

RESOLUTION NUMBER 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING PURSUANT TO SENATE BILL NO. 330 THAT APPROVAL OF THE MORENO VALLEY TRADE CENTER PROJECT LOCATED ON LAND SITUATED ON EUCALYPTUS AVENUE, WEST OF REDLANDS BOULEVARD, NORTH OF ENCELIA AVENUE, AND EAST OF QUINCY CHANNEL SHALL NOT RESULT IN A NET LOSS IN RESIDENTIAL CAPACITY

(APN'S 488-340-002 through 488-340-012)

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: 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

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, 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 November 15, 2022, 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.

WHEREAS, on October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330), which was codified as Government Code Section 66300 and became effective January 1, 2020, declared a housing crisis in the State of California and imposed certain requirements designed to streamline the construction of new housing, and prevent the loss of existing housing and land available for future residential use, unless replaced in other areas of the affected jurisdiction to ensure that there is no net loss in the City's residential capacity; and

WHEREAS, in pertinent part, Government Code section 66300(h)(2)(i)(1) provides as follows:

"This section does not prohibit an affected ... city from changing a land use designation or zoning ordinance to a less intensive use if the city ... concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity."; and

WHEREAS, in order to ensure its compliance with SB330, the City Council adopted Ordinance No. 965 amending Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code which added Section 9.03.065 (Density bonus program for SB330) to establish a density bonus program for certain residential projects; and

WHEREAS, Section 9.03.065 (Density bonus program for SB330) provides that, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City, which ensures that there will not be any net loss of residential capacity within the City as mandated by SB330 to ensure development opportunities remain available throughout the planning period to accommodate the City's regional housing need allocation (RHNA), especially for lower- and moderate- income households.

NOW, THEREFORE, THE CITY COUNCIL 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

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, including without limitation Section 9.03.065 (Density bonus program for SB330) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code;
- (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 and Determination of No Net Loss of Residential Capacity

That based on the foregoing Recitals and the Evidence, the City Council finds and determines that the estimated reduction of 145 potential dwelling units caused by or

resulting from General Plan Amendment (PEN19-0191) which changes 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 Change of Zone (PEN19-0192) which rezones the Project Site from Residential Agriculture 2 District (RA2) to Light Industrial District (LI) and removes the Project Site's "Primary Animal Keeping Overlay (PAKO)" overlay classification will not result in a net loss in the number of potential residential units within the City of Moreno Valley since the number of dwelling units that will presumably be lost due to General Plan Amendment (PEN19-0191) and Change of Zone (PEN19-0192) shall be made available for development pursuant to the City's residential density bonus programs, as codified in Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code, which will ensure development opportunities remain available throughout the planning period to accommodate the City's regional housing need allocation (RHNA), especially for lower- and moderate-income households.

Section 5. Repeal of Conflicting Provisions

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

Section 6. Severability

That the City Council 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 City Clerk shall certify to the passage of this Resolution.

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