

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF MORENO VALLEY REZONING THE PARCELS IDENTIFIED AS ASSESSOR PARCEL NUMBERS 488-340-002 THROUGH 488-340-012 FROM RESIDENTIAL AGRICULTURE 2 DISTRICT (RA2) TO LIGHT INDUSTRIAL DISTRICT (LI) AND REMOVING SAID PARCELS' PRIMARY ANIMAL KEEPING OVERLAY (PAKO) OVERLAY CLASSIFICATION

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California; and

WHEREAS, MVTC, LLC, a Delaware limited liability company ("Applicant") is proposing the development of a 1,263,271 square-foot, modern light industrial building to be used as a warehouse distribution/logistics center, or, in the alternative, as an e-commerce facility, commonly known as the Moreno Valley Trade Center ("Proposed Project"), which includes associated site improvements, such as but not limited to, drive aisles, landscaping, utility infrastructure, water quality basins, exterior lighting, walls/fencing, and signage, as more fully described in the Environmental Impact Report (EIR), a copy of which is incorporated herein by this reference as though set forth in full; and

WHEREAS, the Proposed Project is located on land situated on Eucalyptus Avenue, west of Redlands Boulevard, north of Encelia Avenue, and east of Quincy Channel (APN'S 488-340-002 through 488-340-012) ("Project Site"); and

WHEREAS, the Proposed Project includes the following requested entitlements: General Plan Amendment (PEN19-0191), 2) Change of Zone (PEN19-0192) and corresponding amendment to the City's Zoning Atlas, 3) Tentative Parcel Map (PEN19-0234), and 4) Plot Plan (PEN19-0193); and

WHEREAS, the purpose of General Plan Amendment (PEN19-0191) is to change the Land Use Designation of the Project Site under the City of Moreno Valley General Plan Land Use Map from Residential 2 (R2) to Business Park (BP); and

WHEREAS, the purpose of Change of Zone (PEN19-0192) is to rezone the Project Site from Residential Agriculture 2 District (RA2) to Light Industrial District (LI), and to remove the Project Site's "Primary Animal Keeping Overlay (PAKO)" overlay classification; and

WHEREAS, the purpose of Tentative Parcel Map (PEN19-0234) is to merge the existing 11 parcels into a single parcel; and

WHEREAS, the purpose of Plot Plan (PEN19-0193) is to construct an approximately 1,263,271 square foot Warehouse/Distribution building on the Project Site with associated parking, landscape improvements and off-site public improvements; and

WHEREAS, the Proposed Project was considered by the Planning Commission at a duly noticed public hearing conducted on October 28, 2021, and the Planning Commission voted 4-0 to deny the Proposed Project; and

WHEREAS the Applicant appealed the Planning Commission's decision as set forth in Appeal Application (PAA21-0001) and a duly noticed public hearing on the appeal was conducted by the City Council on December 7, 2021; and

WHEREAS, Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code provides that following appeal of a decision by the Planning Commission to disapprove a proposed amendment to Title 9, including amendments to the Zoning Atlas, the City Council may approve, approve with modifications, or disapprove any proposed amendment, provided that prior to City Council action, any modification not previously considered by the Planning Commission shall first be referred to the Planning Commission for report and recommendation; and

WHEREAS, at the public hearing held on December 7, 2021, the City Council did not rule on the appeal, but rather, after receiving public testimony unanimously voted to continue the public hearing regarding the Draft EIR and the Proposed Project to a date uncertain; and

WHEREAS, the Applicant has taken into consideration several issues raised by the Planning Commission in its denial of the Proposed Project and input it received from members of the public and the City Council at the December 7, 2021 public hearing, and submitted various revisions to the Proposed Project that the Applicant represented are responsive to the various concerns raised by members of the public, the Planning Commission and the City Council; and

WHEREAS, since none of the proposed revisions presented by the Applicant nor recommended by staff require any modifications or revisions to General Plan Amendment (PEN19-0191) and Change of Zone (PEN19-0192), as originally presented on October 28, 2021, at the Planning Commission public hearing and on December 7, 2021 City Council public hearing, the City Council is not required to refer the Proposed Project back to the Planning Commission for a recommendation prior to taking final action of the Proposed Project, as revised; and

WHEREAS, on June 21, 2022, the City Council did not rule on the appeal, but rather, unanimously voted to continue the public hearing regarding the Draft EIR and the Proposed Project to a date uncertain prior to reopening the public hearing; and

WHEREAS, on November 15, 2022, the item was scheduled for consideration by the City Council; however, the meeting was canceled and adjourned to December 6, 2022, with no action being taken; and

WHEREAS, on December 6, 2022, the City Council did not rule on the appeal, but rather, unanimously voted to continue the public hearing regarding the Draft EIR and the Proposed Project to a date uncertain prior to reopening the public hearing; and

WHEREAS, on April 18, 2023, the City Council conducted a duly noticed continued public hearing on the Proposed Project, as revised, and considered the Proposed Project's Environmental Impact Report and related Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, on April 18, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and approved Resolution No. 2023-__ certifying the Proposed Project's Environmental Impact Report, adopting a Mitigation Monitoring and Reporting Program and approving a Statement of Overriding Considerations.

THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals

That the above recitals are true and correct and are incorporated herein by this reference.

Section 2. Notice

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.

Section 3. Evidence

That the City Council has considered all of the evidence submitted into the administrative record for the Proposed Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Applications for 1) General Plan Amendment (PEN19-0191), 2) Change of Zone (PEN19-0192) and corresponding amendment to the City's Zoning Atlas, 3) Tentative Parcel Map (PEN19-0234), and 4) Plot Plan (PEN19-0193) and all documents, records and references contained therein;
- (d) Proposed Project's Environmental Impact Report and related Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations;
- (e) Proposed conditions of approval for the Proposed Project;
- (f) Staff Reports prepared for the Planning Commission for its October 28, 2021 public hearing and the City Council for its December 7, 2021 public hearing;
- (g) Staff Reports prepared for the City Council for the June 21, 2022 public hearing;
- (h) Staff Reports prepared for the City Council for the November 15, 2022

- public hearing;
- (i) Staff Reports prepared for the City Council for the December 6, 2022 public hearing;
- (j) Staff Reports prepared for the City Council for the April 18, 2023 public hearing;
- (k) Staff's presentation at the December 7, 2021 and April 18, 2023 City Council public hearings;
- (l) Testimony and/or comments from Applicant and its representatives during the December 7, 2021 and April 18, 2023 public hearings; and
- (m) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the December 7, 2021, June 21, 2022, November 15, 2022, December 6, 2022, and April 18, 2023 public hearings.

Section 4. Findings

That based on the foregoing Recitals and the Evidence, the City Council makes the following findings:

- (a) That General Plan Amendment (PEN19-0191) is consistent with existing goals, objectives, policies and programs of the 2040 General Plan and will not adversely affect the public health, safety or general welfare;
- (b) That the Proposed Project, which includes Plot Plan (PEN19-0193), is consistent with the goals, objectives, policies and programs of the 2040 General Plan; complies with all applicable zoning and other regulations and will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and the location, design and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity;
- (c) That Tentative Parcel Map (PEN19-0234) involves at least one parcel that is undeveloped by any structure for which a building permit was issued and is consistent with the 2040 General Plan; and
- (d) That Change of Zone (PEN19-0192) and corresponding amendment to the City's Zoning Atlas is consistent with the 2040 General Plan and its goals, objectives, policies, and programs; will not adversely affect the public health, safety or general welfare; and is consistent with the purposes and intent of Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code.

Section 5. Severability

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance 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 Ordinance as hereby adopted shall remain in full force and effect.

Section 6. Repeal of Conflicting Provisions

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Ordinance, are hereby repealed.

Section 7. Effective Date

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 8. Certification

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

PASSED AND ADOPTED THIS 18th day of April, 2023.

Ulises Cabrera, Mayor

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Residential Agriculture 2 (RA2) to Light Industrial (LI)