URGENCY ORDINANCE NO. 2007

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING SECTION 17.22.060(E) OF THE CITY OF UPLAND MUNICIPAL CODE RELATING TO CAR WASH FACILITIES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061(b)(3) OF THE CEQA GUIDELINES

WHEREAS, the City of Upland, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City is responsible for adopting and implementing land use regulations within its boundaries. The Upland Municipal Code regulates the entitlement, establishment and operation of car washes within the City; and

WHEREAS, the proliferation of car washes throughout the City are an immediate threat to public health, safety or welfare. Car washes are often noisy because they require the use of large-scale, industrial vacuuming systems, and blowers. Car washes also cause an increase in vehicular traffic in surrounding areas. These impacts can be particularly acute when car washes are located near residential uses and when multiple car washes are concentrated in a small area; and

WHEREAS, there are a total of thirteen (13) car washes in the City. More specifically, along a 3-mile stretch of Foothill Boulevard, between Dewey Way and Hospital Parkway, there are seven (7) car washes. On Mountain Avenue, in a one-half (1/2) mile corridor between Arrow Highway and the Pacific Electric Trail crossing, there are two (2) existing car washes ("Mountain Avenue Corridor). On 20th Street, along a 1,200 lineal foot distance between Campus Avenue and the terminus of 20th Street, there are three (3) existing car washes; and

WHEREAS, on May 28, 2024, the City Council expressed concerns with the overconcentration of car washes and their noise, traffic, and other harmful impacts. At that meeting, the City Council directed staff to study the issue and return to the City Council with some options for their consideration, including a possible moratorium or changes to the City's zoning code regulations for car washes. City staff has been studying the issue and developing new regulations for car washes; and

WHEREAS, the City recently received a new application for a car wash facility on Mountain Avenue on a site which is less than 1,000 feet from an existing car wash, and it would be the third car wash along the Mountain Avenue Corridor; and

WHEREAS, while the City intends to complete its study of the issues associated with car washes in order to determine from a Citywide perspective which locations are most appropriate for the use, and the types of development standards that should be imposed on their operation to mitigate noise, traffic, and other impacts, the City now needs to act urgently in order to prevent further overconcentration of car washes and their related noise, traffic, and other harmful impacts; and

WHEREAS, absent the passage of this Urgency Ordinance, continued approval of entitlements, building permits, or other approvals for new or expanded car washes poses a current and immediate threat to the public health, safety or general welfare. If this Urgency Ordinance does not become effective immediately, but instead becomes effective thirty (30) days after a second reading, there is a risk that further harm will be done to prevent the orderly development of car washes in the City. Therefore, there is an urgent necessity for the City to establish amended development standards on the establishment of new car washes and the expansion of existing car washes to take effect immediately. This requirement is intended to provide the City with the ability to stop the overconcentration of car washes exacerbating noise, traffic, and other harmful impacts, and provide the City an opportunity to evaluate and modify its zoning provisions further in order to regulate the appropriate development of car washes in the City; and

WHEREAS, due to the foregoing circumstances, the City Council finds and determines that the immediate preservation of the public health, safety, and welfare requires that this Urgency Ordinance be enacted pursuant to Government Code sections 36934 and 36937, and that it take effect immediately upon adoption, and its urgency is hereby declared.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. CEQA. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Urgency Ordinance, and the zoning provisions established hereby, may have a significant effect on the environment, because the Urgency Ordinance will impose greater limitations on development in the City, and will thereby serve to eliminate potentially significant adverse environmental impacts. 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 3. Required Findings. The City Council hereby adopts the following findings in support of the adoption of this Urgency Ordinance in accordance with Section 17.48.060 of the Upland Municipal Code:

A. The proposed amendment is consistent with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

The Urgency Ordinance will be consistent with the following General Plan Policies:

- Policy LU-1.4 Complete and Balanced Community. Foster new land uses and building types that contribute to City revenues and increase employment while also ensuring the provision of sufficient housing, shopping, civic, cultural, open space, and recreational opportunities.

- Policy LU-3.1 Economic Development. Retain and attract land uses that generate revenue to the City, provide employment for residents while balancing other community needs such as housing, parks and open space, and public facilities.

- Policy ES-4.4 New Development, Zoning, and Policy. Consider fiscal and economic sustainability as one of a number of citywide goals when evaluating new development, zoning or public policy.

- FA-1.3 Economic Development. Focus economic development efforts on attracting and retaining desirable commercial uses along Foothill Boulevard.

Facts: There is an urgent necessity for the City to establish amended development standards for new car washes in the City to prevent further overconcentration of this use along the City's prime commercial arterials. Car washes do not generate sales tax revenue to the City nor do they employ more than a few employees due to the self-service nature of the use. The Urgency Ordinance will enable staff to study this land use and establish more comprehensive development standards, and determine from a Citywide perspective which locations are most appropriate for this use and avoid prime commercial sites that will contribute to the City's tax base and overall employment from being developed with car washes.

- LU-6.2 Compatibility of Uses. Control the location, concentration and operation of land uses that have potential impacts on surrounding development through effective design principals, adequate buffering, and enforcement of regulatory documents.

Facts: The Urgency Ordinance is intended to prevent the overconcentration of car washes along the City's prime commercial corridors and the impacts associated with this land use relative to substantial noise, traffic, and other harmful impacts in an effort to control the locations for the orderly development of this use and compatibility with surrounding uses.

B. The proposed amendment will not be detrimental to the public interest, health, safety, or welfare of the City.

Facts: The intent of the Urgency Ordinance is to protect the immediate threat to the public health, safety or general welfare from the negative impacts on the

unrestrained overconcentration of car washes along the City's prime commercial arterials. The Urgency Ordinance will enable staff to develop more comprehensive regulations and the appropriate locations Citywide.

C. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

Facts: The Urgency Ordinance will result in establishing comprehensive land use regulations for car washes and does not propose to alter any regulations in the Zoning Code or changes in the zoning of car washes that would conflict with the intent and purpose of the commercial and industrial zoning districts in the City.

Section 4. Code Amendment. Section 17.22.060(E) of the Upland Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

Section 5. Effective Date. This Ordinance takes effect immediately upon its adoption.

Section 6. Publication. The City Clerk certifies that this Ordinance was adopted by the City Council at a regular meeting on January 12, 2026.

Section 7. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at the Development Services Department, 460 N. Euclid Avenue, Upland, CA 91786.

Section 8. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

Section 9. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 12th day of January 2026.

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Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Urgency Ordinance was adopted at a regular meeting of the City Council of the City of Upland on the 12th day of January 2026, by the following roll call vote:

AYES:	Mayor Velto, Councilmembers Maust, Breitling, Garcia, Zuniga
NOES:	None
ABSENT:	None
ABSTAINED:	None

ATTEST: _____

Keri Johnson, City Clerk

EXHIBIT A

Urgency Ordinance

(follows this page)

AUTOMOTIVE AND VEHICLE SERVICE, SALES, AND STORAGE

17.22.060 Design and Performance Standards and Guidelines.

"E. **Automotive/Vehicle Washing (Car Wash).**

1. Any land use application that has not been entitled by the City on or before January 12, 2026 on a site proposed for a new car wash facility, either as a primary use or ancillary use, shall be located a minimum distance of one-half (1/2) mile, or 2,640 feet, from another car wash facility of any type in the City. Distance shall be measured by drawing a circle around the center point of the building containing the car wash facility.

2. The car wash area or facility entrances, exists, and openings shall not face any property in any residential zone.

3. The dispensing of motor vehicle fuel and lubricants shall be allowed only at non-self-service car washes, provided that all pumps, pump islands, canopies and equipment devoted to such use be set back at least:

   a. 15 feet from any public street right-of-way;
   b. 10 feet from any abutting property line; and
   c. 25 feet from any residential zone.

4. Wash and rinse water shall be 80 percent reclaimed and recirculated.

5. All car wash facilities shall comply with the City's industrial waste permit requirements and the Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit requirements for municipal storm water and urban runoff discharges.

6. The water from car wash sites shall not flow onto any public sidewalk."