

RESOLUTION NUMBER 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AND ADOPTING GENERAL PLAN AMENDMENT (PEN22-0159) AND GENERAL PLAN AMENDMENT (PEN23-0072) TO AMEND THE GENERAL PLAN LAND USE MAP CHANGING THE LAND USE DESIGNATIONS FROM R5 RESIDENTIAL TO R10 RESIDENTIAL FOR THE REAL PROPERTY LOCATED ON THE SOUTH SIDE OF IRIS AVENUE, EAST OF INDIAN STREET (APN: 316-030-002, 018, AND 019) AND SOUTHEAST CORNER OF GOYA AVENUE AND INDIAN STREET (APN: 316-020-020, 021, 022, 023, 024, AND 025)

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and has the authority to approve amendments to the City’s General Plan and City’s Zoning Atlas; 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 the approval of 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, David Patton, Mark Patton, Tracey Duesler, and Michael and Karen Patton) (“Applicants”) have submitted applications for the approval of General Plan Amendment (PEN23-0072), Change of Zone (PEN23-0071), Conditional Use Permit (PEN23-0070), and Tentative Tract Map 38702 (PEN23-0069) for the development of a 131 unit detached single-family residential project with associated amenities and public improvements (“Proposed Project”) on 13.73 acres located on the southeast corner of Goya Avenue and Indian Street (APN: 316-020-020, 021, 022, 023, 024, and 025) (“Project Site”); and

WHEREAS, General Plan Amendment (PEN22-0159) and General Plan Amendment (PEN23-0072) request amendments to the Moreno Valley General Plan from R5 Residential to R10 Residential for both of the Project Sites; and

WHEREAS, on February 8, 2024, a public hearing to consider the Proposed Projects were duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, on February 8, 2024, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

Commission adopted Resolution Nos. 2024-03 and 2024-07, recommending that the City Council certify and adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Proposed Projects; and

WHEREAS, on February 8, 2024, a public hearing was conducted by the Planning Commission to consider the General Plan Amendment (PEN22-0159) and General Plan Amendment (PEN23-0072), after which the Planning Commission adopted Resolution No. 2024-04 and Resolution No. 2024-08 forwarding a recommendation that the City Council approve General Plan Amendment (PEN22-0159) and General Plan Amendment (PEN23-0072); 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 March 5, 2024, before the City Council and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of both Project Sites; and

WHEREAS, on March 5, 2024, the public hearing was conducted to consider General Plan Amendment (PEN22-0159) and General Plan Amendment (PEN23-0072) for the Proposed Projects, together considered the first amendment of the Moreno Valley General Plan Land Use Element for 2024, was duly conducted by the City Council at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, on March 5, 2024, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and adopted Resolution No. 2024-XX and Resolution No. 2024-XX, certifying and adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Proposed Projects.

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 Projects are 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 City Council has considered all evidence submitted into the Administrative Record for the proposed General Plan Amendments, 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) General Plan Amendment (PEN22-0159) and General Plan Amendment (PEN23-0072), changing the land use designation from R5 Residential to R10 Residential and all relevant provisions contained therein as shown in Exhibit A and Exhibit B, respectively;
- (d) Applications for General Plan Amendment (PEN22-0159) and General Plan Amendment (PEN23-0072), and all documents, records, and references contained therein;
- (e) Planning Division Staff Report prepared for the City Council's consideration and all documents, records, and references related thereto, and Planning Division 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 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 City Council makes the following findings:

- (a) The proposed General Plan Amendments are consistent with the existing goals, objectives, policies, and programs of the General Plan; and
- (b) The proposed General Plan Amendments will not adversely affect the public health, safety, or general welfare.

Section 5. Action

That based on the foregoing Recitals, Administrative Record and Findings, as set forth herein, the City Council approves and adopts General Plan Amendment (PEN22-0159), as shown on the exhibit attached hereto as Exhibit A and General Plan Amendment (PEN23-0072), as shown on the exhibit attached hereto as Exhibit B.

Section 6. 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 7. 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 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 5th DAY OF MARCH, 2024.

CITY OF MORENO VALLEY
CITY COUNCIL

Ulises Cabrera,
Mayor

ATTEST:

Jane Halstead,
City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla,
City Attorney

Exhibit:

Exhibit A: General Plan Amendment (PEN22-0159)

Exhibit B: General Plan Amendment (PEN23-0072)

Exhibit A

GENERAL PLAN AMENDMENT (PEN22-0159)

South of Iris

**GENERAL PLAN AMENDMENT
(PEN22-0159)**

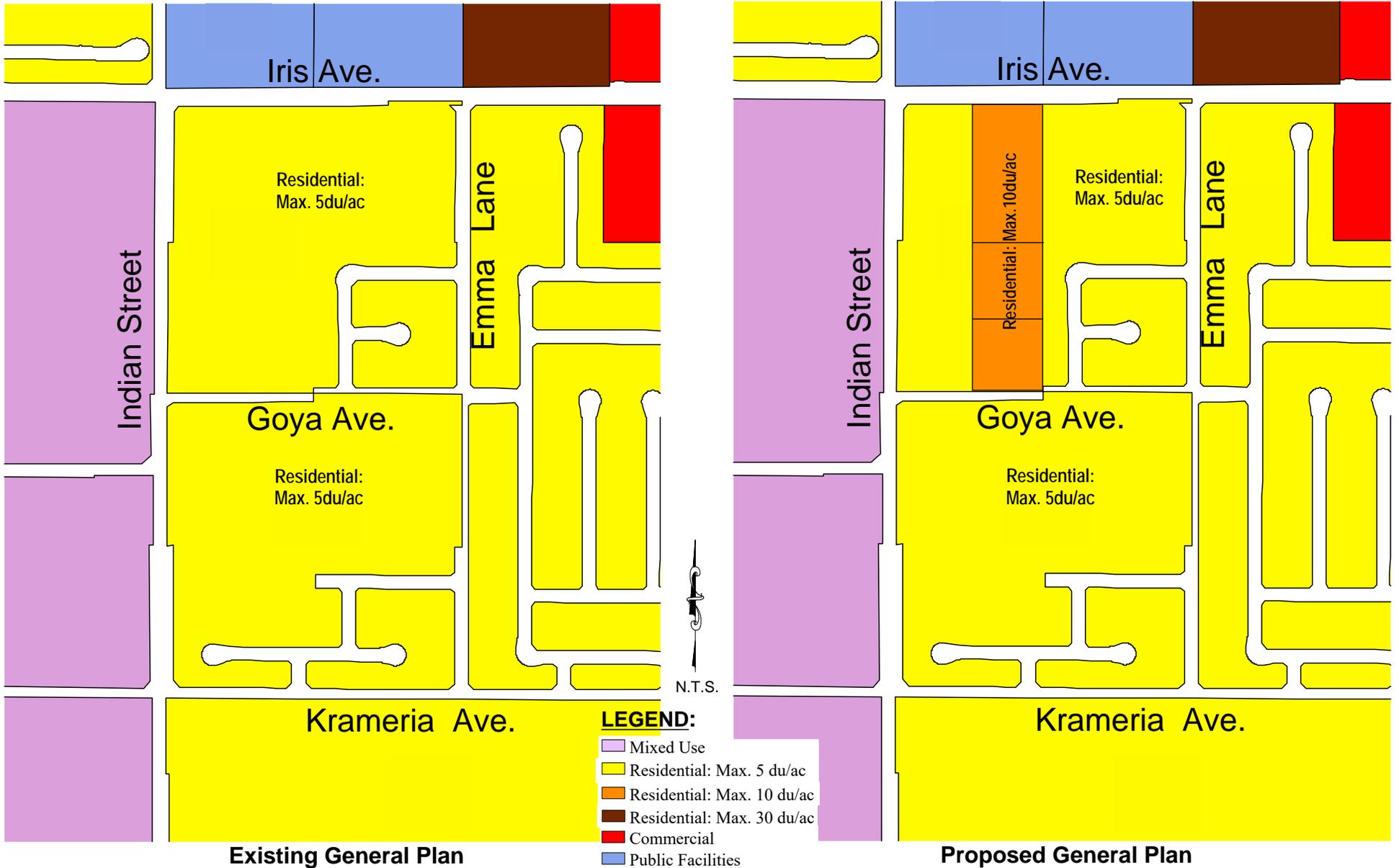
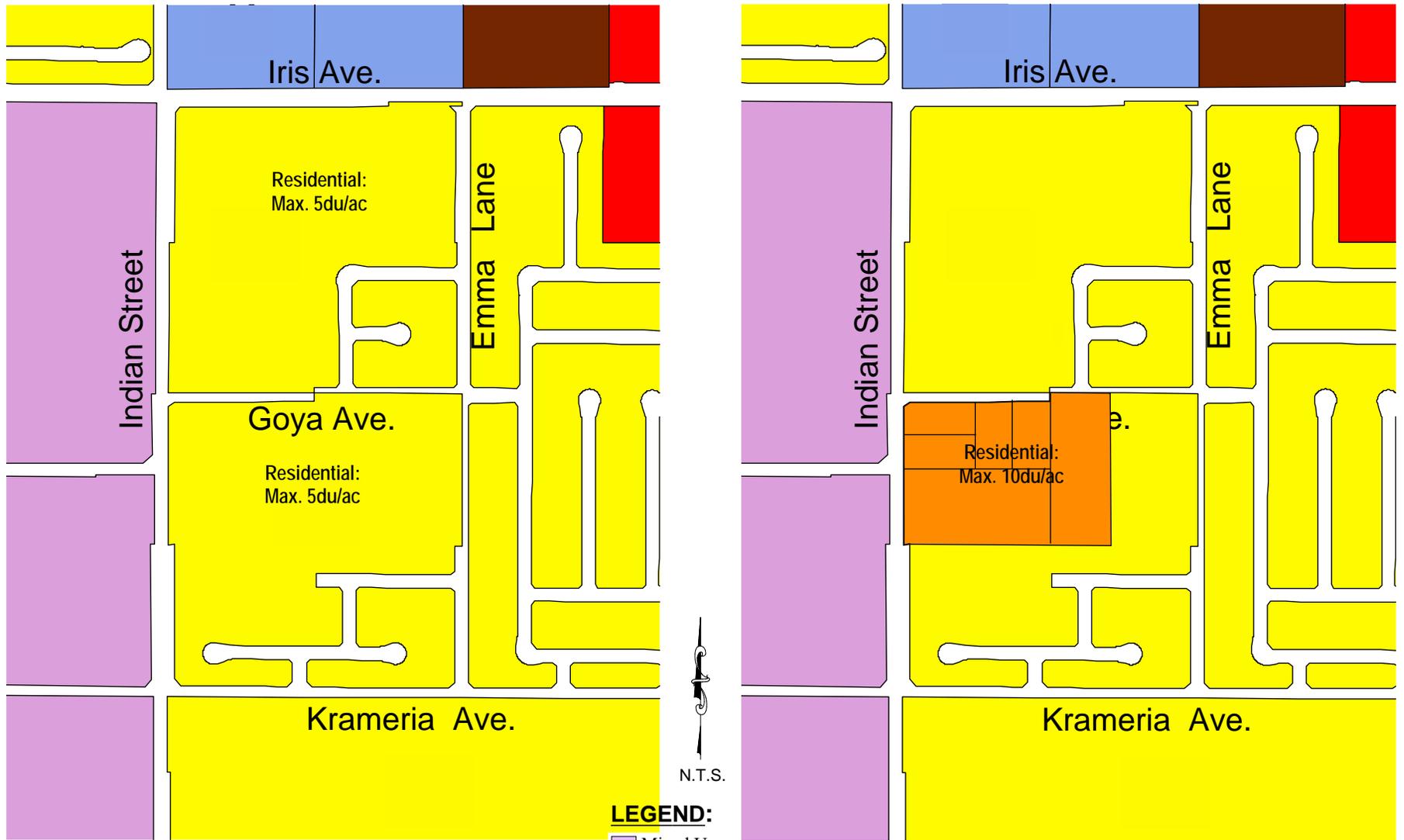


Exhibit B

GENERAL PLAN AMENDMENT (PEN23-0072)

Goya at Heritage Park

GENERAL PLAN AMENDMENT PEN23-0073



Existing General Plan

Proposed General Plan

LEGEND:

-  Mixed Use
-  Residential: Max. 5 du/ac
-  Residential: Max. 10 du/ac
-  Residential: Max. 30 du/ac
-  Commercial
-  Public Facilities