

RESOLUTION NO. 2024-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DECLARING PURSUANT TO CALIFORNIA GOVERNMENT CODE § 54221 THAT THE REAL PROPERTY IDENTIFIED AS APN 486-280-044 (LOCATED AT THE SEC OF ALESSANDRO BOULEVARD AND LASSELLE STREET) IS SURPLUS LAND AND NOT NECESSARY FOR THE CITY'S USE AT THIS TIME, FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING CERTAIN RELATED ACTIONS

WHEREAS, this Resolution concerns that certain real property identified as APN 486-280-044 (located at the SEC of Alessandro Boulevard and Laselle Street) consisting of approximately 8.47 acres, as more particularly described within Exhibit "A" to this Resolution (the "Property"); and

WHEREAS, an approximately 5.61-acre portion of the Property is zoned Multifamily Residential (R30) and an approximately 2.86-acre portion of the Property is zoned Open Space (OS) (the "Applicable Zoning"); and

WHEREAS, pursuant to the California Surplus Property Land Act, California Government Code (the "GC") § 54220 *et seq.* (the "SLA") and the Guidelines issued by the California Department of Housing and Community Development (the "HCD") (the "Guidelines"), in order for real property to be disposed of, for any purpose, such land must first undergo the noticing process set forth in the SLA and expounded upon by the Guidelines; and

WHEREAS, the SLA, as expounded upon by the Guidelines, provides that such land shall be declared either surplus land or exempt surplus land (if specific criteria are met, which do not apply to the Property) before a public entity may take action to dispose of it; and

WHEREAS, GC § 54222, requires a public entity, if it declares land it owns to be surplus and not necessary for the public entity's use, to provide written notice thereof to certain local agencies and housing sponsors designated by HCD (the "Notice Recipients"); the form of such notice is included within Exhibit "A" to this Resolution (the "Notice of Availability"); and

WHEREAS, the Notice of Availability provides the Notice Recipients a 60-day opportunity to provide a written expression of interest to negotiate for the sale or lease of real property consistent with the parameters for such negotiations provided by the SLA; and

WHEREAS, failure to follow the procedures described in the SLA with respect to the noticing process and related actions, may subject a public entity to financial and other

penalties and measures and may frustrate the ability of the public entity to further its achievement of development goals; and

WHEREAS, the Notice of Availability is not a request for proposals, does not bind the public entity to any disposition of real property and such real property remains subject to the Applicable Zoning; and

WHEREAS, the SLA does not impose any mandates or timeframes with respect to the disposition of real property; and

WHEREAS, in addition to the foregoing, under the SLA and the Guidelines, HCD has certain monitoring responsibilities concerning negotiations with Notice Recipients, if any, for the purpose of confirming that such negotiations were conducted within the parameters described in the SLA; and

WHEREAS, if approved, this Resolution will confirm the City Council's declaration that the Property is surplus and authorize the distribution of the Notice of Availability to the Notice Recipients; and

WHEREAS, pursuant to § 15060 (c) (3) of the California Environmental Quality Act (the "CEQA") Guidelines (i.e., California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387), approval of this Resolution is exempt from CEQA because the actions described herein will not result in a direct or indirect physical change in the environment and the actions described herein are not a "Project", as defined within § 15378 of the CEQA Guidelines; and

WHEREAS, if and when the Property is sold to a purchaser and that purchaser proposes a use for the Property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED, by the City Council of the City of Moreno Valley, in regular session assembled on November 21, 2023, in the meeting room of the City Council located on the 1<sup>st</sup> floor of City Hall, 14177 Frederick Street, Moreno Valley, California, as follows:

- 1) That the City Council hereby finds and declares that the above recitals are true and correct and incorporated as though fully set forth herein.
- 2) The City Council hereby declares that the Property is surplus land and not necessary for the City's use at this time and authorizes the distribution of the Notice of Availability, as prescribed by the SLA.
- 3) The City Manager, or designee, is hereby authorized to do all things that are necessary or proper to effectuate the purposes of this Resolution, and

any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the SLA and the Guidelines with any of the Notice Recipients that submit a written notice of interest as to the disposition of the City Property in compliance with the SLA.

- 4) This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*) (the “CEQA”). Pursuant to § 15060 (c) (3) of the CEQA Guidelines (i.e., California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387). Therefore, this Resolution is exempt from CEQA because the actions described herein will not result in a direct or reasonably foreseeable indirect physical change in the environment and the actions described herein are not a “Project”, as defined within § 15378 of the CEQA Guidelines. If and when the Property is sold to a purchaser and that purchaser proposes a use for the Property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.
- 5) The City Clerk is directed to file a Notice of Exemption pursuant to CEQA Guidelines § 15062.
- 6) This Resolution shall take effect upon the date of its adoption.

APPROVED AND ADOPTED this 17<sup>th</sup> day of September, 2024.

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Ulises Cabrera, Mayor

ATTEST:

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Patty Rodriguez, Acting City Clerk

APPROVED AS TO FORM:

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Steven B. Quintanilla, City Attorney

**RESOLUTION JURAT**

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

I, Patty Rodriguez, Acting City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2024-\_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 17<sup>th</sup> day of September, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
Patty Rodriguez, Acting City Clerk

(SEAL)

**FORM OF**

**Notice of Availability of Surplus Land**

**Date:** September \_\_, 2024

**TO:** Interested Local Agencies and Housing Sponsors

**RE:** Notice of Availability of Surplus Land in the City of Moreno Valley Pursuant to California Government Code § 54220, *et seq.*

Pursuant to California Government Code ("GC") § 54221 (b) (4), the City of Moreno Valley ("City") is herewith notifying local public entities and housing sponsors, as defined in GC § 54222 (a) (1) ("Notice Recipients"), of its determination that the City-owned land described below ("Property") is surplus land:

<b>Property Address:</b>	<b>None: Approximately 8.47 acres of vacant land located at the southeast corner of Alessandro Boulevard and Lasselle Street</b>
<b>Assessor's Parcel No.:</b>	<b>APN 486-280-044</b>
<b>General Plan Designation:</b>	<b>Multifamily Residential (R30) and Open Space (OS)</b>
<b>Zoning:</b>	<b>Multifamily Residential (R30) and Open Space (OS)</b>
<b>Current Use:</b>	<b>Vacant</b>

Copies of the aerial image and assessor map showing the Property are attached. The Property consists of approximately 8.47 acres. Approximately 5.61 acres are zoned R30 and approximately 2.86 acres are zoned OS. The portion of the Property that is zoned OS consists of a hill with rocky outcroppings. The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting that is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of 30 DUs per net acre in accordance with the provisions outlined within the Zoning Ordinance. The primary purposes of the OS district are to provide for low intensity, outdoor-oriented recreational facilities, preserve unique natural and environmentally sensitive areas, and protect and preserve the public health, safety and welfare.

The Property may require subdivision and the installation of certain types of in-tract infrastructure improvements as a prerequisite to the development of the land and all such costs and any other costs related to the development of the Property are the responsibility of the land developer. It will be the sole responsibility of the lessee or buyer, at their sole expense, to develop the Property in such a way that it could be developed in a manner that is consistent with the City's General Plan, Zoning Ordinance and applicable building codes. This includes, but is not limited to, all current or amended land use entitlements, if any. Additional information regarding the Property's general plan and zoning designations and the standards related thereto may be found at these links:

[https://moval.gov/city\\_hall/general-plan2040/02-LandUse.pdf](https://moval.gov/city_hall/general-plan2040/02-LandUse.pdf)

and

[https://library.qcode.us/lib/moreno\\_valley\\_ca/pub/municipal\\_code/item/title\\_9-chapter\\_9\\_07-article\\_i-9\\_07\\_010](https://library.qcode.us/lib/moreno_valley_ca/pub/municipal_code/item/title_9-chapter_9_07-article_i-9_07_010)

The City intends that any disposition of the Property will be in bulk (i.e., no less than the whole of Property), in an as-is, where-is condition at a market rate, without offset, discount or purchase money financing from the City.

A Notice Recipient desiring to lease or purchase the Property for any of the purposes authorized by GC § 54222, must file a written notice of interest (“NOI”) with the City (via certified mail or email; email preferred) within **60 days** from the date this Notice of Availability (“NOA”) was promulgated via email, as indicated by the date set forth below. However, the SLA and this NOA do not obligate the City to sell or lease the Property. If one or more NOI are received during the aforementioned **60-day** period, the City will review and consider such NOIs and seek additional and follow-up information, as may be needed and appropriate, to enable the City to confirm the viability of an offer, consistent with GC § 54223, which could be over a period of at least ninety (90) days or more, as may be needed. Further, any and all costs incurred by a Notice Recipient or any other entity or person responding to this NOA and any follow-up requested by the City shall be the sole responsibility of the Notice Recipient or any other entity or person responding to the NOA. Without limitation, the City shall not be responsible for any third-party expenses in connection with responding to the NOA.

**California Housing and Community Development Department Disclosure:**

Although the information provided below is clearly stated in GC § 54227, HCD requests that the following information also be included within an NOA:

“As required by GC § 54227, if the City receives more than one NOI during the **60-day** period, it will give first priority to entities proposing to develop housing where at least 25 percent of the units will be affordable to lower income households. If more than one such proposal is received, priority will be given to the proposal with the greatest number of affordable units. If more than one proposal specifies the same number of affordable units, priority will be given to the proposal that has the lowest average affordability level.”

Notice Recipients are strongly encouraged to carefully review the requirements set forth in the Surplus Land Act (GC §§ 54220-54234), the City of Moreno Valley General Plan, Zoning Ordinance and inspect the Property prior to submitting a NOI.

Please send written NOIs via certified mail or email (email is preferred, but not required) to:

Biran Mohan, Assistant City Manager  
14177 Frederick Street  
PO Box 88005  
Moreno Valley, California 92552  
[Brianm@moval.org](mailto:Brianm@moval.org)

**With copies to:**

Steven H. Dukett, Development Consultant to the City  
2305 Chicago Avenue  
Riverside, California 92507  
[Sdukett@TKEngineering.com](mailto:Sdukett@TKEngineering.com)

For further information, please contact Mr. Steven H. Dukett, Managing Director of Development Services, TKE Engineering, Inc. (development consultant to the City), at (909) 967-8205 or [sdukett@TKEngineering.com](mailto:sdukett@TKEngineering.com).

Consistent with the foregoing, the final day to submit a written statement of interest to either lease or purchase the Property is \_\_\_\_\_, **November \_\_, 2024 by 5:00 PM.**

Attachments (Aerial Image and Assessor Map)

AERIAL IMAGE OF THE PROPERTY





