

City of Jurupa Valley

STAFF REPORT

DATE: JUNE 14, 2023
TO: CHAIR SHULTZ MEMBERS OF THE PLANNING COMMISSION
FROM: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR
BY: JESUS HUERTA, ASSOCIATE PLANNER
SUBJECT: APPEAL NO. 23002: A REQUEST FOR A SETBACK ADJUSTMENT FOR THE DECREASE OF THE REAR YARD SETBACK FROM TEN (10) FEET TO TWO AND A HALF (2 ½) FEET FOR AN EXISTING PATIO COVER.
LOCATION: 3917 BOULDER DRIVE (APN: 174-393-040)
APPLICANT: DONALD & KIM CLARKE

RECOMMENDATION

By motion, adopt Resolution No. PC-2013-11 granting an appeal and to decrease the rear yard setback from ten (10) feet to two and a half (2 ½) feet for an existing attached patio cover at 3917 Boulder Drive and making a finding of exemption under California Environmental Quality Act.

BACKGROUND

On May 24, 2023, the Planning Commission conducted a public hearing to discuss the appeal of the Community Development Director's approval of a Setback Adjustment to allow an existing patio cover to be six (6) feet from the rear property line instead of the required ten (10) feet. The applicant requested a rear yard setback adjustment from ten (10) feet to two and a half (2 ½) feet to allow the patio cover to remain.

After the Planning Commission officially closed the public hearing, they instructed staff to draft a resolution that would grant an appeal of and reverse the Community Development Director's approval for setback adjustment. This resolution is scheduled to be presented to the Planning Commission for their consideration during the June 14, 2023 meeting. The requested resolution is included as Attachment 1.

DELIBERATION

During deliberation, the Planning Commission considered the applicant's concerns for modifying the existing attached patio cover to meet the Director's approved setback

adjustment at 6 feet from the rear yard line and the following key points as summarized below:

- The applicant stated she was misinformed by her contractor regarding obtaining the necessary permits from the City of Jurupa Valley.
- Possible fire safety concerns with the current configuration of the patio cover.
- Other potential proposals by property owners in the same community.

In conclusion, staff has been directed to prepare a resolution for review and consideration at the June 14, 2023 regular meeting.

ENVIRONMENTAL REVIEW

The project qualifies for an exemption under CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures.

NOTICING REQUIREMENTS

The Community Development Department noticed the May 24, 2023 Planning Commission hearing by mailing 10-day hearing notices to surrounding property owners within 1,000 feet of the boundaries of the project site. Additionally, a 10-day legal advertisement was published in the Press Enterprise. As of the date of this report, no public comments or concerns have been received regarding the project. No public notice is required to bring forth the resolution for granting the appeal.

CONCLUSION

The Resolution No. PC-2023-11 granting the appeal has been prepared in accordance with the Planning Commission's direction for action.

Prepared by:



Jesus Huerta
Associate Planner

Submitted by:



Joe Perez
Community Development Director

Reviewed by:

//s// Maricela Marroquin

Maricela Marroquin

ATTACHMENTS

1. Resolution No. PC-2023-11

RESOLUTION NO. PC-2023-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY GRANTING AN APPEAL OF AND REVERSING THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF A SETBACK ADJUSTMENT TO DECREASE THE REAR YARD SETBACK FROM TEN (10) FEET TO SIX (6) FEET FOR THE PROPERTY LOCATED AT 3917 BOULDER DRIVE (APN 174-393-040), APPROVING A SETBACK ADJUSTMENT TO DECREASE THE REAR YARD SETBACK FROM TEN (10) FEET TO TWO AND A HALF (2 ½) FEET FOR THE SAME PROPERTY, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project.

(a) Donald and Kim Clarke ("Applicants") applied for Setback Adjustment requesting to modify the rear yard setback of the property located at 3917 Boulder Drive from ten (10) feet to two and a half (2 ½) feet to allow the unpermitted patio cover at its existing configuration ("Project"). The decrease in the rear yard setback would allow the Applicants to legalize the unpermitted three-hundred (300) square foot attached patio cover. The patio cover is twelve (12) feet in depth and twenty-five (25) feet in length.

(b) On December 5, 2022, the Community Development Director approved a rear yard setback adjustment from ten (10) feet to six (6) feet.

(c) On December 8, 2022, the Applicants appealed this decision requesting a rear yard setback adjustment from ten (10) feet to two and a half (2 ½) feet.

Section 2. Setback Adjustment.

(a) The Applicants are appealing the Community Development Director's decision to approve a rear setback adjustment from ten (10) feet to six (6) feet, instead of the two and a half (2 ½) feet requested.

(b) Section 9.240.360.(1)(a) of the Jurupa Valley Municipal Code provides that the Community Development Director may approve, conditionally approve or deny setback adjustments defined as modifications of the front, rear or side yard minimum setback requirements of the various zone classifications in Chapter 9.240 of the Jurupa Valley Municipal Code.

(c) Section 9.240.360.(4) of the Jurupa Valley Municipal Code provides that no request for a setback adjustment shall be granted unless it is determined that the adjustment is consistent with the intent and purposes of Chapter 9.240 of the Jurupa Valley Municipal Code;

that there are special circumstances applicable to the property, including such factors as size, shape, topography, location or surroundings that justify the approval of the adjustment of the setback requirement, and that the adjustment will not be detrimental to the health, safety and general welfare of the community or be detrimental to property in the vicinity of the parcel for which the adjustment is requested.

(d) Section 9.240.360.(6) of the Jurupa Valley Municipal Code provides that as a condition to approval of a setback adjustment, the performance of such conditions may be required as are determined to be necessary to assure that the granting of the adjustment or use will not be detrimental to the health, safety and general welfare of the community or be detrimental to property in the vicinity of the parcel for which the request is made including the following conditions:

- 1) Regulations of points of vehicle ingress and egress to the property;
- 2) Require any necessary landscaping, fencing or walls;
- 3) Require the restoration of the property to a natural appearance, including, but not limited to filling, grading and leveling; and
- 4) Establish a time period within which the permission is to be used and required conditions are to be completed.

(e) Section 9.240.360.(3) of the Jurupa Valley Municipal Code provides that setback adjustment applications shall be processed pursuant to the provisions of Section 9.240.330, including the appeal provisions thereof.

(f) Section 9.240.330.(5) of the Jurupa Valley Municipal Code provides that an applicant may appeal from the decision of the Community Development Director and upon receipt of an appeal, the Community Development Director shall set the matter for hearing. Such appeals shall be heard by the Planning Commission.

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

(a) 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 May 24, 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, and, after weighing the evidence and considering the adequacy of requested setback adjustment, applied its own independent judgment and analysis to the review and directed the staff to prepare a resolution to grant the appeal, reverse the Community Development Director's approval of a rear yard setback adjustment for the property located at 3917 Boulder Drive from ten (10) feet to six (6) feet, and approve a rear yard setback adjustment from ten (10) feet to two and a half (2 ½) feet based on the findings herein.

- (c) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings. The Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of a setback adjustment allowing the setback to be two and a half (2 ½) feet instead of ten (10) feet:

(a) The Project was analyzed pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code § 21000 *et seq.*) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. § 15000 *et seq.*). The Project is exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines. This exemption applies to the construction and location of limited numbers of new or small facilities and structures including accessory structures such as patios.

(b) The Community Development Director is authorized and directed to file a Notice of Exemption in accordance with CEQA.

Section 5. Findings for Recommendation of Setback Adjustment. The Planning Commission of the City of Jurupa Valley does hereby find and determine that a two and a half (2 ½) foot setback should be granted because:

(a) The adjustment is consistent with the intent and purposes of Chapter 9.240 of the Jurupa Valley Municipal Code in that Section 9.240.360 of Chapter 9.240 allows modifications of the front, rear or side yard minimum setback requirements of the various zone classifications in Jurupa Valley Municipal Code.

(b) There are special circumstances applicable to the subject property, including such factors as size, shape, topography, location or surroundings that justify the approval of the adjustment because due to the size of the backyard there is not enough space to fit an accessory structure which would be possible in other residential communities; therefore, an adjustment to the setbacks would allow the construction of an accessory structure while maintaining reasonable separation between units.

(c) The adjustment will not be detrimental to the health, safety, and general welfare of the community or be detrimental to property in the vicinity of the parcel for which the adjustment is requested because a two and a half (2 ½) foot setback would still provide adequate separation between each condo unit and access around the patio cover.

Section 6. Approval of Setback Adjustment with Conditions. Based on the foregoing, the Planning Commission hereby approves a setback adjustment that will allow the rear yard setback to be two and a half (2 ½) feet for the property located at 3917 Boulder Drive in the City of Jurupa Valley (APN 174-393-040).

Section 7. Certification. The Community Development Director shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 14th day of June, 2023.

Laura Schultz
Chair of Jurupa Valley Planning Commission

ATTEST:

Joe Perez
Community Development Director/Secretary to the Planning Commission

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

I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. PC-2023-11 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 14th day of June, 2023, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

JOE PEREZ
COMMUNITY DEVELOPMENT DIRECTOR