



Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: March 18, 2025

TITLE: REPEAL OF MORENO VALLEY BUSINESS PARK BUILDING 5 (THE DISTRICT) ENTITLEMENTS PURSUANT TO WRIT OF MANDATE (REPORT OF: CITY ATTORNEY)

TITLE SUMMARY: Repeal of Moreno Valley Business Park Building 5 (The District) Entitlements

Recommendation(s)

That the City Council:

Pursuant to the attached Peremptory Writ of Mandate (Case No. CVRI210122 and Related Case No. CVRI2101518):

1. Adopt Resolution [next in order] Repealing Resolution No. 2021-07 Adopting a Mitigated Negative Declaration and Mitigation Monitoring Plan;
2. Adopt Resolution [next in order] Repealing Resolution No. 2021-08 Approving General Plan Amendment PEN20-0066;
3. Adopt Resolution [next in order] Repealing Resolution No. 2021-11 Approving Plot Plan PEN20-0137; and
4. Introduce Ordinance [next in order] Repealing Ordinance No. 978 Adopting Specific Plan Amendment PEN20-0138.

SUMMARY

On October 14, 2024, Hon. Judge Firetag of the Riverside County Superior Court, issued a Peremptory Writ of Mandate (“Writ”), otherwise known as a “court order,” mandating that the City set aside and vacate the following approvals for the Moreno Valley Business Park Project (a.k.a “The District Project”): (1) Resolution 2021-07 adopting a Mitigated Negative Declaration and Mitigation Monitoring Plan; 2) Resolution No. 2021-08 approving General Plan Amendment PEN20-0066; 3) Resolution No. 2021-11 approving Plot Plan PEN20-0137; and 4) Ordinance No. 978 adopting Specific Plan Amendment PEN20-0138. The City was ordered to file and serve a return to the Writ no later than one-hundred eighty (180) days after service of the Writ and any subsequent returns to the Writ every 90 days thereafter, as necessary. The return(s) (response(s)) to the Writ is/are required to specify the actions taken to comply with the terms of the Writ. A copy of the Writ is attached to this staff report.

BACKGROUND

The Sierra Club filed a Petition for Writ of Mandate (lawsuit) challenging the City’s approval of the Moreno Valley Business Park Project (“The District Project”), which the City approved in February 2021. The District Project involved the proposed development of a single industrial building consisting of 220,390 square-foot industrial building situated on 9.98 vacant and unimproved acres located at the southeast corner of Heacock Street and Ironwood Avenue. The Sierra Club prevailed in the case, which resulted in the attached Writ.

The developer has submitted the requisite development applications to the Planning Division for a revised project, which is undergoing CEQA review with an Environmental Impact Report rather than a Mitigated Negative Declaration. Based on the plain reading of the Writ, which contemplates subsequent returns (responses) on the Writ, it is clear that the Judge and the parties anticipated that the developer would be seeking approval for a revised project. If the newly revised project is approved by the City, the necessary returns will be filed with the Court.

Incidentally, as required with all other development projects approvals, the developer was required to indemnify the City in the event of litigation, As such, the City will not incur any costs related to the subject litigation.

ALTERNATIVES

1. Do not set aside and vacate the subject entitlements. [THE CITY ATTORNEY DOES NOT RECOMMEND THIS ALTERNATIVE SINCE IT WOULD BE INCONSISTENT WITH THE COURT ORDER.]
2. Set aside and vacate the subject entitlements as mandated by the court order and recommended by the City Attorney. [THE CITY ATTORNEY RECOMMENDS THIS ALTERNATIVE.]

FISCAL IMPACT

There is no fiscal impact associated with the recommended actions since the developer is obligated to reimburse the City for all costs associated with the subject litigation, including compliance with the court order

NOTIFICATION

Publication and distribution of the agenda at least 72 hours in advance of the March 18, 2025, Regular City Council Meeting.

PREPARATION OF STAFF REPORT

Prepared By:
Steve B. Quintanilla
City Attorney

Department Head Approval:
Angelica Frausto-Lupo
Community Development Director

Concurred By:
Sean Kelleher
Assistant City Manager, Development Services

CITY COUNCIL GOALS

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

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development

Report Approval Details

Document Title:	STAFFREPORT_CA_THEDISTRICTWRITOFMANDATE.docx
Attachments:	- RESOLUTION 2025-XX_REPEALING PLOT PLAN APPROVAL.pdf - RESOLUTION 2025-XX_REPEALING MITIGATED NEGATIVE DECLARATON APPROVAL.pdf - RESOLUTION 2025-XX_REPEALING GENERAL PLAN AMENDMENT APPROVAL.pdf - ORDINANCE 2025-XX_REPEALING SPECIFIC PLAN.pdf
Final Approval Date:	Mar 13, 2025

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

Patty Rodriguez

No Signature - Task assigned to Steve Quintanilla was completed by assistant Patty Rodriguez

Steve Quintanilla

Natalia Lopez

Dena Heald

No Signature - Task assigned to Launa Jimenez was completed by assistant Sean Kelleher

Launa Jimenez

Brian Mohan

Patty Rodriguez