

RESOLUTION NO. 2026-XX

APPEAL (PAA26-0001)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ~~REVERSING APPROVING THE APPEAL (PAA26-0001) OF THE PLANNING COMMISSION'S DENIAL OF GENERAL PLAN AMENDMENT (PEN24-0023) AND CHANGE OF ZONE (PEN24-0024) TO AMEND THE GENERAL PLAN LAND USE MAP CHANGING THE LAND USE DESIGNATION AND ZONING FROM RESIDENTIAL 5 (R5) TO RESIDENTIAL 10 (R10), CONDITIONAL USE PERMIT (PEN24-0022) AND TENTATIVE TRACT MAP NO. 37858 (PEN24-0021) FOR A PLANNED UNIT DEVELOPMENT~~ FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF CACTUS AVENUE AND BRADSHAW CIRCLE, EAST OF MORENO BEACH DRIVE (APNS: 478-090-018, 478-090-024, AND 478-090-025) ~~AND THE NECESSARY AND CORRESPONDING AMENDMENTS TO THE CITY'S ZONING ATLAS AND APPROVING CONDITIONAL USE PERMIT (PEN24-0022), AND TENTATIVE TRACT MAP NO. 37858 (PEN24-0021)~~

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WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and has the authority to approve amendments to the City’s General Plan and the City’s Zoning Atlas; and

WHEREAS, ~~Shay Mueller of RC Hobbs Companies (“Applicant”) submitted applications for a General Plan Amendment (PEN24-0023) to change the existing land use designation to Residential (R10), a Change of Zone (PEN24-0024) to change the zoning designation to Residential Single-Family 10 (RS10) District, a Conditional Use Permit (CUP) (PEN24-0022) for a Planned Unit Development (PUD) and a Tentative Tract Map (TTM) (PEN24-0021) for a 4.81-acre site that will be subdivided into 37 single-family residential lots (“Proposed Project”), on the northeast corner of Cactus Avenue and Bradshaw Circle, east of Moreno Beach Drive (APNS: 478-090-018, 478-090-024, and 478-090-025) (“Project Site”)~~

WHEREAS, ~~on January 8, 2026, Shay Mueller of RC Hobbs Companies (“Appellant”) applied for an Appeal (PAA26-0001) of the Planning Commission’s Denial of General Plan Amendment (PEN24-0023), Conditional Use Permit (PEN24-0022), and Tentative Tract Map No. 37858 (PEN24-0021) for the proposed development of a thirty-seven (37) lot, single-family residential development on 4.81 acres, commonly known as Bradshaw Collection (the “Proposed Project”) located on the northeast corner of Cactus Avenue and Bradshaw Circle (APNS: 478-090-018, 478-090-024, AND 478-090-025) (“Project Site”) pursuant to Section 9.02.240 (Appeals) of the Moreno Valley Municipal Code; and~~

~~**WHEREAS**, Section 9.02.060 (Conditional Use Permits) of the Moreno Valley Municipal Code acknowledges that the purpose of a conditional use permit is to allow the establishment of uses that may have special impacts or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location and that the conditional use permit application process involves the review of the location, design, and configuration of improvements related to the Proposed Project, and the potential impact of the Proposed Project on the surrounding area based on fixed and established standards; and~~

~~**WHEREAS**, Chapter 9.14 (Land Division) of the Moreno Valley Municipal Code imposes conditions of approval upon projects for which a Tentative Tract Map is required, which conditions may be imposed by the City to address on-site improvements, off-site improvements, the manner in which the Project Site is used, and any other conditions as may be deemed necessary to protect the public health, safety, and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and~~

~~**WHEREAS**, the applications for the Proposed Project have been evaluated in accordance with Section 9.02.060 (Conditional Use Permits) and Chapter 9.14 (Land Divisions), respectively, of the Municipal Code with consideration given to the City's General Plan, Zoning Ordinance, and other applicable laws and regulations; and~~

~~**WHEREAS**, the Applicant has filed an application for the approval of the General Plan Amendment (PEN24-0023) ("Application") requesting an amendment to the Moreno Valley General Plan from Residential 5 (R5) to Residential 10 (R10), which shall also require any necessary and corresponding amendments to the City's Zoning Atlas to reflect that zoning classification and/or redistricting of the Project Site shall retain consistency between the Zoning Atlas and the General Plan land use designations; and~~

~~**WHEREAS**, on January 8, 2026, the Public Hearing to consider the Application was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and to present evidence; and~~

~~**WHEREAS**, on January 8, 2026, the Planning Commission denied the proposed General Plan Amendment, finding it inconsistent with the existing goals, objectives, policies, and programs of the General Plan; and would adversely affect the public health, safety, or general welfare.~~

~~**WHEREAS**, on January 8, 2026, a duly noticed Public Hearing was duly conducted by the Planning Commission to consider the Proposed Project, at which time all interested persons were provided with an opportunity to testify and to present evidence; and~~

~~**WHEREAS**, on January 8, 2026, the Planning Commission denied the Proposed Project, by denying General Plan Amendment (PEN24-0023) and Change of Zone (PEN24-0024) based on the following findings: (a) Since the City is a general law city, any zoning ordinance must be consistent with its general plan, so that all land uses and~~

zoning ordinances must be compatible with the objectives, policies, general land uses, and programs specified in the plan; (b) The proposed general plan amendment is not in the public interest since the City is currently preparing a comprehensive general plan update, which is anticipated to be considered by the City Council in February or March 2026 with the proposed zoning of the subject site remaining Residential 5 (R5) which has been analyzed under the draft EIR for the general plan update as being zoned Residential 5 (R5); (c) Changing the land use designation of the Project Site from Residential 5 (R5) to Residential 10 (R10) would be detrimental to the public interest and convenience, and welfare of the City in that it would be inconsistent with existing low-density residential development adjacent to the west of the proposed project site; (d) Increasing the residential zoning density for the project site is not necessary for meeting the City's regional housing needs assessment objectives with respect to affordable housing; (e) The proposed general plan amendment is not in the City's best interest in that the City's Pro-Housing Jurisdiction designation received from the California Department of Housing and Community Development is based on the Project Site being zoned (R5) rather than (R10); (f) The proposed General Plan Amendment will not promote public safety in that it can potentially add more traffic to Cactus Avenue, which is currently not built out to accommodate traffic based on the proposed (R10) zoning of the Project Site; (g) The proposed General Plan Amendment and Change of Zone will not promote public safety in that it will potentially add increased traffic to Bradshaw Circle that would jeopardize emergency access to the community of 8 homes located adjacent to Buvan Court, which is accessed via Bradshaw Circle; (h) The proposed Change of Zone is inconsistent with the General Plan as set forth in the Findings of Denial of the General Plan Amendment; and (i) The proposed Change of Zone will adversely affect the public safety and general welfare in that higher-density development will add more traffic to Cactus Avenue, which is currently not built out to standards to accommodate traffic based on the proposed increase in density of the project site; and

WHEREAS, the Applicant timely filed an Appeal of the Planning Commission's denial of the Proposed Project; and

WHEREAS, on February 17, 2026, the City Council conducted a duly noticed Public Hearing on the Appeal of the Planning Commission's denial of the Proposed Project's General Plan Amendment (PEN24-0023) and Change of Zone (PEN24-0024), and reviewed and considered the Proposed Project's Conditional Use Permit (CUP) (PEN24-0022) for a Planned Unit Development (PUD), Tentative Tract Map (TTM) (PEN24-0021) and Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; and

WHEREAS, on February 17, 2026, at a duly noticed Appeal Hearing of the City Council, all interested persons were provided an opportunity to testify and to present evidence; and

WHEREAS, on February 17, 2026, the City Council reversed the Planning Commission's denial of the Proposed Project's General Plan Amendment (PEN24-0023) and Change of Zone (PEN24-0024), and approved the Proposed Project's Conditional

Use Permit (CUP) (PEN24-0022) for a Planned Unit Development (PUD), Tentative Tract Map (TTM) (PEN24-0021) and Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program, subject to the findings set forth below in this Resolution.

~~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 January 8, 2026, and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Site; and~~

~~WHEREAS, on February 17, 2026, the City Council conducted a duly noticed Appeal Hearing on the Proposed Project, and considered the Proposed Project's Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; and~~

~~WHEREAS, on February 17, 2026, the Appeal Hearing was duly conducted by the City Council at which time all interested persons were provided with an opportunity to testify and to present evidence; and~~

~~WHEREAS, on February 17, 2026, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and approved Resolution No. 2026-XX adopting the Proposed Project's Mitigated Negative Declaration, and adopting a Mitigation Monitoring and Reporting Program.~~

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

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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 Appellant is hereby further notified that the 90 day approval period in which you may protest these fees, dedications,

reservations, and other exactions, has commenced upon the date of adoption of this Resolution.

Section 3. Evidence

That the City Council 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;
- ~~(a)~~
- ~~(b)~~ Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- ~~(b)~~
- ~~(c)~~ ~~The Moreno Valley General Plan Amendment changing the land use designation from Residential 5 (R5) to Residential 10 (R10) and all relevant provisions contained therein as shown on Exhibit A;~~
- ~~(d)~~ ~~Application for the approval of a General Plan Amendment (PEN24-0023), Change of Zone (PEN24-0024) and corresponding amendment to the City's Zoning Atlas, Conditional Use Permit (PEN24-0022), and Tentative Tract Map No. 37858 (PEN24-0021) and all documents, records and references contained therein;~~
- ~~(e)~~ ~~Staff Reports 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 hearings;~~
- ~~(f)~~ ~~Testimony and/or comments from Applicant and its representatives during the public hearings; and~~
- ~~(g)~~ ~~Testimony and/or comments from all persons that were provided in written format or correspondence, at or prior to the public hearings.~~
- ~~(c)~~ Applications for General Plan Amendment (PEN24-0023) and Change of Zone (PEN24-0024) as depicted in Exhibit A, attached hereto;
- ~~(h)~~ Applications for Conditional Use Permit (CUP) (PEN24-0022) for a Planned Unit Development (PUD) and Tentative Tract Map (TTM) (PEN24-0021).
- ~~(d)~~
- (e) 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 hearings;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearings; and
- (g) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearings.

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Section 4. Findings

That, based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the City Council hereby ~~recommends that the City Council~~ finds as follows:

- (a) ~~That the e~~-proposed General Plan Amendment and Change of Zone are consistent with the existing goals, objectives, policies, and programs of the General Plan;
- (b) ~~That e-the~~ proposed General Plan Amendment and Change of Zone will not adversely affect the public health, safety, or general welfare;
- (c) ~~That the e~~-Proposed Project is consistent with the goals, objectives, policies, and programs of the general plan;
- (d) The Proposed Project complies with all applicable zoning and other regulations;
- (e) The Proposed Project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (f) ~~That t~~The location, design, and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity;
- (g) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (h) That the Project Site is physically suitable for the type of development;
- (i) That the Project Site of the proposed land division is physically suitable for the proposed density of the development;
- (j) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife and/or their habitat;
- (k) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (l) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision;
- (m) That the requirements of CEQA have been satisfied;
- (n) That the proposed land division is not subject to the Williamson Act pursuant to the California Land Conservation Act of 1965;
- (o) That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the ~~C~~eity;
- (p) That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision; and

(q) That the effect of the Proposed Project on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

Section 5. Reversal of Planning Commission's Denial and Approval of Approval of Proposed Project

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That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings set forth above, the City Council hereby ~~reverses the Planning Commission's denial of the Proposed Project's~~ reverses the Planning Commission's denial of the Proposed Project's ~~and approves~~ General Plan Amendment (PEN24-0023) ~~and Change of Zone (PEN24-0034) as depicted in the exhibit attached hereto as Exhibit A, and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment (as set forth in more detail in Ordinance No. XXX, as set forth in the February 17, 2026, agenda, incorporated herein by this reference~~ and ~~approves the Proposed Project's~~ approves the Proposed Project ~~subject to the Conditions of Approval for~~ Conditional Use Permit (PEN24-0022) and Tentative Tract Map No. 37858 (PEN24-0021), attached hereto as ~~and~~ and Exhibit B.

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Section 6. Repeal of Conflicting Provisions

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

Section 7. 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 8. Effective Date

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

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APPROVED AND ADOPTED this 17th day of February, 2026.

Ulises Cabrera
Mayor
City of Moreno Valley

ATTEST:

M. Patricia Rodriguez,
Manager of the Office of Mayor and City Council/City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

Exhibits:

Exhibit A: General Plan Amendment Land Use Designation Map
Exhibit B: Conditions of Approval [Conditional Use Permit (PEN24-0022) and Tentative Tract Map No. 37858 (PEN24-0021)]

8
Resolution No. 2026-XX
Date Adopted: Month DD, 2026

RESOLUTION JURAT

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

I, M. Patricia Rodriguez, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2026-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

M. PATRICIA RODRIGUEZ,
MANAGER OF THE OFFICE OF MAYOR AND CITY COUNCIL/CITY CLERK

(SEAL)

Exhibit A:

General Plan Amendment Land Use Designation Map

Exhibit B:

Conditions of Approval [Conditional Use Permit (PEN24-0022) and Tentative Tract
Map No. 37858 (PEN24-0021)]