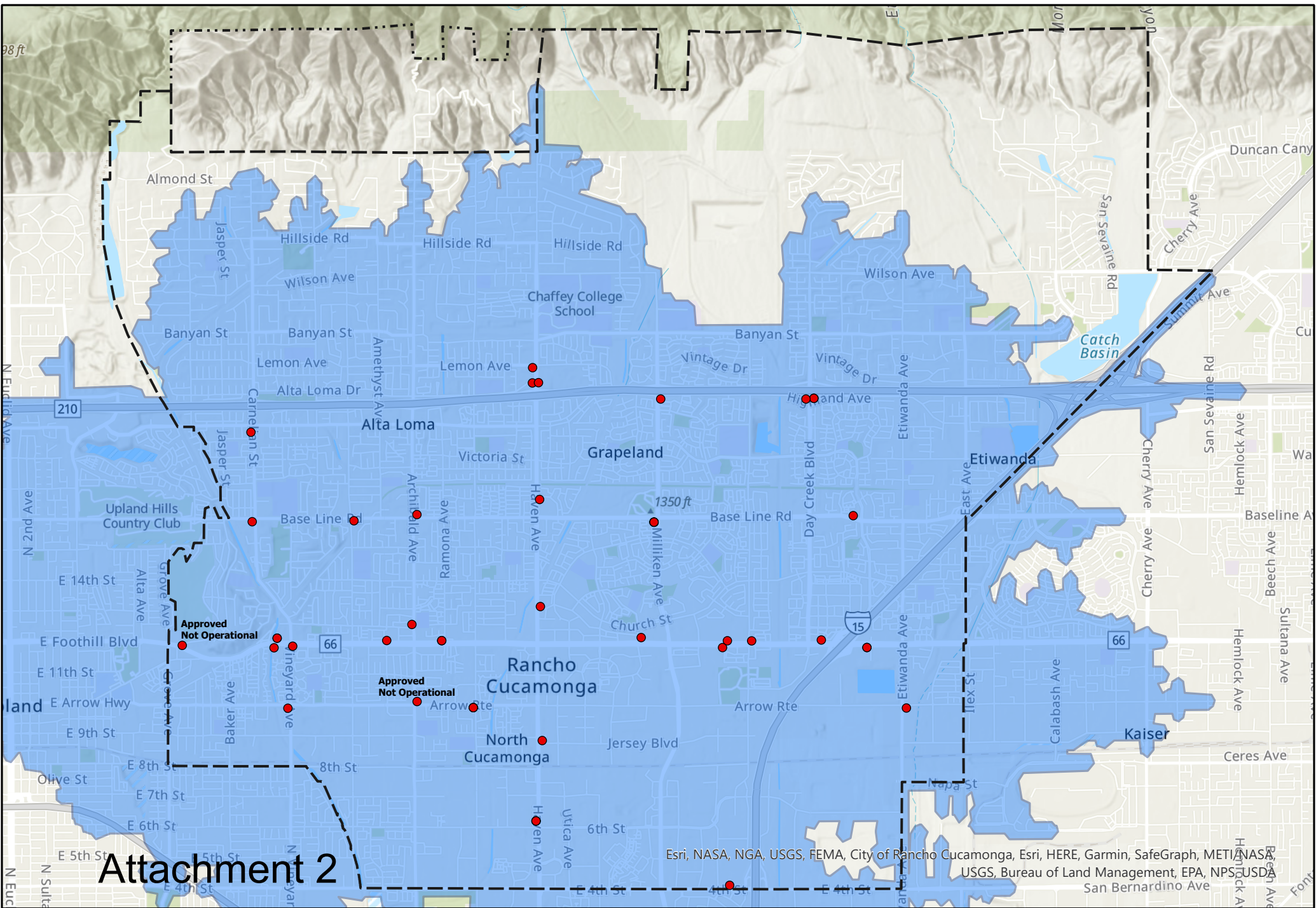
Attachment 3 – Fiscal Analysis

Attachment 4 – Spreadsheet Public Safety Calls for Service

Attachment 5 – Map of Service Stations Identifying the Range of Calls for Service

Attachment 6 – Draft Urgency Ordinance No. 980





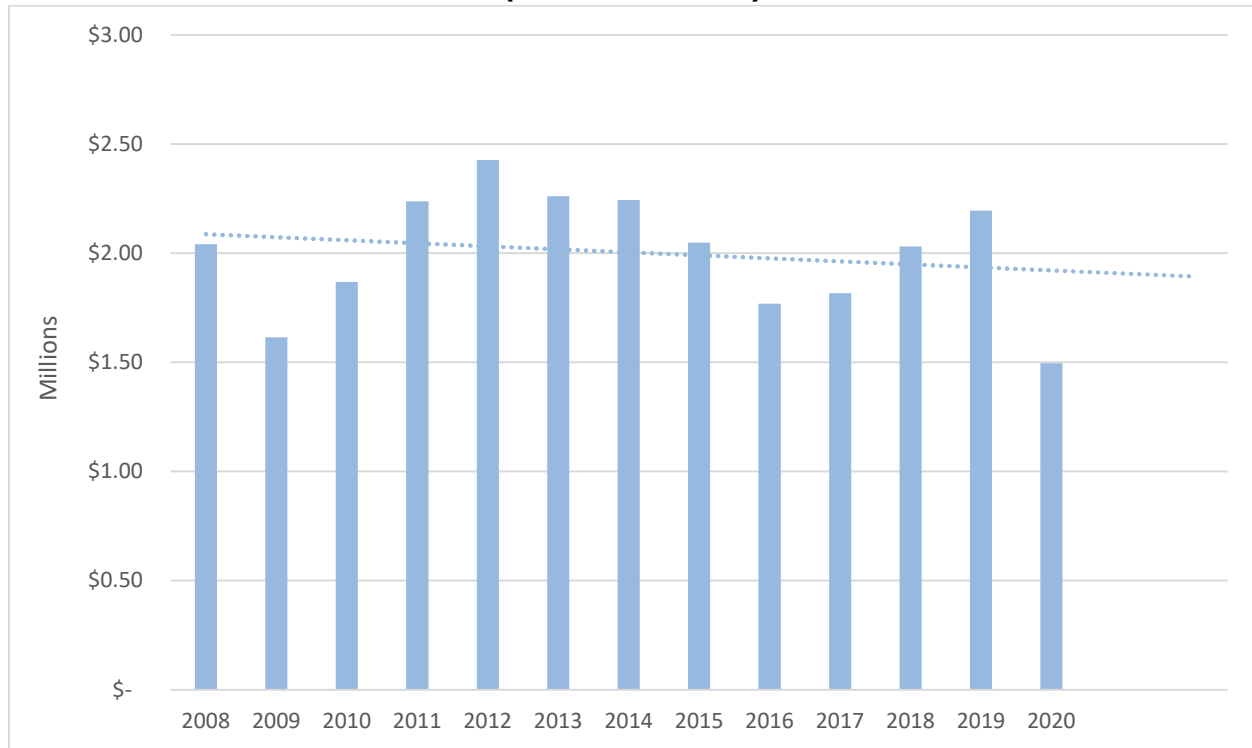


5 Minute Drive Time from Gas Stations

Legend

- Gas Stations
- 5.0 Minutes

Service Station – Annual Sales Tax Revenue Analysis (2008 – 2020)



Year	Annual Sales Tax Revenue
2008	\$2,041,400.68
2009	\$1,615,184.14
2010	\$1,868,335.21
2011	\$2,238,239.53
2012	\$2,426,457.82
2013	\$2,261,404.95
2014	\$2,244,070.71
2015	\$2,049,208.59
2016	\$1,768,133.12
2017	\$1,816,753.47
2018	\$2,031,354.18
2019	\$2,194,465.74
2020	\$1,496,374.00

Service Stations - Public Safety Services Analysis

TOTAL CALLS FOR SERVICE	2016	2017	2018	2019	2020	2021	5 YEAR AVERAGE
At Service Stations	637	910	1034	979	1059	Incomplete Data	923.8
City Overall	146,254	159,059	155,537	151,562	142,344		150,951
Percentage of Calls at Service Stations Relative to the City (overall)	0.44%	0.57%	0.66%	0.65%	0.74%		0.61%

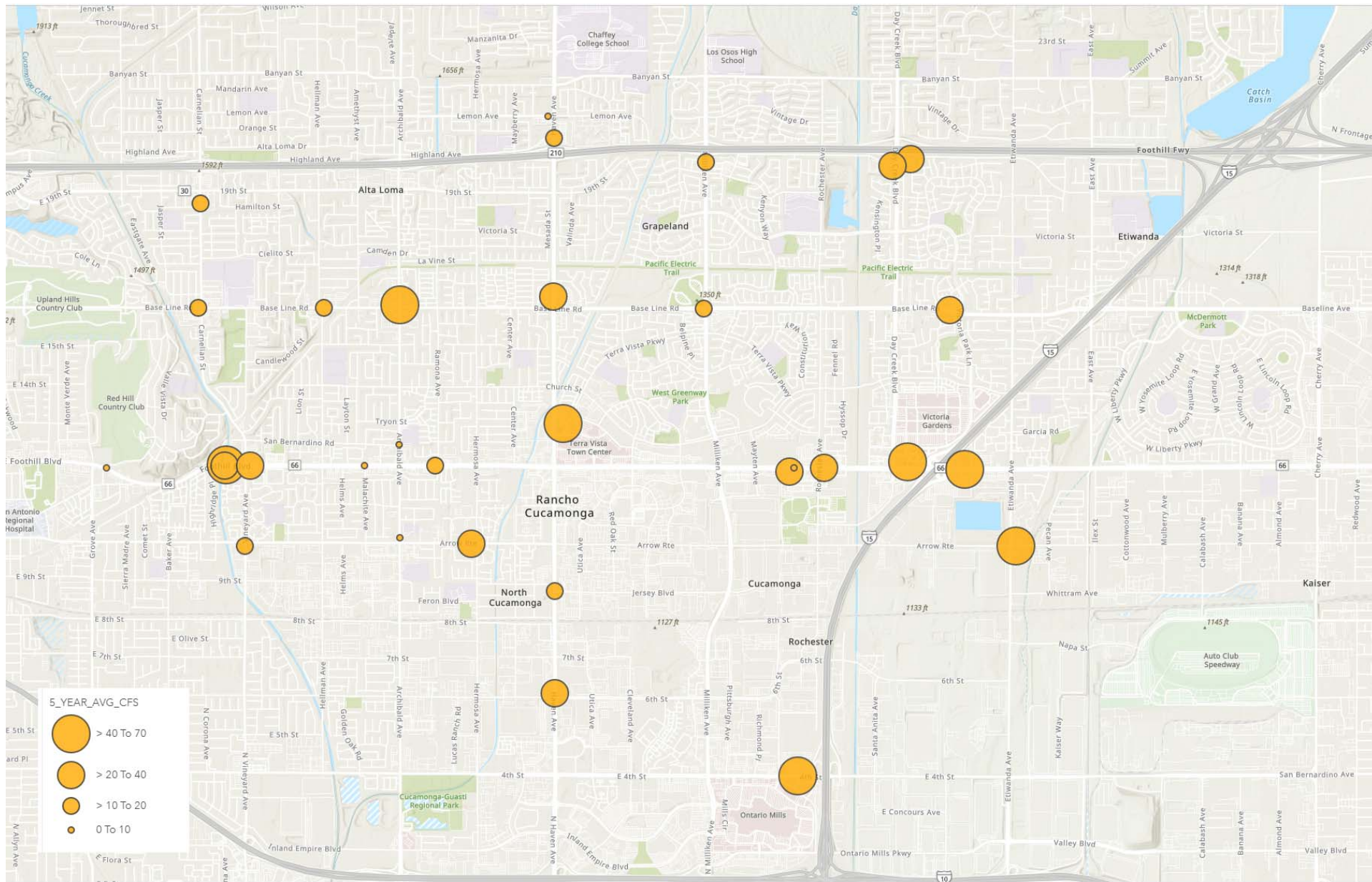
TIME SPENT ON LOCATION (HOURS)	2016	2017	2018	2019	2020	2021	5 YEAR AVERAGE
At Service Stations	1,100.75	1,867.44	1,982.12	1,946.32	2,455.44	Incomplete Data	1,870.41
City Overall	158,217.34	227,420.26	220,288.82	231,371.81	216,508.65		210,761.38
Percentage of Time at Service Stations Relative to the City (overall)	0.70%	0.82%	0.90%	0.84%	1.13%		0.88%

	2016	2017	2018	2019	2020	2021 (to date)	Total	2016-2020 Average
TOTAL CALLS FOR SERVICE (BY LOCATION)	637	910	1,034	979	1,059	135	4,754	923.80
TOTAL REPORTS PREPARED (BY LOCATION)	109	157	174	176	166	24	806	156.40
1) 10075 Arrow Rte	32	15	38	31	26	2	144	28.40
	9	15	38	31	26	2	121	23.80
2) 10477 Lemon Ave	2	5	11	8	7	2	35	6.60
	1	5	11	8	7	2	34	6.40
3) 10550 Town Center Dr	16	30	43	73	85	10	257	49.40
	3	30	43	73	85	10	244	46.80
4) 11289 Base Line Rd	2	21	16	29	20	2	90	17.60
	2	21	16	29	20	2	90	17.60
5) 11768 Foothill Blvd	9	5	20	9	7	2	52	10.00
	4	5	20	9	7	2	47	9.00
6) 11800 4th St	0	21	41	78	95	12	247	47.00
	0	21	41	78	95	12	247	47.00
7) 11920 Foothill Blvd	19	24	27	23	23	5	121	23.20
	7	24	27	23	23	5	109	20.80
8) 12340 Highland Ave	41	39	31	35	41	7	194	37.40
	14	39	31	35	41	7	167	32.00
9) 12576 Base Line Rd	1	21	24	27	41	3	117	22.80
	1	21	24	27	41	3	117	22.80
10) 12659 Foothill Blvd	63	65	48	55	56	6	293	57.40
	25	65	48	55	56	6	255	49.80
11) 12925 Arrow Rte	44	57	79	64	69	9	322	62.60
	10	57	79	64	69	9	288	55.80
12) 6539 Milliken Ave	26	27	12	20	13	3	101	19.60
	8	27	12	20	13	3	83	16.00
13) 6760 Carnelian St	13	21	19	15	8	2	78	15.20
	7	21	19	15	8	2	72	14.00
14) 7287 Archibald Ave	37	76	64	69	44	6	296	58.00
	14	76	64	69	44	6	273	53.40
15) 7996 Archibald Ave	6	12	4	4	7	2	35	6.60
	3	12	4	4	7	2	32	6.00
16) 8118 Masi Dr	23	28	38	34	28	5	156	30.20
	9	28	38	34	28	5	142	27.40
17) 8166 Foothill Blvd (not active)	5	5	0	0	0	0	10	2.00
	2	5	0	0	0	0	7	1.40
18) 8514 Vineyard Ave	8	14	8	9	26	3	68	13.00
	3	14	8	9	26	3	63	12.00

19) 8777 Haven Ave	15	18	12	11	16	1	73	14.40
	6	18	12	11	16	1	64	12.60
20) 8808 Foothill Blvd	64	65	81	58	72	8	348	68.00
	19	65	81	58	72	8	303	59.00
21) 9280 Haven Ave	16	21	23	29	23	9	121	22.40
	9	21	23	29	23	9	114	21.00
22) 9315 Base Line Rd	0	8	12	16	16	1	53	10.40
	0	8	12	16	16	1	53	10.40
23) 12280 Highland Ave	26	37	38	40	34	4	179	35.00
	13	37	38	40	34	4	166	32.40
24) 8477 Archibald Ave (not active)	0	0	0	0	2	0	2	0.40
	0	0	0	0	2	0	2	0.40
25) 8801 Foothill Blvd	17	27	35	36	30	1	146	29.00
	6	27	35	36	30	1	135	26.80
26) 8919 Foothill Blvd	15	39	31	28	16	0	129	25.80
	8	39	31	28	16	0	122	24.40
27) 6411 Haven Ave	19	15	11	7	11	2	65	12.60
	7	15	11	7	11	2	53	10.20
28) 7243 Haven Ave	39	27	26	34	48	4	178	34.80
	9	27	26	34	48	4	148	28.80
29) 8687 Base Line Rd	1	33	24	19	18	5	100	19.00
	1	33	24	19	18	5	100	19.00
30) 8075 Monet Ave	38	41	59	35	71	11	255	48.80
	12	41	59	35	71	11	229	43.60
31) 9524 Foothill Blvd	4	6	7	8	15	0	40	8.00
	1	6	7	8	15	0	37	7.40
32) 9888 Foothill Blvd	13	21	14	24	12	0	84	16.80
	4	21	14	24	12	0	75	15.00
33) 10477 Alta Loma Dr	17	6	39	16	44	5	127	24.40
	2	0	8	2	7	1	20	3.80
34) 11108 Foothill Blvd	6	60	99	35	35	3	238	47.00
	1	11	10	8	9	0	39	7.80

Color Legend:

Calls For Service	
Reports Prepared	



Number of Service Calls for Gas Stations (5-Year Average)

ORDINANCE NO. _____

AN INTERIM URGENCY ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858 ESTABLISHING A MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR NEW SERVICE STATION USES OR THE EXPANSION OF EXISTING SERVICE STATION USES IN THE CITY OF RANCHO CUCAMONGA

THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Legislative Findings.

A. Subsection F(9) of Section 17.32.020 of the Rancho Cucamonga Municipal Code defines a “service station” as a “retail business selling gasoline or other motor vehicle fuels.” For the purpose of this Interim Urgency Ordinance, a service station shall be limited to those retail businesses selling motor vehicle fuels derived from liquid fossil fuels. In this context, a service station is commonly referred to as a gas station.

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

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

D. There are thirty-two service stations currently in operation in the City of Rancho Cucamonga. There are an additional two more service stations that are currently in plan check review for building permit or under construction. Many of the existing service stations are located near sensitive receptors. The close proximity of service stations to these areas increases the risk of contaminant exposure to vulnerable populations. This problem is exacerbated in situations where the service station may become a brownfield site.

D. A disproportionate amount of the City’s existing service stations are concentrated in the southwest and central areas of the City. Thirteen service stations are located in District 2 and eleven are located in District 3. In contrast, Districts 1 and 4 have only five service stations each. The proliferation of service stations in Districts 2 and 3 inequitably increases health risks for the residents of these districts due to the potential contaminants present at service stations. As a matter of environmental justice, the City

Council must carefully consider how such uses are zoned under the City's General Plan and Development Code in order to avoid an undue concentration of service stations in any one part of the City.

E. Based on data provided by the Sheriff's Department, the amount of criminal activity that occurs specifically at service stations necessitates that police services be routinely deployed to service stations. Over the past five years, the number of calls for service at service stations has steadily increased. In 2020, a total of 1,059 calls for service were made at service stations in the City, resulting in approximately 2,455 hours of police time spent policing and protecting service stations. The development of additional service stations within the City would result in additional strains on police services to counter the potential for increased criminal activity.

G. The increased criminal activity associated with service stations threatens the health, safety and welfare of all residents, but particularly those within the southwest and central areas of the City, due to the inequitable concentration of service stations in those areas. The City Council believes the location and proliferation of service stations in certain areas of the City requires further regulation to ensure that the negative effects of service stations can be curtailed in order to better protect the public.

H. Altogether, the existing location and concentration of service stations in the City mean that drivers need only drive approximately five minutes in order to reach most existing service stations in the City. Applications for additional service stations continue to be submitted to the City despite the already high concentration of service stations in the City and declining demand.

I. The declining demand for gasoline is partly demonstrated by the decline in annual service station revenues in the City. According to revenue estimates reported to the City by existing service stations, such revenues have declined by over half a million dollars from 2019 to 2020, echoing global trends, which have seen the decline in service stations over the past ten years due to a variety of factors, including the proliferation of electric vehicles, shared mobility solutions, and alternative fuel options.

J. Furthermore, vehicle technology is rapidly evolving such that reliance on gas is steadily declining. According to a report from the Boston Consulting Group, it is estimated that by 2030, more than one third of all new vehicles will be fully or partially electric. Charging for electric vehicles can take place in a variety of locations such as at home, work and in parking lots. Ride-sharing solutions further reduce demand for gasoline as car ownership becomes more obsolete. By 2035, shared mobility solutions such as Uber, Lyft, and Zipcar are expected to account for nearly 20% of on-road passenger miles. Meanwhile, alternative fuel options such as hydrogen fuel, liquefied petroleum gas (LPG), compressed natural gas, and biofuels are increasing their share in the gasoline and diesel markets.

K. The declining demand for gasoline may increase competition amongst the existing service stations in the City such that closures may occur over time. Due to their

propensity to become brownfield sites, service stations require significant investment to remediate any potential ground contamination prior to redevelopment. Closed sites may be abandoned and left unused for years and removal of contaminants may present health risks for neighboring communities and sensitive receptors. Additional closures could result in increased blight and dangerous conditions throughout the City, thereby threatening public health, safety and welfare. The City Council wishes to assess the appropriate concentration and locations of service stations given declining demand.

L. The City has received applications for additional service stations to be constructed at the corner of 9th Street and Archibald Avenue and at the northeast corner of Arrow Route and Grove Avenue. An additional service station to be redeveloped and expanded two blocks north at the corner of Archibald Avenue and Arrow Route and another to be redeveloped at Foothill Boulevard and Red Hill Country Club Drive have previously been approved by the Planning Commission, but have not yet completed plan check and no building permits have been issued. These service station projects would be located within the southwest part of the City, an area with an already high concentration of service stations. Based on all of the foregoing impacts associated with the development of service stations, the City Council therefore finds there is a current and immediate threat to the public health, safety and welfare that is presented by pending applications for land use entitlements and building permits to develop new service stations and expand or remodel existing service stations within the City, and that a moratorium is necessary.

M. The City Council finds that the time provided by the moratorium will allow for a comprehensive analysis on how to manage and reduce the impact of additional service stations in the City, or if additional service stations or the expansion of existing service stations should be permitted. During the moratorium, the City will be able to analyze their potential impacts on the public health such as the potential for contaminant exposure near sensitive receptors and residential areas; impacts on public safety related to the provision of police services to service stations; and impacts on the public welfare due to the disproportionate concentration of service stations in certain residential areas of the City and potential for blight in connection with declining demand for gas. The City Council finds that these studies will help the Council and the City's Planning Department determine how best to prevent impacts to the public health, safety and welfare. The City Council further finds that the moratorium will allow time to evaluate the General Plan, the Development Code, and the Zoning map and develop appropriate regulations and/or appropriate zones for service stations in the City to achieve a reasonable level of assurance that there will not be serious negative impacts to the overall community and ensure positive outcomes for the City's residents, business community, property owners, and developers.

N. Based on the foregoing, the City Council ultimately finds that if the City fails to enact this moratorium, new service stations may be allowed to develop within the City or be redeveloped or expanded within the City that do not reflect the demand for such services, are incompatible with neighboring residential areas and sensitive receptors, and exacerbate existing public safety issues at service stations. Therefore, a current and immediate threat to the public safety, health and welfare exists.

SECTION 2. Authority.

Pursuant to Government Code Section 65858, the City Council may adopt, as an urgency measure, an interim ordinance that prohibits any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering, studying, or intends to study within a reasonable period of time.

SECTION 3. Urgency Findings.

The City Council finds and determines that there is an immediate threat to the public health, safety, or welfare, and that new and expanded service station uses within the City, under the City's current regulations, constitutes a threat to the public health, safety or welfare. As described in Section 1, the staff report accompanying this Interim Urgency Ordinance, and other evidence in the record, such continued service station development in the City could threaten the health, safety and welfare of the community through negative impacts that include, but are not limited to, public safety, contaminant exposure, and police protection services. To preserve the public health, safety, and welfare, the City Council finds that it is necessary that this Interim Urgency Ordinance take effect immediately pursuant to Government Code Sections 65858, 36934, and 36937 to prevent such harm.

SECTION 4. Moratorium Established.

A. Based on the facts and findings set forth in Sections 1 through 3 of this Interim Urgency Ordinance, and notwithstanding any other ordinance or provision of the Rancho Cucamonga Municipal Code, the City Council hereby establishes a moratorium on the approval of applications for the development of new service station uses or the expansion of existing service station uses.

B. No application for a building permit or any other entitlement, including a design review or conditional use permit, authorizing construction of a new service station use or the expansion of an existing service station use, including the expansion of accessory uses on the same site, shall be approved during the term of the moratorium established herein.

C. Nothing contained in this Interim Urgency Ordinance shall preclude the improvement, renovation, or demolition of an existing service station, provided that such development otherwise conforms to applicable law, does not result in an increase to the number of gas pumping facilities, does not add any new accessory uses on site, and does not require a discretionary entitlement to perform such improvement, renovation, or demolition.

D. For the purposes of this Interim Urgency Ordinance, the term "service station" shall have the same meaning prescribed in Subsection F(9) of Section 17.32.020 of the Rancho Cucamonga Municipal Code, except that it shall be limited to retail business selling gasoline or other motor vehicle fuels derived from fossil fuels (e.g., petroleum).

SECTION 6. Special Conditional Use Permit.

Notwithstanding any other provision of this Interim Urgency Ordinance, the City of Rancho Cucamonga may accept, process and approve applications for special conditional use permits for development or use of property otherwise subject to Section 4 of this Interim Ordinance, if the City Council finds, after receipt of a recommendation from the Planning Commission, that an owner of property subject to the moratorium imposed by this Interim Urgency Ordinance will be deprived of all economically viable use of his or her land unless the property owner is allowed to develop or use the property for a service station, or that the law of California or of the United States otherwise requires the City to approve an application for a permit or an entitlement for the development or use. The special conditional use permit provided by this Section shall be an available entitlement process and permit for a property owner affected by the moratorium whether or not a conditional use permit would otherwise be required by the Rancho Cucamonga Municipal Code. A special conditional use permit submitted pursuant to this Section shall be processed in accordance with Chapter 17.14 of the Rancho Cucamonga Municipal Code, except that the City Council shall serve as the final decision-making body, which shall make the additional findings required by this Section prior to approving the special conditional use permit.

SECTION 7. Enforcement.

The provisions of this Interim Urgency Ordinance shall be enforceable pursuant to the general enforcement provisions in Title 1 of the Rancho Cucamonga Municipal Code.

SECTION 8. CEQA Findings.

The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Interim Urgency Ordinance may have a significant effect on the environment, because the Interim Urgency Ordinance will impose a temporary moratorium on approvals of applications for service station uses in the City in order to protect the public health, safety and general welfare, and will thereby serve to avoid potentially significant adverse environmental impacts during the term of the moratorium. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

SECTION 9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Interim Urgency Ordinance or its application to any person or circumstances, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Interim Urgency Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any

one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 10. Effective Date; Approval and Extension of Ordinance.

This Interim Urgency Ordinance, being adopted as an urgency measure for the immediate protection of the public safety, health, and general welfare, containing a declaration of the facts constituting the urgency, and passed by a minimum four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption and shall continue in effect for a period of not longer than forty-five (45) days. After notice pursuant to Government Code Section 65090 and a public hearing, the City Council may extend the effectiveness of this Urgency Ordinance as provided in Government Code Section 65858.

SECTION 11. Publication.

The City Clerk shall certify to the passage and adoption of this Interim Urgency Ordinance and shall cause its publication in accordance with applicable law.

PASSED, APPROVED, AND ADOPTED this 21st day of April, 2021, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

L. Dennis Michael, Mayor

ATTEST:

Janice C. Reynolds, City Clerk

APPROVED AS TO FORM:

James L. Markman, City Attorney