

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING ORDINANCE NO. 981 REGARDING 2040 MOVAL GENERAL PLAN ZONING

WHEREAS, the City of Moreno Valley (“City”) is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, on July 11, 2006, the City Council of the City of Moreno Valley (“City”) adopted a General Plan and associated zoning (“2006 General Plan”), and certified the related Final Program Environmental Impact Report (“EIR”); and

WHEREAS, the 2006 General Plan and certified EIR were not subject to any litigation challenge; and

WHEREAS, in 2016, the City Council initiated the process to update the 2006 General Plan; and

WHEREAS, on June 15, 2021, the City Council adopted Resolution No. 2021-46 certifying the Final Program EIR (State Clearinghouse No. 2020039022) for the MoVal 2040 General Plan Update and Climate Action Plan, and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines; and

WHEREAS, on June 15, 2021, the City Council also adopted Resolution No. 2021-47 approving the MoVal 2040 General Plan Update (PEN19-0240), the Climate Action Plan, and the Climate Action Plan Appendices, which Resolution superseded the 2006 General Plan; and

WHEREAS, the City Council introduced on June 15, 2021, and subsequently adopted on August 3, 2021, Ordinance No. 981, approving Municipal Code Zoning Ordinance Amendment PEN21-0030 to establish new zones to implement the newly established MoVal 2040 General Plan designations, Zoning Ordinance, and Official Zoning Atlas amendments to address consistency with the MoVal 2040 General Plan Update and the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan; and

WHEREAS, on July 15, 2021, the Sierra Club filed a Verified Petition for Writ of Mandate and Complaint for Declaratory Relief in the Riverside County Superior Court (Case No. CVRI2103300) challenging the City’s decision to certify the Final Program EIR and adopt the MoVal 2040 General Plan Update, Climate Action Plan, and Zoning Ordinance Amendment as reflected in Resolution Nos. 2021-46 and 2021-47, and Ordinance No. 981; and

WHEREAS, on June 21, 2022, the California Attorney General intervened in the Sierra Club case, and on July 11, 2022, filed a Petition for Writ of Mandate-in-Intervention; and

WHEREAS, on March 5, 2024, after briefing and hearing, the Riverside County Superior Court (Hon. Chad Firetag) issued its Statement of Decision (“Ruling”) on the Petitions of the Sierra Club and Attorney General, granting in part and denying in part the Petitions for the reasons stated in the Ruling; and

WHEREAS, on May 6, 2024, the Court entered directed that a Peremptory Writ of Mandate (“Writ”) issue ordering the City to set aside all Project approvals, including Resolution No. 2021-46 (certifying the EIR and adopting the findings, a Statement of Overriding Considerations, and a Mitigation, Monitoring and Reporting Program), Resolution No. 2021-47 (approving the General Plan Update and CAP, and adopting related findings), and Ordinance No. 981 (approving Zoning Ordinance Amendment PEN2021-0030 and adopting related findings), and set aside certification of the Final Program EIR for the General Plan Update, CAP, Zoning Ordinance Amendment, and related findings); and

WHEREAS, on May 6, 2024, the Court Clerk issued the Writ (**Exhibit “A”**) commanding, upon receipt, that the City set aside all Project approvals (including Resolution No. 2021-46, Resolution No. 2021-47, Ordinance No. 981, and related findings; and set aside certification of the Final Program EIR within forty-five (45) days of service of the Writ; and

WHEREAS, on May 20, 2024, the City was served with the Writ.

THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

That the above recitals are true and correct and are incorporated herein by this reference.

Section 2. Repeal of Ordinance 981

That Ordinance No. 981 is repealed in its entirety.

Section 3. Severability

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance 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 Ordinance as hereby adopted shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Ordinance, are hereby repealed.

Section 5. Effective Date

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 6. Certification

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

APPROVED AND ADOPTED this ____ day of _____ 2024.

Ulises Cabrera
Mayor
City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

EXHIBIT A
WRIT

1 ROB BONTA
Attorney General of California
2 CHRISTIE VOSBURG
Supervising Deputy Attorney General
3 OMONIGHO OIYEMHONLAN
(State Bar No. 331053)
4 Deputy Attorney General
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, California 94612-0550
6 Telephone: (510) 879-1984
Facsimile: (510) 622-2170
7 Omonigho.Oiyemhonlan@doj.ca.gov

MORENO VALLEY CLERK
'24 MAY 20 AM 9:55

8 Attorneys for Petitioner and Plaintiff- Intervenor
THE PEOPLE OF THE STATE OF CALIFORNIA
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF RIVERSIDE**
12 **RIVERSIDE HISTORIC COURTHOUSE**
13

14 SIERRA CLUB,
15 Petitioner and Plaintiff,
16 v.
17 THE CITY OF MORENO VALLEY; the
CITY COUNCIL OF THE CITY OF
18 MORENO VALLEY; and DOES 1
through 10,
19 Respondents and Defendants,
20 THE PEOPLE OF THE STATE OF
21 CALIFORNIA,
22 Petitioner and Plaintiff-
Intervenor.
23

Case No. CVRI2103300
~~PROPOSED~~ PEREMPTORY WRIT OF
MANDATE
ASSIGNED FOR ALL PURPOSES TO:
HON. CHAD FIRETAG, DEPT. 3
Action Filed: July 15, 2021

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1 TO RESPONDENTS CITY OF MORENO VALLEY AND CITY COUNCIL OF THE
2 CITY OF MORENO VALLEY:

3 The Court having entered Judgment ordering that a peremptory writ of mandate (“Writ”)
4 issue under seal of this Court in this action challenging Respondents’ decision to approve and
5 adopt the MoVal 2040 Comprehensive General Plan Update (“GPU”), the City of Moreno
6 Valley Climate Action Plan (“CAP”), and associated zoning amendment (collectively,
7 “Project”), and to certify the associated Environmental Impact Report (“EIR”),

8 YOU ARE HEREBY COMMANDED, on receipt of this Writ, to:

9 1. Within forty-five (45) days of service of this Writ,

10 a. set aside all Project approvals (including Resolution No. 2021-46
11 [certifying the EIR and adopting the findings, a Statement of Overriding Considerations,
12 and a Mitigation, Monitoring and Reporting Program], Resolution No. 2021-47
13 [approving the GPU and CAP, and adopting related findings], and Ordinance No. 981
14 [approving zoning ordinance amendment PEN21-0030 and adopting related findings]);
15 and

16 b. set aside the certification of the EIR for the Project.

17 2. File and serve a return to the Writ no later than ninety (90) days after service of
18 this Writ. The return shall specify the actions taken to comply with the terms of Writ.

19 3. In accordance with Public Resources Code section 21168.9(c), this Court does not
20 direct Respondents to exercise their lawful discretion in any particular way.

21 4. Pursuant to Public Resources Code section 21168.9(b), this Court retains
22 jurisdiction until the Court determines that Respondent has adequately complied with CEQA.

23 **THE FOREGOING WRIT OF MANDATE IS IMMEDIATELY ISSUED.**

24
25 DATED: MAY -6 2024



26
27 *K. Rahlwes*

28 Clerk of the Superior Court K. Rahlwes