

RESOLUTION NUMBER 2023-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR TENTATIVE PARCEL MAP 38325 (PEN21-0327), MASTER PLOT PLAN (PEN21-0325), AND PLOT PLAN (PEN21-0326) FOR TWO LIGHT INDUSTRIAL BUILDINGS LOCATED ON THE EAST SIDE OF OLD 215 FRONTAGE ROAD SOUTH OF COTTONWOOD AVENUE (APN'S 263-190-012, 014, THROUGH 019 AND, 036)

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California, and the lead agency for the preparation and consideration of environmental documents for local projects that are subject to requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines; and

WHEREAS, Compass Danbe Real Estate Partners (CDRE Holdings 21, LLC.), ("Applicant") has submitted an application for a Tentative Parcel Map 38325 (PEN21-0327), Master Plot Plan (PEN21-0325), and Plot Plan (PEN21-0326) to subdivide the approximately 7.94-acre site into two approximately 3.95 acre lots and develop two light industrial buildings and public improvements ("Proposed Project") located on the east side of Old 215 Frontage Road south of Cottonwood Avenue (APN's 263-190-012, 014 through 019, and 036) ("Project Site"); and

WHEREAS, Planning Division Staff completed an Initial Study (environmental assessment) for the proposed Project and based on the environmental assessment, recommend adoption of a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") in accordance with Section 6 (Negative Declaration Procedures) of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act (CEQA) and the requirements of CEQA the CEQA Guidelines Sections 15070 – 15075; and

WHEREAS, a Notice of Intent to Adopt an MND was duly noticed and circulated for public review for a period of 20 days commencing on February 9, 2023, through March 1, 2023; and

WHEREAS, in compliance with CEQA and the CEQA Guidelines, a MMRP, which is a program for reporting and monitoring the Proposed Projects' mitigation measures, was prepared for the Proposed Project and circulated with the MND; and

WHEREAS, on March 9, 2023, a hearing was conducted by the Planning Commission to consider the approval of the Proposed Project's MND and the MMRP and approval of the Proposed Project, at which time the Planning Commission considered the Initial Study, MND, and the MMRP, together with any comments received during the public review process and the responses prepared; and

¹ Public Resources Code §§ 21000-21177

¹ 14 California Code of Regulations §§15000-15387

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the MND and the MMRP prepared for the Proposed Project has reduced the potential impacts of the Proposed Project to levels of insignificance and that there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment in a manner that would otherwise require the preparation and certification of an environmental impact report.

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 attached exhibits are true and correct and are hereby incorporated by this reference.

Section 2. Evidence

That the Planning Commission has considered all the evidence submitted into the Administrative Record for the MND and MMRP, including, but not limited to, the following:

- (a) MND/Initial Study prepared for the proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a MND/Newspaper Notice, attached hereto as Exhibit B;
- (c) MMRP, attached hereto as Exhibit C;
- (d) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing; and
- (e) Testimony, comments and correspondence from all persons that were provided at, or prior to, the public hearing.

Section 3. Findings

That based on the content of the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings:

- (a) That all environmental impact of the Proposed Project, with mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;
- (b) That the MND and MMRP have been completed in compliance with CEQA and the CEQA Guidelines and are consistent with the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;

- (c) That the MND and MMRP represent the independent judgment and analysis of the Planning Commission and the City as the lead agency for the Proposed Project; and
- (d) That the MND and MMRP are adequate to serve as the required CEQA environmental documentation for the Proposed Project.

Section 4. Adoption

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby adopts the Initial Study/MND attached hereto as Exhibit A and the MMRP attached hereto as Exhibit C.

Section 5. Repeal of Conflicting Provisions

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

Section 6. Severability

That the Planning Commission 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 7. Effective Date

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

Section 8. Certification

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

PASSED AND ADOPTED THIS 9th day of March 2023

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Planning Official

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

Exhibit A: Mitigated Negative Declaration/Initial Study

Exhibit B: Notice of Intent to Adopt a Mitigated Negative Declaration / Newspaper Notice

Exhibit C: Mitigation Monitoring and Reporting Program