

## **ORDINANCE NO. 2024-11**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP FOR CHANGE OF ZONE NO. 23005 TO CHANGE A PORTION OF THE SITE FROM M-SC (MANUFACTURING – SERVICE COMMERCIAL) TO C-P-S (SCENIC HIGHWAY COMMERCIAL) AND CHANGE ANOTHER PORTION OF THE SITE FROM C-P-S AND M-SC TO W-1 (WATERCOURSE, WATERSHED AND CONSERVATION AREAS) FOR THE DE ANZA MARKETPLACE LOCATED AT 8304-8380 LIMONITE AVENUE AND 6105 CLAY STREET (ASSESSOR PARCEL NUMBERS: 163-400- 036, -037, -038, -040, -041, -042, -043, -044, -045), AND FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CEQA GUIDELINES SECTION 15162**

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

**Section 1.**     **Project.** The City has identified an inconsistency between the General Plan Land Use Map and the zoning map with respect to the De Anza Market Place Shopping Center located at 8304-8380 Limonite Avenue and 6105 Clay Street (Assessor Parcel Numbers: 163-400-036, -037, -038, -040, -041, -042, -043, -044, -045) and initiated a General Plan Amendment and zone change to fix the inconsistency (the “Project”). This ordinance addresses the change of zone. The General Plan amendment will be considered by separate resolution.

**Section 2.**     **Change of Zone.**

(a)     The City has initiated Change of Zone No. 23005 to change the zone of approximately 5.1 acres of real property located at 8304-8380 Limonite Avenue and 6105 Clay Street (Assessor Parcel Numbers 163-400-036, -037, -040, and -042) as follows:

1)     1.89 acres (APN 163-400-036) from Scenic Highway Commercial (C-P-S) and Manufacturing-Service Commercial (M-SC) to Watercourse, Watershed and Conservation Areas (W-1);

2)     Approximately 0.08 acres of the 3.73 acres identified as APN 163-400-037 from Manufacturing Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S);

3)     Approximately 2.02 acres of the 6.03 acres (APN 163-400-040) from Manufacturing Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S); and

4)     1.11 acres (portion of APN 163-400-042) from Manufacturing Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S).

The above-referenced changes are depicted on Exhibit "A".

(b) Section 9.285.010. of the Jurupa Valley Municipal Code provides that amendments to Title 9 of the Jurupa Valley Municipal Code must be made in accordance with the procedures set forth in Government Code Section 65800 *et seq.*, as now enacted or hereafter amended, and with the requirements of Title 9. Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment changes any property from one zone to another, shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive.

(c) Government Code Section 65854 provides that the Planning Commission must hold a public hearing on the proposed amendment to a zoning ordinance, with notice of the hearing given pursuant to Government Code Section 65090 and, if the proposed amendment to a zoning ordinance affects the permitted uses of real property, also given pursuant to Government Code Section 65091. Additionally, Sections 9.285.040.(1) and (2) of the Jurupa Valley Municipal Code provide that the Planning Commission shall hold a noticed public hearing on a proposed amendment to Title 9 of the Jurupa Valley Municipal Code that proposes to change property from one zone to another.

(d) Government Code Section 65855 provides that after the hearing, the Planning Commission must render its decision in the form of a written recommendation to the legislative body, which must include the reasons for the recommendation, the relationship of the proposed amendment to applicable general and specific plans, and must transmit the recommendation to the legislative body in such form and manner as may be specified by the legislative body. Additionally, Section 9.285.040.(3) of the Jurupa Valley Municipal Code provides that, after closing the public hearing, the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which shall contain the reasons for the recommendation and the relationship of the proposed amendment to 2017 General Plan. A copy of the recommendation shall be mailed to the applicant and proof thereof shall be shown on the original transmitted to the City Council.

(e) Government Code Section 65856(a) provides that upon receipt of the recommendation of the Planning Commission, the legislative body must hold a public hearing. Additionally, Section 9.285.040.(4)(a) of the Jurupa Valley Municipal Code provides that upon receipt of a recommendation for approval by the Planning Commission, the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day, and give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the Planning Commission.

(f) Government Code Section 65857 provides that the legislative body may approve, modify, or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the Planning Commission during its hearing, must first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Additionally, Section 9.285.040.(5) of the Jurupa Valley Municipal Code provides that after closing the public hearing the City Council must render its decision within a reasonable time and may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any proposed modification of the Planning

Commission's recommendation not previously considered by the Planning Commission must first be referred back to the Planning Commission for a report and recommendation.

**Section 3. Procedural Findings.** The City Council of the City of Jurupa Valley does hereby find, determine, and declare that:

(a) Change of Zone No. 23003 (the "Project") was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On March 13, 2023, the Planning Commission of the City of Jurupa Valley held a public hearing on the Project at which time all persons interested in the Project 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. Following a discussion of the Project the Planning Commission voted 3-0-2 (with Commissioners Newman and Jackson absent), to adopt Planning Commission Resolution No. 2024-08, recommending approval of the Project and finding no further environmental review is required under CEQA Guidelines Section 15162.

(c) On May 2, 2024, the City Council of the City of Jurupa Valley held a public hearing on the Project 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.

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

**Section 4. California Environmental Quality Act Findings.** The City Council of the City of Jurupa Valley makes the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*) and Section 15162 of the State Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*), City staff has considered the potential environmental impacts of the Project. On September 7, 2017, the Jurupa Valley City Council adopted Resolution No. 2017-14 certifying a Final Environmental Impact Report (FEIR), State Clearinghouse No. 2016021025, for the Jurupa Valley General Plan. City staff reviewed the FEIR for the Jurupa Valley General Plan, including the impacts and mitigation measures identified therein, and prepared a Previous Environmental Document Review Determination for the Project in accordance with CEQA. Based on that review, City staff has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the FEIR. All potential environmental impacts associated with the Project are adequately addressed by the FEIR, and the mitigation measures contained in the FEIR will reduce those impacts to a level that is less than significant.

(b) The City Council has independently reviewed the Previous Environmental Document Review Determination attached hereto as "B", and based upon the whole record before

it, the Previous Environmental Document Review Determination, and its independent review and judgment, finds that that the Project is not subject to further environmental review pursuant to the Guidelines because:

1) The Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the FEIR; and

2) All potential environmental impacts associated with the Project are adequately addressed by the FEIR, and the mitigation measures contained in the FEIR will reduce those impacts to a level that is less than significant.

(c) The custodian of records for the FEIR, and all other materials that constitute the record of proceedings upon which the City Council determination is based, is the Community Development Department of the City of Jurupa Valley. Those documents are available for public review in the Community Development Department located at 8930 Limonite Avenue, Jurupa Valley, California 92509.

**Section 5. Findings for Approval of Change of Zone.** The City Council of the City of Jurupa Valley hereby finds and determines that Change of Zone No. 23003 should be adopted because it is necessary for the Project site to be consistent with the General Plan. With General Plan Amendment No. 23003, the land use designation of this site will be Commercial Retail (CR), with a small portion designated as Open Space Conservation Habitat (OS-CH). The property is currently zoned as Scenic Highway Commercial (C-P-S) and Manufacturing Service Commercial M-SC. These zones are not consistent with the Commercial Retail (CR) and Open Space Conservation Habitat (OS-CH) land use designations and are not consistent with the current use of the property. As such a change of zone is required so that the zoning can be compatible with the new land use designations.

**Section 6. Approval of Change of Zone.** Based on the foregoing, the City Council of the City of Jurupa Valley hereby:

1) Approves Change of Zone No. 23005 to change the zone of approximately 11.92 acres of real property located at 8304-8380 Limonite Avenue and 6105 Clay Street (Assessor Parcel Numbers 163-400-036, -037, -040, and -042) changing a portion of the site described above from M-SC (Manufacturing -- Service Commercial) to C-P-S (Scenic Highway Commercial) and a portion of the site from C-P-S and M-SC to W-1 (Watercourse, Watershed and Conservation Areas as depicted in Exhibit "A" attached hereto; and

2) Directs the City Manager to revise the official City of Jurupa Valley Zoning Map to designate the properties as being in these new zones.

**Section 7. 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 8. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside incorporated by the City of Jurupa Valley that may be in conflict with the terms of this Ordinance.

**Section 9. 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 10. 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 16<sup>th</sup> day of May, 2024.

  
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Guillermo Silva  
Mayor

ATTEST:

  
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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. 2024-11 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 2<sup>nd</sup> day of May, 2024, and thereafter at a regular meeting held on the 16<sup>th</sup> day of May, 2024 it was duly passed and adopted by the following vote of the City Council:

**AYES:**               **ALTAMIRANO, BARAJAS, BERKSON, CARMONA, 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 16<sup>th</sup> day of May, 2024.



Victoria Wasko, City Clerk  
City of Jurupa Valley

## Exhibit "A"



## EXHIBIT A

### ZONING MAP WITH PROPOSED CHANGES

