

City of Jurupa Valley

PLANNING COMMISSION MINUTES

May 24, 2023

CALL TO ORDER Chair Laura Shultz called the Regular Planning Commission meeting to order at 7:00 P.M.

ROLL CALL

Members Present:

- Laura Shultz, Chair
- Penny Newman, Chair Pro Tem
- Arleen Pruitt, Commission Member
- Yessenia Villagomez, Commission Member

Member(s) Absent:

- Hakan Jackson, Commission Member

PLEDGE OF ALLEGIANCE

Commissioner Pruitt led the Pledge of Allegiance.

**PUBLIC COMMENTS/
APPEARANCE**

No Comments Received.

CONSENT CALENDAR

Agenda Items 1, 2 and 3 were unanimously approved by the motion of Chair Pro Tem Newman and seconded by Commissioner Villagomez. The motion carried (4-0), with Commissioner Jackson absent.

Ayes: Shultz, Newman, Pruitt, and Villagomez

Noes: None

Abstained: None

Absent: Jackson

**PUBLIC HEARING
ITEM NO. 4**

MASTER APPLICATION NO. 23111: REVISION NO. 1 SITE DEVELOPMENT PERMIT NO. 18044, A REQUEST TO MODIFY CONDITION OF APPROVAL NO. 9 TO REQUIRE A DEPOSIT PAYMENT FOR THE DESIGN AND CONSTRUCTION OF AN OFF-SITE EQUESTRIAN TRAIL

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WITHIN THE RIGHT OF WAY OF CASTELLANOS ROAD AND DETERMINING THAT NO FURTHER CEQA REVIEW IS REQUIRED PURSUANT CEQA GUIDELINES SECTION 15162

Rob Gonzalez, Senior Planner, provided a staff report and recommended that the Commission open the Public Hearing and continue the Public Hearing to the June 14, 2023, Planning Commission meeting.

PUBLIC HEARING OPENED

No comments received.

Commissioner Pruitt moved and Chair Pro Tem Newman seconded to continue the item to the June 14, 2023 meeting. The motion was approved (4-0), with Commissioner Jackson absent.

Ayes: Shultz, Newman, Pruitt and Villagomez

Noes: None

Abstained: None

Absent: Jackson

PUBLIC HEARING ITEM NO. 5

APPEAL NO. 23002: A REQUEST FOR A SETBACK ADJUSTMENT FOR THE DREASE OF THE REAR YARD SETBACK FROM TEN (10) FEET TO TWO AND A HALF (2 ½) FEET

Jesus Huerta, Associate Planner provided a PowerPoint presentation for the request to appeal the Community Development Director's approval of a s Setback Adjustment to allow an existing patio cover to be six feet from the rear property line instead of the required ten (10) feet. The appellant requested a rear yard setback adjustment from ten (10) feet to two and a half (2 ½) feet.

Commissioner Villagomez inquired if the property owner purchased the home with the patio cover asked if the HOA approved the patio cover.

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Associate Planner Huerta informed the Commission that the property owner built the patio cover with the approval of the HOA.

Commissioner Pruitt inquired if the ten (10) foot setback was established for safety concerns.

Associate Planner Huerta informed the Commission that the setbacks were established to preserve open space, separation, and viewscape from adjacent properties.

Chair Pro Tem Newman inquired if permits were on file for the patio covers from the surrounding properties visible in the aerial photo provided.

Associate Planner Huerta informed the Commission based on the background research on the surrounding properties the City does not have permits on file for the surrounding patio covers.

Community Development Director Perez informed the Commission that the applicant approached the City to obtain a permit for the patio cover once she realized that the contractor did not go through the proper process.

PUBLIC HEARING OPENED

Kim Clarke, applicant, thanked the Commission for their time and consideration. Ms. Clarke informed the Commission that she inquired with the HOA to get approval for the patio cover. She then hired a contractor to build the patio cover and get permits with the City. Once she realized that the contractor failed to obtain the proper permits from the City, she approached the City.

PUBLIC HEARING CLOSED

COMMISSION DISCUSSION

Chair Pro Tem Newman expressed that she would be in favor of allowing the two and a half (2 ½) setback.

Commissioner Pruitt thanked the applicant for doing her due diligence and that it is unfortunate that the Contractor did not obtain the proper permits from the City. Commissioner Pruitt also expressed that she would be in favor of allowing the two and a half (2 ½) setback.

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Chair Shultz agreed with Chair Pro Tem Newman and Commissioner Pruitt.

Commissioner Villagomez also expressed that she would be in favor of allowing the two and a half (2 ½) setback.

Commissioner Pruitt moved and Chair Pro Tem Newman seconded to deny Resolution No. PC-2023-11 and requested staff to bring back a resolution approving a Setback Adjustment of two and a half (2 ½) for an attached patio cover.

The motion was approved (4-0), with Commissioner Jackson absent.

Ayes: Shultz, Newman, Pruitt and Villagomez

Noes: None

Abstained: None

Absent: Jackson

PUBLIC HEARING ITEM NO. 6

ZONING CODE AMENDMENT NO. 22004 ADDING CHAPTER 4.15 AND AMENDMENTS TO TITLE 9 OF THE JURUPA VALLEY MUNICIPAL CODE TO PROHIBIT SHORT TERM RENTALS AND FIND THAT THE PROJECT IS EXEMPT FROM CEQA REVIEW PURSUANT TO THE COMMONSENSE EXEMPTION, CEQA GUIDELINES SECTION 15061(b)(3)

Rob Gonzalez, Senior Planner, provided a PowerPoint presentation for Zoning Code Amendment to prohibit Short Term Rentals (STRs). On January 19, 2023, the City Council initiated a Zoning Code Amendment to prohibit STRs in residential zoning districts and adding a method to enforce the restriction. The number of STR of residential dwelling units has grown rapidly in the City. Based on public input and research, STRs are associated with well-documented negative secondary impacts, which have detrimental effects on public health, safety, welfare. Some of the most significant negative impacts of short-term rentals are reduced availability of housing, increased housing costs, increased noise and traffic, loss of community character, and strain on local resources.

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Based on the objectives and City Council direction, a recommended Short-Term Rental Prohibition Ordinance has been prepared to amend the Municipal Code by adding Chapter 4.15 – “Prohibition of Short-Term Rental” to Title 4 with related code amendments to Chapter 9.35 to Title 9. The Zoning Code Amendment would include the following: Intent and purpose; definition; short-term rentals prohibition; and a way to address violations.

Chair Pro Tem Newman inquired what brought the STR to the City Council’s attention.

Senior Planner Gonzalez informed the Commission that the City has received 23 complaints over STRs and that the City’s Municipal Code does not address STR.

Commissioner Newman inquired if the surrounding cities are prohibiting STRs.

Senior Planner Gonzalez informed the Commission that staff surveyed 7 cities and 2 cities have prohibited STRs.

Commissioner Pruitt inquired if the 23 complaints received were for the same property.

Senior Planner Gonzalez informed the Commission that staff did not receive that information.

Commissioner Villagomez inquired what would happen to current STRs.

Community Development Director Perez informed the Commission that the City would identify current STRs and inform them of the prohibition.

Chair Pro Tem Newman inquired if the City has looked into allowing STRs.

Community Development Perez informed the Commission that the direction of City Council was to prohibit the use of STRs.

OPEN PUBLIC HEARING

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Stephanie Castillo, resident and Arbnb host, spoke against the prohibition of STRs. Ms. Castillo informed the Commission that the STR allows her to financially provide for her family. In addition, website platforms verify the person renting the units. In the years that she has been hosting she has not had any issues.

Nicole Sims, resident, spoke against the prohibition of STRs. Ms. Sims urged the Commission to explore an alternative solution to allow STRs.

Deanna Conner, resident, spoke against the prohibition of STRs and expressed that it is a great method to allow people to explore the City.

Roberto Ramirez, resident, said he saw the reasoning on both sides of the issue and requested that the Commission consider regulating STRs.

Kevin Sims, spoke against the prohibition of STRs.

Erika Soriano, Administrative Services Coordinator, read into the record the following emails:

Jin Hanqing, wrote against the prohibition of STRs and requested that the Commission implement regulations for STRs.

Dennis Sonney, resident, wrote against the prohibition of STRs and requested that the Commission establish reasonable regulations and guidelines to allow STRs.

Karla Cool, resident, wrote against the prohibition of STRs and expressed the need for STRs in the Community.

PUBLIC HEARING CLOSED

COMMISSION DISCUSSION

Chair Pro Tem Newman requested a study on what other Cities are doing with STRs.

Commissioner Pruitt requested that the City look into regulating STRs rather than prohibition.

Commissioner Villagomez also requested that the City look into regulating STRs.

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Chair Shultz agreed with the other Commissioners and requested that staff provide a survey of STRs and how they are regulated.

Commissioner Pruitt moved and Chair Pro Tem Newman seconded to deny Resolution No. PC-2023-12 and directed staff to bring back a resolution recommending that the City Council deny a Zoning Code Amendment to prohibit Short-Term Rental and to provide a survey of the surrounding cities that regulate Short-Term Rentals.

The motion was approved (4-0), with Commissioner Jackson absent.

Ayes: Shultz, Newman, Pruitt and Villagomez

Noes: None

Abstained: None

Absent: Jackson

Chair Shultz called a recess at 8:55 P.M and reconvened the meeting at 9:02 P.M.

PUBLIC HEARING ITEM NO. 7

PROPOSED AMENDMENTS TO ENSURE COMPLIANCE WITH THE REGIONAL HOUSING NEEDS ALLOCATION: 1) GENERAL PLAN LAND USE MAP AMENDMENTS (GPA23005, GPA23006, GPA23007, GPA23008); 2) ZONING MAP AMENDMENTS (CZ23008, CZ23009, CZ23010, CZ23011); APPROVING AN ADDENDUM TO A CERTIFIED PROGRAMMATIC FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Mary Wright, Principal Planner, provided a PowerPoint presentation on the proposed amendment to ensure compliance with the Regional Housing Needs Allocation (RHNA). The City was required to identify sites throughout the City to achieve the City's RHNA of 4,497 units. This process resulted in the identification of 19 sites, totaling 70.84 acres, to be redesignated to the Highest Density Residential Density (HHDR) and rezoned to General Residential (R-3) to meet RHNA.

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The Housing Element site inventory included an assumption that Planning Area 2 of Paradise Knolls would develop 300 dwelling units at 28.4 dwelling units per acre as specified in the Specific Plan. However, on January 19, 2023, the City Council held a public hearing and approved two residential projects on Planning Area 2 of the Paradise Knolls development at densities lower than those identified in the Housing Element. Due to this decrease in density, the City is now in deficit of its low-income housing RHNA obligations.

The City needs to redesignate a minimum of 6.6 acres of additional property to HHDR and rezone to R-3 to make up the shortfall. The City Council held two public hearings on March 16, 2023 and April 6, 2023 and reviewed fifteen sites for potential redesignation to HHDR and rezone to R-3 to make up the RHNA shortfall. The City Council initiated General Plan Land Use and Zoning map amendments on portions of Sites 5a and 14a and requested additional information regarding site 15a.

Site 5a is located in the Jurupa Valley/Pedley transit station to the south and was determined by the City Council to be an appropriate location for increased residential density, which would be supportive of public transit. The City Council directed that a General Plan Land Use map amendment to HHDR and Zoning map amendment to R-3 be initiated for the western portions of each parcel with the areas adjacent to Pedley Road to remain unchanged. The actions would change the western portions of each parcel to HHDR and R-3 approximately 15.8 acres. The area has been divided into three separate general plan amendments and rezones as the current zoning of each area is different.

Site 14a includes one parcel of land consisting of 4.0 acres located immediately east of Baldwin Avenue and south of Limonite Avenue in the De Anza Marketplace. The site is appropriate for residential uses in that it is in an underutilized site near supportive retail uses.

Site 15a includes four parcels of land totaling 6.71 acres located on the east side of Clay Street, on either side of Linares Avenue, and across Clay Street from the Rock Rose and Bayberry Place project site. The City Council directed staff to explore whether the project applicant of the three northern parcels would be willing to consider higher density, and to confirm the presence of a gas line on the southern parcel and whether it would preclude residential development. The applicant was asked if they would be interested in increasing the project density to

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help make-up for the identified RHNA shortfall. Due to the history of the project and pending application, the applicant is not interested in pursuing additional density at this time.

In regards to the site on the south side of Linares Ave., there is a Southern California natural gas transmission pipeline located beneath the site in a northwest to southeast direction. Because of this, residential uses on the site would be required to observe significant setbacks from the pipeline, which would limit the amount of land available for development. Re-designation of the site to HHDR and rezone to R-3 is not recommended.

Commissioner Pruitt clarified that the Commission is looking only at sites 5a and 14a for consideration.

Principal Planner Wright informed the Commission that those two sites were identified by the City Council for re-designation to HHDR.

Commissioner Villagomez inquired if Site 5a northern parcel was part of the equestrian overlay.

Principal Planner Wright informed the Commission that the northern parcel of Site 5a is part of the equestrian overlay.

Commissioner Villagomez suggested that the Commission consider GPA23007 parcel and Site 14a for re-zoning.

OPEN PUBLIC HEARING

Gary Cooner, resident, spoke against the re-zoning to higher density.

Jenifer Dieleman, resident, spoke against the re-zoning to higher density in the Mira Loma area. Ms. Dieleman does not want low-income housing across from her home.

Roberto Ramirez, resident, spoke against re-zoning to higher density in the Mira Loma area. Mr. Ramirez requested that the rezones be implemented in other parts of the City.

Erika Soriano, Administrative Services Coordinator, read into the record an email received from Debi Myers, representative of the owner

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for site 14a requesting that the Commission consider the additional parking lot acreage for a total of 5.3 acres.

PUBLIC HEARING CLOSED

COMMISSION DISCUSSION

Chair Pro Tem Newman agreed with staff recommendations.

Commissioner Pruitt recommended the removal of GPA 23005 and CZ23008 parcel from Site 5a since the northern parcel is part of the equestrian overlay.

Commissioner Villagomez recommended the approval of GPA23007 and CZ23010 parcel from Site 5a and approve site 14a with the additional acreage from the parking lot.

City Attorney Brendan Kearns informed the Commission that they would only be able to take action on the sites that were included on the Public Hearing notice.

Chair Pro Tem Newman agreed with Commissioner Pruitt recommendation in the removal of parcel GPA 23005 and CZ23008 from Site 5a.

Chair Pro Tem Newman moved and Commissioner Pruitt seconded to adopt Resolution No. PC-2023-09 recommending that the City Council approve an addendum to a certified programmatic final Environmental Impact Report and adopt findings pursuant to the California Environmental Act; adopt proposed General Plan Land Use Map Amendments; and adopt proposed Zoning Map Amendments with the following amendments to remove GPA23005 and CZ23008 from site 5a and request that City Council consider the additional parking lot acreage from Site 14a.

The motion was approved (3-1), with Commissioner Villagomez voting no and Commissioner Jackson absent.

Ayes: Shultz, Newman, and Pruitt

Noes: Villagomez

Abstained: None

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Absent: Jackson

**COMMISSION
BUSINESS**

None.

**PUBLIC COMMENTS/
APPEARANCE**

No comments received.

**PLANNING
COMMISSIONERS'
REPORTS/COMMENTS**

Commissioner Villagomez said she visited the Civil Rights Institute Center and recommends that the Commission and residents visit. Also, Commissioner Villagomez invited residents to a Walk-A-Thon to raise awareness for Type 1 Diabetes; all proceeds will go to Padre Foundation to help the Soria Family. Commissioner Villagomez invited the Commission and residents to attend Historic Mira Loma's 2nd annual clean up on Saturday, June 3, 2023, from 7:00 A.M. – 10 A.M., volunteers will meet at the corner of Bain Street and Jurupa Rd.

Chair Shultz informed the Commission and residents that the Jurupa Valley Pro Rodeo is scheduled for June 9th and 10th at the Rick Thompson Arena.

**COMMUNITY
DEVELOPMENT**

None

ADJOURNMENT

There being no further business before the Planning Commission, Chair Shultz adjourned the meeting at 10:24 P.M.

Respectfully submitted,



Joe Perez, Community Development Director
Secretary of the Planning Commission