

## RESOLUTION NUMBER 2023-43

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR CONDITIONAL USE PERMIT (PEN22-0014) FOR A PLANNED UNIT DEVELOPMENT OF 55 RESIDENTIAL UNITS, A TENTATIVE TRACT MAP NO. 38264 (PEN22-0013), AND VARIANCE (PEN23-0013) FOR WALL HEIGHTS, LOCATED ON THE SOUTHEAST CORNER OF COTTONWOOD AVENUE AND QUINCY STREET (APN: 478-250-001)**

**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<sup>1</sup>) and CEQA Guidelines<sup>2</sup>; and

**WHEREAS**, Pacifica Investments (“Applicant”) has submitted applications for a Conditional Use Permit (PEN22-0014) for a Planned Unit Development, a Tentative Tract Map No. 38264 (PEN22-0013) to subdivide one (1) existing parcel into fifty-five (55) single family lots, and a Variance (PEN23-0013) for wall heights, on approximately 18.36 net acres with associated public improvements (“Proposed Project”) located at the southeast corner of Cottonwood Avenue and Quincy Street (APN: 478-250-001) (“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 a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with Section 6 (ND Procedures) of the City’s Rules and Procedures for the Implementation of the California Environmental Quality Act and the requirements of CEQA the CEQA Guidelines Sections 15070 – 15075; and

**WHEREAS**, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 30 days commencing on August 29, 2023, through September 28, 2023; and

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

**WHEREAS**, on October 12, 2023, a duly noticed public hearing was conducted by the Planning Commission to consider the approval of the Proposed Project’s MND and MMRP and approval of the Proposed Project; and

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<sup>1</sup> Public Resources Code §§ 21000-21177

<sup>2</sup> 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 impact of the Proposed Project to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will significantly affect the environment in a manner that otherwise would 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 of the evidence submitted into the Administrative Record for the MND and MMRP, including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Proposed Project, attached hereto as Exhibits A and B;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit C;
- (c) 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
- (d) 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 impacts of the Proposed Project, with the 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 Proposed 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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program 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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program 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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program 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/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto as Exhibits A and B.

**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.

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**Section 8. Certification**

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

**PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF OCTOBER, 2023.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

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Alvin DeJohnette,  
Chairperson

ATTEST:

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Sean Kelleher,  
Community Development Director

APPROVED AS TO FORM:

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Steven B. Quintanilla,  
City Attorney

Exhibits:  
Exhibit A: Initial Study/Mitigated Negative Declaration  
Exhibit B: Mitigation Monitoring and Reporting Program  
Exhibit C: Notice of Intent to Adopt a Mitigated Negative Declaration

**Exhibit A**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Exhibit B**

**MITIGATION MONITORING AND REPORTING PROGRAM**

**Exhibit C**

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**