

## RESOLUTION NUMBER 2024-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR GENERAL PLAN AMENDMENT (PEN22-0159), CHANGE OF ZONE (PEN22-0158), CONDITIONAL USE PERMIT (PEN22-0157), AND TENTATIVE TRACT MAP 38458 (PEN22-0156) FOR THE DEVELOPMENT OF A 78 UNIT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT LOCATED ON THE SOUTH SIDE OF IRIS AVENUE, EAST OF INDIAN STREET (APN: 316-030-002, 018, AND 019)**

**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 local projects that are subject to requirements of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines<sup>2</sup>; and

**WHEREAS**, South of Iris 2021, LLC (consisting of David Patton, Mark Patton, Tracey Duesler, and Michael and Karen Patton) (“Applicant”) has submitted applications for a General Plan Amendment (PEN22-0159), Change of Zone (PEN22-0158), Conditional Use Permit (PEN22-0157), and Tentative Tract Map 38458 (PEN22-0156) for the development of a 78 unit detached single-family residential project with associated amenities and public improvements (“Proposed Project”) on 9.42 acres located on the south side of Iris Avenue, east of Indian Street (APN: 316-030-002, 018, and 019) (“Project Site”); and

**WHEREAS**, Planning Division Staff completed an Initial Study (“Environmental Assessment”) for the Proposed Project and based on the Environmental Assessment, recommended adoption of a Mitigated Negative Declaration (“MND”) and adoption of 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 CEQA 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 thirty (30) days commencing on December 29, 2023, through January 29, 2024; and

**WHEREAS**, in compliance with CEQA and the CEQA Guidelines, 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 MND; and

**WHEREAS**, on February 8, 2024, a duly noticed public hearing was conducted by the Planning Commission and the Planning Commission adopted Resolution No. 2024-

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

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

03 recommending that the City Council certify and adopt the MND and the MMRP for the Proposed Project, and the Planning Commission adopted Resolution No. 2024-04 (PEN22-0159), Resolution No. 2024-05 (PEN22-0158), and Resolution No. 2024-06 (PEN22-0156 and PEN22-0157) recommending that the City Council approve the Proposed Project; and

**WHEREAS**, on March 5, 2024, a duly noticed public hearing was conducted by the City Council to consider the MND and the MMRP for the Proposed Project; and

**WHEREAS**, at the conclusion of the public hearing, in the exercise of its own independent judgment, the City Council determined that the MND and the MMRP prepared for the Proposed Project will reduce the potential environmental impact of the Proposed Project to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will significantly affect the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report.

**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. Evidence**

That the City Council has considered all of the evidence submitted into the Administrative Record for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Proposed Project, attached hereto as Exhibits A and B respectively;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit C;
- (c) Planning Division Staff Reports prepared for the Planning Commission and City Council's consideration and all documents, records, and references related thereto, and Planning Division Staff's presentation at the public hearing; and
- (d) 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 City Council makes the following findings:

- (a) That all environmental impacts of the Proposed Project, with the mitigation measures set forth in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, have been reduced 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 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 the CEQA Guidelines and are consistent with 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 City Council and the City as the 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, Evidence contained in the Administrative Record and Findings, as set forth herein, the City Council hereby adopts the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program attached hereto as Exhibits A and B, respectively.

**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.

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**Section 8. Certification**

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

**PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF MARCH 2024.**

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,  
City Attorney

Exhibits:

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