

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 A GENERAL PLAN AMENDMENT (PEN22-0133), CHANGE OF ZONE (PEN22-0134), CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT (PEN22-0136), AND TENTATIVE TRACT MAP NO. 38443 (PEN22-0130), FOR 135 SINGLE-FAMILY RESIDENTIAL LOTS, LOCATED ON THE SOUTH SIDE OF COTTONWOOD AVENUE, EAST OF NASON STREET, NORTH OF BAY AVENUE (APNS: 488-190-005, 488-190-027 AND 488-190-028)

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 (CEQA¹) and CEQA Guidelines²; and

WHEREAS, Highpointe MV I, LLC (“Applicant”) has submitted applications for a General Plan Amendment (PEN22-0133), a Change of Zone (PEN22-0134), a Conditional Use Permit for a Planned Unit Development (PEN22-0136), and a Tentative Tract Map No. 38443 (PEN22-0130) to subdivide three (3) existing parcels into 135 single family lots, on approximately 28.2 acres with associated improvements (“Proposed Project”) located on the south side of Cottonwood Avenue, east of Nason Street, north of Bay Avenue (APNs: 488-190-005, 488-190-027, and 488-190-028) (“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 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 30 days commencing on June 3, 2024, through July 3, 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

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

WHEREAS, on July 25, 2024, a duly noticed public hearing was conducted by the Planning Commission and the Planning Commission adopted Resolution 2024-23 recommending that the City Council certify and adopt the MND and MMRP for the Proposed Project, and the Planning Commission adopted Resolution No. 2024-24 (PEN22-0133), Resolution No. 2024-25 (PEN22-0134), and Resolution No. 2024-26 (PEN22-0136 and PEN22-0130) recommending the City Council approve the Proposed Project; and

WHEREAS, on September 17, 2024, a duly noticed public hearing was conducted by the City Council to consider the MND and 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 has reduced the potential 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 the evidence submitted into the Administrative Record for the MND and MMRP, 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;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit C;
- (c) Staff Report prepared for the Planning Commission and City Council's consideration and all documents, records, and references related thereto, and 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 MMRP, 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 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 17th DAY OF SEPTEMBER 2024.

CITY OF MORENO VALLEY
CITY COUNCIL

Ulises Cabrera,
Mayor of the City of Moreno Valley

ATTEST:

Patty Rodriguez,
Acting Manager of the Office of Mayor and City Council/City Clerk

APPROVED AS TO FORM:

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

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**