

ORDINANCE NO. 2025-03

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADDING SECTIONS 9.05.105 AND 9.05.108 TO TITLE 9 (PLANNING AND ZONING) OF THE JURUPA VALLEY MUNICIPAL CODE ESTABLISHING APPEALS PROCESSES FOR STREAMLINED, MINISTERIAL HOUSING PROJECTS AND FOR INCOMPLETENESS DETERMINATIONS UNDER THE PERMIT STREAMLINING ACT, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. New State laws require streamlined ministerial review of housing development projects on the basis of objective standards. These projects must be approved without a public hearing, discretionary findings, or review by the Planning Commission or City Council. The City's Municipal Code does not include a process to appeal (1) an approval or denial of a housing project, or (2) a determination made by the Community Development Director or staff that an application for a development project is incomplete as required by Government Code Section 65943. The City does not have sufficient time to adopt a regular ordinance establishing this appeal process before the new laws go into effect.

Section 2. A new Section 9.05.105 is hereby added to Chapter 9.105 (Land Use Ordinance) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code to read as follows:

"Sec. 9.05.105 Appeals process for streamlined, ministerial housing projects

A. **Applicability.** This section shall apply to any housing development project that must be approved ministerially pursuant to State law. For purposes of this section, ministerial approval means a project that is approved by staff on the basis of objective standards and is not subject to a public hearing before the Planning Commission or City Council.

B. **Appeals to Planning Commission.** Any person seeking to appeal the decision of the Community Development Director to either approve or deny a housing development project that is subject to ministerial review, may appeal such decision by filing an appeal with the City Clerk within 15 calendar days of the date of the written notice of the decision. The appeal shall be made on the forms provided by the Community Development Department and shall be accompanied by the applicable filing fee as set forth by resolution. Upon receipt of a completed appeal form, the City Clerk shall set the matter of the appeal for a hearing before the Planning Commission not less than fifteen (15) nor more than sixty (60) days thereafter and shall give written notice of the hearing to the applicant, appellant, and the Community Development Director. The Planning Commission shall hear the appeal de novo. The Planning Commission shall render its decision within thirty (30) days following the close of the appeal hearing.

C. Appeals to City Council. An appeal of the Planning Commission decision to the City Council shall be filed and processed pursuant to the procedures set forth in Section 9.05.100. An appeal may be filed by the applicant, owner of the property subject to the application, a person who presented oral or written comments to the Planning Commission, or any other interested person. An appeal may also be filed by an individual Council Member or by the City Council, provided, however, that any such appeal shall be solely on the basis that the issues related to the application are important to the city and should be decided by the entire City Council, and, provided further, that an appeal by an individual Council Member or the Council shall not mean, nor shall it be construed to mean, that the individual Council Member or the City Council is expressing a view in favor of or in opposition to the application.”

Section 3. Sec. 9.05.108 Appeals process for incompleteness determinations under the Permit Streamlining Act.

A. Applicability. This section shall apply to any development project that is subject to California Government Code Section 65920 (the Permit Streamlining Act).

B. An applicant for a development project that is subject to the Permit Streamlining Act may appeal staff's determination that the zoning application is incomplete.

C. The appeal shall be in writing and shall state the facts and basis for the appeal, and the relief or action sought, and shall be accompanied by the required fee.

D. The appeal shall be filed with the City Clerk within 15 calendar days of the date of the written determination that the application is incomplete.

E. The appeal shall be heard by the City Council no later than sixty days after the filing of the appeal.

F. After receiving an appeal from the determination that the application is incomplete, and following a public hearing, the City Council, whose decision is final, by the affirmative vote of a majority of its voting members, shall determine whether the application is complete or incomplete. In order to determine that an application is incomplete, the City Council must make all of the following findings:

(1) The item or items identified as incomplete by the city were included in the city's submittal requirement checklist.

(2) The city provided the applicant with a notice of the incomplete item or items within thirty calendar days after the city received the applicant's application.

(3) The notice specified those parts of the application that were incomplete and indicated the manner in which they could be made complete, including a list and thorough description of the specific information needed to complete the application.

(4) The applicant resubmitted the application.

(5) The materials provided by the applicant with the resubmitted application did not include information identified and described in the notice of incompleteness.

G. The city shall provide the applicant a written notice of the City Council's decision following the hearing and before the expiration of the sixty-day period for hearing the appeal.”

Section 4. Urgency Declaration. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and declares that it shall take effect immediately upon its adoption as an urgency ordinance pursuant to Government Code Sections 36934 and 36937. The public peace, health, and safety require the adoption of this urgency ordinance since the City is required, by State law, to ministerially approve certain housing development projects. The City does not currently have an appeals process for ministerially approved projects which means that if a project is approved or denied, that approval or denial is considered final without the opportunity for the Planning Commission or the City Council to review the project and ensure it is designed in a manner that protects the public health and safety. Similarly, an applicant aggrieved by a decision of the Community Development Director would not have an opportunity to have that decision reviewed by the Planning Commission or City Council which could result in a delay of the approval of a housing development project. There is also not an appeals process for staff determinations that a development application is incomplete under the Permit Streamlining Act. For these reasons, as well as the reasons set forth in Section 1 above, the City adopts this ordinance as an urgency ordinance so that it can take effect immediately.

Section 5. CEQA. The City Council finds that the Urgency Ordinance does not constitute a "project" within the meaning of CEQA Guidelines Section 15060(c)(2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment, and CEQA Guidelines Section 15378 because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. The City Council further finds that even if the Urgency Ordinance is a project under CEQA that it falls within the "common sense" CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Adoption of the Urgency Ordinance does not allow for the approval or disapproval of any development in the City. Instead, it merely creates an appeals process by which streamlined housing development projects and incompleteness determinations for development projects may be appealed.

Section 6. Severability. If any section or provision of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Urgency Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Urgency Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

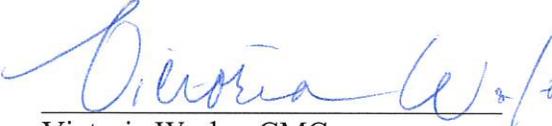
Section 7. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Urgency Ordinance and shall cause the same to be published and posted in the manner required by law.

Section 8. Effective Date. This Urgency Ordinance shall take effect immediately upon introduction.



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 Urgency Ordinance was adopted at a regular meeting of the City Council on January 16, 2025 by the following vote of the City Council:

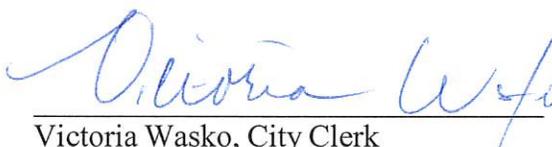
AYES: BARAJAS, BERKSON, CARMONA, SANCHEZ, SILVA

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 16th day of January, 2025.



Victoria Wasko, City Clerk
City of Jurupa Valley