



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Angelica Frausto-Lupo, Community Development Director

**AGENDA DATE:** January 7, 2025

**TITLE:** SECOND READING AND CONSIDERATION OF ADOPTION OF ORDINANCE NO. 1020 FOR DEVELOPMENT AGREEMENT PEN24-0080 (REPORT OF: COMMUNITY DEVELOPMENT)

**TITLE SUMMARY:** Second reading and consideration of adoption of Ordinance No. 1020.

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### **Recommendation(s)**

That the City Council:

1. Conduct a second reading by title only and adopt Ordinance No. 1020 adopting Development Agreement PEN24-0080.

### **SUMMARY**

Approval of the second reading of Ordinance No. 1020 will formally approve and adopt Development Agreement PEN24-0080.

### **DISCUSSION**

On December 17, 2024, the City Council introduced Ordinance No. 1020 approving Development Agreement PEN24-0080, as recommended by the Planning Commission. The ordinance is now being presented to the City Council for their second reading (adoption). Additionally, on December 17, 2024, the City Council also determined the Development Agreement is exempt from the California Environmental Quality Act (CEQA) as a Class 32 (Infill Development Project) Categorical Exemption (CEQA Guidelines Section 15332).

Before obtaining final signatures, the Applicant wanted to clarify in the Development Agreement and Ordinance the name of the company which the Applicant is operating under. In addition, staff and the Applicant have agreed to clarify in Section 3.2 (One-Time Public Benefit Contribution to Moreno Valley Community Foundation) of the Development Agreement that the \$500,000 “Public Benefit” shall be due before the issuance of a building permit to erect and install the New Freeway-Oriented Sign. Pursuant to section 36934 of the Government Code, ordinances in which corrections are made for clarification purposes due to typographical or clerical errors are not required to be reintroduced.

### **Ordinance Clarification**

WHEREAS, the City of Moreno Valley (“City”) and Timothy Hobin, William Warren Properties Inc. (28720 Spruce OA, LLC) (“Applicant”) agreed to enter into a Development Agreement pursuant to Government Code §65864 et seq. of the Government Code (the “Development Agreement Legislation”); and

### **Development Agreement Clarification**

3.2 One-Time Public Benefit Contribution to Moreno Valley Community Foundation. In consideration for the rights and benefits to developer under this Agreement, Developer shall pay to the Moreno Valley Community Foundation a one-time contribution of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) prior to issuance of a building permit to erect and install the New Freeway-Oriented Sign.

### **ALTERNATIVES**

1. Conduct the Second Reading by title only and adopt Ordinance No. 1020. (Staff recommends this alternative)
2. Provide revisions to the draft Ordinances and have staff return with the revised draft for another adoption process. (Staff does not recommend this alternative).
3. Provide alternate direction to staff. (Staff does not recommend this alternative).

### **FISCAL IMPACT**

Development Agreement PEN24-0080 incorporates a negotiated “Public Benefit” for the City that includes a one-time donation of \$500,000 to the Moreno Valley Foundation, a twenty percent (20%) profit-sharing with the City of Moreno Valley for 30-years (term of Development Agreement), and access to use the Freeway Sign for public service announcements (PSA) as requested by the City of Moreno Valley and approved by both parties.

### **NOTIFICATION**

Consistent with the applicable Municipal Code provisions and exceeding the distance requirements of applicable state law, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the

Press Enterprise Newspaper at least 10 days prior to the Public Hearing. As of the preparation of this Staff Report, no public comment has been received regarding the Proposed Project.

## **PREPARATION OF STAFF REPORT**

Prepared By:  
Robert Flores  
Planning Official

Department Head Approval:  
Angelica Frausto-Lupo  
Community Development Director

## **CITY COUNCIL GOALS**

**Positive Environment**. Create a positive environment for the development of Moreno Valley's future.

**Community Image, Neighborhood Pride and Cleanliness**. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

## **CITY COUNCIL STRATEGIC PRIORITIES**

1. **Economic Development**
2. **Public Safety**
3. **Library**
4. **Infrastructure**
5. **Beautification, Community Engagement, and Quality of Life**
6. **Youth Programs**

### Report Approval Details

Document Title:	STAFFREPORT_CD_2ndRead_PEN24-0080.docx
Attachments:	- ORD_DA_PEN24-0080.pdf
Final Approval Date:	Dec 31, 2024

This report and all of its attachments were approved and signed as outlined below:

Angelica Frausto-Lupo

Sean Kelleher

Natalia Lopez

Launa Jimenez

Brian Mohan

**No Signature - Task assigned to Mike Lee was completed by assistant Sean Kelleher**

Mike Lee

Patty Rodriguez