

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF JURUPA VALLEY AMENDING CHAPTER 3.75 (DEVELOPMENT IMPACT FEE) OF THE JURUPA MUNICIPAL CODE TO CLARIFY THAT THE METHOD FOR CALCULATING DEVELOPMENT IMPACT FEES FOR RETAIL/SERVICE/OFFICE, BUSINESS PARK, AND INDUSTRIAL USES SHALL BE BASED ON THE SQUARE FOOTAGE OF THE BUILDING, AND TO CLARIFY THAT FEES FOR RESIDENTIAL USES AND COMMERCIAL LODGING ARE CALCULATED BASED ON A PER UNIT BASIS AND THAT FEES FOR MIXED USE DEVELOPMENTS ARE BASED ON THE COMBINATION OF THE LAND USES, MAKING CONFORMING REVISIONS TO CHAPTER 3.75, AND MAKING A FINDING OF EXEMPTION UNDER SECTIONS 15061(B)(3) AND 15273(A)(4) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. Findings. The City Council of the City of Jurupa Valley does find determine and declare as follows:

(a) On January 21, 2021, the City Council adopted Resolution No. 2021-02 approving the “Development Impact Fee Calculation and Nexus Report for the City of Jurupa Valley” approved by the City Council on January 21, 2021” (“Nexus Report”) and the “Master Facilities Plan” referenced therein, and approving the development impact fees (“DIFs”) calculation;

(b) On February 4, 2021, the City Council adopted Ordinance No. 2021-02 amending Chapter 3.75 of the Jurupa Valley Municipal Code pertaining to DIFs based on the Nexus Report; and

(c) The City Council now seeks to clarify the method of calculating DIFS for retail/service/office, business park, industrial, and residential uses, along with commercial lodging and mixed use developments to ensure consistency with the Nexus Report.

Section 2. Code Amendment. Section 3.75.060 (Definitions.) of Chapter 3.75 (Development Impact Fee) of Title 3 (Revenue and Finance) of the Jurupa Valley Municipal Code is hereby amended in its entirety to read as follows:

“The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or where the meaning is amended by resolution of the City Council:

Accessory Dwelling Unit or ADU means an accessory dwelling unit as defined by California Government Code Section 65852.2(j)(1), or as defined in any successor statute.

Attached Dwelling means apartments, townhomes, condominiums or any other living unit that is physically contiguous to (i.e., attached to) any other residential unit and corresponds to an allowable use within the City's Land Use designations of Medium-High Density (MHDR), High Density Residential (HDR), Very High Density (VHDR), and Highest Density Residential (HHDR).

Business Park Use means research and development activities, warehousing and distribution, light manufacturing/assembly, repair and corporate offices when used in conjunction with other business park uses. These uses correspond to the City's Land Use designations of Business Park (BP) and Technology and Innovation (LI).

Certificate of occupancy means a certificate of occupancy as defined by Chapter 8.05 or state law.

City means the City of Jurupa Valley.

City Manager means the City Manager of the city or his or her designee.

Credit means a credit allowed pursuant to Section 3.75.140 which may be applied against the DIF.

Commercial and Industrial Use means Business Park Use, Industrial Use, and Retail/Service/Office Use.

Commercial Lodging (keyed) Unit means each room in a hotel, motel, inn or other temporary lodging use that has a separate key or keycard and corresponds to the City's Land Use designation of Commercial Tourist (CT), and possibly a Specific Plan (SP), and within other areas acceptable for this type of hospitality development.

Development agreement means an agreement entered into between the city and an owner of real property pursuant to California Government Code Section 65864 et seq.

Development impact fees, DIF or fees means the fees imposed pursuant to the provisions of this chapter.

Development project or project means any project undertaken for the purpose of development including the issuance of a permit for construction pursuant to Chapter 8.05.

DIF program means the process of collecting and expending development impact fees.

Facilities and equipment means the public facilities and equipment financed by the DIF program and includes all of the facilities set forth in the Nexus Report and the Master Facilities Plan and any subsequently revisions thereof approved by resolution of the City Council, including the land and right-of-way required for the facilities.

Final inspection means a final inspection as defined by Chapter 8.05.

Industrial Uses means all businesses engaged in heavy industrial or more intense manufacturing in the Heavy Industrial (HI) zones.

Low Density Detached Dwelling means a detached residential unit and corresponds to an allowable use within the City's Land Use designations of Small Farm (RR), Ranch (EDR), Rural Community-Low (RC-LDR), Rural Neighborhood (VLDR) and County Neighborhood (LDR).

Master Facilities Plan means the list of needed public facilities referenced in the Nexus Report and approved by the City Council.

Medium Density Detached Dwelling means a detached residential unit and corresponds to an allowable use within the City's Land Use designations of Medium Density Residential (MDR) and construction of detached Medium-High Density (MHDR) and High Density Residential (HDR).

Mobile Home Dwelling Units means mobile home dwelling units in a mobile unit setting. These units correspond to an allowable use within the City's Land Use designations of Very High Density Residential Density. A manufactured dwelling unit outside of a mobile home park-like setting would be considered either a Low Density Detached Dwelling or a Medium Density Detached Dwelling depending on the City's land use designation.

Nexus Report means the "Development Impact Fee Calculation and Nexus Report for the City of Jurupa Valley" and the "Master Facilities Plan" approved by the City Council on January 21, 2021.

Primary Dwelling Unit means the existing or proposed single-family dwelling or multi-family dwelling on the lot where an ADU would be located.

Residential Dwelling means Low Density Detached Dwellings, Medium Density Detached Dwellings, Attached Dwellings and Mobile Home Dwelling Units.

Retail/Service/Office Use means general type of commercial services ranging from neighborhood, local and regional shopping outlets. These uses correspond with the City's Land Use designation of Commercial Retail (CR), Commercial Neighborhood (CN) and Commercial Office (CO).

Revenue or revenues means any funds received by the city pursuant to the provisions of this chapter for the purpose of defraying all or a portion of the cost of the facilities set forth in the public facilities needs report, purchasing regional parkland, and preserving habitat and open space.
”

Section 3. Code Amendment. Section 3.75.080 (Imposition of DIF.) of Chapter 3.75 (Development Impact Fees) of Title 3 (Revenue and Finance) of the Jurupa Valley Municipal Code is hereby amended to read as follows (with additions shown in underlined text and deletions shown in strikethrough text):

“Section 3.75.080 Intentionally deleted.”

Section 4. Code Amendment. Section 3.75.100 (Payment of DIF.) of Chapter 3.75 (Development Impact Fees) of Title 3 (Revenue and finance) of the Jurupa Valley Municipal Code is hereby amended to read as follows (with additions shown in underlined text and deletions shown in strikethrough text):

“(1) For Commercial Lodging (keyed) Units and Commercial and Industrial Uses, DIF shall be paid prior to the issuance of a building permit. ~~The DIF shall be paid at the time a certificate of occupancy is issued for the development project or upon final inspection, whichever occurs first. However, this section shall not be construed to prevent payment of the DIF prior to issuance of an occupancy permit or final inspection. The DIF may be paid at the time application is made for a building permit.~~

(2) DIFs shall be assessed one (1) time per lot or parcel except in cases of changes in land use. DIF for changes in land use shall be reduced by the amount of any previously paid DIF for that property, ~~and no refunds will be provided for changes in land use to a lower fee category.~~ It shall be the responsibility of the applicant to provide documentation of any previously paid DIF. ~~DIFs for commercial and industrial development projects shall be paid in its entirety for the project area and shall not be prorated.~~

(3) The DIF required to be paid shall be the fee amounts in effect at the time of payment.

(4) There shall be no deferment of the DIF beyond final inspection or issuance of certificate(s) of occupancy, except as provided by law.

(5) Notwithstanding any other written requirements to the contrary, the DIF shall be paid whether or not the development project is subject to city conditions of approval imposing the requirement to pay the DIF.

(6) If all or part of the development project is sold prior to payment of the DIF, the property shall continue to be subject to the requirement for payment of the DIF as provided herein.

(7) For development projects which the city does not require a final inspection or issue a certificate of occupancy, the DIF shall be paid prior to any use or occupancy.

(8) DIFs for Residential Dwellings shall be due and payable in accordance with Government Code Section 66007, upon the issuance of a building permit; provided, however, that the DIFs imposed may be deferred until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first, pursuant to a written agreement, entered into and recorded in accordance with Government Code Section 66007(c).”

Section 5. Code Amendment. Section 3.75.110 (Acreage based DIF.) of Chapter 3.75 (Development Impact Fee) of Title 3 (Revenue and Finance) of the Jurupa Valley Municipal Code is hereby renamed as “Method of Calculating DIF” and is amended in its entirety to read as follows:

“(1) Development impact fees for Commercial and Industrial Uses shall be computed on the basis of the square footage of building area, subject to modification by resolution of the City Council. The building area shall be determined or verified by city staff based upon the applicant's site plan as submitted to the City.

(2) Development impact fees for Residential Dwellings shall be computed based on a per dwelling unit basis, subject to modification by resolution of the City Council.

(3) Development impact fees for Commercial Lodging (keyed) Units shall be based on a per unit basis, subject to modification by resolution of the City Council.

(4) Development impact fees for mixed use developments shall be based upon the combination of the above land-use development impact fees. As an example, for a mixed use development consisting of Commercial Retail (CR) and Very High Density Residential (VHDR) project, the DIF would consist of the combination of the number of square feet of Commercial Retail/Service/Office and the number of Attached Dwellings included in the mix-use.”

Section 6. Code Amendment. Section 3.75.130 (Exemptions.) of Chapter 3.75 (Development Impact Fee) of Title 3 (Revenue and Finance) of the Jurupa Valley Municipal Code is hereby amended in its entirety to read as follows:

“The following types of construction shall be exempt from the provisions of this chapter:

(1) Reconstruction of a Residential Dwelling, Commercial or Industrial Use, or Commercial Lodging (keyed) Units damaged or destroyed by fire or natural causes;

(2) Rehabilitation or remodeling of an existing Residential Dwelling, Commercial or Industrial Use;

(3) Additions to an existing single family residence;

(4) The location or installation of a Mobile Home Dwelling Unit, without a permanent foundation, on any site. The DIF required under this chapter shall not be applicable to a site preparation permit or an installation permit for a mobile home without a permanent foundation. No site preparation permit or installation permit for a mobile home with a permanent foundation shall be issued after January 22, 1989, except upon the condition that the development impact fees required by this

chapter be paid; provided, however, in those instances where a site preparation permit or an installation permit has been previously issued for a site and the development impact fees have been paid, the DIF required under this chapter shall not be applicable to a site preparation permit or an installation permit for a Mobile Home Dwelling Unit with a permanent foundation. Further, in those instances where an installation permit was issued prior to January 22, 1989, for a Mobile Home Dwelling Unit without a permanent foundation and a site preparation permit or installation permit is subsequently requested for the construction of a permanent foundation for said existing mobile home, the DIF required under this chapter shall not be applicable to the permit subsequently issued for the construction of said permanent foundation; and

(5) To the extent required by State law, Accessory Dwelling Units that are less than 750 square feet in size.”

Section 7. California Environmental Quality Act Findings. This ordinance was reviewed in accordance with the criteria contained in the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. The City Council finds that adoption of this ordinance will not have a significant impact on the environment and is exempt from CEQA pursuant to Section 15061(b)(3) of State CEQA Guidelines because the amendments to Chapter 3.75 of the Jurupa Valley Municipal Code pertain to the method of calculating development impact fees and do not approve any actual development projects. In addition, the adoption of this ordinance approves and sets forth a procedure for determining fees for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas and is statutorily exempt from CEQA pursuant to State CEQA Guidelines 15273(a)(4). Therefore the adoption of this ordinance does not have the potential for causing a significant effect on the environment.

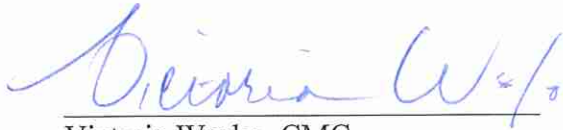
Section 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Jurupa Valley hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 9. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of June, 2022.


Chris Barajas
Mayor

ATTEST:



Victoria Wasko, CMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2022-08 was duly introduced at a meeting of the City Council of the City of Jurupa Valley on the 19th day of May, 2022, and thereafter at a regular meeting held on the 2nd day of June, 2022, it was duly passed and adopted by the following vote of the City Council:

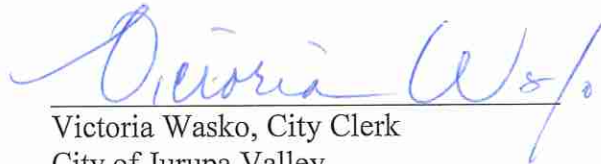
AYES: L. ALTAMIRANO, C. BARAJAS, L. BARAJAS, B. BERKSON, G. SILVA

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 2nd day of June, 2022.


Victoria Wasko, City Clerk
City of Jurupa Valley