

RESOLUTION NUMBER 2024-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE DEVELOPMENT AGREEMENT PEN24-0080 FOR THE DEVELOPMENT OF A FREEWAY ORIENTED SIGN AT 28720 SPRUCE AVENUE (APN: 488-310-011)

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and

WHEREAS, Timothy Hobin of William Warren Properties, Inc. (“Applicant”) is requesting consideration of Development Agreement PEN24-0080 for the development of a Freeway-Oriented Sign (“Proposed Project”) located at 28720 Spruce Avenue, identified as Assessor’s Parcel Number (APN) 488-310-011 (“Project Site”); and

WHEREAS, the application for the Proposed Project was evaluated in accordance with Section 9.02.110 (Development Agreements) of the Moreno Valley Municipal Code with consideration given to the Moreno Valley General Plan and other applicable laws and regulations; and

WHEREAS, at the public hearing on November 21, 2024, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission determined that the Proposed Project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 for In-Fill Development Projects, which is applicable to the Proposed Project since: 1) the Proposed Project is consistent with the applicable General Plan designation and policies and all applicable zoning designation and regulations and applicable policies; 2) the Project Site is no more than five acres in size and substantially surrounded by urban uses; 4) the Proposed Project will not result in any significant effects related to traffic, noise, air quality, or water quality; and 5) the Project Site can be adequately served by all required utilities and public services; 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 November 21, 2024, and notice was posted at the Project Site, published in the Press Enterprise Newspaper at least ten days prior to the public hearing, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on November 21, 2024, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.110 of the Moreno Valley Municipal Code and set forth herein could be made concerning the Proposed Project as conditioned.

NOW, THEREFORE, THE PLANNING COMMISSION 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 Project is 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, and pursuant to Government Code Section 66020(d)(1) the applicant is hereby further notified that the 90 day approval period in which the applicant may protest these fees, dedications, reservations, and other exactions, has commenced upon the date of adoption of this Resolution.

Section 3. Evidence

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, 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. Applications for Development Agreement PEN24-0080, and all documents, records, and references contained therein;
- d. Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto;
- e. 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 Planning Commission makes the following findings in recommending approval of the Proposed Project:

- a. That the Proposed Project is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
- b. That the Proposed Project is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
- c. That the Proposed Project is in conformity with public convenience, general welfare and good land use practice;
- d. That the Proposed Project will not be detrimental to the public health, safety and general welfare; and
- e. That the Proposed Project will not adversely affect the orderly development or the preservation of property values for the Project Site or any other property.

Section 5. Determination of Categorical Exemption

That the Planning Commission hereby determines that the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 (In-Fill Development Project) since: 1) the Proposed Project is consistent with the applicable General Plan designation and policies and all applicable zoning designation and regulations and applicable policies; 2) the Project Site is no more than five acres in size and is substantially surrounded by urban uses; 3) the Project Site has no value, as habitat for rare, threatened or endangered species; 4) the Proposed Project will not result in any significant effects related to traffic, noise, air quality, or water quality; and 5) the Project Site can be adequately served by all required utilities and public services.

Section 6. Notice of Exemption

That the Planning Division is hereby directed to prepare, execute, and file a Notice of Exemption as required by Section 5.2 (Noticing Requirements) of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act and CEQA Guidelines Section 15062.

Section 7. Recommendation of Approval

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby recommends that the City Council approve the Proposed Project.

Section 8. Repeal of Conflicting Provisions

That all the provisions as heretofore adopted by the Planning Commission that conflict with the provisions of this Resolution are hereby repealed.

Section 9. Severability

That the Planning Commission 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 10. Effective Date

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

Section 11. Certification

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

PASSED AND ADOPTED THIS 21st DAY OF NOVEMBER 2024.

CITY OF MORENO VALLEY
PLANNING COMMISSION



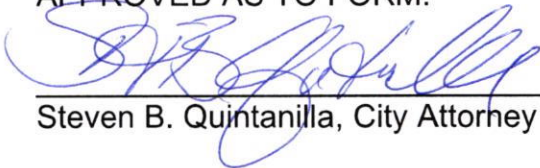
Erlan Gonzalez, Chairperson

ATTEST:



Robert Flores, Planning Official

APPROVED AS TO FORM:



Steven B. Quintanilla, City Attorney