

ORDINANCE NO. 2019-08

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY,
CALIFORNIA, AMENDING SECTION 9.100.030
("MINIMUM AREA FOR ZONE") OF CHAPTER 9.100 ("R-
4 ZONE (PLANNED RESIDENTIAL)") OF TITLE 9
("PLANNING AND ZONING") OF THE JURUPA VALLEY
MUNICIPAL CODE CONCERNING LIMITED WAIVERS
OF THE MINIMUM AREA REQUIREMENTS FOR
PREMISES IN THE R-4 ZONE, AND FINDING AN
EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3)
OF THE CEQA GUIDELINES**

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

Section 1. Project Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) At the March 21, 2019 regular City Council meeting, the City Council initiated an amendment to Section 9.100.030 ("Minimum Area For Zone") of Chapter 9.100 ("R-4 Zone (Planned Residential)") of Title 9 ("Planning and Zoning") of the Jurupa Valley Municipal Code, concerning the adoption of waiver procedures applicable to the minimum area requirement of nine (9) acres for premises in the R-4 Zone (the "Code Amendment") and requested that the Planning Commission study and report on the proposed Code Amendment, as set forth in this Ordinance.

(b) On May 22, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on the proposed Code Amendment set forth in this Ordinance, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearings and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-05-22-01 recommending that the City Council approve the proposed Code Amendment.

(c) On July 18, 2019, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the proposed Code Amendment, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

(d) All legal preconditions to the adoption of this Ordinance have occurred.

Section 2. CEQA Finding. The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, permitting waivers of

the minimum area requirement for premises in the R-4 Zone and adopting standards for such waivers, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as applications for waivers are submitted to the City. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA exemption, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

Section 3. Project Findings. The City Council hereby finds, as required by the Jurupa Valley Ordinances and applicable state law, that the proposed Code Amendment should be adopted because the proposed Code Amendment is consistent with the City of Jurupa Valley General Plan in that there is no change to the permitted uses or development standards for the lots of the R-4 Zone.

Section 4. Amendment to Section 9.100.030., Minimum Area for Zone. Section 9.100.030., Minimum Area for Zone, of Chapter 9.100, R-4 Zone (Planned Residential), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"Sec. 9.100.030. - Minimum area for zone.

The R-4 Zone shall not be applied to any area containing less than nine (9) acres unless the City Council grants a waiver to the minimum area requirement for an R-4 zone. The waiver application shall be processed in accordance with Sec. 9.100.030 (1) and (2):

- (1) Waiver Application. Applications shall be made to the City Council on forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.65 for a Change of Zone application.
- (2) Processing Waiver Application.
 - (a) Planning Commission's Recommendation. The Planning Commission shall review the waiver request and make a recommendation to the City Council.
 - (b) Approving Body. The City Council is the approving body for the 9-acre area waiver.
 - (c) Approval of Waiver. The approval of the waiver application shall become effective upon a determination by the Planning Director that the corresponding Change of Zone application is complete. The approval of the waiver application shall become null and void upon either of the following:
 - (i) The application becomes inactive, or is abandoned for a period of ninety (90) days; or

- (ii) The proposed development project has changed substantially from the approved conceptual development project of the waiver application.

The waiver period shall terminate upon City Council action on the change of zone application."

Section 5. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 6. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

Section 7. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

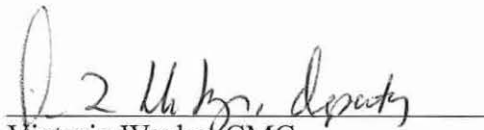
Section 8. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 1st day of August, 2019.



Brian Berkson
Mayor

ATTEST:



Victoria Wasko, CMC
City Clerk

CERTIFICATION

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

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-08 was regularly introduced at a regular meeting of the City Council held on the 18th day of July, 2019 and thereafter at a regular meeting held on the 1st day of August, 2019 it was duly passed and adopted by the following vote of the City Council:

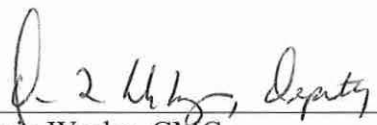
AYES: C. BARAJAS, L. BARAJAS, B. BERKSON, A. KELLY

NOES: NONE

ABSENT: M. GOODLAND

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 1st day of August, 2019



Victoria Wasko, CMC
City Clerk