

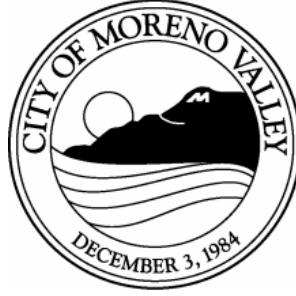
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**PLANNING COMMISSIONERS**

JEFFREY SIMS  
Chairperson

RAY L. BAKER  
Vice Chairperson

PATRICIA KORZEC  
Commissioner



ALVIN DEJOHNETTE  
Commissioner

JOANN STEPHAN  
Commissioner

ROBERT HARRIS  
Commissioner

RAFAEL BRUGUERAS  
Commissioner

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# PLANNING COMMISSION

## Regular Meeting

### Agenda

Thursday, April 9, 2020 at 7:00 PM  
City Hall Council Chamber – 14177 Frederick Street

### **SPECIAL NOTICE – Telephonic Accessibility:**

Pursuant to Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020 as a response to mitigating the spread of corona virus known as COVID-19:

**During this regular meeting of the Moreno Valley Planning Commission, members of the public will not be allowed to attend and address the Planning Commission in person.**

Members of the public wanting to listen to the meeting or address the commission may do so by:

1. Using The Zoom App or website for free at: <https://zoom.us/>
  - a. Once installed ahead of the meeting, you may choose your audio source as either computer speakers/microphone or telephone
  - b. If you wish to make public comments via the Zoom platform, the Commission Secretary will identify you at your time to speak.
  - c. If you do not wish to make public comments via the Zoom platform, you can stream the Planning Commission meeting on Channel MVTV-3, the City's website at [www.moval.org](http://www.moval.org) (listening to the meeting via Zoom will display you as a speaker).
  - d. Meeting ID is 963-117-7849.
2. Calling in to the meeting at any one of the following numbers:

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*Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

1-253-215-8782  
1-301-715-8592  
1-312-626-6799  
1-346-248-7799  
1-646-558-8656  
1-669-900-9128

3. Submitting your comments via email to the Commission Clerk no later than 3:00pm on the day of the meeting to **PlanningCommission@moval.org**. **The email notification should specify the following information: 1) Full Name; 2) City of Residence; 3) Phone Number; 4) Public Comment or Agenda Item No; and 5) Subject.**

**Only one person at a time may speak by telephone and only after being recognized by the Chair of the Planning Commission.**

Those wishing to view the meeting only can do so online via the City's website: <http://morenovalleyca.igam2.com/Citizens/VideoScreen.aspx?EncoderID=1002&MediaType=Channel> – This link is available through the city's website, it can also be viewed on YouTube live, and on Channel MVTV-3.

Please be mindful that the teleconference will be recorded as any other person is recorded when appearing before the Commission, and all other rules of procedure and decorum will apply when addressing the Commission by teleconference.

## **CALL TO ORDER**

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

## **SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

1. Accept Nominations for and elect a New Chairperson
2. Accept Nominations for and elect a New Vice-Chairperson

## **PUBLIC COMMENTS PROCEDURE**

## **PUBLIC COMMENTS**

## **CONSENT CALENDAR**

*All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.*

1. Planning Commission Minutes – Regular Meeting – March 26, 2020 7:00 PM

## **NON-PUBLIC HEARING ITEMS**

No items for discussion.

## **PUBLIC HEARING ITEMS**

1. Case: PEN18-0228 Master Plot Plan  
PEN18-0229 Diagnostic and Treatment Expansion  
PEN18-0230 Energy Center  
PEN18-0217 Environmental Impact Report  
  
Applicant: Kaiser Permanente  
  
Property Owner: Kaiser Foundation Hospitals  
  
Representative: Skyler Denniston  
  
Location: 27200-27300 Iris Avenue  
  
Case Planner: Julia Descoteaux  
  
Council District: 4  
  
Proposal: The applicant has requested this item be continued to the April 23, 2020 regular meeting.
  
2. Case: Municipal Code Amendment (PEN20-0035)  
  
Applicant: City of Moreno Valley  
  
Case Planner: Sean P. Kelleher  
  
Council District: Citywide  
  
Proposal: A Municipal Code Amendment to establish Residential Density Bonus provisions to ensure no net loss in residential capacity pursuant to the provisions of Senate Bill 330.

## **OTHER COMMISSION BUSINESS**

No items for discussion.

## **STAFF COMMENTS**

## **PLANNING COMMISSIONER COMMENTS**

## **ADJOURNMENT**

Planning Commission Regular Meeting, April 23, 2020 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

**OFFICIAL MINUTES OF THE  
PLANNING COMMISSION  
OF THE CITY OF MORENO VALLEY**

**REGULAR MEETING – 7:00 PM  
March 26, 2020**

**CALL TO ORDER**

This Regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:06 p.m., by Chairperson Sims in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

**ROLL CALL**

Planning Commission:	Patricia Korzec	Commissioner	Present
	Robert Harris	Commissioner	Present
	JoAnn Stephan	Commissioner	Present
	Rafael Brugueras	Commissioner	Present
	Jeffrey Sims	Chairperson	Present
	Ray L. Baker	Vice Chairperson	Present
	Alvin DeJohnette	Commissioner	Present

After roll call Chairperson Sims initiated a recess in order to work out technical issues.

At 7:13 PM Chairperson Sims reconvened the meeting.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Brugueras.

**APPROVAL OF AGENDA**

Motion to approve the agenda was made by Vice Chairperson Baker and seconded by Commissioner Brugueras.

Vote: 7-0

Ayes: Commissioner Brugueras, Stephan, Harris, DeJohnette, Korzec, Vice Chairperson Baker and Chairperson Sims

Action: Approved

**STAFF PRESENT**

Paul Early	City Attorney
Patty Nevins	Planning Official
Sean Kelleher	Senior Planner
Eric Lewis	City Traffic Engineer
Michael Lloyd	Assistant City Engineer
Paul Villalobos	Fire Marshal

Ashley Aparicio Planning Commission Secretary

## **PUBLIC COMMENTS PROCEDURE**

### **PUBLIC COMMENTS**

No public comments.

### **CONSENT CALENDAR**

1. Planning Commission - Regular Meeting - March 12, 2020, 7:00 PM

Motion to approve the Minutes of March 12, 2020 was by Vice Chairperson Baker and seconded by Commissioner Harris.

Vote: 7-0

Ayes: Commissioner Brugueras, Stephan, Harris, DeJohnette, Korzec, Vice Chairperson Baker and Chairperson Sims

Action: Approved

### **NON-PUBLIC HEARING ITEMS**

No items for discussion.

### **PUBLIC HEARING ITEMS**

Patty Nevins, Planning Official, asked that the second project be taken first, out of order.

1. A Master Plot/Site Plan providing for the overall development and expansion of the existing Kaiser Permanente hospital facility consisting of 1,125,000 square feet of medical service facilities and ancillary uses to be constructed over three phases. Phase I included with this application is the expansion of the Diagnostic and Treatment center at the existing hospital and the construction of the new energy center to contain all major mechanical equipment to run the hospital facility.

Motion to continue the item to the Regular Planning Commission meeting of April 9, 2020 was made by Commissioner Brugueras and seconded by Vice Chairperson Baker.

Vote: 7-0

Ayes: Commissioner Brugueras, Stephan, Harris, DeJohnette, Korzec, Vice Chairperson Baker and Chairperson Sims

Action: Approved

Minutes Acceptance: Minutes of Mar 26, 2020 7:00 PM (CONSENT CALENDAR)

2. A Planned Unit Development/Conditional Use Permit for an eleven (11) unit residential complex on 0.77 acres located on the north side of Fir Avenue east of Indian Street.
- A. Staff recommends that the Planning Commission APPROVE Resolution No. 2020-11, and thereby:
1. **CERTIFY** that Planned Unit Development/Conditional Use Permit PEN19-0157 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Exemption, (Section 15332 In-Fill Development Projects); and
  2. **APPROVE** Planned Unit Development/Conditional Use Permit PEN19-0157, subject to the attached conditions of approval included as Exhibit A to the Resolution.

Public Hearing Opened: 7:33 PM

No public Speakers

Public Hearing Closed: 7:33 PM

Motion to approve Resolution 2020-11 was made by Vice Chairperson Baker and seconded by Commissioner Brugueras.

Vote: 7-0

Ayes: Commissioner Brugueras, Stephan, Harris, DeJohnette, Korzec, Vice Chairperson Baker and Chairperson Sims

Action: Approved

## **OTHER COMMISSION BUSINESS**

No items for discussion.

## **STAFF COMMENTS**

No items for discussion.

## **PLANNING COMMISSIONER COMMENTS**

Commissioner Brugueras thanked the community for practicing social distancing and complying with the Governor and our Mayor's rules so we can get through this by the end of April. He also thanked everyone out there for complying with the law.

Commissioner DeJohnette thanked the Cities IT team for working hard and making it happen for the commissioners to have the opportunity to be able to be home and stay safe and virus free.

Chairperson Sims congratulated all the commissioners for making the meeting happen and thanked the IT team for making it all possible.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, Chairperson Sims adjourned the meeting at 8:00 PM.

Submitted by:

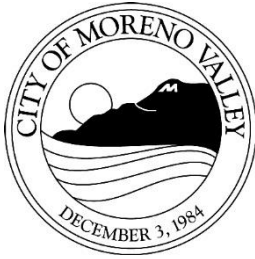
Approved by:

\_\_\_\_\_  
Ashley Aparicio  
Planning Commission Secretary

\_\_\_\_\_  
Jeffrey Sims  
Chairperson

Minutes Acceptance: Minutes of Mar 26, 2020 7:00 PM (CONSENT CALENDAR)





## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: April 9, 2020

A MUNICIPAL CODE AMENDMENT TO ADD SECTION 9.03.065 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE ESTABLISHING RESIDENTIAL DENSITY BONUS PROVISIONS TO ENSURE NO NET LOSS IN RESIDENTIAL CAPACITY PURSUANT TO THE PROVISIONS OF SENATE BILL 330.

Case: Municipal Code Amendment (PEN20-0035)

Applicant: City of Moreno Valley

Case Planner: Sean P. Kelleher

Council District: Citywide

Proposal: A Municipal Code Amendment to establish Residential Density Bonus provisions to ensure no net loss in residential capacity pursuant to the provisions of Senate Bill 330.

#### **SUMMARY**

The proposed Municipal Code Amendment would establish Residential Density Bonus provisions to provide 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. In doing so, the proposed Section 9.03.065 will ensure that there is no net loss of residential capacity within the City, as required by SB330. This Municipal Code Amendment would create a Density Bonus Program available to developers of multifamily residential housing dwelling units in the R10, R15, R20, and R30 land use districts.

#### **BACKGROUND**

On October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, declared a housing crisis in the State of California, adopted Government Code section 66300, 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 no net loss in residential capacity. SB330 became effective on January 1, 2020.

## **PROJECT DESCRIPTION**

### **Project**

In compliance with SB330 city staff has prepared an amendment to Chapter 9.03 of the Zoning Code to add Section 9.03.065 "Density Bonus Program for SB330." The provisions of Section 9.03.065 ensure that rezoning actions would not result in a net loss of residential capacity within the City of Moreno Valley. The proposed Density Bonus Program creates a mechanism by which the City can approve a less intensive non-residential use and concurrently make available the residential capacity that would otherwise be lost through the proposed Density Bonus Program. The City's Planning Division will publish the number of available units on the City's website.

The proposed Density Bonus Program will allow for developers of land currently zoned R10, R15, R20, or R30 to request up to a 30 percent density bonus subject to the number of units available. For example a residential developer of a one acre property that is zoned R10 could request a density bonus of up to 30%, or 3 units, allowing them to construct a total of 13 units. The authority to approve a density bonus is vested with the Planning Commission. If no units are available a density bonus pursuant to this provision may not be requested.

## **ENVIRONMENTAL**

Pursuant to Section 15378 of the California Environmental Quality Act, the proposed amendments to the Municipal Code are procedural in nature and would not involve any change to land use or development standards, thus there is no potential for these Municipal Code changes to either directly or indirectly result in a physical impact on the environment. Therefore, staff has determined that the proposed amendments are not a project under the California Environmental Quality Act.

## **NOTIFICATION**

The public hearing notice for this project was published in the local newspaper on March 30, 2020.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2020-16, and thereby **RECOMMEND** the City Council:

1. **APPROVE** Municipal Code Amendment PEN20-0035 based on the findings contained in this Resolution and **ADOPT** the attached Ordinance.

Prepared by:  
Sean P Kelleher

Approved by:  
Patty Nevins  
Planning Official

### **ATTACHMENTS**

1. Resolution No. 2020-13
2. Resolution No. 2020-13 Exhibit A: Draft Ordinance
3. Public Hearing Notice

PLANNING COMMISSION RESOLUTION NO. 2020-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL APPROVE MUNICIPAL CODE AMENDMENT PEN20-0035, AN AMENDMENT TO THE MUNICIPAL CODE ADDING SECTION 9.03.065 ESTABLISHING A RESIDENTIAL DENSITY BONUS TO ENSURE NO NET LOSS IN RESIDENTIAL CAPACITY PURSUANT TO THE PROVISIONS OF SB330.

**WHEREAS**, on October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, adopted Government Code Section 66300, declared a housing crisis in the State of California and imposing 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 no net loss in residential capacity. SB330 became effective on January 1, 2020; and

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

“This section does not prohibit an affected County or city from changing a land use designation or zoning ordinance to a less intensive use if the city or County 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.”

**WHEREAS**, the City of Moreno Valley has initiated a Municipal Code Amendment, No. PEN20-0035, in order to establish development regulations in compliance with SB330, as described in the title of this resolution and the attached Draft Ordinance, Exhibit A; and

**WHEREAS**, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

**WHEREAS**, the proposed application for the Municipal Code Amendment has been fully evaluated and considered with respect to the City’s General Plan; and

**WHEREAS**, pursuant to Section 15378 of the California Environmental Quality Act, a ‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the

environment and the proposed amendments are therefore not a project under the California Environmental Quality Act; and

**WHEREAS**, on April 9, 2020, the Planning Commission of the City of Moreno Valley held a public hearing to consider the proposed Municipal Code Amendment and all of the environmental documentation prepared for the project; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

**NOW, THEREFORE, BE IT RESOLVED**, it is hereby found and determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The proposed Municipal Code Amendment is consistent with Policy 1.5 of the 2014-2021 Housing Element of the Moreno Valley General Plan which states:

“Promote construction of units consistent with the new construction needs identified in the Regional Housing Needs Assessment (RHNA).”

The proposed Municipal Code Amendment is consistent with this policy as it will ensure that there is no net loss of residential capacity within the City of Moreno Valley resulting from a change in zone from a residential use to a less intensive non-residential use (or other land use entitlement which will reduce housing capacity).

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment is a legislative action and will not result in any direct physical impacts; therefore, the action itself could not be detrimental to the public health, safety or welfare.

Pursuant to Section 15378 of the California Environmental Quality Act, a ‘Project’ means the whole of an action, which has a potential for resulting in

2

Resolution No. 2020-13  
Date Approved:

either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

- 3. Conformance with Title 9 - The proposed amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed Municipal Code Amendment is consistent with the Purpose and intent of Title 9 as the proposed Amendment as it establishes procedures for the implementation of SB330. The proposed Municipal Code Amendment ensures compliance with SB330 as it will provide that, concurrent with the approval of any change in zone from a residential use to a less intensive, non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, the proposed Section 9.03.065 will ensure that there is no net loss of residential capacity within the City.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2019-13, and **RECOMMENDS** that the City Council:

- 1. **APPROVE** Municipal Code Amendment PEN20-0035 based on the findings contained in this Resolution and **ADOPT** the attached Ordinance.

**APPROVED this 9<sup>th</sup> day of April 2020.**

\_\_\_\_\_  
Jeffrey Sims  
Chairperson, Planning Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Patty Nevins,  
Planning Official  
Secretary to the Planning Commission

\_\_\_\_\_  
City Attorney

ATTACHMENT:

3  
Resolution No. 2020-13  
Date Approved:

Attachment: Resolution No. 2020-13 [Revision 2] (3992 : SB330 Municipal Code Amendment)

Exhibit A: Draft Ordinance

Attachment: Resolution No. 2020-13 [Revision 2] (3992 : SB330 Municipal Code Amendment)

4  
Resolution No. 2020-13  
Date Approved:

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE MUNICIPAL CODE CHAPTER TO ADD SECTION 9.03.065 ESTABLISHING A RESIDENTIAL DENSITY BONUS TO ENSURE NO NET LOSS IN RESIDENTIAL CAPACITY PURSUANT TO THE PROVISIONS OF SB330.

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

SECTION 1. FINDINGS:

The City Council finds that:

**WHEREAS**, on October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, adopted Government Code Section 66300, 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 no net loss in residential capacity. SB330 became effective on January 1, 2020; 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.”

**WHEREAS**, the City desires to adopt this Ordinance in order to ensure its compliance with SB330 and to accomplish this goal and ensure compliance with SB330, the City desires to amend Chapter 9.03 of the Zoning Code to add Section 9.03.065 and establish a density bonus program for certain residential projects; and

**WHEREAS**, the proposed Section 9.03.065 will provide 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. In doing so, the proposed Section 9.03.065 will ensure that there is no net loss of residential capacity within the City as required by SB330; and



**DRAFT**

**WHEREAS**, pursuant to Section 15378 of the California Environmental Quality Act, a 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and the proposed amendments are therefore not a project under the California Environmental Quality Act.

**SECTION 2. PURPOSE:**

The purpose of this Ordinance is to maintain City's compliance with SB330 and ensure the concurrent replacement of housing capacity which may be decreased by projects requesting rezoning of residential properties.

**SECTION 3. AUTHORITY:**

This Ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California and California Government Code Section 37100. The Ordinance is not intended to be duplicative of state law, or be preempted by state legislation.

**SECTION 4. MUNICIPAL CODE AMENDED:**

Chapter 9.03 of the Moreno Valley Municipal Code is hereby amended as follows:

**"Section 9.03.065 Density Bonus Program for SB330**

- A. Purpose and Intent. Concurrent with the approval of any change in zone from a residential use to a less intensive non-residential use (or other land use entitlement which will reduce housing capacity), a density bonus in the amount of 1.3 units for land currently zoned R10, R15, R20, or R30 shall be assigned up to the amount of residential units impacted by the change in zone from a residential use to a less intensive non-residential use (or other land use entitlement which will reduce housing capacity). This density bonus shall be available to applicants with a planning application for new residential development after the effective date of this Section who desires to develop land currently zoned R10, R15, R20, or R30 after the date of approval of the zone change resulting in a less intensive, non-residential development (or other land use entitlement which will reduce housing capacity).

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- B. Authority. Authority for approval of a Density Bonus under the provisions of this section shall be vested with the Planning Commission.
- C. Applicability. This density bonus shall be available to developers of multifamily residential housing dwelling units in the R10, R15, R20, and R30 land use districts on properties of at least one-acre minimum.
- D. Incentive. Developers may request a density bonus of 30 percent above the allowable number of units for up to the amount of residential units that have been impacted by the change in zone from a residential use to a less intensive non-residential use (or other land use entitlement which will reduce housing capacity).
- E. Implementation. The total number of dwelling units allowed under this density bonus shall be calculated by multiplying the maximum density allowed under the applicable zoning designation (i.e., the maximum density listed in Table 9.03.040-6 of this title or the applicable specific plan designation), and multiplying the result by 1.3, for a 30 percent density bonus up to the amount of residential units impacted by the change in zone from a residential use to a less intensive non-residential use (or other land use entitlement which will reduce housing capacity) . If the result, including the density bonus, contains a fraction of a unit, the number of allowable units shall be determined by rounding down to the nearest whole number if the fraction is below 0.5. Calculations containing fractions of 0.5 or above shall be rounded up.
- F. This density bonus may be combined with other density bonus programs included in this chapter but the total density bonus shall not exceed one hundred percent.
- G. The development standards for density bonus projects shall be those of the applicable zoning classification.
- H. The City's Planning Division shall publish the available number of units on the Planning Division's page on the City's website.

#### SECTION 5. SEVERABILITY:

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance

**DRAFT**

which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE:

This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 7. CEQA COMPLIANCE:

The City Council hereby finds and determines that pursuant to Section 15378 of the California Environmental Quality Act, the proposed amendments to the Municipal Code are procedural in nature and would not involve any change to land use or development standards, thus there is no potential for these Municipal Code changes to either directly or indirectly result in a physical impact on the environment. Therefore, the proposed amendments are not a project under the California Environmental Quality Act.

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

INTRODUCED at the \_\_\_\_\_, 2020 City Council meeting; APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**DRAFT**

**ORDINANCE JURAT**

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF MORENO VALLEY )

I, Pat Jacquez-Nares, 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 \_\_\_\_ day of \_\_\_\_\_, YYYY, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Attachment: Resolution No. 2020-13 Exhibit A: Draft Ordinance [Revision 2] (3992 : SB330 Municipal Code Amendment)

**NOTICE OF PUBLIC HEARING AND  
ENVIRONMENTAL DETERMINATION**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item:

- Project: PEN20-0035
- Applicant: City of Moreno Valley
- Location: City Wide
- Proposal: A Municipal Code Amendment to establish Residential Density Bonus provisions to ensure no net loss in residential capacity pursuant to the provisions of Senate Bill 330.
- Council Districts: Citywide

The proposed Municipal Code Amendment would add Section 9.03.065 to ensure that there is no net loss of residential capacity within the City, as required by SB330. The proposed Municipal Code Amendment will establish Residential Density Bonus provisions to provide that, concurrent with the approval of any change in zone from a residential use to a less intensive, non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. Pursuant to Section 15378 of the California Environmental Quality Act, a 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Any person interested in the proposal may speak at the hearing or provide written testimony at or prior to the hearing. The application file and environmental documents may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m. on Fridays), or you may telephone (951) 413-3206 for further information.

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The Planning Commission, at the Hearing or during deliberations, could also consider and approve changes to the project or the environmental determination. If you challenge this project, including any modifications considered for the project, in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission on or before the following meeting date:

- Date and Time:** April 9, 2020 at 7:00 p.m.
- Location:** City Hall Council Chamber  
14177 Frederick Street  
Moreno Valley, California 92553
- Planner:** Patty Nevins, Planning Official
- Telephone:** (951) 413-3215

/s/Patty Nevins	Press-Enterprise	March 30, 2020
Patty Nevins	Newspaper	Date of Publication
Planning Official		
Community Development Department		

Attachment: Public Hearing Notice (3992 : SB330 Municipal Code Amendment)