



Report to City Council

TO: Mayor and City Council

FROM: Steve B. Quintanilla, City Attorney
Angelica Frausto-Lupo, Community Development Director

AGENDA DATE: January 7, 2025

TITLE: PEN24-0176 – NOTICE OF DECISION TO EXTEND TENTATIVE PARCEL MAP NO. 39744/PEN20-0120 (REPORT OF: CITY ATTORNEY) (REPORT OF: COMMUNITY DEVELOPMENT)

TITLE SUMMARY: Notice of Decision to Extend Tentative Parcel Map No. 39744/PEN20-0120.

Recommendation(s)

That the City Council:

1. Receive and file the Notice of Decision.

SUMMARY

This item involves the extension of time that extends the expiration date of a Tentative Parcel Map that is the subject of pending CEQA-related litigation.

DISCUSSION

On December 12, 2024, the Planning Commission voted 7 - 0 to approve an Extension of Time (PEN24-0176) to extend the expiration date of Tentative Parcel Map No. 37944 (PEN20-0120) due to pending CEQA related litigation and in anticipation of settlement and dismissal of the case, based on a Common Sense Exemption in accordance with California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15061(b)(3).

Pursuant to Section 66452.6 of the California Subdivision Map Act, upon an application by the subdivider to extend a map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied. This means the expiration date of Tentative Parcel Map No. 37944 (PEN20-0120) has been automatically extended to March 19, 2025.

Section 9.14.080 (General Regulations) of Chapter 9.14 (Land Division) of Title 9 (Planning & Zoning) of the Moreno Valley Municipal Code, requires that a Notice of Decision be prepared and submitted to the City Clerk for placement on a City Council agenda. The purpose of placing the Notice of Decision on a City Council agenda is to inform the City Council of the decision, which commences the period in which an appeal must be filed or the period in which the City Council or any member of the city Council may request that jurisdiction over the matter be assumed by the City Council. In other words, it is a method for the City Council to appeal the decision. Considering the foregoing, the Planning Commission's decision on this matter is deemed final unless the decision is appealed to the City Council or the City Council or any councilmember elects to hear the matter within 10 days after the Notice of Decision appears on the City Council agenda.

ALTERNATIVES

1. Receive and file the Notice of Decision. (The City Attorney and Community Development Director recommend this alternative.)
2. Assume jurisdiction over the item and direct staff to bring the matter back for the City Council's consideration at the next regular meeting. (The City Attorney and Community Development Director does not recommend this alternative.)

FISCAL IMPACT

Receiving and filing the Notice of Decision will allow the project to proceed (once the litigation is concluded), which will produce development impact fee revenue for purposes of funding certain public facilities and improvements.

PREPARATION OF STAFF REPORT

Prepared By:
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City Attorney

Department Head Approval:
Angelica Frausto-Lupo
Community Development Director

Concurred By:
Robert Flores
Planning Official

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_PEN24-0176.docx
Attachments:	- NOTICE OF DECISION PEN24-0176.pdf
Final Approval Date:	Jan 2, 2025

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

Patty Rodriguez

Steve Quintanilla

Natalia Lopez

Launa Jimenez

Brian Mohan

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

Mike Lee

Patty Rodriguez