

## **ORDINANCE NO. 993**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING 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 AT THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)**

**The City Council of the City of Moreno Valley does ordain as follows:**

#### **SECTION 1 GENERAL:**

1.1 D.R. Horton Los Angeles Holding Company, Inc., (“Applicant”) has filed an application for the approval of the Discovery Residential project, which includes the approval of a Change of Zone (PEN21-0204) (“Application”) a request to amend the City’s Zoning Atlas from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District for the property located at the northeast corner of Oliver Street and Brodiaea Avenue (APN 486-240-010) (“Project Site”); and

1.2 At its November 17, 2022, meeting, the Planning Commission considered the Change of Zone for the Discovery Residential project and recommended approval to the City Council; and

1.3 Pursuant to the provisions of the law, a public hearing was held before the City Council on December 20, 2022, for deliberations and decision; and

1.4 The matter was fully discussed, and the public and other agencies were given opportunity to present testimony and documentation; and

1.5 An Initial Study has been prepared for the Project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the Initial Study including all supporting technical evidence, it was determined that the project impacts are expected to be less than significant with mitigation, and approval of a Mitigated Negative Declaration is an appropriate environmental determination for the Project.

#### **SECTION 2 EVIDENCE:**

That the City Council has considered all of the evidence submitted into the administrative record for Change of Zone (PEN21-0204), 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 therein;
- (c) The change the zoning designation of the site from Residential 5 (R5)

- District to Residential Single-Family 10 (RS10) District, and all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of Change of Zone (PEN21-0204) and all documents, records and references contained therein;
  - (e) Staff Report prepared for the City Council'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 comments and/or correspondence from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

### **SECTION 3 FINDINGS:**

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

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

### **SECTION 4 AMENDMENT OF THE OFFICIAL ZONING ATLAS:**

4.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 981, on August 3, 2021, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification to page 100 of the Official Zoning Atlas as shown on the attached map marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk.

### **SECTION 5 EFFECT OF ENACTMENT:**

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

### **SECTION 6 NOTICE OF ADOPTION:**

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

**SECTION 7 EFFECTIVE DATE:**

7.1 This ordinance shall take effect thirty days after the date of its adoption.

**APPROVED AND ADOPTED this 3<sup>rd</sup> day of January, 2023.**

CITY OF MORENO VALLEY  
CITY COUNCIL

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Ulises Cabrera  
Mayor of the City of Moreno Valley

ATTEST:

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Jane Halstead, City Clerk

APPROVED AS TO FORM:

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Steven B. Quintanilla, Interim City Attorney

**ORDINANCE JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 3<sup>rd</sup> day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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CITY CLERK

(SEAL)

## **EXHIBIT A**



### PEN21-0199 - Change of Zone



Proposed Change from Residential 5 (R5) to Residential Single-Family 10 (RS10)