

RESOLUTION NUMBER 2022-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CHANGE OF ZONE (PEN21-0204) TO AMEND THE CITY ZONING ATLAS FROM RESIDENTIAL 5 (R5) DISTRICT TO RESIDENTIAL SINGLE-FAMILY 10 (RS10) DISTRICT FOR THE PROPERTY LOCATED ON 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

WHEREAS, DR Horton Los Angeles Holding Company Inc., (“Applicant”) has submitted an application for the approval of a Change of Zone (PEN21-0204) (“Change of Zone”) requesting a Change of Zone amending the City’s Zoning Atlas from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District for the property located on the northeast corner of Oliver Street and Brodiaea Avenue comprised of approximately 8.77-acres (APN 486-240-010) (“Project Site”); and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for November 17, 2022, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on November 17, 2022, the public hearing to consider the Change of Zone was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, on November 17, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and its Guidelines², the Planning Commission considered and recommended that the City Council approve Resolution 2022-48.

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. Notice

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the Proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

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

- (a) Moreno Valley General Plan and all relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions referenced therein;
- (c) The Change of Zone to amend the City's Zoning Atlas from Residential 5 (R5) District to Residential Single-Family (RS10) District and all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of a Change of Zone (PEN21-0204) and all documents, records, and references contained therein;
- (e) 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;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission hereby finds as follows:

- (a) The proposed Change of Zone is consistent with the existing goals, objectives, policies, and programs of the General Plan;
- (b) The proposed Change of Zone will not adversely affect the public health, safety, or general welfare; and
- (c) The proposed Change of Zone is consistent with the purposes and intent of Title 9.

Section 5. Approval

That based on the foregoing Recitals, Evidence in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends that the City Council approve Change of Zone (PEN21-0204) attached hereto as Exhibit A.

Section 6. 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 7. 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 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 17th day of November, 2022.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Planning Official

APPROVED AS TO FORM:

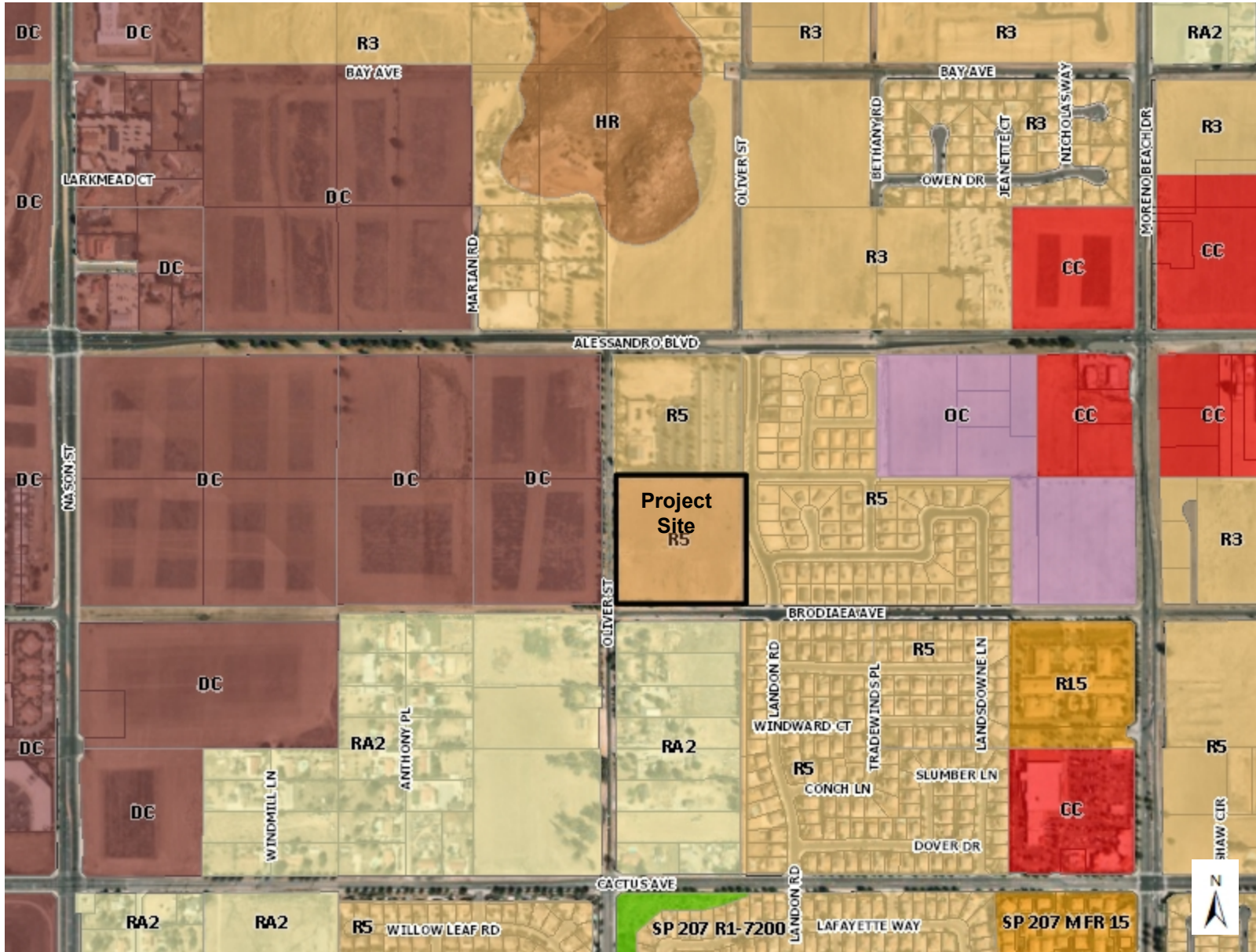
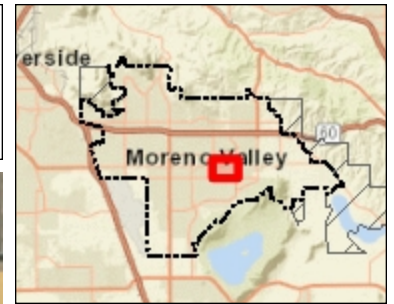
Steven B. Quintanilla,
Interim City Attorney

Exhibits:
Exhibit A Proposed Zoning Map

Exhibit A

PROPOSED ZONING MAP

Zoning



Legend

Current Zoning

Residential 5 (R5)

Proposed Zoning

Residential Single-Family 10 District (RS10)

Image Source: Nearmap

Notes:

1,491.1 0 745.54 1,491.1 Feet