JOINT SPECIAL MEETING OF
CITY COUNCIL AND PLANNING COMMISSION
Wednesday, January 30, 2019
Joint Workshop: 6:00 p.m.
City Council Chamber
8930 Limonite Avenue, Jurupa Valley, CA 92509

A. As a courtesy to those in attendance, we ask that cell phones be turned off or set to their silent mode and that you keep talking to a minimum so that all persons can hear the comments of the public and City Council.

B. A member of the public who wishes to speak under Public Comments must fill out a “Speaker Card” and submit it to the City Clerk BEFORE the Mayor calls for Public Comments on an agenda item. Each agenda item up will be open for public comments before taking action. Public comments on subjects that are not on the agenda can be made during the “Public Appearance/Comments” portion of the agenda.

C. As a courtesy to others and to assure that each person wishing to be heard has an opportunity to speak, please limit your comments to 3 minutes.

1. 6:00 P.M. - JOINT WORKSHOP MEETING

CALL TO ORDER – CITY COUNCIL:

- Brian Berkson, Mayor
- Anthony Kelly, Jr., Mayor Pro-Tem
- Chris Barajas, Council Member
- Lorena Barajas, Council Member
- Micheal Goodland, Council Member

CALL TO ORDER – PLANNING COMMISSION:

- Corey Moore, Chair
- Arleen Pruitt, Vice-Chair
- Mariana Lopez, Planning Commissioner
- Penny Newman, Planning Commissioner
- Guillermo Silva, Planning Commissioner
2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. WORK SESSION REGARDING FUTURE LAND USE AND DEVELOPMENT IN JURUPA VALLEY

A. CONDUCT A JOINT CITY COUNCIL - PLANNING COMMISSION WORKSHOP TO DISCUSS FUTURE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WITHIN THE CITY OF JURUPA VALLEY

Requested Action: That the City Council and Planning Commission conduct the joint workshop and provide direction to staff with parameters for processing future development applications.

5. PUBLIC APPEARANCE/COMMENTS

Persons wishing to address the City Council on subjects other than those listed on the Agenda are requested to do so at this time. A member of the public who wishes to speak under Public Appearance/Comments OR the Consent Calendar must fill out a “Speaker Card” and submit it to the City Clerk BEFORE the Mayor calls for Public Comments on an agenda item. When addressing the City Council, please come to the podium and state your name and address for the record. While listing your name and address is not required, it helps us to provide follow-up information to you if needed. In order to conduct a timely meeting, we ask that you keep your comments to 3 minutes. Government Code Section 54954.2 prohibits the City Council from taking action on a specific item until it appears on an agenda.

6. ADJOURNMENT

Adjourn to the Regular Meeting of February 7, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a meeting of the Jurupa Valley City Council or other services, please contact Jurupa Valley City Hall at (951) 332-6464. Notification at least 48 hours prior to the meeting or time when services are needed will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Agendas of public meetings and any other writings distributed to all, or a majority of, Jurupa Valley City Council Members in connection with a matter subject to discussion or consideration at an open meeting of the City Council are public records. If such writing is distributed less than 72 hours prior to a public meeting, the writing will be made available for public inspection at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, Jurupa Valley City Council Members. The City Council may also post the writing on its Internet website at www.jurupavalley.org.

Agendas and Minutes are posted on the City’s website at www.jurupavalley.org.
STAFF REPORT

DATE: JANUARY 30, 2019

TO: HONORABLE MAYOR, CITY COUNCIL, AND MEMBERS OF THE PLANNING COMMISSION

FROM: GARY THOMPSON, CITY MANAGER

SUBJECT: AGENDA ITEM NO. 4.A

CONDUCT A JOINT CITY COUNCIL - PLANNING COMMISSION WORKSHOP TO DISCUSS FUTURE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WITHIN THE CITY OF JURUPA VALLEY

RECOMMENDATION

Conduct the joint workshop discussion and provide direction to staff with parameters for processing future development applications.

BACKGROUND

One of the key aspects of any city’s responsibility is the land use and development decision making process. And as such, under the City of Jurupa Valley’s Municipal Code, the City Council, Planning Commission and Planning Department comprise what is termed as the “Planning Agency.” One or more of the three adjudicative bodies of the Planning Agency are involved in the decision making process for development projects, dependent upon the level of review required for a specific project. The level of review for approval or disapproval, and appeal levels, for specific types of projects are set by City Council policy.

From time to time, as personnel on the City Council and Planning Commission change, inconsistencies can arise between what the direction has been for processing and approving projects in the past, and what newer personnel on the adjudicative body(s) may envision as to the direction the City should take.

In recognition that the City Council and Planning Commission have seen significant personnel changes over the last few months, it is important for City staff to have a clear understanding of the philosophical and technical desires of both bodies as to what type and level of development should occur in the City. Thus, this workshop will provide the opportunity for the City Council and Planning Commission to provide valuable input to
City staff for moving forward on current and future development projects currently in the planning entitlement process.

ANALYSIS

The focus of this workshop is to provide for an interactive discussion pertaining to the types of residential, commercial/business and industrial development the current Planning Commission and City Council envisions for the City, at a level of detail to ensure that projects that are processed are commensurate with what is envisioned. The goal is to have a reasonable consensus between the City Council and Planning Commission on how all development is envisioned so City staff can ensure developers and the general public, are fully informed as to what will, or will not be acceptable in all or parts of the City.

This is extremely important due to the costs that developers incur for processing development applications. These costs can run into the hundreds of thousands of dollars inclusive of application processing costs through the City, and applicant expenditures for their own design, engineering and environmental related project costs. Because of these costs, it is important that developers understand the potential success or risks of any specific development proposal being approved or rejected by the Planning Commission and/or the City Council.

Good public policy dictates that staff be in a position to ensure that the best information is available to any potential developer or property owner looking to develop within the City. Development and the willingness to invest in the City is currently stagnated. The question will ultimately be whether or not there is a will by investors to make the capital commitments in the City based on your vision.

The overall guiding document for development and other related activities in the City is the General Plan. The City’s first, and current General Plan, was adopted in 2017 after a very lengthy public process gathering information, and establishing the various elements of the General Plan. The General Plan includes Goals, Policies and Programs for each of the Elements for implementing the General Plan.

However, it must be noted that the General Plan is in essence an overall “blueprint” for the development and trajectory of the City into the future, and is subject to many impacting factors that may influence the basic premises of some of the Elements, Goals and Policies. Examples of impacting factors affecting these Elements, Goals and Policies are state mandates that usurp local government authority, in particular with respect to housing, and other factors such as the recent voter initiative legalizing cannabis activity in the City which will directly and negatively impact the Economic Sustainability, Environmental Justice, and Healthy Communities Elements.

In the context of the aforementioned information provided, the following are discussion items that staff believes should be the focus of the workshop. Direction provided at this workshop will also provide staff an opportunity to address the outcomes from this
workshop during the Economic Development workshop scheduled for the February 7, 2019 City Council Meeting.

General Discussion Points

- Recognition that Jurupa Valley is not a “planned community” like Eastvale and never will be.

- Significant “blight” is prevalent in the City, in particular in many residential and several commercial/industrial areas.
  
  ✓ Blight is understood to mean conditions that inhibit capital investment into the community. In Jurupa Valley, it generally consists of graffiti, road conditions, illegal dumping, roadside truck parking, poor property maintenance and vacant buildings that send a message that the City is in decline.

- Past commercial and residential development under the County was haphazard.

- No growth versus managed growth - residential, commercial/business, industrial - must have an appropriate balance – “no growth” is not an option.

- Negativity toward growth from some in the community- “squeaky wheel” syndrome- 106,000 residents- what is the real desire of the whole?

- Property owner rights for development - “reasonable return on investment”, and marketability.

- What message is being sent to the development community based on the City’s actions?

- Subdivision Map Act provisions.

- City services sustainability - revenue generation versus costs of services.

Commercial Development

- Industrial development- warehouses outside the Mira Loma Warehouse Policy Zone - what is acceptable and where?

- Development Agreements and Community Benefit Agreements.

- Reality of barriers to retail/restaurant business attraction to the City.
  
  ✓ Demographics/Median Income.
✓ Population factors- residential and daytime.
✓ Is there a return on investment?

- Reality of the barriers to large “big box” retail due to e-commerce (warehouses).
  ✓ Smaller shopping centers with smaller shops.
  ✓ Freeway visibility/accessibility versus infill.
- Perceived image of the City.

Residential Development

- Large lots versus smaller lots for affordability - what is acceptable and where?
  ✓ Compliance with state housing requirements for low income and affordable housing.
  ✓ Restrictions by the state on authority to limit multi-family housing (second units).
  ✓ Can each of the 9 communities have its own character and density?
  ✓ What is the market demand, where are the shortages in the City, and what is practical to be built?
- Balancing “rural” and suburban/urban.
  ✓ Community negativity towards anything less than one half acre.
  ✓ State mandates drive the discussion.
- Bottom line – Article from the Associated Press dated January 11, 2019:

  “SACRAMENTO, Calif. (AP) - California Gov. Gavin Newsom proposed a $1.75 billion plan for housing Thursday and threatened to withhold transportation money from local governments that don’t build their fair share, declaring he’s not playing "small ball" on California’s crisis.” “To me, transportation is housing, housing is transportation,” he said, adding that if local governments are “not hitting your goals, I don’t know why you’re getting the money.”

Recently, all cities in California received a letter from the Legal Affairs Division of the California Department of Housing and Community Development (copy attached) emphasizing the legal obligations of cities to ensure all housing
statutes are met and reminding cities of the state’s legal authority to enforce these statutes.

Approval/Appeal Levels

There are different levels of approvals and appeals within the planning process for every development application. These approval levels are set by City Council policy and can be revised at any time by the City Council.

- There are four primary approval levels for any development related project in the city:
  - Administrative - small projects with minor impacts and no change in zoning or land use.
  - Director Hearing - projects requiring a public hearing but more administrative in nature not requiring Planning Commission or City Council approval.
  - Planning Commission Hearing - significant projects that require Planning Commission approval. Some may also require City Council approval based on a Planning Commission recommendation such as a General Plan Amendment and/or a Zoning change. Director level actions that are appealed are heard by the Planning Commission.
  - City Council Hearing - all projects requiring City Council final approval, including appeals of projects based on Planning Commission decisions.

In conclusion, it is important that as the City continues to progress from a development standpoint, all property owners and developers have a general understanding of what to anticipate for proposals they may want to bring forward. This workshop provides the best opportunity for assisting in ensuring staff has the best available information to provide any development applicant when discussing their proposal.

OTHER INFORMATION

None.

FINANCIAL IMPACT

None.

ALTERNATIVES

Not Applicable.
Submitted by:

Gary Thompson
City Manager

Reviewed by:

Peter M. Thorson
City Attorney

Attachments:

1) Letter from the California Department of Housing and Community Development-Legal Affairs Division
January 2, 2019

City Attorney of Record
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Dear City Attorney of Record:

RE: Housing Accountability and Enforcement

The 2017 Legislative Housing Package enacted obligations for local governments to deliver on housing commitments, and it provided the Department of Housing and Community Development (Department) with the authority to enforce those commitments (attached). On January 1, 2019, additional laws will enhance the ability and authority of the Department and local governments to provide housing opportunities to all Californians. These laws provide a renewed focus on housing and local government accountability, and they provide the tools necessary for local governments and the Department to work toward availability of housing for all Californians.

The following provides a brief summary and reference to housing legislation from the most recent legislative session, effective January 1, 2019, to assist your jurisdiction in compliance with the newly enacted laws:

**Housing Discrimination: Affirmative Furtherance of Fair Housing AB 686 (Santiago)** - Requires local governments to administer programs relating to housing and community development in a manner that furthers fair housing, and to not take any action materially inconsistent with this obligation. Requires revisions to the housing element occurring on and after January 1, 2021, to include an assessment of fair housing implementation within its jurisdiction. (Gov. Code § 65583 and Chapter 15 (commencing with §8899.50).

**Planning and Zoning: Charter Cities SB 1333 (Wieckowski)** – Expressly clarifies that provisions of Planning and Zoning Law regarding general plans, specific plans and the adoption and review of housing elements, apply to charter cities. (Gov. Code, §§65356, 65852.150, 65852.25, 65860, 65863, 65863.4, 65863.6, 65863.8, 65866, 65867.5 and 65869.5, 65300.5, 65301.5, 66359, 66450, 66454, 66455, 65460.8, 65590, 65590.1 and Article 10.6).

**Planning and Zoning: Regional Housing Needs Assessment AB 1771 (Bloom)** – Revises the objectives required in a regional housing needs allocation plan (Gov. Code §§ 65584, 65584.01, 65584.04, 65584.05 and 65584.06), and requires the regional housing needs allocation plan to include an objective to increase access to areas of opportunity for lower income residents while avoiding displacement and furthering the goals of fair housing.
Land Use Housing Element: SB 828 (Wiener) – Prohibits the continued underproduction of housing by relying on static population numbers from a previous housing element cycle as justification for a determination or reduction in the jurisdiction's share of the regional housing need. (Gov. Code §§ 65584, 65584.01 and 65584.04).

Planning and Zoning: Housing Element and Development AB 2162 (Chiu) – Authorizes supportive housing as a use by right in zones where multifamily and mixed uses are permitted and the development meets enumerated criteria. Expands the exemption for the ministerial approval of projects under the California Environmental Quality Act. (Gov. Code §§ 65583 and 65650).

The laws enacted during the last two Legislative Sessions offer new regulatory and financial resources that (1) increase the enforcement authority of the Department against local governments that fail to adopt compliant housing elements and/or violate the Housing Accountability Act, Density Bonus Law or discriminate in the provision of housing; (2) provide critical funding for new affordable homes; (3) accelerate development to increase housing supply; (4) add certain accountability to localities in order to address housing needs in their communities; and (5) create opportunities for new affordable homes while preserving existing affordable homes.

This letter is for informational purposes only and is designed to facilitate dialogue and training of your jurisdiction's staff and management. For additional guidance or technical assistance, please contact Ryan Seeley or Anastasia Baskerville at 916-263-2769.

Sincerely,

Ryan Seeley
General Counsel

Anastasia Baskerville
Attorney IV

Attachment
2017 Housing Package

Housing Accountability Act: AB 678 (Bocanegra)/SB 167 (Skinner) and AB 1515 (Daly) — Strengthens the Housing Accountability Act (Gov. Code, § 65589.5). For example, the statute now (1) requires findings made by a locality to deny or reduce the density of a housing development to be based on a preponderance of the evidence, (2) requires courts to impose a fine of $10,000 or more per unit on localities that fail to comply with court orders to comply with the act, and (3) states that a housing development conforms with local land use requirements if there is substantial evidence that would allow a reasonable person to reach that conclusion. Housing organizations, market rate developers and tenants eligible to live in proposed developments prevailing in litigation regarding the Act are entitled to reasonable attorney fees in addition to the developer proposing the projects. The statute now states the Legislature’s intent that the section shall be interpreted and implemented to give the fullest possible weight to the interest of the local approval and provision of housing.

HCD Enforcement Authority: AB 72 (Santiago) — Authorizes the Department of Housing and Community Development (Department) to review any local action it determines is inconsistent with an adopted housing element, including failure to implement program actions, and requires the Department to issue findings as to whether the local action is out of compliance with state housing element law. If the Department finds the local action out of compliance, the legislation authorizes the Department to revoke a previous finding that a housing element is in compliance and to refer violations to the Attorney General. Housing element compliance is utilized as eligibility and scoring criteria in several funding programs. Localities out of compliance with housing element law could be ineligible or less competitive for funding. The Department may also refer violations to the Attorney General related to the Housing Accountability Act (Gov. Code, § 65589.5), No Net Loss Law (Gov. Code, § 65863), State Density Bonus Law (Gov. Code, §§ 65915-65918) and Anti-discrimination in Housing and Land Use (Gov. Code, § 65008).

No Net Loss: SB 166 (Skinner) — Amends the existing No Net Loss statute to require that a locality make sites available at all times throughout the planning period to accommodate its unmet share of the regional housing need for all income levels. Requires that at no time shall a locality cause its housing element sites inventory to be insufficient to meet its share of the regional housing need for lower- and moderate-income households. Requires a locality to make written findings supported by substantial evidence as to whether remaining sites in the housing element are adequate to accommodate its share of the regional housing need for each income category if any action results in reduction of density to, or the development of, fewer units by income category on a parcel than was indicated in the housing element for that parcel. If the approval of a specific development results in fewer units by income category, then the local government must identify and make available additional adequate sites to accommodate the remaining share of the regional housing need by income category within 180 days.

RHNA Performance and Streamlined Approvals: SB 35 (Wiener) — Creates a streamlined approval process for developments in localities that have not yet met their allocation of the regional housing need, as determined by the Department, or have failed to submit its annual housing reports for two consecutive years, provided that the development includes a specified level of affordability, is on an infill site, complies with existing residential and mixed use general plan or zoning provisions, and complies with other requirements such as locational and demolition provisions.
Housing Element Sites Inventory: AB 1397 (Low) – Makes a number of changes related to the inventory of sites requirement under Housing Element Law to ensure that localities are including sites that are available and developable within the planning period. Strengthens analysis requirements to demonstrate the suitability of non-vacant sites. For example, if more than 50 percent of the housing need for lower-income households is accommodated on non-vacant sites, the statute requires findings based on substantial evidence that existing uses are likely to be discontinued in the planning period. It also requires that a non-vacant site identified in a prior planning period may not be re-identified in a subsequent planning period unless the site will be rezoned within three years to allow development by-right for projects in which 20% of the units will be affordable to lower-income households. For vacant sites, the same by-right requirement applies if the site has already been included in two planning periods without developing.

Rental Inclusionary Requirements: AB 1505 (Bloom) – Authorizes localities to require rental housing developments to include a certain percentage of lower- or moderate-income units. These ordinances must provide alternative means of compliance that may include in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. The legislation provides limited authority to the Department to review inclusionary ordinances adopted or amended on or after September 15, 2017, that require more than 15 percent lower-income rental units in a development when the locality has failed to either meet 75% of its above moderate-income RHNA share over five consecutive years or submit its annual performance report for the last two years. The Department's review is limited to whether the locality submits an economic feasibility study in support of the ordinance that was prepared by a qualified entity and followed best professional practices.

Housing Sustainability Districts: AB 73 (Chiu) – Authorizes localities to create housing sustainability districts as a way to streamline the development of housing meeting various requirements. Provides state financial incentives to cities and counties that create sustainability districts, if the Legislature appropriates funds for that purpose.

Annual Progress Reports and Fee Study: AB 879 (Grayson) - Make various updates to housing element and annual report requirements to provide data on local implementation, including number of project application and approvals, processing times, and approval processes, and requires charter cities to submit housing element annual reports to the Department. It also requires the Department to deliver a report to the Legislature on how local fees impact the cost of housing development.

Affordable Housing Preservation: AB 1521 (Bloom and Chiu) - Strengthens the state’s Affordable Housing Preservation Notice Law (Gov. Code. §§ 65863.10 and 65863.11) and supports the preservation of deed-restricted affordable housing at risk of losing affordability. The revised law expands owner-noticing requirements and clarifies transactional provisions regarding owner acceptance of a bona fide offer to purchase from a qualified preservation purchaser. The law clarifies the types of injunctive relief available for affected tenants and public entities in the event of violations of the statute and provides the Department with additional tracking and enforcement responsibilities to ensure compliance.