

## RESOLUTION NUMBER 2022-48

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE DR HORTON TENTATIVE TRACT MAP NO. 38237 LOCATED AT THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)**

**WHEREAS**, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and the lead agency for the preparation and consideration of environmental documents for projects that are subject to requirements of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines<sup>2</sup>; and

**WHEREAS**, DR Horton Los Angeles Holding Company Inc., (“Applicant ”) has submitted applications for 1) a General Plan Amendment (PEN21-0203) (GPA) amending Map LCC-4: General Plan Land Use of the Moreno Valley General Plan to change the land use designation of the Project Site from Residential 5 (R5) to Residential 10 (R10); 2) a Change of Zone (PEN21-0204) amending the City of Moreno Valley Zoning Atlas to rezone the project from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District; 3) a Conditional Use Permit (PEN22-0162) for a Planned Unit Development with associated amenities and public improvements, and 4) a Tentative Tract Map (PEN21-0199) to subdivide a vacant 8.77-acre parcel into 67 single-family lots (“Proposed Project”) located on the northeast corner of Oliver Street and Brodiaea Avenue (APN 486-240-010) (“Project Site”); and

**WHEREAS**, Planning Division Staff completed an Initial Study (environmental assessment) (“IS”) for the Proposed Project and based on the environmental assessment, recommends adoption of a Mitigated Negative Declaration (“MND”) and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with Section 6 (ND Procedures) of the City’s Rules and Procedures for the Implementation of the California Environmental Quality Act and the requirements of the CEQA Guidelines Sections 15070 – 15075; and

**WHEREAS**, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 30 days commencing on October 14, 2022, through November 14, 2022; and

**WHEREAS**, in compliance with CEQA, a MMRP, which is a program for monitoring and reporting on the Proposed Project’s mitigation measures, was prepared for the Proposed Project and circulated with the Mitigated Negative Declaration; and

**WHEREAS**, on November 17, 2022, a duly noticed public hearing was conducted by the Planning Commission to consider a recommendation to the City Council that the IS/MND and the MMRP and approval of the Proposed Project, at which time the Planning

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<sup>1</sup> Public Resources Code §§ 21000-21177

<sup>2</sup> 14 California Code of Regulations §§15000-15387

Commission considered the IS/MND and MMRP, together with any comments received during the public review process and the responses prepared; and

**WHEREAS**, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the MND and the MMRP prepared the Proposed Project has reduced the potential impacts to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals and Exhibits**

That the foregoing Recitals and attached exhibits are true and correct and are hereby incorporated by this reference.

**Section 2. Evidence**

That the Planning Commission has considered all of the evidence submitted into the Administrative Record for the MND and MMRP, including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration prepared for the Proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit B;
- (c) Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C;
- (d) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing; and
- (e) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the public hearing.

**Section 3. Findings**

That based on the content of the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings:

- (a) That all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;

- (b) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with CEQA and CEQA Guidelines and are consistent the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;
- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program represent the independent judgment and analysis of the Planning Commission and City as lead agency for the Proposed Project; and
- (d) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to serve as the required CEQA environmental documentation for the proposed Project.

**Section 4. Adoption**

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby recommends that the City Council hereby adopts the IS/MND attached hereto as Exhibits A and C.

**Section 5. Repeal of Conflicting Provisions**

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

**Section 6. Severability**

That the Planning Commission declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**Section 7. Effective Date**

That this Resolution shall take effect immediately upon the date of adoption.

**Section 8. Certification**

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

**PASSED AND ADOPTED THIS 17<sup>th</sup> day of November, 2022.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

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Alvin DeJohnette,  
Chairperson

ATTEST:

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Sean Kelleher,  
Planning Official

APPROVED AS TO FORM:

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Steven B. Quintanilla,  
Interim City Attorney

Exhibits:

Exhibit A: Final Initial Study/Negative Declaration  
Exhibit B: Notice of Intent to Adopt a Mitigated Negative Declaration  
Exhibit C: Mitigation Monitoring and Reporting Program