

RESOLUTION NO. 2025-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AND ADOPT THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFY THE FINAL ENVIRONMENTAL REPORT (SCH NO. 2022040417) FOR THE PROPOSED PROJECT, WHICH INCLUDES THE TOWN CENTER AT MORENO VALLEY SPECIFIC PLAN (SP-222)

WHEREAS, the City of Moreno Valley is a general law city and a municipal corporation of the State of California (City); and

WHEREAS, Lewis Management Corporation, Inc., (“Applicant”), is the owner of 69.6 acres of real property, shown on page 8 of the Town Center at Moreno Valley (TCMV) Specific Plan (PEN 21-0334), and the TCMV Project applicant; and

WHEREAS, the Project Applicant has applied for General Plan Amendment (PEN25-0007), Change of Zone (PEN21-0335), Specific Plan (PEN21-0334), and Tentative Tract Map (PEN22-0077) for the Town Center at Moreno Valley Specific Plan (SP-222) (collectively the “Project Approvals” or “Proposed Project”); and

WHEREAS, in conjunction with the Applicant’s requested Project Approvals, and in accordance with the California Environmental Quality Act (CEQA)¹, and the State CEQA Guidelines², the City prepared a Draft Environmental Impact Report (Draft EIR) (SCH No. 2022040417) for the Proposed Project; and

WHEREAS, the Draft EIR evaluated the Proposed Project’s consistency with both the 2040 General Plan and the 2006 General Plan, and it was found, determined and concluded that the Proposed Project was consistent with both the 2040 General Plan and the 2006 General Plan; and

WHEREAS, notwithstanding the above, pursuant to the Housing Accountability Act, Government Code section 65589.5(j)(1), the Proposed Project, which contains a residential component, cannot be denied for inconsistency with the 2006 General Plan; and

WHEREAS, in May 2024, the Riverside County Superior Court issued a Judgment and Writ (“Writ”) directing that the City set aside certification of the 2040 General Plan EIR due to inadequacies identified in the Final Program EIR as to the issues of baseline, greenhouse gas emissions (GHG), air quality, and energy use; and

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

set aside approval of the 2040 General Plan and related Zoning Amendments until those errors were corrected; and

WHEREAS, other than the Climate Action Plan (CAP), the 2040 General Plan itself was not found defective; and

WHEREAS, the Court further did not prohibit the City from acting with respect to land use issues (*Sierra Club v. City of Moreno Valley*, CVRI2103300, April 12, 2024, Minute Order); and

WHEREAS, in compliance with the Writ, on June 25, 2024, the Moreno Valley City Council unanimously voted to adopt Resolution No. 2024-37, entitled “Resolution of the City Council of the City of Moreno Valley, California Setting Aside Resolution No 2021-46, Resolution No. 2021-47 Related to MoVal 2040 General Plan Update, Climate Action Plan, and Final Program Environmental Impact Report”; and

WHEREAS, in further compliance with the Writ, on June 25, 2024, the Moreno Valley City Council unanimously voted to approve (first reading) Ordinance No. 1014, entitled “An Ordinance of the City Council of the City of Moreno Valley, California, Repealing Ordinance No. 981 Regarding 2040 MoVal General Plan Zoning,” which the Moreno Valley City Council unanimously adopted (second reading) on September 3, 2024, which took formal effect 30 days thereafter; and

WHEREAS, on September 19, 2024, Hon. Judge Chad Firetag issued an “Order Discharging Writ” in which it was ordered, judged and decreed that since the City complied with, and adequately demonstrated its compliance with the Preemptory Writ of Mandate issued by the Court on May 6, 2024, the Writ was fully discharged; and

WHEREAS, the Draft EIR was circulated for public and agency comment and proper notification was provided in accordance with CEQA and the CEQA Guidelines, with the public comment period commencing on February 24, 2025, to April 10, 2025, after which the City prepared the Final EIR (State Clearinghouse No. 2022040417) (Final EIR); and

WHEREAS, the Final EIR has been completed, and has analyzed the environmental impacts of the construction and operation of the Proposed Project; and

WHEREAS, the Final EIR contains the information required by CEQA Guidelines § 15132, including, without limitation, the Draft EIR and all revisions and additions thereto, comments on the Draft EIR received from various agencies, organizations, companies, individuals and other interested parties, and the City’s responses to the comments received on the Draft EIR; and

WHEREAS, the Final EIR finds and concludes that all potentially significant environmental impacts from the implementation of the Proposed Project have been identified in the Final EIR and, with the implementation of the mitigation measures defined and set forth in the Mitigation Monitoring and Reporting Program (“MMRP”), will

be mitigated to a less-than-significant level except for those impacts identified in the Final EIR, which cannot be mitigated to a less-than-significant level; and

WHEREAS, a Statement of Overriding Considerations has been prepared for the Proposed Project, the purpose of which, as defined in CEQA Guidelines section 15093, is to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks that shall be considered when determining whether to approve the Proposed Project; and

WHEREAS, the Statement of Overriding Considerations is based on substantial evidence that the benefits of the Proposed Project, each of which has been determined to be, by itself and independent of the other benefits of the Proposed Project, is a basis for overriding, outweighing, and accepting the Proposed Project's significant and unavoidable air quality impacts identified in the Final EIR; and

WHEREAS, the Final EIR finds, determines and concludes that implementation of the Proposed Project will have specific significant environmental impacts even after the implementation of all feasible mitigation measures identified in the Final EIR, including the reasonable range of alternatives identified in Chapter 7 of the Final EIR, and that the Statement of Overriding Considerations has been prepared and considered, along with the Proposed Project's CEQA Findings of Fact; and

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 before the Moreno Valley Planning Commission for May 8, 2025, and notice thereof was duly published and posted on the Proposed Project site and the City's website and mailed to all property owners of record within 600 feet of the Proposed Project site; and

WHEREAS, on May 8, 2025, the Planning Commission, after providing the required notice, conducted the duly-noticed public hearing as prescribed by law to consider the Final EIR and the Proposed Project at which time all interested persons were provided with an opportunity to testify and present evidence.

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

Section 1. RECITALS AND EXHIBITS

That the foregoing Recitals and the attached Exhibits are true and correct and are hereby incorporated by reference.

Section 2. EVIDENCE AND RECORD

That the Planning Commission has considered all the evidence submitted in the record of proceedings for consideration of the Final EIR, including, but not limited to, the following:

- Conditional and final letters issued by the Federal Emergency Management Agency in 2004 and 2005 (LOMR 04-09-073P and 90-09-08R; CLOMR 06-09-A709R);
- Moreno Valley General Plan (2006);
- Permit-200501583-JPL, April 25, 2006, and extended June 2011;
- Clean Water Act Section 401 Water Quality Certification issued by the Santa Ana Regional Water Quality Control Board in January 2006;
- County of Riverside Stephens' Kangaroo Rat Habitat Conservation fee of \$322,450 paid in June 2006;
- Water Quality Management Plan approved by the City in October 2007 (PA04-0069);
- Master Plan of Service approved by the Eastern Municipal Water District in June 2007;
- Mass Grading and Erosion Control Plan and Permit issued by the City in July 2007 (Permit No. PK05-0266 and City ID 2611);
- Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, SAA No. 1600-2005-0146-R6 and SAA No. 1600-202-0173-R6 (Revision 1), in 2006 and 2013, respectively;
- City Council Resolution No. 2021-46 (June 15, 2021) (certifying Final Program EIR for the MoVal 2040 General Plan Update and Climate Action Plan, and adopting findings, overriding considerations and mitigation monitoring and reporting program under CEQA);
- City Council Resolution No. 2021-47 (June 2021) (approving the MoVal 2040 General Plan Update, Climate Action Plan, and Climate Action Plan appendices, which superseded the 2006 General Plan);
- City Council Ordinance No. 981 (June 15, 2021, introduction/first reading and August 3, 2021, adoption/second reading);
- Adopted Circulation Map (Updated October 2021);
- City's Housing Element (as modified in October 2022 and certified by the California Department of Housing and Community Development (HCD));
- City Council Resolution 2022-67 (October 2022);
- HCD Letter to City dated October 11, 2022;
- Moreno Valley 2040 General Plan and all other relevant provisions contained therein, as it existed on December 29, 2021, when the Proposed Project's Application was submitted to the City;
- Climate Action Plan, as it existed on December 29, 2021, when the Proposed Project's Application was submitted to the City;
- Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein, as it existed on December 29, 2021, when the Proposed Project's Application was submitted to the City;
- Statement of Decision, Sierra Club v. City of Moreno Valley, Case No. CVRI2103300 (March 5, 2024);
- Joint Response to City's Objections filed by the Sierra Club and the Attorney General (March 29, 2024);

- Minute Order (April 12, 2024) (Sierra Club v. City of Moreno Valley, Case No. CVRI2103300);
- Adopted Land Use Map (Updated October 2024);
- Zoning Map (Updated October 2024);
- Draft Environmental Impact Report (EIR) for the Town Center at Moreno Valley Specific Plan Project, including appendices (February 2025);
- Judgment, Sierra Club v. City of Moreno Valley, Case No. CVRI2103300 (May 6, 2024);
- Peremptory Writ of Mandate, Sierra Club v. City of Moreno Valley, Case No. CVRI2103300 (May 6, 2024);
- Resolution No. 2024-37, entitled “Resolution of the City Council of the City of Moreno Valley, California Setting Aside Resolution No 2021-46, Resolution No. 2021-47 Related to MoVal 2040 General Plan Update, Climate Action Plan, and Final Program Environmental Impact Report”;
- Ordinance No. 1014, entitled “An Ordinance of the City Council of the City of Moreno Valley, California, Repealing Ordinance No. 981 Regarding 2040 MoVal General Plan Zoning,” which the Moreno Valley City Council unanimously adopted (second reading) on September 3, 2024, which took formal effect 30 days thereafter;
- Order Discharging Writ, issued by Hon. Judge Chad Firetag on September 19, 2024.
- Notice of Termination of Coverage Under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Order No. 2009-0009-DWQ, NPDES No. CAS00002 (as Amended) (May 28, 2024)
- Notice of Preparation of Revised EIR for MoVal 2040: The Moreno Valley Comprehensive General Plan Update, Municipal Code and Zoning Amendments (including Zoning Atlas) and Climate Action Plan (July 30, 2024), including attached exhibits;
- Final EIR for the Proposed Project, including appendices (State Clearinghouse No. 2022040417) (April 2025);
- Application and related material and information pertaining to General Plan Amendment (PEN25-0007), Change of Zone (PEN21-0335), Specific Plan (PEN21-0334), and Tentative Tract Map (PEN22-0077) for the Town Center at Moreno Valley Specific Plan (SP-222);
- Conditions of Approval for Tentative Tract Map No. 38421 (PEN 22-0077);
- All public notices issued by the City of Moreno Valley with regard to the Proposed Project (2021-2025);
- All staff reports, attachments, and related documents prepared by the City of Moreno Valley for the Proposed Project (2025);
- All minutes and transcripts of all public meetings and public hearings held by the City of Moreno Valley related to the Proposed Project (2025);
- Permitted Uses Table 9.02-020-1;
- Permitted Uses Table 9.02-020-2;

- Testimony, and/or comments from the Applicant and its representatives during the public hearing;
- Testimony and/or comments from all persons provided in written format or correspondence at, or prior to, the public hearing; and
- All documents and websites used, referenced, or incorporated by reference in completing both the Draft EIR and the Final EIR for the Proposed Project.

Section 3. CEQA FINDINGS OF FACT

That based on the substantial evidence included in the Recitals, Exhibits and evidence contained in the record of proceedings, as set forth above, and the findings set forth in the Draft EIR and Final EIR, the Planning Commission hereby recommends that the City Council approve and adopt the Findings of Fact, attached hereto as **Exhibit A**, which finds that all potentially significant environmental impacts from the construction and operation of the development allowed by the Proposed Project have been identified in the Final EIR and that the implementation of the mitigation measures defined and set forth in the Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as **Exhibit B**, will be mitigated to a less-than-significant level, except for those impacts identified in the Final EIR as significant and unavoidable.

Section 4. MITIGATION MONITORING AND REPORTING PROGRAM

That based on the substantial evidence included in the Recitals, Exhibits and evidence contained in the record of proceedings, as set forth above, the findings set forth in the Draft EIR and Final EIR, and the CEQA Findings of Fact, as set forth in **Exhibit A**, the Planning Commission hereby recommends that the City Council approve and adopt the Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as **Exhibit B**.

Section 5. STATEMENT OF OVERRIDING CONSIDERATIONS

That based on the substantial evidence included in the Recitals, Exhibits and evidence contained in the record of proceedings and the findings, as set forth above, the findings set forth in the Draft EIR and Final EIR, the CEQA Findings of Fact, attached hereto as **Exhibit A**, and the Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as **Exhibit B**, the Planning Commission hereby recommends that the City Council finds and determines that since the economic, social, and environmental considerations associated with the construction and operation of the Proposed Project outweigh the unavoidable significant impacts described in the Final EIR, the City Council approve and adopt Statement of Overriding Considerations, attached hereto as **Exhibit C**.

Section 6. RECOMMENDATION OF APPROVAL AND CERTIFICATION OF THE FINAL EIR

That based on the substantial evidence included in the Recitals, Exhibits and evidence contained in the record of proceedings and the findings, as set forth above,

the findings set forth in the Draft EIR and Final EIR, the CEQA Findings of Fact, attached hereto as **Exhibit B**, the Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as **Exhibit B**, and Statement of Overriding Considerations, attached hereto as **Exhibit A**, the Planning Commission hereby recommends that the City Council approve and adopt the CEQA Findings of Fact, attached hereto as **Exhibit A**, the Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as **Exhibit B**, and Statement of Overriding Considerations, attached hereto as **Exhibit A**, and approve and certify the Final EIR for the Proposed Project, attached hereto as **Exhibit B**, and require a Notice of Determination be filed and posted, as required by CEQA, after the adoption of the City Council Resolution approving and certifying the Final EIR for the Proposed Project becomes final, as specified by Section 9.14.050 of the Moreno Valley Municipal Code.

Section 7. NO SIGNIFICANT NEW INFORMATION

That based on the substantial evidence included in the Recitals, Exhibits and evidence contained in the record of proceedings, as set forth above, the above findings and the findings set forth in the Draft EIR and Final EIR, the CEQA Findings of Fact, attached hereto as **Exhibit A**, the Planning Commission hereby finds that no significant new information, as defined CEQA Guidelines § 15088.5(a), has been received by the Planning Commission after the circulation of the Draft EIR that would require recirculation and that all of the information added to the Draft EIR merely clarifies, amplifies, or makes insignificant modifications to the already adequate Draft and Final EIRs pursuant to CEQA Guidelines § 15088.5(b).

Section 8. CEQA COMPLIANCE

That the Planning Commission hereby certifies that: (a) it has reviewed the Final EIR prior to taking any action to recommend approval, conditional approval, or denial the Proposed Project; (b) that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines; and (c) that the Planning Commission has complied with all of procedural and substantive requirements of CEQA and the CEQA Guidelines.

Section 9. INDEPENDENT JUDGMENT AND ANALYSIS

That the Planning Commission hereby finds that the Final EIR reflects the Planning Commission’s independent judgment and analysis.

Section 10. REPEAL OF CONFLICTING PROVISIONS

That all provisions of any resolution in effect prior to the effective date of this Resolution as adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

Section 11. EFFECTIVE DATE

That this Resolution shall take effect immediately upon its adoption.

Section 12. SEVERABILITY

That if 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 as hereby adopted shall remain in full force and effect.

Section 13. CERTIFICATION

That the Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

PASSED AND ADOPTED THIS 8th day of May , 2025.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Angelica Frausto-Lupo,
Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

Exhibits:

Exhibit A: Findings of Fact and Statement of Overriding Consideration

Exhibit B: Final Subsequent Environmental Impact Report with Appendices and Mitigation
Monitoring and Reporting Program