



Appendix A

Comments Received on the Revised Draft EIR

From: [Liao, William](#)
To: [Planning Notices DG](#)
Cc: [SCG SE Region Redlands Utility Request](#)
Subject: FW: MOVAL 2040 REVISED DRAFT PROGRAM EIR
Date: Friday, July 11, 2025 1:53:29 PM
Attachments: [20250711114302.pdf](#)

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Hello MoVal Planning.

We've received your Draft Program EIR PEN25-0020. Since there doesn't appear to be any specific area of concern at this time, I would like to simply ask to please include us in your project planning early-on in the process so we can work together to identify conflicts and find resolutions.

Please let me know if you have any questions. Thank you.

Will Liao
 Region Planning Supervisor
 Redlands HQ / Southeast Region
 Mobile: 840-213-5899

From: Liao, William <WLiao@socalgas.com>
Sent: Friday, July 11, 2025 11:43 AM
To: Liao, William <WLiao@socalgas.com>
Subject:

A1-1

From: [Casas, Yesenia](#)
To: [Planning Notices DG](#)
Cc: [Vega, Jaqueline](#)
Subject: PEN25-0020
Date: Monday, July 21, 2025 3:19:17 PM
Attachments: [Outlook-tfr31bqv.png](#)
[SLAS14AD4M25072111142.pdf](#)
[ALUC application 5-13-24.pdf](#)

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Hello,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed Citywide general plan amendment does require review by the ALUC because although the City is consistent with the compatibility plan for March AIA, the project proposes a citywide general plan amendment.

See application attached.

If you have any questions, please feel free to contact ALUC Planner, Jackie Vega.

Best regards,
 Yesenia Casas
 Executive Assistant I



Riverside County Airport Land Use Commission
 4080 Lemon Street, 14th Floor
 Riverside, Ca 92501
 (951)955-5132
Ycasas@rivco.org
www.rcaluc.org

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[County of Riverside California](#)

A2-1



RIVERSIDE COUNTY **AIRPORT LAND USE COMMISSION**

APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC STAFF ONLY

ALUC Case Number: _____

Date Submitted: _____

AIA:

Airport

Zone:

Zone

Public Hearing ☐

Staff Review ☐

Applicant

Applicant

Full Name: _____

Applicant Address: _____

Phone: _____ Email: _____

Representative/ Property Owner Contact Information

Representative: _____ Email: _____

Phone: _____

Address: _____

Property Owner: _____ Email: _____

Phone: _____

Address: _____

Local Jurisdiction Agency

Agency Name: _____ Phone: _____

Staff Contact: _____ Email: _____

Address: _____ : _____ :

Local Agency Case No.: _____

Project Location

Street Address: _____ Gross Parcel Size: _____

Assessor's Parcel No.: _____

Solar

Is the project proposing solar Panels? Yes

☐

No

☐

If yes, please provide solar glare study.
(only if in Zone C or higher)

Data

Site Elevation:(above
mean sea level) _____

Height of Building or
structures: _____

What type of drainage basins are
being proposed and the square
footage: _____

Notice

A. NOTICE: Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.

B. REVIEW TIME: Estimated time for “staff level review” is approximately 30 days from date of submittal. Estimated time for “commission level review” is approximately 45 days from date of a complete application submittal to the next available commission hearing meeting.

C. SUBMISSION PACKAGE:

Please submit all application items DIGITALLY via USB or CD:

- Completed ALUC Application Form
- Plans Package: site plans, floor plans, building elevations, grading plans, subdivision maps
- Exhibits of change of zone, general plan amendment, specific plan amendment
- Project description of existing and proposed use

Additionally, please provide:

- ALUC fee payment (Checks made out to Riverside County ALUC)
- Gummed address labels of all surrounding property owners within a 300-foot radius of project site. (Only required if the project is scheduled for a public hearing).

SCHEDULE OF DEVELOPMENT REVIEW FEES (effective 05/13/2024)

CASE TYPE	ALL OTHERS		MARCH ZONE E	
	INITIAL REVIEW FEE	AMENDED REVIEW FEE	INITIAL REVIEW FEE	AMENDED REVIEW FEE
General Plan or General Plan Element (County or City)	\$4,250	\$2,827	\$2,310	\$1,537
Community Plan or Area Plan (County or City)	\$4,250	\$2,762	\$2,310	\$1,502
(New) Specific Plan or Master Plan	\$3,750	N/A	\$2,038	N/A
Specific Plan Amendment	N/A	\$2,508	N/A	\$1,363
General Plan Amendment	\$1,531	N/A	\$832	N/A
Change of Zone or Ordinance Amendment	\$1,531	\$1021	\$832	\$554
Non-Impact Legislative Project (as determined by staff)	\$483	N/A	\$375	N/A
Tract Map	\$1,742	\$1,170	\$947	\$636
Conditional Use Permit or Public Use Permit	\$1,531	\$1,021	\$832	\$554
Plot Plan, Development Review Plan or Design Review	\$1,531	\$1,021	\$832	\$554
Parcel Map	\$1,531	\$1,021	\$832	\$554
Environmental Impact Report*	\$3,506	\$2,338	\$1,906	\$1,271
Other Environmental Assessments*	\$1,922	\$1,275	\$1,044	\$693
Building Permit or Tenant Improvement	\$659	\$447	\$359	\$243

Effective May 13, 2024, an additional fee of \$219.00 will be charged to projects requiring ALUC public hearings (no additional fee for staff review cases).

ADDITIONAL PROJECT SPECIFIC FEES (in addition to the above fees)				
Location in APZ I or II of March	\$2,500	\$2,500	N/A	N/A
AIA Large Commercial Solar Project (Energy Generation Facility)	\$3,000	\$3,000	\$3,000	\$3,000
Heliports/Helicopter Landing Sites	\$1,000	\$1,000	\$1,000	\$1,000
Speculative Nonresidential Multiple Buildings (4 or more)	\$8,210	\$8,210	N/A	N/A

NOTE: * THIS FEE IS COLLECTED ONLY FOR PROJECTS THAT ARE NOT CLASSIFIED UNDER ONE OF THE ABOVE CATEGORIES.

Checks should be made payable to: Riverside County Airport Land Use Commission

From: [Vega, Jaqueline](#)
To: [Colby Cataldi](#); [Casas, Yesenia](#); [Steve Quintanilla](#)
Cc: [Angelica Frausto-Lupo](#); [Claudia Manrique](#)
Subject: Re: PEN25-0020
Date: Tuesday, August 19, 2025 9:07:02 AM
Attachments: [image001.png](#)
[image384575.png](#)
[Outlook-d0agd21h.png](#)

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Good Morning,

I spoke to the Director at ALUC and for this particular project if there is no change to the SCOPE of the original reviewed project by the ALUC through ZAP1465MA21 , review by the ALUC is not required again.

Should you have any questions, please contact me.

Jackie Vega
Associate Planner



Riverside County Airport Land Use Commission
4080 Lemon Street, 14th Floor
Riverside, Ca 92501
(951) 955-0982
Javega@RIVCO.ORG
www.rcaluc.org

From: Colby Cataldi <colbyca@moval.org>
Sent: Monday, August 18, 2025 4:56 PM
To: Casas, Yesenia <YCasas@Rivco.org>; Vega, Jaqueline <JaVega@RIVCO.ORG>; Steve Quintanilla <steveq@qalawyers.com>
Cc: Angelica Frausto-Lupo <angelicaf@moval.org>; Claudia Manrique <claudiam@moval.org>
Subject: RE: PEN25-0020

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

To Ms. Vega and Ms. Casas,

On June 15, 2021, the City of Moreno Valley City Council approved the MoVal 2040 Project, which consisted of the 2021 General Plan Update ("2021 GPU"), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2021 Climate Action Plan (CAP), and certified a 2021 Program Environmental Impact Report ("EIR") (State Clearinghouse No. 2020039022). This included an ALUC-approved

A2-2

“Airport Land Use Compatibility Plan (Chapter 9.07.060 of the Municipal Code)” (ALUC approval letter attached).

On March 5, 2024, the Court issued a Statement of Decision granting the Petition on the issues of “inadequate baseline, air quality/climate changes (greenhouse gas [GHG] emissions)/energy use analyses,” but denying the Petition on the issue of “land use analysis.” The Court followed up the Statement of Decision with a Peremptory Writ of Mandate (“Writ”), dated May 6, 2024, that ordered the City to set aside the approval of the 2021 GPU and its associated zoning and 2021 Climate Action Plan; and 2) to rescind certification of the 2021 Program EIR.

Today, Moreno Valley is moving forward with “PEN25-0020 - MoVal 2040 Project: 2024 General Plan Update, Associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (CAP).” This includes the readoption of the previously ALUC-approved “Airport Land Use Compatibility Plan (Chapter 9.07.060 of the Municipal Code)” language with **NO CHANGES** from June 2021. For this reason, the City of Moreno Valley sees no substantive changes to the overall project that warrant another formal review by ALUC. As a courtesy, please feel free to click on the link below and review the current project related documents posted on the City’s website. [MoVal 2040 General Plan Update](#)

Respectfully,

Colby Cataldi

**Planning Division Manager
Community Development
City of Moreno Valley**

p: 951.413.3214 | e: colbyca@moval.org | w: www.moval.org
14177 Frederick St., Moreno Valley, CA, 92553



From: Casas, Yesenia <YCasas@Rivco.org>
Sent: Monday, July 21, 2025 3:19 PM
To: Planning Notices_DG <planningnotices@moval.org>
Cc: Vega, Jaqueline <JaVega@RIVCO.ORG>
Subject: PEN25-0020

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Hello,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed Citywide general plan amendment does require review by the ALUC because although the City is consistent with the compatibility plan for March AIA, the project proposes a citywide general plan amendment.

See application attached.

If you have any questions, please feel free to contact ALUC Planner, Jackie Vega.

Best regards,
Yesenia Casas
Executive Assistant I



Riverside County Airport Land Use Commission

4080 Lemon Street, 14th Floor
Riverside, Ca 92501
(951)955-5132

Ycasas@rivco.org

www.rcaluc.org

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[County of Riverside California](#)

From: [McNeill, Amy](#)
To: [Planning Notices_DG](#)
Cc: [McKinney, Elsa](#)
Subject: PEN 25-0020, MoVal 2040 Project: 2024 General Plan Update
Date: Friday, August 15, 2025 3:06:33 PM
Attachments: [image001.png](#)

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Hello Angelica Frausto-Lupo,

Thank you for the opportunity to comment, however since this proposal is not a project with proposed construction, Riverside County Flood Control and Water Conservation District has no comments at this time. When the future projects come in, the District will review and provide any applicable comments. It is noted that Chapter 6 Safety pages 7 to 10 cover a general description of the flood hazards and notes coordination with Riverside County Flood Control and Water conservation District will occur when projects are submitted in the future.

Please note, land use changes that result in higher densities and thus increased impervious surfaces may impact the capacity of existing drainage facilities and require additional mitigation on site.

Thank you,

Amy

A3-1



Amy McNeill, PE | Engineering Project Manager

Development Review

Riverside County Flood Control & Water Conservation District
 1995 Market Street | Riverside, CA 92501

Direct: 951-955-1214 | Email: ammcneil@rivco.org

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[County of Riverside California](#)

From: [Vilchis, Martha](#)
To: [Planning Notices DG](#)
Cc: [Maroun El-Hage](#); [Ruiz Estrada, Jose](#)
Subject: NOA MoVal 2040 Revised Draft PEIR - EMWD Comments
Date: Wednesday, August 20, 2025 1:49:27 PM
Attachments: [Item 3 - MoVal 2040 Project signed.pdf](#)

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Ms. Frausto-Lupo,

Please find attached a copy of Eastern Municipal Water District's comments on the Notice of Availability for the MoVal 2040 Project Revised Draft Program Environmental Impact Report, signed by Environmental and Regulatory Compliance Director, Anthony Budicin.

A4-1

Thank you,

Martha Vilchis

Water Resources Specialist Assistant I
Environmental and Regulatory Compliance
Eastern Municipal Water District
(951) 928-3777, ext. 4525
vilchism@emwd.org



August 20, 2025

Angelica Frausto-Lupo
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Subject: MoVal 2040 Project – Notice of Availability of a Revised Draft Program Environmental Impact Report

Dear Ms. Frausto-Lupo:

EMWD appreciates the opportunity to provide comments on the Notice of Availability (NOA) for the MoVal 2040 Project Revised Draft Program Environmental Impact Report (PEIR).

A4-2

As development within this area occurs over time, the proponents of implementing development projects shall consult EMWD's Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), to detail all pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities.

A4-3

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by email at El-hagem@emwd.org.

Sincerely,

Anthony Budicin
Director of Environmental and Regulatory Compliance

Board of Directors
Stephen J. Corona, *President* David J. Slawson, *Vice President* Jeff Armstrong Joe Grindstaff Philip E. Paule

EASTERN MUNICIPAL WATER DISTRICT

2270 Trumble Road • Perris, CA 92572-8300
T 951.928.3777 • F 951.928.6177 • www.emwd.org

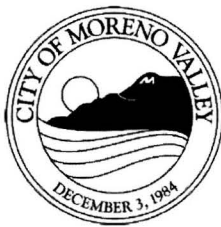
Ms. Frausto-Lupo

August 20, 2025

Page 2

Cc: Maroun El-Hage, MPA, MS, PE, EMWD Principal Civil Engineer, Dev. Services Dept.
Jose Ruiz, EMWD Assistant Engineer, Dev. Services Dept.
Martha Vilchis, EMWD Water Resources Specialist Assistant, ERC Dept.

Attachment: Copy of Public Notice



**Community Development Department
Planning Division**

14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Telephone: 951.413-3206

**NOTICE OF AVAILABILITY
MOVAL 2040 REVISED DRAFT PROGRAM EIR
ENVIRONMENTAL IMPACT REPORT
PEN25-0020
SCH No. 2020039022**

NOTICE IS HEREBY GIVEN that, pursuant to requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines, the City of Moreno Valley has prepared a Revised Draft Program Environmental Impact Report ("EIR") for the proposed MoVal 2040 Project, which consists of the 2024 General Plan Update ("2024 GPU"), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan ("CAP").

On June 15, 2021, the City Council of the City of Moreno Valley ("City Council") approved the previous MoVal 2040 Project, which consisted of the 2021 General Plan Update ("2021 GPU"), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2021 Climate Action Plan (CAP), and certified a 2021 Program Environmental Impact Report ("EIR") (State Clearinghouse No. 2020039022). On October 28, 2021, the Sierra Club filed a First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief ("Petition") against the City, alleging violations of CEQA and the State CEQA Guidelines and challenging the City Council's approval of the previous MoVal 2040 Project and certification of the 2021 Program EIR. On March 5, 2024, the Court issued a Statement of Decision granting the Petition on the issues of "inadequate baseline, air quality/climate changes (greenhouse gas [GHG] emissions)/energy use analyses," but denying the Petition on the issue of "land use analysis." The Court followed up the Statement of Decision with a Peremptory Writ of Mandate ("Writ"), dated May 6, 2024, that ordered the City to set aside the approval of the 2021 GPU and its associated zoning and 2021 Climate Action Plan; and 2) to rescind certification of the 2021 Program EIR.

Consistent with Section 15168 of the CEQA Guidelines, this Revised Draft Program EIR provides a programmatic analysis of the environmental impacts associated with implementation of the goals, policies, actions, and projected buildout associated with the following:

- 2024 General Plan Update (2024 GPU),
- Associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and
- 2024 Climate Action Plan (CAP)

These three separate planning documents are collectively referred to as the MoVal 2040 Project (Project).

In light of the limited scope of the Statement of Decision, the Project consists of targeted revisions to the originally adopted 2021 General Plan and 2021 CAP, based on a 2024 baseline, air quality, climate changes (GHG emissions) and energy use, and readoption of the associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, approved in 2021, since the Court denied the Sierra Club's Petition on the issue of land use.

The MoVal 2040 Project will help guide the physical development and growth within the City and its Sphere of Influence. The 2024 CAP will allow the City to identify and mitigate greenhouse gas emissions within the same areas.

Project Title: PEN25-0020 - MoVal 2040 Project: 2024 General Plan Update, Associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (CAP).

Location: The Project will help guide the physical development and growth within the City and its Sphere of Influence, with the 2024 CAP allowing the City to identify and mitigate greenhouse gas emissions within the same geographic areas.

Description: The Project consists of targeted revisions to the originally adopted 2021 General Plan and 2021 CAP, based on a 2024 baseline, air quality, climate changes (GHG emissions) and energy use, and readoption of the associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, approved in 2021, since the Court denied the Petition on the issue of land use.

Significant Environmental Impacts:

The Revised Draft Program EIR identified potentially significant environmental impacts to the following resources: Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Noise, and Transportation. With the incorporation of mitigation measures, potentially significant impacts to greenhouse gas emissions would be reduced to less than significant. However, even with mitigation incorporated, potentially significant impacts related to Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, and Noise would remain significant and unavoidable. The Project incorporates goals and policies to reduce Vehicle Miles Traveled ("VMT") to the extent feasible; however, no additional mitigation was identified that could reduce VMT impacts to less than significant levels, and Transportation impacts would remain significant and unavoidable.

Cortese List Notice: Pursuant to Public Resources Code §21092.6(a), there are four active Envirostor sites and six active Geotracker hazardous materials sites within the City and the City's Sphere of Influence identified on the list of hazardous materials sites compiled by the California Department of Toxic Substances Control pursuant to Government Code §65962.5.

Document Availability: The Revised Draft Program EIR and its technical appendices are available for review on the City's website at (<https://moval.gov/cdd/documents/about-projects.html>) and at City Hall located at 14177 Frederick Street, Moreno Valley from 7:30 a.m. to 5:30 p.m., Monday through Thursday and from 7:30 a.m. to 4:30 p.m. on Friday.

In addition, the Revised Draft Program EIR is available for review at the City's three Library Branches located at:

- Main Branch, 25480 Alessandro Boulevard
- Mall Branch, 22500 Town Circle
- Iris Plaza Branch, 16170 Perris Boulevard

45-day Public Review Period: The Public Review Period shall commence July 7, 2025, through August 21, 2025.

Submission of Written Comments: Members of the public, responsible and trustee agencies, and other interested parties may submit written comments (including emailed comments) on the Revised Draft Program EIR during the 45-day Public Review Period. **Comments shall be limited to the revised portions of the Revised Draft Program EIR pursuant to CEQA Guidelines Section 15088.5(f)(2).** Written comments must be received at the City of Moreno Valley Community Development Department **no later than the conclusion of the 45-day review period, at 5:30 p.m. on August 21, 2025.**

Angelica Frausto-Lupo, Community Development Director
City of Moreno Valley, Community Development Department
14177 Frederick Street, Moreno Valley, CA 92553
Email: planningnotices@moval.org

For additional information, please contact
Angelica Frausto-Lupo, Community Development Director, at (951) 413-3206 or
Email: planningnotices@moval.org

From: [Danica Nguyen](#)
To: [Planning Notices DG](#); [Community Development - Planning](#)
Cc: [Sam Wang](#); [Barbara Radlein](#); [Nicholas Dwyer](#)
Subject: South Coast AQMD Staff's comments on the Revised Draft Program EIR for the MoVal 2040: Moreno Valley General Plan Update, Associated Zoning Text Amendments to Title 9 (Planning and Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (CAP)
Date: Wednesday, August 20, 2025 3:09:08 PM
Attachments: [RVC250708-02 RDPEIR MoVal 2040 Moreno Valley General Plan Update, Associated Zoning Text Amendments to Title 9 and Zoning Atlas Amendments, and 2024 Climate Action Plan Project.pdf](#)

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Dear Angelica Frausto-Lupo,

Attached are the South Coast AQMD staff's comments on the Revised Draft Program Environmental Impact Report for the MoVal 2040: Moreno Valley General Plan Update, Associated Zoning Text Amendments to Title 9 (Planning and Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (CAP) Project (South Coast AQMD Control Number: [RVC250708-02](#)). Please contact me if you have any questions regarding these comments, **and confirm that you have received the letter.**

A5-1

Regards,

Danica Nguyen

Air Quality Specialist, CEQA-IGR
 Planning, Rule Development & Implementation
 South Coast Air Quality Management District
 21865 Copley Drive, Diamond Bar, CA 91765
 Phone: (909) 396-3531
 E-mail: dnguyen1@aqmd.gov

Please note that South Coast AQMD is closed on Mondays.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

planning@moval.org

planningnotices@moval.org

Angelica Frausto-Lupo, Community Development Director
City of Moreno Valley, Community Development Department
14177 Frederick St.
P.O. Box 88005
Moreno Valley, CA 92553

August 20, 2025

**Revised Draft Program Environmental Impact Report (DPEIR) for the
Proposed MoVal 2040: Moreno Valley General Plan Update, Associated Zoning Text
Amendments to Title 9 (Planning and Zoning) and Zoning Atlas Amendments, and 2024
Climate Action Plan (CAP) (Proposed Project)
(SCH No.: 2020039022)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Moreno Valley (City) is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments, organized by topic of concern.

A5-2

Summary of Project Information in the Revised DPEIR

Based on the Revised DPEIR, the Proposed Project consists of three separate planning documents: 1) the 2024 General Plan Update (GPU), which incorporates changes to the policy framework and land use designations of the existing 2006 General Plan (GP); 2) associated Zoning Text Amendments to Title 9 (Planning and Zoning) and Zoning Atlas Amendments; and 3) the 2024 Climate Action Plan (CAP) to establish a community-wide strategy for reducing greenhouse gas (GHG) emissions and adapting to the effects of climate change.¹

The 2024 GPU primarily focuses on future development and redevelopment within proposed Concept Areas, which are: Downtown Center, Community Centers, Community Corridors, Highway Office/Commercial, Business Flex, and Residential Density Changes.² The 2024 includes a consolidated set of land use designations to introduce five new designations within the Concept Areas.³ Other land use designations would be carried forward from the existing 2006 GP to the 2040 horizon year.⁴

A5-3

The CAP would provide a comprehensive plan for addressing GHG emissions within the Proposed Project area.⁵ The CAP was developed concurrently with the 2024 GPU to reinforce the City's

¹ Revised DPEIR, p. 3-4.

² *Ibid.* p. 3-8 to 3-12.

³ *Ibid.* p. 3-13.

⁴ *Ibid.*

⁵ *Ibid.* p. 3-19.

commitment to reducing GHG emissions and to demonstrate how the City would comply with the State GHG emissions reduction standards under Senate Bill (SB) 32 and Assembly Bill (AB) 1279.⁶

The Proposed Project would result in approximately 33,812 new homes and approximately 45,012,371 square feet (sq. ft.) of non-residential uses by 2040, with 41,137,466 sq. ft. allocated for light industrial uses.⁷

A5-3
cont.

South Coast AQMD Comments

Clarification on Whether the World Logistic Center is Accounted in the Proposed Project's Total Square Footage

According to the Revised DPEIR, Table 3-3 indicates that non-residential development is projected to increase from 33,746,988 sq. ft. under existing 2024 conditions to 74,884,455 sq. ft. in the future year 2040 scenario. This reflects a net increase of approximately 41,137,466 sq. ft. attributable to the Proposed Project.⁸ However, it is unclear whether this total value includes the World Logistics Center (WLC), which is proposed to consist of up to 40.6 million sq. ft. of logistics, manufacturing, and associated industrial uses.⁹ The Revised DPEIR does not explain whether the WLC is included within the total non-residential square footage projected through 2040. While the technical files provided by the Lead Agency indicate that emissions associated with the WLC have been quantified, the Revised DPEIR and its appendices do not clearly explain that the WLC is an integral component of the Proposed Project. Given the potential for substantial air quality impacts associated with large-scale logistics operations, the Lead Agency is recommended to clearly delineate whether the WLC is part of the Proposed Project's development assumptions. This clarification should be included in the Revised Final PEIR to ensure accurate emissions forecasting and a comprehensive evaluation of cumulative air quality impacts.

A5-4

Inconsistent on Meteorological Data Used in AERMOD Modeling

According to Appendix H of the Revised DPEIR, the Health Effects and Health Risk Assessment indicates that the most recent five years of meteorological (MET) data from the South Coast AQMD's Perris Valley station were used in the AERMOD dispersion modeling.¹⁰ However, a review of the AERMOD input files provided by the Lead Agency indicates that the MET data from the Riverside Municipal Airport (KRAL) station was actually utilized for the analyses.

A5-5

To ensure consistency, accuracy, and transparency in the air quality and health risk assessment (HRA), the Lead Agency is recommended to clearly identify the MET dataset used in the modeling, revise the analyses as necessary to reflect the appropriate dataset, and incorporate the updated modeling results in the Revised Final PEIR. Accurate representation of meteorological data is critical for reliable dispersion modeling and subsequent evaluation of health risk and air quality impacts under CEQA.

⁶ *Ibid.* p. 3-20.

⁷ *Ibid.* p. 3-23.

⁸ *Ibid.*

⁹ *Ibid.* p. 2-7.

¹⁰ Appendix H – Health Effects and Health Risk Assessment. p. 21.

Truck Idling Duration and Emissions Modeling

Appendix H indicates that a default assumption of 15 minutes of idling per truck per day was applied in the estimate of diesel particulate matter (DPM) emissions for the operational HRA.¹¹ This assumption, however, may not accurately reflect the actual operating conditions of the Proposed Project's scale. Specifically, for a high-throughput logistics or distribution facility with over 41 million sq. ft. allocated to light industrial uses, it is reasonably foreseeable that individual trucks visiting the site may experience extended periods of idling due to on-site queuing, security checks, staging, loading, and unloading operations, particularly during peak hours or in constrained circulation areas.

Although the California Air Resources Board (CARB) limits diesel truck idling to five minutes as set forth in the Airborne Toxic Control Measure (ATCM), this regulation provides exemptions for trucks equipped with engines that meet the optional low-NOx idle emission standard, which is typically applicable to model year 2008 and newer trucks. These vehicles, often referred to as "clean idle" certified, are permitted to idle longer than five minutes when situated more than 100 feet from sensitive land uses such as homes and schools.¹² Furthermore, CARB's EMFAC2021 Volume III Technical Document (Table 4.4.2-5) indicates that heavy-duty trucks may idle for up to five hours at a single location under certain conditions.¹³ As such, by applying a 15-minute idling duration, the actual on-site idling behavior and, consequently, DPM emissions, which are a key contributor to localized health risks, may have been substantially underestimated in the HRA.

Accurate characterization of idling activity is essential to fully assess a project's potential health risk impacts, particularly for nearby sensitive receptors. Therefore, to ensure the HRA provides a conservative and health-protective estimate of potential exposure, the Lead Agency is recommended to either: 1) revise the operational emissions modeling in the Revised Final PEIR to assume a minimum of 30 minutes of idling per truck per day, unless site-specific data or operational constraints justify a shorter duration; or 2) provide empirical evidence, such as facility-specific queuing and processing time studies, vehicle circulation modeling, or comparable industry data, to substantiate the 15-minute assumption as being representative of the anticipated operation activities of the Proposed Project.

Assessment of Emissions and Operational Hours for Emergency Standby Engines and Potentially Underestimated Operational Emissions

Appendix H notes that the precise number of emergency backup generators anticipated under the 2024 GPU is currently unknown at the programmatic level. As a result, the Revised DPEIR estimates generator usage based on default electricity demand assumptions per industrial square footage as provided by the California Emissions Estimator Model (CalEEMod).¹⁴ Accordingly, Table 6 in Appendix H presents the projected number of generators expected to be installed, based on industrial development area assumptions illustrated in Figure 1.

¹¹ Appendix H. p. 18.

¹² CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling available at <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling>

¹³ CARB. EMFAC2021 Volume III Technical Document. p. 161. Table 4.4.2-5 available at [EMFAC2021 Volume III Technical Document](#)

¹⁴ Appendix H. p. 19.

A5-6

A5-7

Figure 1: Screenshot of Table 6 in Appendix H

Table 6: Backup Generators		
Industrial Area	Backup Generators	
	2024	2040
Area 1 (South)	20	25
Area 2 (West)	12	16
Area 3 (North)	0	1
Area 4 (East)	4	5
Area 5 (East)	-	53

Based on Table 6 of Appendix H, the number of emergency backup generators is projected to increase from 36 units under existing 2024 conditions to 100 units for all five areas by the 2040 horizon year. Furthermore, according to the technical file provided by the Lead Agency (labeled "MoVals HRA Calc"), emissions associated with these generators are estimated based on an operational schedule of 50 hours per year per unit.¹⁵ It is important to note that South Coast AQMD air permits for emergency standby engines typically allow up to 50 hours per year for maintenance and testing, with a maximum of 200 total operational hours per year (including emergency use). As a result, the analysis of operational emissions for these generators should calculate the future emissions based on the assumption of 200 hours of operation per year per unit. If fewer hours are assumed for any or all of the new emergency engines, South Coast AQMD staff would need to include a permit condition to limit operations of these emergency engines to the hours specified in the CEQA analysis. Therefore, the Lead Agency is recommended to revise the emissions calculations for the emergency engines to reflect the maximum allowable usage. These revisions should be incorporated into the analysis of operational emissions, and the level of significance should be re-examined and updated accordingly. The revised calculations and supporting evidence should be included in the Revised Final PEIR.

A5-7
cont.

Recommended Revision to the Air Quality Mitigation Measures

The Revised DPEIR concludes that impacts to sensitive receptors would be significant and proposes mitigation measures (MMs) to reduce these impacts.¹⁶

Specifically, MM AQ-4 states, "...if two or more dust-generating construction projects occur within 1,000 meters of each other, which collectively disturb 15 acres or more...a localized significance threshold (LST) analysis shall be prepared." However, MM AQ-4 raises two key concerns. First, the mitigation measure may potentially exclude other individual projects that may not occur concurrently within a 1,000-meter radius but that still have the potential to generate substantial localized emissions affecting nearby sensitive receptors. Second, the mitigation measure appears to limit the requirement for an LST analysis to be conducted for the construction phase, without addressing localized impacts from operational emissions, including those associated with stationary sources such as emergency backup generators, which emit DPM and toxic air contaminants (TACs) of concern.

A5-8

¹⁵ Provided technical file labeled as MoVal HRA Calc.

¹⁶ *Ibid.* p. 4.3-40.

Therefore, to ensure comprehensive protection of sensitive receptors, the Lead Agency is recommended to revise the language in MM AQ-4 to require LST analyses for both the construction and operational phases of all future projects that will occur as part of the 2024 GPU, regardless of the proximity to each other or timing of implementation. The revised language should be incorporated into the Revised Final PEIR to ensure consistency with best practices in air quality impact assessment and mitigation.

A5-8
cont.

Additional Recommended Air Quality and Greenhouse Gas Mitigation Measures and Project Design Features for Consideration

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, South Coast AQMD recommends incorporating the following mitigation measures and project design considerations into the Revised Final PEIR.

A5-9

Mitigation Measures to Reduce Operational Air Quality Impacts from Mobile Sources

1. Require zero-emission (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.

A5-10

Note: Given CARB's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available for use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.

A5-11

Note: South Coast AQMD staff are available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

3. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Revised Final PEIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.

A5-12

4. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure and electrical panels which are appropriately sized for the demand. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

A5-13

Mitigation Measures to Reduce Operational Air Quality Impacts from Other Area Sources

1. Maximize the use of solar energy by installing solar energy arrays and battery storage.

A5-14

2. Use light-colored paving and roofing materials.
3. Utilize only Energy Star-rated heating, cooling, and lighting devices and appliances.

A5-14
cont.

Design Considerations for Reducing Air Quality and Health Risk Impacts

1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).
2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors, and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.
4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

A5-15

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporate additional mitigation measures as applicable to the Proposed Project in the Revised Final PEIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act¹⁷
2. South Coast AQMD 2022 Air Quality Management Plan,¹⁸ specifically:
 - a) Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
 - b) Appendix IV-B – CARB’s Strategy for South Coast
 - c) Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measure
3. United States Environmental Protection Agency (U.S. EPA) Transportation, Air Quality, and Climate Change.¹⁹

A5-16

¹⁷ State of California – Department of Justice, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act available at <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

¹⁸ South Coast AQMD, 2022 Air Quality Management Plan (AQMP) available at <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>

¹⁹ United States Environmental Protection Agency (U.S. EPA) Transportation, Air Quality, and Climate Change available at <https://www.epa.gov/transportation-air-pollution-and-climate-change>

Compliance with South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program

Since the Proposed Project consists of the net increase of 41,137,466 sq. ft. by 2040 for light industrial uses, and once the warehouses are occupied, the Proposed Project's warehouse owners and operators will be required to comply with South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – WAIRE Program²⁰ and Rule 316 – Fees for Rule 2305.²¹ Rule 2305 and Rule 316 aim to reduce regional and local emissions of NOx and particulate matter (PM), including DPM, so as to reduce adverse public health impacts on communities located near warehouses. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt to earn WAIRE Points on behalf of their tenants if they so choose, because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance, the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Therefore, the Lead Agency is recommended to review Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements, design features/enhancements, and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation. For questions concerning Rule 2305 implementation and compliance, please call (909) 396-3140 or email waire-program@aqmd.gov. For implementation of guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.

A5-17

Health Risk Reduction Strategies

Many strategies are available to reduce exposures, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that the South Coast AQMD conducted to investigate filters,²² the cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Revised Final PEIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the

A5-18

²⁰ South Coast AQMD. Rule 2305 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>

²¹ South Coast AQMD. Rule 316 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-iii/r316.pdf>

²² This study evaluated filters rated MERV 13 or better. Accessed at:

<http://www.aqmd.gov/docs/defaultsource/ceqa/handbook/aqmdpilotsudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.

environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters to disposal sites and generate solid waste that the Lead Agency should evaluate in the Final Revised PEIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

A5-18
cont.

South Coast AQMD Air Permits and Role as a Responsible Agency

Implementation of the Proposed Project would require the use of new stationary and portable sources, for which air permits from the South Coast AQMD will be required. The Revised Final PEIR should include a discussion about the South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,²³ Rule 203 – Permit to Operate,²⁴ Rule 401 – Visible Emissions,²⁵ Rule 402 – Nuisance,²⁶ Rule 403 – Fugitive Dust,²⁷ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,²⁸ Rule 1113 – Architectural Coatings,²⁹ Regulation XIII – New Source Review,³⁰ Rule 1401 – New Source Review of Toxic Air Contaminants,³¹ Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,³² etc.

A5-19

In addition, it is important to note that since air permits from the South Coast AQMD are required, South Coast AQMD's role under CEQA may be as a Responsible Agency. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093, if necessary. Lastly, as set forth CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

A5-20

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the

²³ South Coast AQMD. Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

²⁴ South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

²⁵ South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

²⁶ South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

²⁷ South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

²⁸ South Coast AQMD. Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

²⁹ South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

³⁰ South Coast AQMD. Regulation XIII available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

³¹ South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

³² South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.

A5-20
cont.

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Revised Final PEIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Revised Final PEIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

A5-21

Thank you for the opportunity to provide comments. South Coast AQMD staff are available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

BR:ND:SW:DN
RVC250708-02
Control Number

From: [Community Development - Planning](#)
To: [Claudia Manrique](#)
Cc: [Stacy Dunning](#)
Subject: FW: MoVal 2040 Revised EIR Caltrans LDR
Date: Thursday, August 21, 2025 5:10:33 PM
Attachments: [image001.png](#)
[MoVal 2040 REIR Caltrans LDR Letter 082125.pdf](#)

Hello Claudia,

Please see response for Moval 2040.

Thank you,

Community Development - Planning

City of Moreno Valley

p: 951.413.3206 | e: planningemail@moval.org | w: www.moval.org
14177 Frederick St., Moreno Valley, CA, 92553

From: Flores, Victor F@DOT <Victor.F.Flores@dot.ca.gov>
Sent: Thursday, August 21, 2025 2:00 PM
To: Community Development - Planning <planningemail@moval.org>
Cc: Patel, Janki@DOT <Janki.Patel@dot.ca.gov>
Subject: MoVal 2040 Revised EIR Caltrans LDR

You don't often get email from victor.f.flores@dot.ca.gov. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Hi Angelica,

Please find attached LDR letter for your consideration.

Thank you,



Victor Flores

Transportation Planner
Local Development Review Branch
D8 Division of Transportation Planning
(909) 925-7520
Victor.F.Flores@dot.ca.gov

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 925-7520
www.dot.ca.gov



August 21, 2025

Route & Postmile #: SR-60 / PM 16.103
Cross Street: Citywide
GTS ID: 37232
SCH #: 2020039022

City of Moreno Valley
Community Development Department
Attn: Angelica Frausto-Lupo
14177 Frederick St.
PO Box 88005
Moreno Valley, CA 92552

Subject: Caltrans LDR Branch Review of MoVal 2040: The Moreno Valley Comprehensive General Plan Update, Municipal Code and Zoning Amendments, and Climate Action Plan.

The California Department of Transportation (Caltrans) Local Development Review (LDR) Branch has completed its review of the MoVal 2040: The Moreno Valley Comprehensive General Plan Update. Municipal Code and Zoning Amendments and Climate Action Plan Revised Environmental Impact Report (REIR). This is a citywide project in the City of Moreno Valley.

A6-1

In June 2021, the City Council of the City of Moreno Valley ("City Council") approved and adopted the City's 2040 General Plan Update ("2040 General Plan"), a Change of Zone and Municipal Code Update, and its Climate Action Plan ("CAP"). At that time, the City also certified the associated Environmental Impact Report (EIR), State Clearinghouse No. 2020039022, as compliant with the California Environmental Quality Act (CEQA).

Subsequently, a lawsuit entitled *Sierra Club v. City of Moreno Valley*, Riverside Superior Court Case No. CVRI2103300, was filed challenging the validity of both the CAP and the EIR. In March 2024, the court issued a ruling and judgment (the "Ruling") in favor of the petitioner. In response, in May 2024, the City Council set aside the 2021 approvals and EIR certification.

A6-2

The current Project, known as MoVal 2040, involves the readoption of the 2040 General Plan, the Change of Zone (including updates to the Zoning Atlas) and Municipal Code Update, as well as the revision and adoption of the CAP.

Based on the information available, we are submitting the following comments and recommendations for your consideration:

"Improving lives and communities through transportation"

Local Development Review

While we recognize that the Vehicle Miles Traveled (VMT) impacts associated with this project are considered significant and unavoidable, and that reductions from transportation demand management (TDM) measures alone may not be sufficient to fully mitigate these impacts, we strongly encourage the City to continue pursuing VMT reduction strategies wherever feasible. Such efforts will help advance long-term sustainability goals, enhance multimodal accessibility, and promote more environmentally responsible development.

A6-3

Community and Regional Planning

Given the planned increase in low-density development (sprawl) and the associated rise in vehicle miles traveled (VMT), the selection of the Reduced Growth Alternative as the Environmentally Superior Alternative appears misguided—both from the City's perspective and as a desired outcome by the Sierra Club. We recommend that the City engage directly with the Sierra Club to discuss this issue.

A6-4

Even the description of the Environmentally Superior Alternative acknowledges this concern. It notes that the Reduced Growth Alternative would hinder opportunities for job growth, limit mixed-use development, and fall short of meeting the region's RHNA housing needs—factors that were the very reason it was not initially considered the superior alternative.

Complete Streets & Active Transportation

California Vehicle Code Sections 21235(b) and 21235(g) regulate where scooters may legally operate. Within the GPU, scooters are referenced only in Circulation Network Action C.2.F. However, scooters and scooter users should be explicitly considered within the "layered network" approach and integrated into the Pedestrian and Bicycle Network when planning future Moreno Valley transportation improvements.

A6-5

Under state law, scooter users must comply with specific operating requirements, including restrictions that often limit them to designated bicycle facilities depending on roadway speed limits. Without incorporating scooters into the circulation network, scooter users could face mobility barriers compared to bicyclists and pedestrians. This oversight could also expose both users and the City to increased liability risks if facilities are not planned in accordance with applicable regulations.

System Planning

1. The Climate Action Plan (CAP) includes updated Green House Gases (GHG) inventories and reduction strategies consistent with SB 32 and Executive Order B-55-18. We encourage the City to strengthen sector-specific measures and establish a clear implementation and tracking framework. Additional opportunities exist to further align the CAP with regional planning efforts such as SCAG's Connect SoCal and Climate Action Plan for Transportation Infrastructure (CAPTI).
2. The Revised Draft provides enhanced mapping of vulnerable populations and evaluates cumulative impacts in overburdened communities. We recommend that the City of Moreno Valley continue to prioritize public health mitigation measures in disadvantaged communities (DACs), particularly those located along state highway corridors and within industrial zones.
3. While the appendices incorporate improved baseline and horizon year assumptions that reflect both existing and anticipated development, we recommend including supporting documentation on methodology and data sources. This will improve transparency and enhance the defensibility of the analysis under CEQA.

A6-6

A6-7

A6-8

Equitable Access

If any Caltrans facilities are impacted by the project, they must comply with American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

A6-9

Caltrans Encroachment Permit

Be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' R/W requires a Caltrans-issued encroachment permit.

For information regarding the Encroachment Permit application and submittal requirements, contact:

A6-10

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

D8.E-permits@dot.ca.gov

<https://dot.ca.gov/programs/traffic-operations/ep>

Important Note: All new permit applications must now be submitted through our new CEPS Online Portal at: <https://ceps.dot.ca.gov/>

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-925-7520.

A6-11

Sincerely,



Janki Patel

Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 8

From: [Community Development - Planning](#)
To: [Claudia Manrique](#)
Cc: [Stacy Dunning](#)
Subject: FW: Moreno Valley General Plan Update RDEIR - CNPS Comment Letter
Date: Thursday, August 21, 2025 5:10:26 PM
Attachments: [2025_8_17 MoVal RDEIR GPU Comments CNPS-RSB Chapter.pdf](#)

Hello Claudia,

Please see response for Moval 2040.

Thank you,

Community Development - Planning

City of Moreno Valley

p: 951.413.3206 | e: planningemail@moval.org | w: www.moval.org
 14177 Frederick St., Moreno Valley, CA, 92553

From: Aaron Echols <aechols22@gmail.com>
Sent: Thursday, August 21, 2025 2:58 PM
To: Community Development - Planning <planningemail@moval.org>
Cc: Arlee Montalvo <amontalvo@cnps.org>
Subject: Moreno Valley General Plan Update RDEIR - CNPS Comment Letter

You don't often get email from aechols22@gmail.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Greetings,

Please find the attached comment from the California Native Plant Society Riverside/San Bernardino Chapter on the Moreno Valley General Plan Update Revised Draft Environmental Impact Report.

Please confirm receipt of these comments and include these comments into the public record.

Aaron

Aaron Echols
 949 584 8145
 Conservation Chair
 California Native Plant Society Riverside-San Bernardino Chapter

A7-1



August 21, 2025

Re: Moreno Valley General Plan Update Revised Draft Environmental Impact Report

Submitted electronically to: planning@moval.org

Dear Community Development Director,

Thank you for the opportunity to provide comments on the Revised Draft Environmental Impact Report ("RDEIR") for the Moreno Valley General Plan Update ("GPU") in accordance with the California Environmental Quality Act ("CEQA"). The following comments are submitted on behalf of the Riverside/San Bernardino Chapter of California Native Plant Society ("CNPS").

A7-2

CNPS is a non-profit environmental organization with 13,000 members in 35 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, communities, and local planners to advocate for well-informed policies, regulations, and land management practices.

A7-3

While we are aware that only comments in response to those revised sections of the DEIR require formal responses, we are offering the following comments regarding non-revised sections, primarily pertaining to plant and vegetation resources within the program area.

A7-4

Impact analysis throughout the revised DEIR including those identified on **Table S-1 Summary of Environmental Impacts**, failed to identify considerations for potential SENSITIVE VEGETATION COMMUNITIES that exist within the City boundary and sphere of influence. During the Notice of Preparation process, on April 8th, 2020, the California Department of Fish and Wildlife recommended that:

An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following The Manual of California Vegetation, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

A7-5

Despite this, the RDEIR entirely fails to recognize and/or discuss considerations for sensitive vegetation communities as defined under *The Manual of California Vegetation*. Vegetation maps and table descriptions that were prepared and included in the DEIR contain a more generic discussion of vegetation communities using the outdated Holland Classification system which is not a suitable

A7-6

reference for 1) Identifying potential sensitive vegetation or 2) determining avoidance and/or mitigation strategies if potential impacts are identified.

For this reason, future specific projects are required to analyze and discuss impacts sensitive vegetation communities as defined by the State of California.

For assessing impacts to sensitive vegetation communities we provide the following guidance as recommended by the CDFW:

Addressing Sensitive Natural Communities in Environmental Review

- Identify all Natural Communities within the project footprint using the best means possible, for example, keying them out in the Manual of California, Second Edition (Sawyer et al. 2009) or in classification or mapping reports from the region, available on [VegCAMP's Reports and Maps page](#).
- Refer to the current standard list of Natural Communities to determine if any of these types are ranked Sensitive (S1-S3 rank); if so, see CEQA Guidelines checklist at IVb.
- Other considerations when assessing potential impacts to Sensitive Natural Communities from a project include:
 1. Compliance with state and federal wetland and riparian policies and codes, as certain Natural Communities are restricted to wetlands or riparian settings.
 2. Compliance with the Native Plant Protection Act and the state and federal Endangered Species Acts, as some Natural Communities either support rare species or are defined by the dominance or presence of such species.
 3. Compliance with CEQA Guidelines Section 15065(a), which mandates completion of an EIR if a project would threaten to eliminate a plant community.
 4. Compliance with local regional plans, regulations, or ordinances that call for consideration of impacts to Natural Communities.
 5. Vegetation types that are not on the state's sensitive list but that may be considered rare or unique to the region under CEQA Guidelines Section 15125(c).
- If a Natural Community in the project area has not previously been described, it may be a rare type. In this case, please contact VegCAMP ([Rachelle Boul](#)) about documenting the Natural Community.
- If there are Sensitive Natural Communities on your project site and you need guidance regarding their significance, assessment of quality or value, and potential impacts, contact the appropriate regional staff person through the local CDFW Regional Office. These staff have local knowledge and context.
- The Department's document [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities \(PDF\)\(opens in new tab\)](#) provides information on reporting.

A7-6
cont.

A7-7

Semi-Natural Stands and Addressing Grasslands and Flower Fields

Semi-natural alliances have their own membership rules, that is, the minimum percent relative or absolute cover of the non-native to define a stand, which can be ecosystem-dependent. However, California's grasslands and flower fields vegetation types are among the most difficult to analyze and study. The greatest challenge comes from the variation in species composition and abundance from early to late season and between years. Researchers and consultants have tended to underestimate the significance of native herbaceous plants because they are frequently at their highest cover either very early or very late in the season and may have very low cover during the spring and summer, when non-native grasses dominate and when field work is often performed. Additionally, in some years, a given area may be characterized by an abundance of non-native forbs and grasses, while in other years native herbs may dominate. This inter- seasonal and inter-annual variance of cover between the diagnostic species and the less diagnostic species leads us to conclude that rules for an herbaceous vegetation type's identification should be more broadly inclusive for nativity, with relative cover as low as 10% natives determining a native stand.

Use of the Manual of California Vegetation requires looking closely to determine if native indicator species are evenly distributed and interspersed with non-native plants while visiting the sites throughout the growing season. Although this often makes for more difficult field identification, detection of native plants ensures a proper assessment of the stand's conservation and biodiversity value.

There are indeed many grasslands or herbaceous stands populated almost entirely by non-natives; some have been heavily disturbed in the past and others invaded by exotics that can preclude natives almost completely, such as medusa-head (*Elymus caput-medusae*) and perennial pepperweed (*Lepidium latifolium*). Vegetation scientists at NatureServe, the California Native Plant Society, and CDFW determine non-native stands based on a rule of at least 90% cover of non-native species without evenly distributed or diverse native forbs and grasses at any time in the growing season. Conversely, a stand is considered native if 10% or more relative cover consists of native taxa that are evenly distributed in the stand and present at any time during growing season. For example, the [Sonoma County Vegetation Key \(PDF\)\(opens in new tab\)](#) includes this rule for the *Deschampsia caespitosa* alliance: *Deschampsia caespitosa*, *Danthonia californica*, and/or *Eryngium armatum* dominate or co-dominate individually or in combination (if *Holcus lanatus* has the highest cover, but these three species have at least 10% combined cover, key to *Deschampsia*).

Unclassified Areas of the State

Refer to [this map for parts of the state that have not been classified according to state standards \(PDF\)\(opens in new tab\)](#), several resources may need to be used to determine natural community types occurring there. In most unclassified areas, many types are already described at the Alliance level. Check the membership rules in the [Manual of California Vegetation Online\(opens in new tab\)](#) and use these types whenever possible. If an existing Alliance does not fit the area of interest, you may need to refer to a higher level of the hierarchy (Group or Macrogroup). For definitions of the higher levels please refer to the ["NatureServe Explorer"\(opens in new tab\)](#). If an Association level distinction is necessary, please [contact VegCAMP staff](#) to help identify the best fit or to help assess for potential new community types. Please note there are legacy records for sensitive natural communities in the California Natural Diversity Database (CNDDB) that identify

A7-8

A7-9

community types as described in “Preliminary Descriptions of the Terrestrial Natural Communities of California” [\(Holland 1986\) \(Excel\)\(opens in new tab\)](#). Please refer to Holland types only when VegCAMP staff direct you to do so.¹

↑
A7-9
cont.

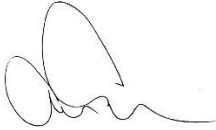
Because the RDEIR did not address or discuss impacts to sensitive vegetation communities, as is, it should be considered deficient and incomplete.

↑
A7-10

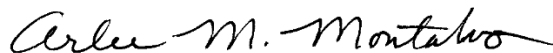
Thank you for the opportunity to make comments on this project. We look forward to working with you in helping to create more vibrant and well planned communities.

Sincerely,

Aaron Echols, Conservation Chair, Riverside/San Bernardino Chapter, California Native Plant Society



Arlee M. Montalvo, Chapter President, Riverside/San Bernardino Chapter, California Native Plant Society



¹ [Natural Communities](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Background) <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Background>

From: [Chris Rice](#)
To: [Planning Notices DG](#); [City Clerk](#)
Subject: Public Comment – MoVal 2040 Revised Draft Program EIR (SCH #2020039022)
Date: Thursday, August 21, 2025 4:22:47 PM
Attachments: [MBC Comments MOVAL2040 RDEIR - CAP.pdf](#)
[MBC Comments MOVAL2040 RDEIR - ENERGY.pdf](#)
[MBC Comments MOVAL2040 RDEIR - AIR QUALITY.pdf](#)
[MBC Comments MOVAL2040 RDEIR - CRA ACT.pdf](#)

Some people who received this message don't often get email from ricechris@gmail.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Dear Ms. Frausto-Lupo,

Please accept the attached public comments on the **Revised Draft Program Environmental Impact Report (RDEIR) for MoVal 2040, SCH #2020039022**. These submissions are provided on behalf of the Moreno Badlands Conservancy and myself as a resident of Moreno Valley.

The four attached letters address distinct areas of the recirculated RDEIR:

1. **Baseline / CRA Revocation (Preservation Letter)**
2. **Air Quality and Cumulative Impacts**
3. **Energy Analysis**
4. **Draft Climate Action Plan**

Each letter is intended to raise specific CEQA compliance concerns within its subject area. Together, they reflect our good-faith effort to ensure that the record contains substantive analysis for the City Council and the public.

Please confirm receipt of this email and attachments so that we may ensure they are included in the administrative record.

Respectfully,
Chris Rice
Resident, Moreno Valley
Representative, Moreno Badlands Conservancy

B1-1



Angelica Frausto-Lupo

Community Development Director
Community Development Department
Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

PUBLIC COMMENT

Via Email: planningnotices@moval.org

August 19, 2025

Re: MoVal 2040 RDEIR - Comment on Recirculated Air Quality, GHG, and Energy Sections (Invalid Baseline / CRA Revocation)(CEQA Guidelines §15088.5; Invalid Assumptions Under 5 U.S.C. §801(f))

Dear Ms. Frausto-Lupo:

The Moreno Badlands Conservancy, a group of concerned city residents, submits this comment regarding the Revised Draft Program Environmental Impact Report (RDEIR) for the MoVal 2040 General Plan Update. **These comments are directed to the recirculated portions of the RDEIR, as required by CEQA Guidelines §15088.5(f)(2).** The record demonstrates that the RDEIR's air quality, greenhouse gas (GHG), and energy analyses are fundamentally flawed because they rely on regulatory assumptions that no longer exist in law. These defects go to the core of CEQA's requirements for accurate, stable, and finite environmental analysis.

B1-2

The RDEIR itself admits in Appendix B that its EMFAC2021 modeling assumed implementation of California's Advanced Clean Trucks (ACT) rule and the Heavy-Duty

B1-3

Omnibus Low-NOx regulation. Both were revoked under the federal Congressional Review Act (CRA) in June 2025. Because CEQA requires environmental analysis to be based on reasonably foreseeable conditions, not legally impossible ones, the RDEIR cannot lawfully proceed without recirculation.

B1-3
cont.

II. The Congressional Review Act (CRA) Nullifies Key Assumptions

On **June 12, 2025**, the President signed into law three CRA resolutions permanently revoking EPA's waiver approvals for California programs:

- **Public Law 119-15 (H.J. Res. 87):** Advanced Clean Trucks (ACT) & related heavy-duty programs (*88 Fed. Reg. 20688*, Apr. 6, 2023)
- **Public Law 119-16 (H.J. Res. 88):** Advanced Clean Cars II (ACC II) (*90 Fed. Reg. 642*, Jan. 6, 2025)
- **Public Law 119-17 (H.J. Res. 89):** Omnibus Low-NOx Regulation (*90 Fed. Reg. 643*, Jan. 6, 2025)

Under **5 U.S.C. §801(f)**, these revoked rules “shall have no force or effect” and are treated as if they “never took effect” (void ab initio). This is not a matter of uncertain policy; it is a legal fact. Any analysis assuming implementation of these programs, including EMFAC2021 modeling, is based on legally impossible conditions.

We are aware that California and other states have filed challenges to the CRA revocations, and that GAO has raised questions about whether EPA waiver notices are “rules” subject to the CRA. Those cases remain pending. However, CEQA requires analysis based on current, enforceable legal conditions, not speculative future outcomes. As of June 12, 2025, ACT, ACC II, and Omnibus “shall have no force or effect” under 5 U.S.C. §801(f) and must be treated as void ab initio. These were the operative facts when the RDEIR was circulated for public review, and they will remain the operative facts when the City Council considers certification. The

B1-4

RDEIR cannot lawfully rely on programs that do not presently exist in law.¹

↑ B1-4
cont.

III. The RDEIR's Admission in Appendix B

Appendix B, pdf page 21 (labeled p.14), expressly acknowledges that EMFAC2021 includes ACT and Omnibus assumptions. The City is aware that its analysis rests on invalid premises. Yet rather than correcting its modeling, the RDEIR proceeds as though nothing changed.

B1-5

Because these programs are now void ab initio, continuing to model emissions as if they remain in effect violates CEQA's requirement that analysis be based on reasonably foreseeable conditions. The City cannot claim ignorance, nor can it rely on stale model defaults when the record shows awareness of their invalidity.

IV. Why Recirculation Is Required

CEQA Guidelines §15088.5 requires recirculation where significant new information is added that deprives the public of a meaningful opportunity to comment. That standard is plainly met here:

B1-6

1. **Changed Legal Baseline:**

The CRA has retroactively eliminated the regulatory programs on which the modeling depends.

2. **Admission of Invalid Assumptions:**

Appendix B concedes reliance on ACT and Omnibus.

¹ GAO has opined that EPA waiver notices are not "rules" under the CRA and noted uncertainty about the legal effect of disapproving certain notices. See GAO, *Observations Regarding the EPA's Submission of Clean Air Act Waiver Notices as Rules Under the CRA* (B-337179, Mar. 6, 2025). California and other states have also filed suit challenging the CRA resolutions. Those cases remain pending, but unless and until a court stays or overturns the laws, CEQA requires analysis based on the enforceable baseline: ACT, ACC II, and Omnibus "shall have no force or effect." 5 U.S.C. §801(f).

3. **Magnitude of Effect**

Correcting the assumptions would substantially increase criteria pollutant and GHG emissions, changing the severity of impacts. This represents a substantial increase in the severity of environmental impacts within the meaning of CEQA Guidelines §15088.5(a)(1).

4. **Publication of Analysis with Invalid Assumptions**

The CRA revocations occurred on June 12, 2025, nearly a month before the City published the RDEIR on July 8, 2025. By that time, the City had actual knowledge that its EMFAC assumptions were no longer legally valid. Circulating an EIR premised on assumptions already rendered unenforceable fails to satisfy CEQA's requirement that environmental review be based on a stable, accurate, and legally supportable baseline.

It bears emphasis that these were the operative facts at the time of circulation and remain the operative facts during public review. The RDEIR was released nearly a month after the CRA revocations took effect, yet it continued to rely on phantom regulations. Likewise, when the City Council considers certification, those regulations will still be void. CEQA does not permit decision-makers to rely on hypothetical reinstatement; the analysis must reflect the legal conditions facing both the public and the Council at the time of comment and vote. Reliance on legally impossible assumptions is not 'substantial evidence' under CEQA. (*See CBE v. SCAQMD* (2010) 48 Cal.4th 310, 322–323).

Failure to recirculate deprives decision-makers and the public of a legally adequate picture of the project's environmental consequences.

V. Implications for Air Quality Findings

B1-6
cont.

B1-7

- **Criteria Pollutants:** Without Omnibus benefits, NO_x and PM_{2.5} emissions are far higher than reported².
- **Localized Impacts:** Sensitive receptor exposures are underestimated; thresholds may be exceeded. SCAQMD's CEQA Air Quality Handbook requires agencies to conduct Localized Significance Threshold (LST) analyses to evaluate near-source pollutant concentrations at sensitive receptors. Because the RDEIR relies on EMFAC2021 with invalid Omnibus benefits, receptor-level exposures are materially understated, and LST thresholds may be exceeded³.
- **Cumulative Impacts:** Regional totals are artificially suppressed, masking basin-wide severity. CEQA requires cumulative impacts to be evaluated based on a reasonable forecast of basin-wide conditions, not suppressed totals driven by invalid assumptions. Because EMFAC2021 embeds Omnibus reductions that no longer exist, the RDEIR's cumulative air quality analysis systematically understates basin-wide severity⁴.

B1-7
cont.

VI. Implications for GHG and CAP Consistency

- **GHG Projections:** By assuming ACT and ACC II mandates, the analysis inflates fleet turnover and underestimates emissions.
- **CAP Consistency:** Findings of consistency with the City's Climate Action Plan are unsupported by substantial evidence.

B1-8

VII. Implications for Energy and Fuel Demand

B1-9

² CARB's rulemaking record projected that the Omnibus Low-NO_x rule would reduce heavy-duty truck NO_x emissions by up to 90% and PM_{2.5} emissions by approximately 75% by 2031 compared to pre-rule trajectories. These benefits are embedded in EMFAC2021. Without them, Appendix B's reported outputs substantially understate emissions.

³ South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology* (June 2003; revised July 2008).

⁴ CEQA Guidelines, Cal. Code Regs., tit. 14, §15130(b); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 (rejecting cumulative analysis that understated basin-wide concentrations).

The Energy appendix understates fossil fuel consumption by assuming accelerated ZEV penetration. CEQA Appendix F requires accurate disclosure of project-related energy use. The analysis instead rests on assumptions now legally impossible.

B1-9
cont.

VIII. Environmental Justice Concerns

The RDEIR identifies disadvantaged communities using CalEnviroScreen but fails to reassess the cumulative burden of lost ACT/Omnibus benefits. CEQA and SB 1000 require disclosure of disproportionate impacts on EJ communities. By ignoring increased exposures in already overburdened neighborhoods, the analysis fails both CEQA and state equity mandates.

B1-10

IX. Technical Deficiencies in Air Quality and GHG Modeling

The flaws in Appendix B are not confined to legal assumptions; they extend to the technical modeling that underpins every significant finding. Even without new model runs, the deficiencies are evident on the face of the record:

B1-11

1. Reliance on EMFAC2021 With Invalid Assumptions

Appendix B concedes that EMFAC2021 “assumed implementation” of ACT and Omnibus, both void under the CRA. Modeling premised on legally impossible regulatory benefits is not substantial evidence.

B1-12

2. Absence of Sensitivity or Conservative Scenario Analysis

Despite acknowledging invalid assumptions, the RDEIR presents only one emissions scenario. CEQA requires disclosure of reasonably foreseeable outcomes and analysis of uncertainty (*Laurel Heights Improvement Ass’n v. Regents* (1988) 47 Cal.3d 376). A “no-ACT/Omnibus” sensitivity run would have revealed far higher NO_x and PM_{2.5} emissions.

B1-13

3. Greenhouse Gas Projections Are Inflated

The GHG analysis assumes ACC II mandates remain in force. In reality, those

B1-14

rules are void ab initio. This inflates GHG reductions and undermines the CAP consistency finding (*Center for Biological Diversity v. DFW* (2015) 62 Cal.4th 204).

B1-14
cont.

4. Localized Significance Thresholds (LSTs) May Be Exceeded

Receptor-level exposures are highly sensitive to EMFAC factors. Without Omnibus benefits, localized PM_{2.5}/NO₂ may exceed thresholds, especially in disadvantaged communities.

B1-15

5. Failure to Reassess EJ Burdens

Appendix B maps SB 535 communities but never revisits those findings. CEQA and SB 1000 require disclosure of disproportionate impacts, which are understated here.

B1-16

6. Energy and Fuel Consumption Misstated

By assuming accelerated ZEV penetration, the Energy analysis understates fossil fuel use, undermining Appendix F compliance.

B1-17

7. Cumulative Impacts Systematically Understated

Section 6.0 relies on the same flawed assumptions, concealing the true severity of basin-wide impacts.

B1-18

Conclusion on Technical Deficiencies

These flaws are not speculative, they are admitted in Appendix B and infect every emissions output. By failing to reconcile its own admission with corrected modeling or even a sensitivity analysis, the RDEIR presents an analysis that is both legally indefensible and technically misleading. CEQA requires recirculation to correct these defects.

B1-19

X. Conclusion

The City faces a choice: proceed based on phantom regulations that no longer exist, or correct its modeling to reflect the legal and environmental conditions that actually exist. CEQA compels the latter.

Given this matter's litigation history and the court's prior findings of CEQA violations, proceeding without addressing these fundamental flaws creates substantial legal exposure for the City. Recirculation of the RDEIR with corrected emissions modeling, energy analysis, and environmental justice disclosures is the only way to provide the public and decision-makers a lawful and transparent record. At a minimum, the City must rerun EMFAC modeling without the invalid regulatory assumptions and circulate that analysis for meaningful public comment.

B1-20

Respectfully submitted,

/s/ **Chris M. Rice**

Representative
Moreno Badlands Conservancy,
and Moreno Valley Resident

Attachments:

H.J. Res. 87

H.J. Res. 88

H.J. Res. 89

Statement by the President, June 12, 2025



Attachment A: CEQA Recirculation Trigger Matrix

CEQA Recirculation Trigger (§15088.5(a))	Description from Guidelines	New Information for MoVal 2040 RDEIR	Why Trigger Applies
(a)(1) – New significant environmental impact	“A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.”	Revocation of ACT & Low NOx Omnibus waivers – removes key regulatory controls assumed in RDEIR’s Air Quality & GHG analysis.	Without ACT & Low NOx standards, NOx and PM2.5 emissions increase beyond thresholds; new significant air quality impacts occur in operational years previously modeled as below threshold.
(a)(2) – Substantial increase in severity	“A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted...”	Revocation of ACT & Low NOx Omnibus waivers and release of EMFAC2025 – higher emission factors and loss of assumed regulatory benefits.	Increases the severity of already-significant NOx and PM2.5 impacts; RDEIR mitigation (AQ-1, AQ-2, GHG-1) cannot offset impacts without invalidated state programs.
(a)(3) – Feasible alternative or mitigation measure declined	“A feasible project alternative or mitigation measure... would clearly lessen the significant environmental impacts... but the project’s proponents decline to adopt it.”	Use of updated EMFAC2025 modeling and non-regulatory mitigation measures (e.g., electrification incentives, off-site NOx offsets) are feasible but not adopted.	Failure to adopt feasible updated modeling and alternative mitigation deprives decision-makers and the public of a lawful, updated analysis.
(a)(4) – Fundamentally inadequate & conclusory EIR	“...so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (<i>Mountain Lion Coalition v. Fish & Game Com.</i>)	Air Quality & GHG sections rely on outdated EMFAC2021 and now-invalid regulations; no disclosure of resulting emissions gap; public review based on obsolete data.	Public and agencies could not meaningfully review air quality conclusions because baseline assumptions are materially wrong.

B1-21

IA

119TH CONGRESS
1ST SESSION

H. J. RES. 87

Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision”.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2025

Mr. JAMES (for himself, Mr. JOYCE of Pennsylvania, Mr. FULCHER, Mr. OBERNOLTE, Mr. KILEY of California, Mr. LAMALFA, and Mrs. MCCLAIN) submitted the following joint resolution; which was referred to the Committee on Energy and Commerce

JOINT RESOLUTION

Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision”.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That Congress disapproves the rule submitted by the En-
4 vironmental Protection Agency relating to “California
5 State Motor Vehicle and Engine Pollution Control Stand-
6 ards; Heavy-Duty Vehicle and Engine Emission Warranty
7 and Maintenance Provisions; Advanced Clean Trucks;
8 Zero Emission Airport Shuttle; Zero-Emission Power
9 Train Certification; Waiver of Preemption; Notice of Deci-
10 sion” (88 Fed. Reg. 20688 (April 6, 2023)), and such rule
11 shall have no force or effect.

○

IA

119TH CONGRESS
1ST SESSION

H. J. RES. 88

Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision”.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2025

Mr. JOYCE of Pennsylvania (for himself, Mr. LAMALFA, Mr. JAMES, Mr. FULCHER, Mr. OBERNOLTE, Mr. KILEY of California, and Mrs. McCLAIN) submitted the following joint resolution; which was referred to the Committee on Energy and Commerce

JOINT RESOLUTION

Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision”.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That Congress disapproves the rule submitted by the En-
4 vironmental Protection Agency relating to “California
5 State Motor Vehicle and Engine Pollution Control Stand-

1 ards; Advanced Clean Cars II; Waiver of Preemption; No-
2 tice of Decision” (90 Fed. Reg. 642 (January 6, 2025)),
3 and such rule shall have no force or effect.

○

IA

119TH CONGRESS
1ST SESSION

H. J. RES. 89

Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The ‘Omnibus’ Low NOX Regulation; Waiver of Preemption; Notice of Decision”.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2025

Mr. OBERNOLTE (for himself, Mr. FULCHER, Mr. JOYCE of Pennsylvania, Mr. JAMES, Mr. KILEY of California, Mr. LAMALFA, and Mrs. MCCLAIN) submitted the following joint resolution; which was referred to the Committee on Energy and Commerce

JOINT RESOLUTION

Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The ‘Omnibus’ Low NOX Regulation; Waiver of Preemption; Notice of Decision”.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That Congress disapproves the rule submitted by the En-
4 vironmental Protection Agency relating to “California
5 State Motor Vehicle and Engine and Nonroad Engine Pol-

1 lution Control Standards; The ‘Omnibus’ Low NOX Regu-
2 lation; Waiver of Preemption; Notice of Decision” (90
3 Fed. Reg. 643 (January 6, 2025)), and such rule shall
4 have no force or effect.

○

The WHITE HOUSE

BRIEFINGS & STATEMENTS

STATEMENT BY THE PRESIDENT

The White House

June 12, 2025

Today, I signed into law (1) H.J. Res. 87, “Joint Resolution providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to ‘California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision’”; (2) H.J. Res. 88, “Joint Resolution providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to ‘California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision’”; and (3) H.J. Res. 89, “Joint Resolution providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to ‘California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The ‘Omnibus’ Low NOX Regulation; Waiver of Preemption; Notice of Decision’”.

These bipartisan measures prevent California’s attempt to impose a nationwide electric vehicle mandate and to regulate national fuel economy by regulating carbon emissions. Because of the joint resolutions I signed today, California’s Advanced Clean Cars II, Advanced Clean Trucks, and Omnibus Low NOX programs are fully and expressly preempted by the Clean Air Act and cannot be implemented.

Preemption of these programs is essential to preserving the Constitution’s allocation of power both among the States and between the States and the Federal Government. It is the Federal Government, not States, that should establish vehicle emissions standards given the inherently interstate nature of air quality; a patchwork of State vehicle

regulations on this subject is unworkable. Our Constitution does not allow one State special status to create standards that limit consumer choice and impose an electric vehicle mandate upon the entire Nation.

As the Congress's joint resolutions make clear, California's attempts to impose an electric vehicle mandate, regulate national fuel economy, and regulate greenhouse gas emissions are not eligible for waivers of preemption under section 209 of the Clean Air Act. This provision of the Clean Air Act authorizes the Environmental Protection Agency (EPA) to grant waivers to California to address only compelling and extraordinary localized issues. It can never again be misused to regulate greenhouse gas emissions, which inherently do not have localized effects, much less compelling and extraordinary local effects, or vehicle emissions across the Nation.

Under the Congressional Review Act, the EPA cannot approve any future waivers that are "substantially the same" as those disapproved in the joint resolutions. The core of the waivers at issue are their authorization of California to regulate greenhouse gas and NOX emissions from internal combustion engines and to impose what amounts to an electric vehicle mandate across the Nation. Accordingly, the joint resolutions prohibit the EPA from approving future waivers for California that would impose California's policy goals across the entire country and violate fundamental constitutional principles of federalism, ending the electric vehicle mandate for good.

DONALD J. TRUMP

THE WHITE HOUSE,
June 12, 2025.



Angelica Frausto-Lupo

Community Development Director
Community Development Department
Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

PUBLIC COMMENT

Via Email: planningnotices@moval.org

August 19, 2025

**Re: SCH #2020039022, MoVal 2040 RDEIR, Comment on
Recirculated Air Quality Section**

Dear Ms. Frausto-Lupo:

We submit this comment on the Revised Draft Program Environmental Impact Report (“RDEIR”) for MoVal 2040. **These comments are directed to the recirculated portions of the RDEIR concerning air quality and greenhouse gases as required by CEQA Guidelines §15088.5(f)(2).** The RDEIR analysis fails to comply with CEQA’s requirement to use valid, current data, to disclose reasonably foreseeable cumulative impacts, and to provide enforceable mitigation for significant impacts¹. The

B2-1

¹ CEQA Guidelines §15125(a) (baseline must describe existing physical conditions at NOP and normally constitutes the baseline); §15151 (EIR must be prepared with a good-faith effort at full disclosure and sufficient analysis to inform decisionmakers).

result is an EIR that materially understates impacts and cannot lawfully be certified without recirculation.

↑
B2-1
cont.

I. Reliance on Voided Regulations Undermines EMFAC Modeling

The RDEIR's emissions modeling is premised on regulatory assumptions that no longer exist. Appendix B acknowledges that the Advanced Clean Trucks (ACT), Advanced Clean Cars II (ACC II), and Low-NOx Omnibus rules were revoked by Congress under the Congressional Review Act in May - June 2025, and that future EMFAC updates may show higher emissions as a result (App. B, p. 21 [pdf p. 14])². **Under 5 U.S.C. § 801(f), those revoked rules “shall be treated as though [they] had never taken effect.”³**

Despite this, the RDEIR continues to rely on EMFAC 2021, which assumed those rules would take effect, and fails to grapple with the legal invalidity of those assumptions. The problem is compounded by the fact that CARB released EMFAC 2025 in May 2025, prior to circulation of the RDEIR. That release incorporated the now-revoked rules, rendering both EMFAC 2021 and EMFAC 2025 analytically unstable.

B2-2

CEQA requires agencies to use the “most accurate and up-to-date information” reasonably available. *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs* (2001) 91 Cal.App.4th 1344, 1370; *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431. By relying on EMFAC models that embed revoked regulations, the RDEIR presents a baseline that is neither accurate nor lawful. This is a fatal analytical flaw requiring recirculation⁴.

² Revised Draft Program EIR, **Appendix B (Air Quality Impact Assessment)**, p. 14 (pdf p. 21) (acknowledging Congressional Review Act disapproval of ACC II, ACT, and Low-NOx Omnibus and noting implications for EMFAC updates).

³ 5 U.S.C. § 801(f) (providing that a rule that does not take effect by reason of the CRA “shall be treated as though such rule had never taken effect”).

⁴ CEQA Guidelines §15144 (EIR must be prepared with a good-faith effort at full disclosure; absolute perfection not required); §15088.5(a)(1) (recirculation required when significant new information reveals that the EIR is fundamentally flawed or impacts would be more severe).

II. Failure to Conduct Adequate Localized Significance Threshold (LST) and Health Risk Analyses

Appendix B reproduces SCAQMD's Localized Significance Threshold (LST) tables and defers actual calculations to future project-level CEQA reviews. Likewise, it references a Health Effects and Health Risk Assessment (Appendix H). Still, it provides no representative or bounding Health Risk Assessment (HRA) of toxic air contaminants or diesel particulate matter at the program level.

This approach violates CEQA. A program EIR must still provide **illustrative or bounding analysis** of localized impacts to sensitive receptors. Deferring entirely to future projects prevents meaningful public disclosure. As the Supreme Court held, CEQA requires agencies to disclose “what is, and is not yet, known” about health consequences. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519–20. Similarly, *Communities for a Better Environment v. SCAQMD* (2010) 48 Cal.4th 310, 323–25, confirms that agencies cannot avoid analysis of foreseeable localized impacts.

By providing thresholds without conducting any representative LST or HRA screening runs, the RDEIR leaves decision-makers and the public without the tools necessary to evaluate the public health consequences of the 2040 General Plan buildout. This constitutes a failure of disclosure requiring recirculation.

B2-3

III. Mitigation Deferral and Inadequacy

The RDEIR proposes mitigation that is largely programmatic, aspirational, and unenforceable, such as “promoting electrification” or “encouraging” cleaner fleets, without binding performance standards. Measures such as Mitigation AQ-4 and AQ-5 merely require future projects to conduct analyses and consider ZE/NZE fleets if thresholds are exceeded. These are conditions precedent, not enforceable performance standards.

B2-4

CEQA Guidelines §15126.4 requires enforceable mitigation with specific performance criteria, not vague commitments to consider future improvements. By deferring critical mitigation to later tiering or future planning, the RDEIR violates CEQA's prohibition against mitigation deferral. *Vineyard Area Citizens, supra; Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793.

B2-4
cont.

IV. Faulty AQMP Consistency Analysis

The RDEIR claims consistency with the 2016 and 2022 AQMPs, yet concedes that buildout of the GPU increases vehicle miles traveled (VMT) and results in significant and unavoidable impacts under Criterion 1 (exceeding assumptions) and Criterion 2 (worsening nonattainment conditions).

B2-5

Reliance on outdated AQMP assumptions is not supported by substantial evidence. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 717–18. Because the AQMP is premised on lower growth and emissions than the City now projects, the RDEIR cannot reasonably conclude consistency. This further undermines the adequacy of the analysis.

V. Cumulative Impact and Evacuation Deficiencies

The RDEIR applies SCAQMD's guidance that project-level thresholds double as cumulative thresholds, but fails to disclose or evaluate **reasonably foreseeable cumulative projects**. Just 20 days after circulation, the City issued a Notice of Preparation for the **Rancho Belago Estates project (3,000 units)**. That project will add significant new population to an area already constrained by Gilman Springs Road and SR-60, which the General Plan itself documents as operating at LOS "D." In a wildfire or seismic emergency, this bottleneck would result in prolonged exposure to PM_{2.5} and toxic air contaminants for residents and emergency responders.

B2-6

Moreover, Appendix B concedes that cumulative construction health risks are “significant and unavoidable” because “data [are] not available” to quantify overlapping exposures (App. B, p. 3.5-21). CEQA does not allow agencies to avoid cumulative analysis by claiming data limitations; it requires reasonable bounding scenarios. *Kings County Farm Bureau*, supra, at 721.

Because this is a **program-level EIR**, the City cannot defer cumulative analysis to future project-level review. *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at 524–25.

B2-6
cont.

VI. Conclusion

The RDEIR rests on invalid regulatory assumptions, fails to use the most current and accurate data, defers localized and health risk analysis, relies on unenforceable mitigation, misstates AQMP consistency, and disregards foreseeable cumulative evacuation and development-related air quality impacts.

Each of these defects independently requires recirculation under 14 Cal. Code Regs. §15088.5; collectively, they underscore the inadequacy of the current draft. Absent recirculation addressing these fundamental analytical defects, certification of the RDEIR would constitute a prejudicial abuse of discretion under Public Resources Code §21168.5.

B2-7

Respectfully submitted,

/s/Chris M. Rice

Representative
Moreno Badlands Conservancy,
and Moreno Valley Resident



Angelica Frausto-Lupo

Community Development Director
Community Development Department
Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

PUBLIC COMMENT

Via Email: planningnotices@moval.org

August 18, 2025

Re: SCH #2020039022 — MoVal 2040 Revised Draft Program EIR
Subject: Deficiencies in Energy Analysis (CEQA Guidelines §15126.2(b),
Appendix F; Pub. Res. Code §§21000 et seq.)

I. Introduction

These comments address the **Energy** analysis in the Revised Draft Program EIR (“RDEIR”) (Chapter 4.6; Appendix F). CEQA requires a good-faith, reasoned evaluation of whether the plan would result in wasteful, inefficient, or unnecessary energy consumption; disclosure of foreseeable electricity, natural gas, and transportation fuel demand; and identification of feasible mitigation. (Guidelines §15126.2(b), Appendix F.) The RDEIR does not meet these standards.

Although this is a Program EIR, CEQA does not allow deferring energy analysis to later tiering where the RDEIR already quantifies plan-level usage (e.g., Tables 4.6-9 to 4.6-

B3-1

11). See *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.

↑ B3-1
cont.

II. Unlawful/Unstable Baseline Assumptions (Addressed in CRA Letter)

As detailed in our separate CRA revocation letter (incorporated by reference), the RDEIR relies on transportation assumptions embedded in EMFAC2021 that depend on ACT, ACC II, and the Omnibus Low-NOx programs, regulations now void ab initio under the Congressional Review Act. Treating those programs as effective inflates efficiency gains and depresses fuel demand, undermining Appendix F disclosures. The Energy chapter does not adjust for, or even disclose, this limitation, nor does it provide a sensitivity case (with/without ACT/ACC II/Omnibus). CEQA requires the most accurate, up-to-date information and reasoned disclosure of uncertainty. (*Vineyard Area Citizens; Berkeley Keep Jets.*)

B3-2

III. Underestimation of Construction and Operational Energy Use

Construction Phase:

Appendix F defaults to generic CalEEMod assumptions for equipment horsepower and load factors without plan-level verification against foreseeable buildout (e.g., large warehouse/logistics construction). CEQA requires disclosure of the magnitude of impacts and a conservative or sensitivity range where inputs are uncertain. (*Sierra Club v. County of Fresno*, 6 Cal.5th at 519–520.)

B3-3

Operational Phase:

- **Transportation Energy.**
 - The analysis does not quantify heavy-duty truck activity expected under General Plan buildout, relying instead on light-duty defaults that mask the

B3-4



most energy-intensive use. This omits the dominant driver of diesel consumption and peak demand near logistics corridors.

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B3-4
cont.

- **Water/Energy Intensity.**

- Appendix F applies a static 6,807 kWh/MG factor without acknowledging variability from drought, pumping head, or imported water mixes; recent regional data indicate higher intensities under stress conditions. The omission understates lifecycle electricity demand.

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B3-5
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- **Natural Gas Lock-In:**

- The analysis assumes code-minimum appliances and does not evaluate all-electric pathways or whether gas infrastructure would cause long-term inefficient consumption relative to feasible electrification; an Appendix F question that should be addressed at the program level.

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B3-6
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IV. Failure to Identify Feasible, Enforceable Mitigation

The RDEIR largely relies on existing codes and generalized statements about efficiency, but proposes no enforceable plan-level measures. CEQA requires feasible mitigation with performance standards (Guidelines §15126.4; Appendix F). At the General Plan level, feasible measures include, for example:

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B3-7
↓

- All-electric new construction for warehouse/commercial uses, with EV-ready infrastructure and minimum circuit capacity standards.
- Fleet energy performance standards for tenant trucking (e.g., minimum ZE/NZE percentage by year, shore-power/idle-reduction requirements, on-site charging/fueling plans).
- On-site solar + storage at logistics and commercial centers sized to meet peak load targets and reduce grid stress.
- Water recycling and advanced efficiency requirements aligned with drought-contingency baselines.

- Performance targets exceeding Title 24 by a defined percentage, tied to approval conditions and monitoring.

By omitting these measures, or explaining why they are infeasible, the RDEIR violates CEQA’s mitigation mandate and **improperly defers** plan-level choices to project-level review. See *Vineyard Area Citizens; Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793.

B3-7
cont.

V. Conclusory “Less-Than-Significant” Finding

The ultimate LTS finding rests on code compliance and “typical” efficiency, without facts and analysis that disclose upper-bound fuel/electricity use (especially for heavy-duty transport) or compare outcomes with/without the revoked programs. CEQA rejects such bare conclusions. *Sierra Club v. County of Fresno*, 6 Cal.5th at 512–513.

B3-8

VI. Public Notice Context

The City’s August 2025 **Notice of Availability** lists several significant and unavoidable impacts but **omits Energy**, despite the court’s March 2024 writ directing correction of the Energy analysis. Maintaining a **less-than-significant** Energy conclusion without addressing the defects above indicates the deficiency remains uncured and supports **recirculation**.

B3-9

VII. Requested Remedy

Recirculate the RDEIR with an Energy analysis that:

1. uses a legally valid baseline (or provides sensitivity scenarios reflecting CRA revocations);

B3-10

2. quantifies plan-level construction and heavy-duty operational energy demand with conservative ranges; and
3. adopts enforceable, plan-level mitigation consistent with Appendix F and §15126.2(b).

↑
B3-10
cont.

Respectfully submitted,

/s/ Chris M. Rice

Representative
Moreno Badlands Conservancy,
and Moreno Valley Resident



Angelica Frausto-Lupo

Community Development Director
Community Development Department
Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

PUBLIC COMMENT

Via Email: planningnotices@moval.org

August 18, 2025

**Re: CEQA Comments on the Draft Climate Action Plan
(MoVal2040)**

Dear Ms. Frausto-Lupo:

The Moreno Badlands Conservancy is a group of concerned Moreno Valley residents committed to protecting air quality, public health, and the region's environmental integrity. We submit the following comments on the Draft Climate Action Plan ("Draft CAP"). While we support Moreno Valley's intent to align with California's climate goals, the Draft CAP fails to satisfy CEQA's standards for a "qualified GHG reduction plan" under Guidelines §15183.5. Specifically, the plan relies on speculative

B4-1

assumptions, omits major emissions sources, and lacks enforceable monitoring or corrective mechanisms. These deficiencies prevent the Draft CAP from lawfully supporting CEQA streamlining and undermine its effectiveness in reducing greenhouse gases.

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B4-1
cont.
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I. Exclusion of Industrial/Warehouse Sources from Streamlining

The CAP expressly excludes warehouses and industrial projects from CEQA streamlining because industrial point sources were omitted from the inventory, and Southern California Edison could not confirm how warehouse loads are categorized (pp. 27, 140). Given Moreno Valley's rapid expansion of warehouse development and goods-movement infrastructure, this omission is fatal. A Draft CAP that excludes the City's dominant emissions sector cannot reasonably qualify as a citywide CEQA tool.

Moreover, any claimed reductions become misleading to the public when they exclude emissions from the City's primary industry - warehousing - creating an artificially optimistic picture of Moreno Valley's climate progress.

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B4-2
↓

II. Failure to Disclose Cumulative Industrial Emissions

The Draft CAP improperly attempts to narrow its cumulative setting by excluding emissions from existing and reasonably foreseeable industrial sources because such facilities are "separately regulated."¹ CEQA does not permit this approach. As the California Supreme Court has made clear, compliance with other regulatory regimes cannot substitute for the obligation to disclose and analyze environmental consequences. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321, 328–329).

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B4-3
↓

¹ City of Moreno Valley Climate Action Plan Draft (July 2025), p. 140, fn. 6 ("The inventory excludes point source industrial emissions because these emissions activities are generally outside the jurisdictional control of the City and are instead regulated by the State's Cap-and-Trade program.").

Indeed, the courts have repeatedly rejected attempts to sidestep cumulative impact analysis by pointing to external regulation. In *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1216–1217, the court invalidated an EIR that relied on broad, conclusory statements and omitted meaningful discussion of cumulative air quality and traffic impacts. Similarly, in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520–523, the Supreme Court emphasized that cumulative analysis must connect emissions to health and environmental consequences, not rely on regulatory assumptions. And in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 229–231, the Court invalidated a greenhouse gas analysis that relied on broad programmatic compliance rather than disclosing actual emissions impacts.

Industrial operations within the Plan Area, including logistics centers, factories, and other stationary sources, plainly contribute both criteria pollutants and greenhouse gases. CEQA requires the City to quantify those emissions reasonably, disclose their contribution to cumulative impacts, and assess whether adoption of the General Plan Update would exacerbate or interact with those effects. By omitting them, the Draft CAP provides decision-makers and the public with an incomplete and misleading picture of cumulative air quality and climate impacts. This omission is especially problematic because CEQA requires disclosure of the whole of the physical environmental setting (Guidelines §15125(a)), and the informational purpose of an EIR is to provide decision-makers and the public with a full picture of environmental impacts (Pub. Res. Code §21061).

Requested Revision: *The City must either (a) include industrial/warehouse sources in the inventory and reduction strategy, or (b) disclaim any intent to use the CAP for CEQA streamlining of citywide projects.*

B4-3
cont.

III. Reliance on Uncertain State Regulations

The Draft CAP credits reductions from the Advanced Clean Trucks (ACT) rule in its adjusted forecast (p. 33, Table 2-3) despite acknowledging “enforcement uncertainty” (p. 154). On June 12, 2025, Congress revoked California’s federal Clean Air Act waivers under the Congressional Review Act, rendering ACT, ACC II, and the Low-NOx Omnibus void from the start.

Under 5 U.S.C. §801(f)², any rule disapproved under the CRA ‘shall be treated as though such rule had never taken effect.’ Accordingly, ACT, ACC II, and the Low-NOx Omnibus are legally **void ab initio**. This is not merely a regulation subject to appeal; under current law these rules do not exist. While litigation challenging the CRA disapproval is pending, that does not alter the present legal reality: these rules have no force and cannot provide a valid basis for CEQA streamlining.

While California and 23 other states have since filed suit in U.S. District Court to challenge the revocation, the current law is that these rules are legally invalid. This legal limbo means Moreno Valley cannot rely on ACT benefits as enforceable or reasonably foreseeable under CEQA.

If the City Council adopts a CAP that relies on emission reductions from state rules voided by Congress, it would be taking legislative action based on laws that no longer exist. This compounds the evidentiary deficiency with a governance problem: the City would knowingly anchor its climate strategy to legally invalid assumptions.

Requested Revision: *Exclude uncertain state rules from quantified reductions unless the City can demonstrate enforceability or apply conservative adjustment factors.*

² 5 U.S.C. §801(f): Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

IV. Use of Outdated Global Warming Potentials (GWPs)

The Draft CAP locks in IPCC AR4 GWPs “for consistency” (p. 9). Yet AR6 assigns methane a 100-year GWP of 27–30, compared to AR4’s 25³, a difference of 8-20%. In methane-heavy sectors such as solid waste and natural gas leakage, this systematically underestimates emissions, directly biasing the baseline and reduction targets. CEQA requires use of the “best available information,” and reliance on AR4 is outdated and misleading (*Communities for a Better Environment v. SCAQMD*, 48 Cal.4th 310).

B4-5

Requested Revision: Update the inventory and forecast to use AR6 GWPs, or apply conservative correction factors to prevent understatement of impacts.

V. Per-Capita Thresholds Mask Growth

Appendix F establishes per-capita thresholds (e.g., 2.04 MTCO₂e per resident, 4.16 per FTE) (App. F, p. F-6). These thresholds allow absolute emissions to rise as long as population or employment grows, masking the City’s true climate impact. This approach is inconsistent with SB 32’s mandate for absolute reductions and CARB’s 2022 Scoping Plan trajectory⁴.

B4-6

Relying on per-capita thresholds alone also ignores §15064.4(b)(2) and §15064.7, which require substantial evidence that the threshold and methodology meaningfully indicate the project’s GHG significance and progress toward actual reductions.

³ Intergovernmental Panel on Climate Change, *Sixth Assessment Report: Climate Change 2021 – The Physical Science Basis*, Table 7.15 (methane 100-year GWP = 27–30, vs. AR4 value of 25).

⁴ California Health & Safety Code §38566 (SB 32 requires statewide greenhouse gas emissions to be reduced to 40 percent below 1990 levels by 2030); California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality* (Dec. 2022).

Requested Revision: *Adopt absolute or hybrid thresholds (per-capita + total) consistent with CARB and SB 32, ensuring real emissions decreases.*

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B4-6
cont.

VI. Weak Monitoring and Corrective Action

The CAP's monitoring section states the City "may need to revise" the plan if progress lags and anticipates an update in 2029 (p. 108). This permissive language fails CEQA Guidelines §15183.5(b)(1)-(5), which requires enforceable monitoring and corrective triggers. Without binding mechanisms, the CAP provides no assurance that reductions will occur. Section 15183.5(b) requires a qualified CAP to specify targets, measures and implementing actions by sector, a schedule, and **enforceable** monitoring with corrective triggers. Here, the Draft CAP's 'may need to revise' language lacks those required backstops.

B4-7

Requested Revision: *Include mandatory interim reviews (e.g., 2027, 2032) and automatic triggers such as adopting additional ordinances or enhanced building electrification standards if inventories show the City is off track.*

VII. Contingent and Speculative Measures

Several measures rely on funding or ordinances not yet adopted. For example, the CAP assumes 95% compliance with all-electric new construction starting in 2026 (pp. 55, 99), though no such ordinance has been passed. CEQA does not allow credit for reductions from speculative measures (*Vineyard Area Citizens v. Rancho Cordova*, 40 Cal.4th 412).

B4-8

Requested Revision: *Credit should not be claimed until measures are formally adopted and funded.*

VIII. Conclusion

As drafted, the CAP fails to provide substantial evidence that its measures will achieve the 2030 and 2045 targets, omits critical emission sources, and lacks enforceable monitoring. We respectfully request that the City revise and recirculate the Draft CAP to:

- Incorporate industrial/warehouse sources.
- Remove speculative credit for uncertain state rules.
- Update GWPs to AR6 values.
- Replace per-capita thresholds with absolute or hybrid thresholds.
- Establish binding monitoring triggers.
- Exclude credit for unadopted or unfunded measures.

Absent these revisions, the CAP cannot lawfully serve as a CEQA-qualified plan under §15183.5.

Respectfully submitted,

/s/ Chris M. Rice

Representative
Moreno Badlands Conservancy,
and Moreno Valley Resident

B4-9

From: [Community Development - Planning](#)
To: [Claudia Manrique](#)
Cc: [Stacy Dunning](#)
Subject: FW: MoVal GPU REIR Response
Date: Thursday, August 21, 2025 5:30:07 PM
Attachments: [moval_gpu_reir_aug25.pdf](#)

Hello Claudia,

Please see response for Moval 2040.

Thank you,

Community Development - Planning

City of Moreno Valley

p: 951.413.3206 | e: planningemail@moval.org | w: www.moval.org
 14177 Frederick St., Moreno Valley, CA, 92553

From: Marven Norman <marven.n@ccaej.org>

Sent: Thursday, August 21, 2025 5:09 PM

To: Community Development - Planning <planningemail@moval.org>

Subject: MoVal GPU REIR Response

You don't often get email from marven.n@ccaej.org. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Hello,

Please find attached a letter from CCAEJ responding to the REIR for the MoVal 2040 GPU. A response acknowledging receipt would be appreciated.

B5-1

Cheers,

Marven E. Norman (he/him/his), Environmental Policy Analyst

Center for Community Action and Environmental Justice

Centro de Acción Comunitaria y Justicia Ambiental

| C: (951) 543-1743 | E: marven.n@ccaej.org | W: <https://www.ccaej.org>

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

August 20, 2025

City of Moreno Valley

Attn: Angelica Frausto-Lupo, Community Development Director

14177 Frederick Street

Moreno Valley, CA 92553

Submitted via email to planning@moval.org.

Re: MoVal 2040: The Moreno Valley Comprehensive General Plan Update. Municipal Code and Zoning (including Zoning Analysis) Amendments. And Climate Action Plan Revised Environmental Impact Report (SCH #2020039022)

Dear Angelica Frausto-Lupo,

This letter is on behalf of the Center for Community Action and Environmental Justice (CCA EJ) to respond to the Revised Environmental Impact Report for the MoVal 2040: The Moreno Valley General Plan Update (SCH #2020039022) which has been completed and is now available for inspection. CCA EJ appreciates the opportunity to provide these comments on the plan and analysis. Nevertheless, there are still some concerns which we have identified which need to be addressed before the Plan is finalized.

B5-2

The first concern is for the impact on air quality that the building out of the Plan would lead to. While it is encouraging to see some Air Quality measures meant to reduce various emissions, several of them do not go far enough. In particular, AQ-4 has good intent but as written, is inadequate as projects often have schedules which slip, potentially leading to a situation where those which might not have met the threshold for completing an LST analysis. Instead, it should be adjusted to better account for that outcome by adding tools to ensure that projects which would fall into the threshold conduct the LST whenever it would happen.

B5-3

Another point of concern is for Measure T-4 of the Climate Action Plan. While it is good to see the commitment to implement the California Air Resources Board’s (CARB) zero emissions vehicle targets for passenger and commercial vehicles, missing is the commitment to meet CARB’s 2022 Scoping Plan goal of a reduction in VMT of 30% by 2030.

B5-4

Additionally, while it is good to see that this process has updated the active transportation plan, it is concerning to see that it appears that the particulars and spirit of SB932 (Portantino, 2022) has been missed as there are still a number of instances where Class II bike lanes or Class III bikeways are proposed for use on corridors which would handily exceed the guidance provided by Caltrans in its Contextual guidance for bicycle facilities (Figure 1) and thus does not seem to

B5-5

Mailing Address

PO Box 33124

Jurupa Valley, CA 92519

www.ccae.org

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

meet the goals of the Safe Systems Approach which is endorsed by the legislation as they would instead subject users to environments which continue to present unacceptable risks and creates what amounts to hazards by design.

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B5-5
cont.

While we do not recommend that bikes be restricted from routes which do not meet the standards above, it is crucial to recognize that it is possible to do better, particularly in situations where infrastructure is being built out as is the case in a fair portion of the city. We urge the City to adopt bikeway standards which are in line with best practice for safety so that as new build or major reconstruction occurs, the appropriate bikeways would be included automatically. At the same time, other existing locations can be upgraded as part of regular maintenance or via the capital improvement process. This is crucial not only for safety, but also for enabling the City to be able to make a meaningful dent in VMT.

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B5-6

Thank you for your time and consideration of these matters. If there are any additional questions, please do not hesitate to reach out for clarification.

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B5-7

Sincerely,



Marven E. Norman
Environmental Policy Analyst

CCA EJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, CCA EJ's founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow Acid Pits' being declared one of the first Superfund sites in the nation. **CCA EJ** prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.

Mailing Address
PO Box 33124
Jurupa Valley, CA 92519
www.ccae.org

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

Attachment A

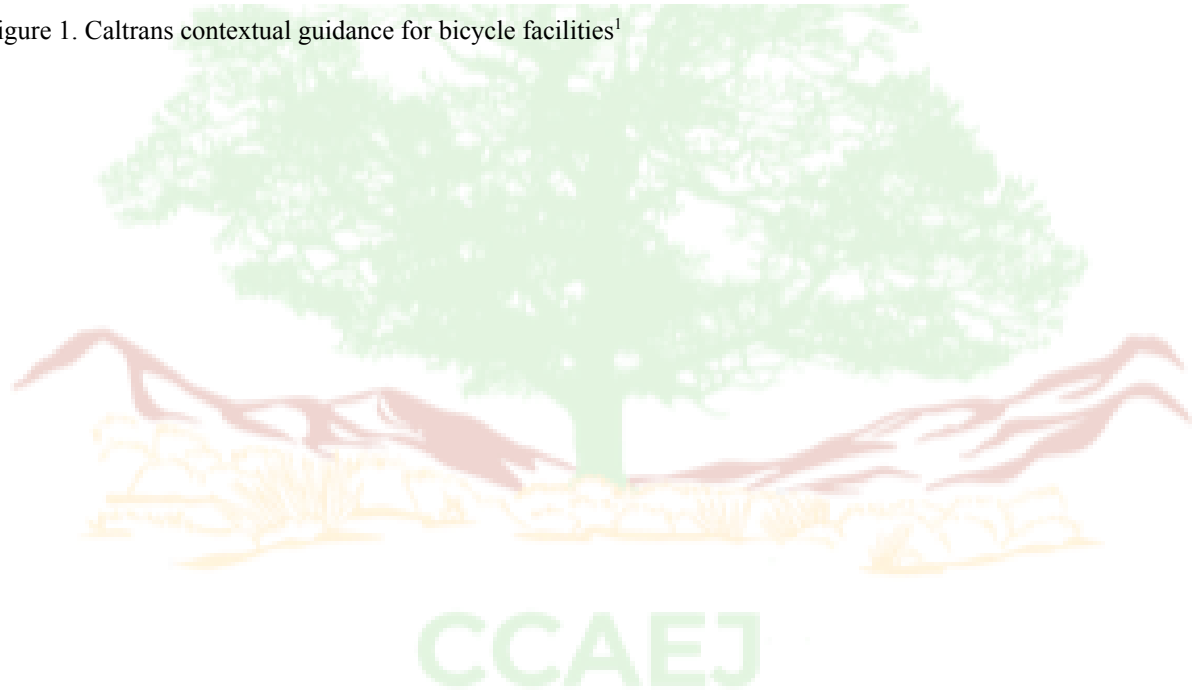
Caltrans Contextual Guidance for Preferred Bicycle Facilities**						
Place Type and Surrounding Land-Use 1		Posted Speed				
		15-20	25-30	35-45	> 45	
Urban Areas & Suburban Main Streets	Design Year ADT	<2,500	Standard Shoulder or Shared Lane	Standard Shoulder or Shared Lane	Class II or Class IV	Class IV
		2,500-5,000	Shared Lane	Shared Lane		
		5,000-10,000	Class II or Class IV	Class II or Class IV	Class IV	
		>10,000	Class IV	Class IV	Class IV	
Rural Areas (Developing Corridors)		<2,500	15-20	25-30	35-45	> 45
	2,500-5,000	Standard Shoulder (may be designated as a Class III facility):				
	5,000-10,000					
	>10,000					
Rural Main Streets	<2,500	15-20	25-30	35-45	> 45	
	2,500-5,000	Standard Shoulder or Shared Lane	Class II	Class II	Class I or IV	
	5,000-10,000	Class II				
	>10,000			Class I, II, or IV		

1 Highway Design Manual (HDM) Index 81.3

2 HDM, Tables 302.1 and 307.2

** Chart is not a replacement for engineering judgement. Intended for planning purposes, to identify minimum preferred bikeway facility under different place type, volume and speed conditions.

Figure 1. Caltrans contextual guidance for bicycle facilities¹



From: [Maria Ana Lum](#)
To: [Planning Notices DG](#)
Cc: [George Hague](#); heidi.rous@kimley-horn.com
Subject: Comment on San Jacinto Wildlife Area Map used in the Moreno Valley Revised Draft Program EIR GPU/CAP
Date: Thursday, August 21, 2025 5:24:43 PM
Attachments: [SJWA and other conserved lands.pdf](#)
[Aug 21, 2025 MOVAL GP 2040 Public Comment on SJWA Maps .pdf](#)

Some people who received this message don't often get email from sunshinemlum@gmail.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Hello City of Moreno Valley Planning Department, Council Members, and Consultants,

I am providing you with a correct map of the San Jacinto Wildlife Area to properly update the General Plan and provide the correct information to the Public.

In Appendix A. Revised Draft Program EIR Notice of Preparation, Scoping Meeting Materials, and NOP Comments Exhibit 2 Planning Area,(Source City of Moreno Valley ArcGIS, 2018 and 2023), has a totally inaccurate map of the San Jacinto Wildlife Area (SJWA) despite the city having been provided correct versions several times. This problem is not limited to this location, but is inaccurate throughout much of the document. This Exhibit 2 doesn't even show that part of the SJWA is within Moreno Valley City limits. The Scoping Meeting slides of SJWA maps shared as part the meeting as well as part of the public's notice of the Revised General Plan Update 2040 GPU/CAP were inaccurate at the time of the meeting and the city was told so, but are again has included them with other documents related to the notice on this project.

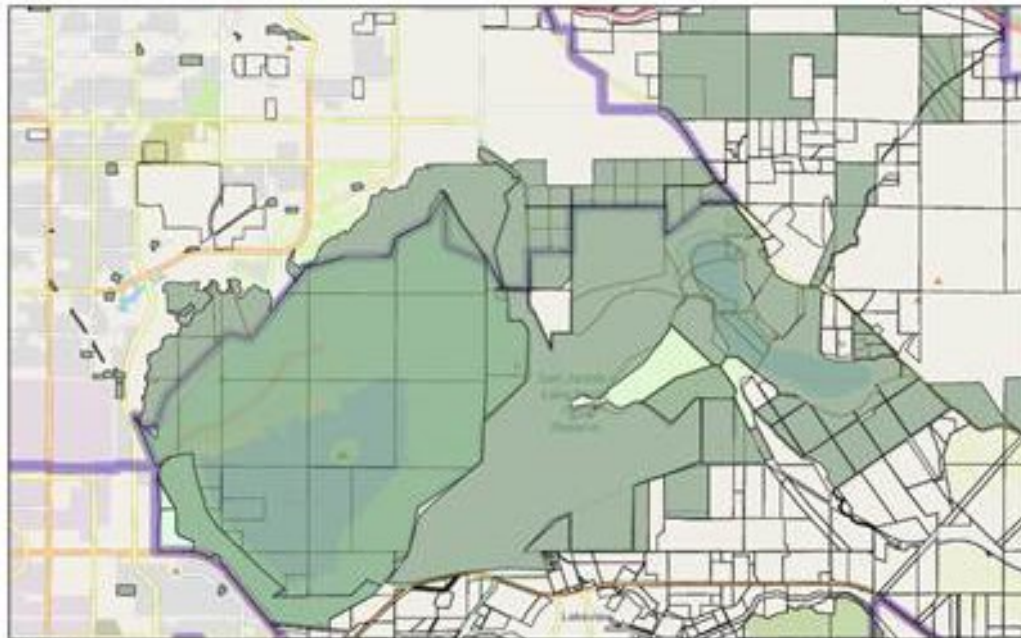
Attached is the correct map of the SJWA and Surround Conserved Lands as of June 2025 (GreenInfo Network).

B6-1

B6-2

B6-3

Lake Perris Recreational Area, San Jacinto Wildlife Area, and other Conserved Lands



8/21/2025

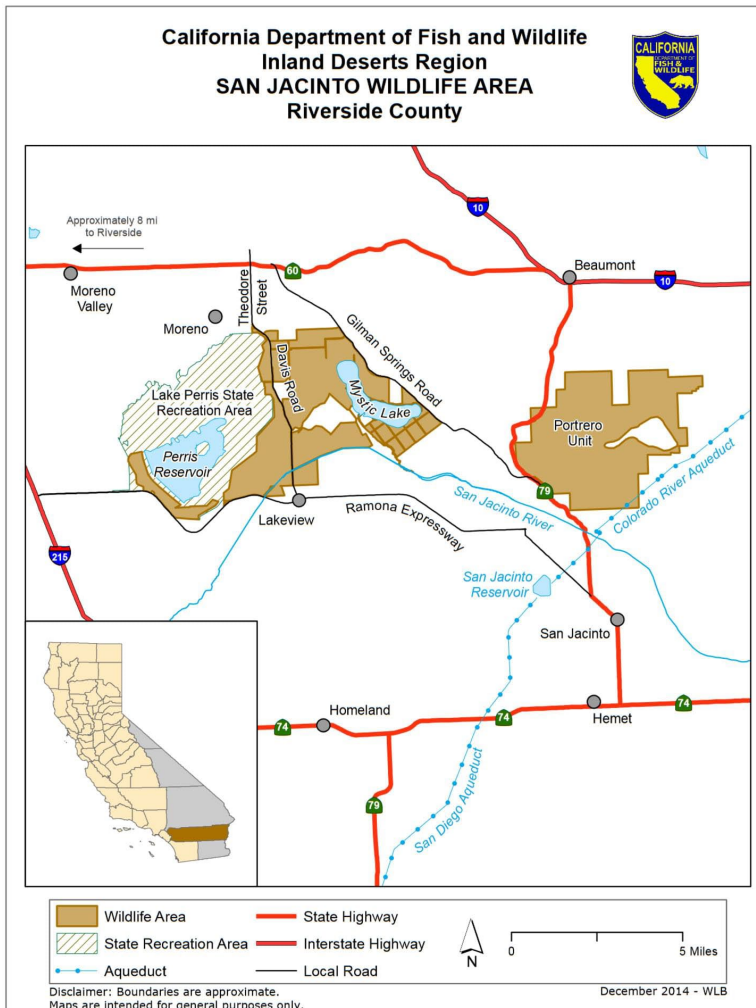
- | | |
|-----------------------|--|
| CPAD 2025a Holdings | G_Western County Parcels |
| CPAD 2025a SuperUnits | G_City Boundaries |
| CPAD 2025a Units | C_California Conservation Easement Database (CCED) |



1:89,919
0 0.5 1 2 4 km

Map data © Esri/DeLorme contributors, Microsoft, TomTom, Swappa, etc.
Community Maps contributors, Map data by Esri
© Esri/DeLorme and/or Esri

B6-3
cont.



B6-3
cont.

If you need further assistance, reach out to Scott Sewell, Senior Supervisor and Wildlife Area Manager, San Jacinto Wildlife Area at scott.sewell@wildlife.ca.gov.

Sincerely,

Maria Lum
 Sierra Club, San Gorgonio Chapter, Box Springs Group
 Riverside, CA 92506

Moreno Valley 2040 Project

The City of Moreno Valley, as the Lead Agency under the California Environmental Quality Act ("CEQA"), has prepared a Revised Draft Program EIR ("EIR") for the proposed MoVal 2040 Project, which consists of the 2024 General Plan Update ("2024 GPU"), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan ("CAP").

Environmental Review Documents

B6-4

| [Notice of Preparation for Revised EIR](#) | [Revised EIR NOC](#) | [Exhibit 1](#) | [Exhibit 2](#) | [Scoping Meeting](#) | [NOA](#) |
| [NOC](#) | [Summary Form](#) | [Revised Draft Program EIR](#) | [Draft Climate Action Plan](#) || [MoVal 2040 Draft General Plan](#) |

General Plan

- [Cover | TOC | Acknowledgements](#)
- [Section 1: Introduction](#)
- [Section 2: Land Use & Community Character](#)
- [Section 3: Economic Development](#)
- [Section 4: Circulation](#)
- [Section 5: Parks & Public Services](#)
- [Section 6: Safety](#)
- [Section 7: Noise](#)
- [Section 8: Environmental Justice](#)
- [Section 9: Healthy Community](#)
- [Section 10: Open Space](#)

Technical Appendices

- [Appendix A: NOP/SM Comments](#)
- [Appendix B: Air Assessment](#)
- [Appendix C1: Tribal Letters & Comments](#)
- [Appendix C2: Tribal Letters](#)
- [Appendix D: Noise & Vibration Assessment](#)
- [Appendix E: VMT Assessment](#)
- [Appendix F: Energy Calculation](#)
- [Appendix G: Environmental Baseline](#)
- [Appendix H: Health Effects/Risks](#)
- [Appendix I: Revised strikethrough version of Revised DEIR](#)

Draft Zoning Documents

- [Municipal Code Text Changes](#)

- [Permitted Uses](#)
- [Zoning Atlas Amendments](#)

California Department of Fish and Wildlife

Inland Deserts Region

SAN JACINTO WILDLIFE AREA

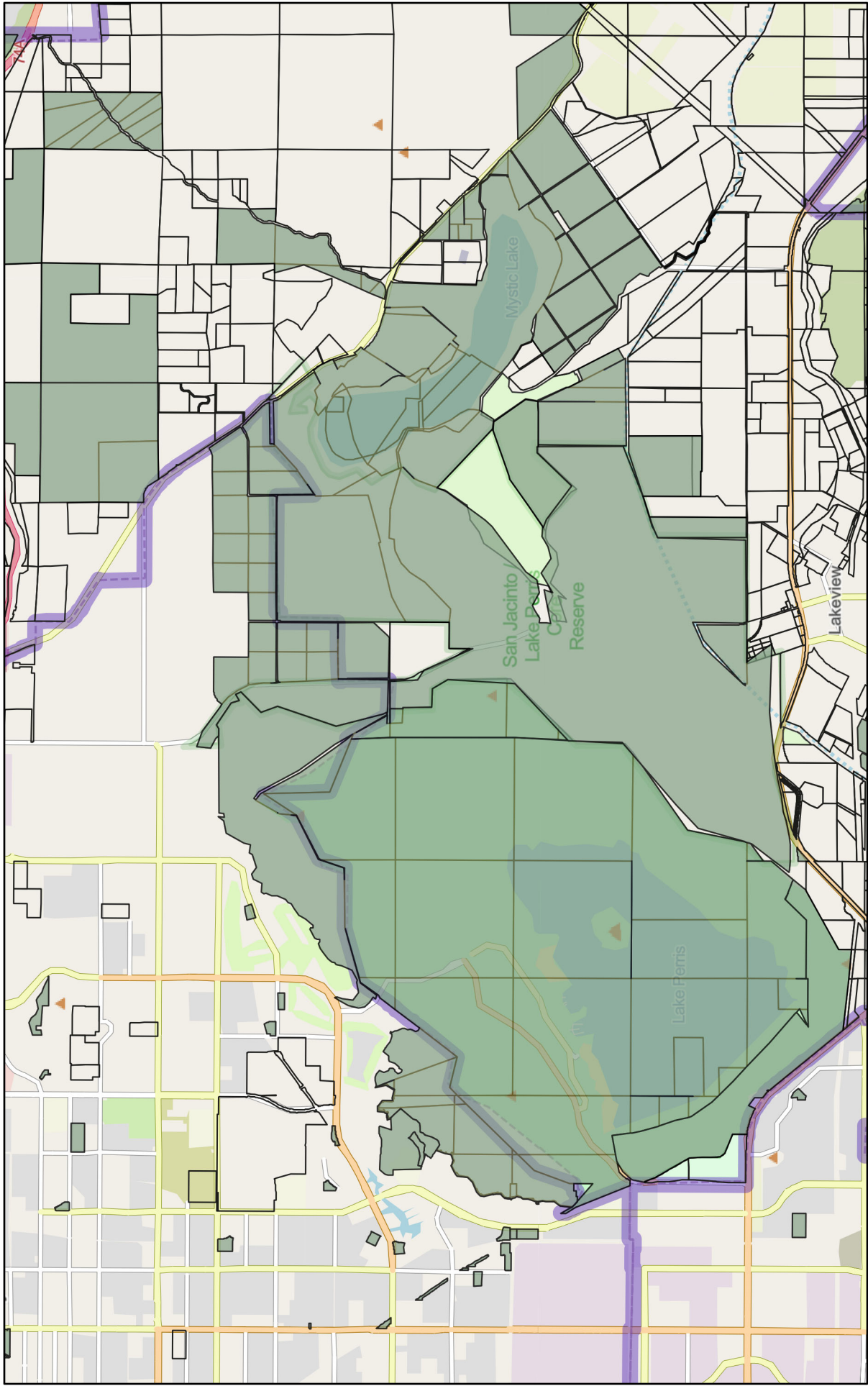
Riverside County



Disclaimer: Boundaries are approximate.
Maps are intended for general purposes only.

December 2014 - WLB

Lake Perris Recreational Area, San Jacinto Wildlife Area, and other Conserved Lands



8/21/2025

- CPAD 2025a Holdings
- CPAD 2025a SuperUnits
- CPAD 2025a Units
- G_Western County Parcels
- G_City Boundaries
- C_California Conservation Easement Database (CCED)

1:89,919



Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri
Community Maps contributors, Map layer by Esri

GreenInfo Network and Esri

Hello City of Moreno Valley Planning Department, Council Members, and Consultants,

I am providing you with a correct map of the San Jacinto Wildlife Area to properly update the General Plan and provide the correct information to the Public.

In Appendix A. Revised Draft Program EIR Notice of Preparation, Scoping Meeting Materials, and NOP Comments Exhibit 2 Planning Area, (Source City of Moreno Valley ArcGIS, 2018 and 2023), has a totally inaccurate map of the San Jacinto Wildlife Area (SJWA) despite the city having been provided correct versions several times. This problem is not limited to this location, but is inaccurate throughout much of the document. This Exhibit 2 doesn't even show that part of the SJWA is within Moreno Valley City limits. The Scoping Meeting slides of SJWA maps shared as part the meeting as well as part of the public's notice of the Revised General Plan Update 2040 GPU/CAP were inaccurate at the time of the meeting and the city was told so, but are again has included them with other documents related to the notice on this project.

Attached is the correct map of the SJWA and Surround Conserved Lands as of June 2025 (GreenInfo Network).

If you need further assistance, reach out to Scott Sewell, Senior Supervisor and Wildlife Area Manager, San Jacinto Wildlife Area at scott.sewell@wildlife.ca.gov.

Sincerely,

Maria Lum
Sierra Club, San Geronio Chapter, Box Springs Group
Riverside, CA 92506

From: [Abigail A. Smith](#)
To: [Planning Notices DG](#)
Subject: MoVal GPU REIR - Public Comments - Sierra Club
Date: Thursday, August 21, 2025 3:41:55 PM
Attachments: [MoVal GPU REIR - Sierra Club Comment Letter - Aug 21 2025.pdf](#)

Some people who received this message don't often get email from abby@socalceqa.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Dear City of Moreno Valley:

On behalf of the Sierra Club, please find a comment letter regarding the Revised Draft Environmental Impact Report for the **MoVal General Plan 2040/Update** project. Thank you for your review of these comments and including this letter in your record of the proposed project.

B7-1

Sincerely,

Abigail A. Smith, Esq.
Law Office of Abigail Smith, A Professional Corporation
2305 Historic Decatur Road, Suite 100
San Diego, CA. 92106
951-808-8595

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Email: abby@socalceqa.com
Telephone: (951) 808-8595
Facsimile: (951) 972-8488

VIA E-MAIL ONLY

August 21, 2025

City of Moreno Valley
Community Development Dept.
Attn: Angelica Frausto-Lupo, Community Develop. Director
14177 Frederick Street
Moreno Valley, CA 92553
planningnotices@moval.org

Re: Public Comments - Revised Environmental Impact Report for MoVal 2040: The Moreno Valley Comprehensive General Plan Update, Municipal Code and Zoning Amendments, and Climate Action Plan; PEN25-0020, SCH No. 2020039022

Dear City of Moreno Valley:

On behalf of the Sierra Club-San Geronimo Chapter, please accept these comments regarding the Revised Environmental Impact Report (“REIR”) for the MoVal 2040: Comprehensive General Plan Update and Climate Action Plan Project (“the General Plan Update” or “the Project”). This Project proposes a major update to the City’s General Plan.

The REIR concludes that the buildout of the General Plan Update will result in significant, unavoidable impacts associated with agriculture and forestry resources, air quality, biological, cultural and Tribal resources, noise and transportation. However, the REIR fails to propose all feasible mitigation for significant Project impacts in violation of the California Environmental Quality Act (“CEQA”); mitigation measures that are proposed are illusory or permissive; and, in some cases, the conclusions of the REIR are not supported by substantial evidence.

AGRICULTURAL IMPACTS

The General Plan Update will significantly impact agricultural resources including Prime Farmland and Farmland of Local Importance. Notably, the REIR does not evaluate the full buildout of the General Plan in terms of the potential to convert agricultural properties across the City to non-agricultural uses; rather it is asserted that the 2006 General Plan and associated EIR already evaluated those resources, therefore, the current analysis is confined to development within the General Plan Update’s “Concept Areas” (*see*, Figure 3-1 “Concept Areas”; *compare*, Figure 4.2-1 “FMMP Important Farmlands”). Hence, the full impacts of buildout of the General Plan Update are not disclosed and evaluated, which is improper under CEQA. As can be seen from Figure 4.2-1, the City has many areas of mapped farmland that are not evaluated pursuant to the REIR. Even so, the REIR fails to discuss any potential feasible mitigation for the loss of valuable

B7-2

B7-3

agricultural lands as a result of development of the Concept Areas. The Concept Areas contain areas of Prime Farmland and Farmland of Local Importance along State Route 60 (east of Moreno Beach Drive) that will be re-zoned to the new designation of “Highway Office/Commercial (HO/C)” (Figure 4.2-2).

Before the City can adopt a “statement of overriding considerations” for significant agricultural impacts, it is obligated under CEQA to evaluate feasible mitigation measures that minimize the conversion of agricultural lands to urban uses.

Once an EIR has identified a potentially significant environmental effect, it must propose and describe mitigation measures. (§§ 21002.1, subd. (a), 21100, subd. (b).) Specifically, CEQA requires the EIR to ‘include a detailed statement setting forth...[m]itigation measures proposed to minimize significant effects on the environment ... (§ 21100, subd. (b)(3).) Mitigation is defined as an action that minimizes, reduces, or avoids a significant environmental impact or that rectifies or compensates for the impact. (Guidelines, § 15370 [I].) (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 851-852.)

The REIR does not evaluate any potential feasible mitigation for the loss of important agricultural farmland. According to the State of California¹, the conversion of agricultural land represents a permanent reduction in the State’s agricultural land resources. *Conservation easements are an available mitigation tool.*” (emphasis added) As discussed in *King, supra*, mitigation can include conservation easements (“ACE”), purchase of conservation credits, and restoration of agricultural lands. (*See also*,².) Conservation easements³ are contemplated by CEQA as appropriate mitigation for the loss of agricultural resources. (State CEQA Guidelines, § 15370 (e); *see, V Lions Farming, LLC v. County of Kern* (2024) 100 Cal.App.5th 412.)

The City of Carlsbad, Ca has an agricultural mitigation fee program.⁴ When agricultural uses are converted, Carlsbad imposes a fee on the developer that is paid to a fund for agricultural mitigation, and these funds to award grants to support agricultural restoration projects.⁵ This type of fund or funding should be considered feasible mitigation here. The City of Davis has similar a mitigation program for the loss of agricultural lands which includes the purchase of off-site agricultural lands for conservation easements.⁶ The purchase of off-site lands should be considered feasible mitigation here. Other cities have or are in the process of developing similar mitigation programs.^{7 8} The REIR, however, does not consider any “programmatic” mitigation for the loss of important agricultural farmland even though the General Plan Update is a comprehensive plan for the development of the city. Because future implementing projects will rely on the REIR on a programmatic basis, it is imperative that the City explore and adopt all feasible mitigation.

¹ [https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-\(CEQA\)-.aspx](https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx)

All hyperlinks and their contents are fully incorporated herein by reference and the information is summarized in the body of this letter.

² <https://calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf>

³ <https://www.nrcs.usda.gov/programs-initiatives/ale-agricultural-land-easements>

⁴ <https://www.carlsbadca.gov/city-hall/grants-assistance/agricultural-mitigation-fee-grant-program>

⁵ <https://www.carlsbadca.gov/Home/Components/News/News/1659/5?page=5>

⁶ <https://www.cityofdavis.org/city-hall/community-development-and-sustainability/open-space-program/acquisitions/agricultural-mitigation-requirements>

⁷ https://www.visalia.city/depts/community_development/planning/agricultural_mitigation_program.asp

⁸ <https://www.countyofmonterey.gov/home/showpublisheddocument/131721/638503222010570000>

B7-3
cont.

B7-4

AIR QUALITY IMPACTS

An EIR's central purpose is to identify a project's significant environmental effects and then evaluate ways of avoiding or minimizing them. (Cal. Public Resources Code, §§ 21002.1(a), 21061.) The Project results in significant air quality impacts under both air quality significance thresholds. First, the Project will not be consistent with the South Coast AQMD's Air Quality Management Plan (AQMP) due to significant transportation impacts related to Vehicle Miles Traveled (VMT) as well as the Project's contribution to air quality violations and delays in attainment of AQMD standards. (REIR p. 4.3-21- 22.) Second, the Project will result in cumulatively significant emissions per SCAQMD's significance thresholds for criteria pollutants. (REIR, Table 4.3-9.)

Despite causing significant air quality impacts, ***the REIR proposes not a single operational air quality measure***. This is woefully inadequate given that buildout of the General Plan Update will significantly contribute to harmful air emissions as well as non-attainment of criteria pollutant standards. The City must therefore adopt *any* feasible mitigation measure that can substantially lessen the Project's significant air quality environmental impacts, including on a cumulative basis. (Public Resources Code § 21002; CEQA Guidelines, § 15002(a)(3).) The REIR summarily asserts that "at the programmatic level there are no feasible mitigation measures that would reduce air quality impacts associated with development facilitated by the 2024 GPU." (p. S-10) At the same time, the REIR suggests that many implementing residential development projects may be exempt from CEQA review, thus these projects may evade air quality mitigation requirements entirely. There are many mitigation measures available that should be mandatory requirements of implementing projects to ensure that future projects - residential, commercial, and industrial - mitigate their air quality impacts to the fullest extent possible.

B7-5

The General Plan Update should require that all future industrial projects, and commercial projects as applicable, establish fleet efficiency requirements for vehicle fleets. This should include, at a minimum, requirements that industrial users shall use exclusively zero emission light and medium-duty delivery trucks and vans; and shall use near-zero and zero-emission technologies in heavy-duty applications such as "last mile delivery." As the State moves toward its goal of zero emission goods movement, the City must ensure that the Project is in line with this important objective by also requiring that future projects include a plan for the *phase-in* of zero emission or clean technology for *heavy duty* trucks as well. According to the California Air Resources Board ("CARB"), actions to deploy both zero emission and cleaner combustion technologies will be essential to meet air quality goals in California particularly with respect to goods movement.⁹ Additional, feasible mitigation for operational air quality impacts includes the phase-in of electric, hybrid electric, hydrogen electric, or battery operated (*i.e.*, non-diesel) trucks. The Project should ensure that future implementing industrial projects be conditioned to adopt a "Diesel Minimization Plan" whereby zero emission trucks are phased in on a reasonable schedule, *e.g.*, 25% of truck fleets shall use zero emission technology by 2030, and increase that percentage by 10% per year, until 100% of trucks operating on sites are zero emission. A mitigation measure is feasible if it can be achieved in a reasonable period of time. (Guidelines, § 15364.) Given the "programmatic" nature of the General Plan Update, it is precisely at this time that the City shall commit to longer-term measures. At a bare minimum, the City should commit to regular review of whether clean fleet technology is feasible, and should commit to requiring zero emission fleets when they are deemed "feasible."

The City should require implementing projects to utilize the cleanest available vehicle

⁹ <https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrc.pdf>

technologies in terms of on-site cargo equipment as well. Zero emission service equipment such as forklifts are commercially available and routinely utilized in industrial projects throughout southern California. In accordance with CEQA, the City must fully investigate, promote, and adopt *all* feasible mitigation through the REIR that promotes the use of the cleanest available vehicle technologies.

B7-5
cont.

As further feasible mitigation, the City should commit to installing air monitoring equipment to track the Project's emissions over the next 30 years. These monitors shall track significant emissions in upwind/downwind areas, downwind residences, and residences and schools along routes anticipated to have the heaviest truck usage and congestion. The City shall commit to the necessary funding for the installation and set-up of the monitoring equipment, and the operation of the equipment for a reasonable period of time.

B7-6

As further feasible mitigation, the City should establish a community benefit foundation or fund as a means to collect fees from future implementing projects with funds used to minimize the impacts of the General Plan Update buildout on the local community. The fund may be used for activities such as monitoring of ongoing truck activity, development of mitigation programs, administration of grants for community benefit projects, and home upgrades to individual homeowners to address air quality and noise impacts. This type of "programmatic" solution should be explored here.

B7-7

In addition to any electric vehicle (EV) charging units that may be installed at public and/or private locations pursuant to future studies and potential partnerships and/or pursuant to CalGreen/Title 24 requirements (*see*, CAP, Table 4-1.), the Project should also be conditioned to require EV charging units for heavy duty and medium duty trucks at all *industrial* projects that will be serviced by these vehicles. Level 3/DC Fast (or Quick) Chargers (DCFC) should be required ¹⁰ (*see id.* [big rig truck with battery size of 550kw and range of 250 miles take approximately 24 hours to charge with a Level 2 charger].) This comment also applies to "medium duty" vehicles such as delivery vans. (*See* ¹¹ [FedEx vans charge in hours with DC quick charger/Level 3].) Chargers must be required that are able to charge the battery of a Class 8 (heavy duty/big rig) truck as well as have the battery range needed to ensure these trucks could meet a "two shift" or even a "one shift" schedule. These chargers are feasible and available on the commercial market.¹² As one example of a "programmatic" measure, the Antelope Valley AQMD has an Electric Vehicle Charging Station Program whereby local entities are encouraged to install EV charging units in exchange for partial cost reimbursement.¹³ The City could commit to developing a similar cost-reimbursement program here.

B7-8

The following building design and operational measures should be required of industrial projects, and commercial projects, as applicable:

- Construct buildings' roofs with "light colored roofing materials." Cool roofs retain less heat and reflect more sunlight, thus lowering energy demand and reducing the "heat island" effect of a building. Project shall be conditioned to use roofing materials with a solar reflectance index ("SRI") of 78 for at least 75% of the roof surface (portions not covered in solar), consistent with USGBC standards. To provide measurable environmental benefit, the roofing material must be at the *highest possible* rating. (*See*

B7-9

¹⁰ <https://blog.evbox.com/level-3-charging-speed>

¹¹ <https://www.carscoops.com/2018/11/fedex-adds-1000-china-built-chanje-f8100-electric-vans-fleet/>

¹² <https://polb.com/port-info/news-and-press/charging-station-to-power-electric-trucks-in-port-11-30-2023/>

¹³ <https://www.avaqmd.ca.gov/electric-vehicle-charging-station-program>

¹⁴ ; see also, *Riverside County Climate Action Plan Measure R2-L2* ¹⁵.)

- Obtain LEED certification to the most current USGBC¹⁶ rating system for industrial buildings, where such certification would require the applicant to implement sustainability measures that provide environmental benefits and off-set impacts.
- Install concrete, preferably white concrete, in all commercial and industrial parking areas. Light- colored concrete is more reflective of sunlight, thus employing concrete in all parking areas will reduce the “heat island” effect of the Project. ^{17 18} Among other benefits, cooler surfaces and air reduce the need for air conditioning in vehicles. (See, *id. Riv. County Climate Action Plan Measure R2-L2*.)
- Install landscaping in all commercial and industrial parking areas to provide 50% shade coverage within 10 years of operations. This can also reduce “heat island” effects and reduce the need for air conditioning, and thus reduce GHG impacts. See, *id. Riv. County Climate Action Plan R2-L1*
- Install and utilize solar power for 100% of an industrial facility’s total electricity demand including electric vehicle charging stalls in parking areas and automation within buildings.
- Require all trucks that access industrial sites to have 2014 or newer engines. This requirement will align with the Port of Long Beach’s requirement that any new registered drayage trucks must be model year 2014 or newer.¹⁹
- Incorporate the California Attorney General’s list of best practices for all industrial warehouse developments²⁰: These include:
 - Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
 - Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
 - Requiring on-site equipment, such as forklifts and yard trucks, to be electric only *with* the necessary electrical charging stations provided. Mitigation Measure GHG-9 should be revised to state that *only electric* cargo-handling equipment shall be allowed (no natural gas or other fuels). The Draft EIR states the Project will operate four natural gas powered cargo handling equipment in truck court areas (p. 5.3-27).
 - Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
 - Forbidding trucks from idling for more than two minutes and requiring

B7-9
cont.

¹⁴ <https://www.energy.gov/sites/prod/files/2013/10/f3/coolroofguide.pdf>

¹⁵ <https://planning.rctlma.org/sites/g/files/aldnop416/files/migrated/Portals-14-CAP-2019-2019-CAP-Update-Full.pdf>

¹⁶ <https://www.usgbc.org/leed>

¹⁷ <https://coolcalifornia.arb.ca.gov/cool-pave-how>

¹⁸ <https://heatisland.lbl.gov/coolscience/cool-pavements>

¹⁹ <https://polb.com/environment/clean-trucks/#program-details>

²⁰ <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>

operators to turn off engines when not in use.

- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at project sites.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at project sites.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facilities and nearby meal destinations.
- Improving and maintaining vegetation and tree canopy for residents in and around project areas.
- Requiring that every industrial tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB- approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

B7-9
cont.

It is imperative that the City adopt all feasible mitigation at this time, and make the measures mandatory and enforceable. The REIR's Mitigation Measures AQ-2 and AQ-3 state that future project applicants shall follow a list of construction air quality measures "to the extent technically and logistically feasible and applicable." This permissive language allows future projects to avoid the measure. MM AQ-5 is inherently uncertain where it states that a Health Risk Assessment (HRA) shall be submitted to the City Planning Department prior to issuance of building permits for *any future discretionary* residential or residential mixed use project. Residential projects may no longer be considered "discretionary projects" due to a recent change in the law, thereby creating uncertainty as to whether an HRA must be submitted to the City at all. Also, the measures listed in AQ-5 are triggered only if the HRA shows that a project will exceed significance thresholds. We submit that each of the listed air quality measures under MM AQ-5 should be considered feasible mitigation for significant air quality impacts of the General Plan Update buildout. All implementing industrial projects should be required to, for instance, use only zero emission/electric forklifts and/or yard trucks.

B7-10

Finally, the operational air quality analysis, REIR Table 4.3-9, appears to understate the air emissions associated with the buildout of the General Plan planning area. The table purports to disclose operational criteria pollutant emissions in lbs/per day. For example, NOx emissions (due to diesel exhaust) are calculated at 3,890 lbs per day from mobile sources (present day), and in year

B7-11

2040, NOx emissions are estimated at 2,509 lbs per day from mobile sources.

↑ B7-11
cont.

The City has approved a multitude of industrial warehouse projects, consisting of more than 50 million square feet of industrial development in the last fifteen years or so. Table 4.3-9 suggests that the City's collective NOx emissions are less than even the NOx emissions of the World Logistics Center project, which, according to the EIR prepared for that massive industrial campus project, will generate NOx emissions of at least 3,064 lbs/day, due to more than 15,000 daily vehicle trips. Thus, alone, WLC is expected to exceed the City's total estimated NOx emissions in year 2040 according to REIR Table 4.3-9.²¹ The Project's Air Quality Assessment, Table 3, appears to vastly understate the "existing emissions", particularly NOx. From the Air Quality Assessment (REIR, Appendix B), it is not clear how the existing emissions were calculated. There is a list of projects included in the appendix to the AQ Assessment, but there are no quantitative measurements of air emissions, and it appears that the World Logistics Center is not on this list. Overall, the air emissions associated with the buildout of the General Plan must be appropriately calculated and disclosed at the "cumulative" level.

B7-12

ENERGY

The REIR concludes that energy impacts are less than significant because the Project will not result in the wasteful use of energy due to compliance with Title 24 and other regulations.

State CEQA Guidelines Appendix F provides that "[t]he goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption; (2) *decreasing* reliance on fossil fuels such as coal, natural gas and oil, and (3) *increasing* reliance on renewable energy sources." (emphasis added) Appendix F puts "particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." The Project must mitigate its energy impacts and must consider renewable energy mitigation measures. (Public Resources Code, § 21100 (b)(3)) The REIR does not propose any mitigation for transportation energy impacts (*i.e.*, fuel consumption). Sole reliance on Title 24 is insufficient as Title 24 does not address transportation energy resources. (*See, Calif. Clean Energy Committee v. City of Woodward* (2014) 225 Cal.App.4th 173, 210.)

B7-13

LAND USE IMPACTS

The REIR does not properly disclose the land use impacts associated with the land use amendments proposed by the General Plan Update. There is a lack of sufficient information provided, and conclusions of the REIR are not based on substantial evidence.

For instance, the RDEIR does not fully disclose the changes proposed with respect to the new "Business Flex" Zone in and around the Edgemont community, a residential area generally located between Alessandro and Cottonwood Avenue. This new zone would allow industrial warehousing in and around the existing residential community but the changes that would allow industrial uses by right in this area have not been properly evaluated through the REIR. This area is already burdened by industrial development.

B7-14

The General Plan Update contains a list of Permitted Uses (*see*, General Plan Update Appendix - "Draft Zoning Documents") that will be authorized with approval of the General Plan Update (Exhibit B – Permitted Uses Table 9.02.020). With respect to "Wholesale, Storage,

²¹ The NOx emissions associated with the Moreno Valley Logistics Center's EIR 718 lbs per day according to that EIR.

2



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↓

²² <https://legiscan.com/CA/text/AB98/id/3020126>

Noticeably, the proposed General Plan Update's Land Use and Community Character Element does not contain a single policy or goal pertaining to industrial (warehouse) development. The absence of any policies aimed at ensuring the orderly and compatible development of industrial (warehouse) development within the Business Park and Industrial designations, including the new "Business Flex" zone, must be appropriately addressed. The City has approved more than 50 million square feet of industrial development in the last 15 years, and there are several pending warehouse projects in the planning pipeline according to the City's planning website²³. The General Plan Update creates further opportunities for millions more square feet of industrial development. The City should acknowledge and adopt policies through its General Plan that address this acutely impactful form of development, particularly where new industrial development will be permitted adjacent to existing residential uses per the new General Plan land use map.

B7-14
cont.

The REIR purports to evaluate the land use changes presented by the proposed General Plan Update under threshold of significance 4.11.4 (2). However, the REIR fails to properly disclose and evaluate the proposed amendments to the City's Municipal (zoning) Code. In particular, the Project proposes to amend Section 9.07.060, entitled "Airport Land Use Compatibility Plan" (ALUCP).

The proposed amendment to the Municipal Code would significantly alter the review process for such projects within the airport zones in terms of ensuring consistency with ALUCP as well as eliminating requirements for mitigation of hazards. However, these changes are not evaluated in the REIR. For example, under the existing Section 9.07.060 D 1, a conditional use permit is required for uses that are not permitted uses within the underlying district. This requirement would be eliminated under the proposed amendment. In addition, the current code in Section 9.07.060 D 2 provides a list of uses that "shall be prohibited in the AICUZ overlay district," including, "single and multiple family dwellings." The proposed changes would eliminate this prohibition on uses, so that all uses are permitted in the overlay zone. Moreover, only certain categories of projects would be referred to the ALUCP for review; all other projects that are not "subject to ALUC review as described in Sections E-G" would be reviewed by the City only (section H). Furthermore, the new code would eliminate the requirement of the existing code that "appropriate conditions shall be applied to each project to mitigate flight and safety hazards, excessive noise levels and other public safety or welfare concerns." Essentially under the new code provisions, almost all types of site-specific development would be allowed in the airport zone. This represents a major change, and the resulting land use impacts, including potential safety impacts, must be fully evaluated under CEQA. The City is currently reviewing at least one development project located in the ALUCP zone of the March Air Reserve Base, and the General Plan Update notes that a new designation called Business Flex has been planned within the airport land use zone (p. 4.11-30), which would allow for even more intense development in this area.

B7-15

Furthermore, the REIR's land use analysis does not discuss environmental justice impact, *i.e.*, the disproportionate impacts that will be borne by disadvantaged communities through build-out of the General Plan Update, particularly as to the new "Business Flex" zone. The REIR should propose mandatory mitigation measures of implementing projects to reduce the impacts of warehousing and other intense industrial development on sensitive populations, especially the air

B7-16

²³ <https://www.moreno-valley.ca.us/cdd/documents/about-projects.html>

quality impacts of warehouse distribution projects on disadvantaged populations. This could include for instance, mandatory noticing of all property owners and residents when a project is proposed; requirements for public engagement by the applicant; mandatory site design controls such as incorporating setbacks, berms, walls to shield residences from harmful operations (beyond AB 98 requirements); or funding of community-based programs or home upgrades.

B7-16
cont.

The REIR does not adequately address the Southern California Association of Government's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)/Connect SoCal plan²⁴. Under this plan, potential mitigation for transportation impacts includes PMM TRA-2, a recommendation that Transportation Demand Management (TDM) strategies should be incorporated into new projects" (p. A-42 – A-43). In addition, Connect SoCal's PMM AQ-1 lists a number of Air Quality mitigation measures (measures (s) - (u), (y), (z), (aa), and (cc)) that should be explored here,²⁵ including the recommendation that projects within 500 feet of a freeway or other sources should consider installing in sensitive receptors high-efficiency or enhanced filtration units, such as MERV-13. SCAG has also identified a list of GHG mitigation measures (PMM GHG-1) (p. A-27). These include the "deployment of zero-and/or near zero emission technologies (GHG-1 d ii)) as well as TDM measures (GHG-1 (e)-(q)). The REIR does not discuss these measures that are recommended by the regional land use planning agency to reduce GHG emissions. However, it is precisely at this time of "high level review" that programmatic measures must be explored and adopted to ensure they are carried forward to implementing projects. In short, the REIR must discuss and evaluate measures proposed by applicable land use plans such as the Connect SoCal plan.

B7-17

Last, the REIR does not discuss the specific goals or strategies of the California Air Resources Board ("CARB") 2022 Scoping Plan for Achieving Carbon Neutrality ("2022 Scoping Plan")^{26 27}. The 2022 Scoping Plan is designed to achieve the emission reduction requirements of AB 1279. The REIR must be revised with analysis that demonstrates Project consistency with the Scoping Plan strategies.²⁸ This includes strategies for VMT reduction including "increase[ing] public access to public transit..." (p. 11).

B7-18

GREENHOUSE GAS EMISSIONS

State Assembly Bill 1279 requires the state to achieve net zero greenhouse gas emissions (GHG) as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. The bill also requires California to reduce statewide GHG emissions to at least 85 percent below 1990 levels. According to the REIR and the CAP, the General Plan Update Project will not meet the State 2045 goals of carbon neutrality. This is a significant Project impact, contrary to the REIR's conclusion (REIR p. S-22).

B7-19

The proposed Climate Action Plan ("CAP") calculates carbon emission reductions that Moreno Valley must meet through local action to achieve State-mandated GHG emission reduction targets. The CAP lists strategies that the City will implement to achieve the 2030 target and to make "substantial progress" towards the 2045 target of carbon neutrality (*see* CAP p. 24). The CAP notes that the 2045 GHG emission reductions estimated in the technical report are not

²⁴ https://scag.ca.gov/sites/default/files/2024-05/exhibit_a_mmrp_508_final.pdf,

²⁵ https://scag.ca.gov/sites/default/files/2024-05/exhibit_a_mmrp_508_final.pdf

²⁶ <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

²⁷ <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp-es.pdf>

²⁸ <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>

currently enough to meet the City’s 2045 target of carbon neutrality. Accordingly, the conclusion of the REIR that GHG impacts are less than significant with mitigation is not supported.

↑ B7-19
cont.

Generally, the CAP is based on measures that require the City to study and monitor progress towards climate reduction goals, as well as explore partnerships and collaborations with private entities and other agencies, which does not guarantee any emission reductions. (See, GHG-1.) Also, many of the “Actions and Measures” to “close any ‘reduction gaps’” are permissive in nature or nonbinding on future implementing projects. For instance, CAP Strategy BE: Building Energy, Measure BE-6, could be made enforceable and therefore quantifiable in terms of GHG emission reductions if private projects are required to “increase generation and storage of local energy to increase the availability and resilience of renewable power.” BE-6 is “supportive” of emission reductions targets, but it provides no quantifiable reductions, since it does not actually require any projects to incorporate renewable energy systems. *Requiring* new building construction – particularly in the industrial warehouse sector – to install and use solar PV systems for a certain percentage of building energy needs, ideally for 100% of energy demand, could provide measurable benefit.

B7-20

CAP Strategy T: Transportation, Measure T-4, calculates a large emission reduction based on the implementation of 100% “zero emission vehicle adoption rates of passenger and commercial vehicles” by 2045 (Table 8). Yet the “local actions” needed to achieve 100% transition to zero emission vehicles are not sufficient. Action T-4b requires the City to ensure compliance with the “minimum number of EV chargers based on CalGreen Tier 2 requirements.” As this measure is already a legal requirement, it should not be credited towards emissions reductions. Action T-4c should be strengthened by requiring “private” commercial and industrial projects to install EV chargers, beyond current Title 24 requirements – both Level 2 for passenger vehicles and Level 3 for medium and heavy duty vehicles – as part of building development. As written, the City will endeavor to create private partnerships to provide for the installation of Level 2 chargers, which is not adequate. In short, meeting the State’s ambitious goal will require aggressive mitigation efforts.

The City must require future implementing projects to operate at, or set reasonable goals to achieve, “net zero” consistent with State’s goal of carbon neutrality by 2045.²⁹ The implementing measures may be a mix of on-site reduction measures (such as generating on-site renewable energy through solar power) and community investments to reduce GHG emissions and offsets. The City as the lead agency must be proactive about exploring solutions to off-set the immense GHG emissions generated by this Project. The fact that the Project fails to incorporate any requirements for renewable energy production is a failure to comply with the mandate of CEQA to adopt all feasible mitigation for significant Project impacts.

B7-21

With respect to future industrial and warehouse uses, all implementing projects should be required through the General Plan Update to establish fleet efficiency requirements. This should include, at a minimum, requirements that all future commercial and industrial projects shall use exclusively zero emission light and medium-duty delivery trucks and vans, and they shall use only zero emission service cargo handling equipment such as forklifts. According to the California Air Resources Board (CARB), actions to deploy both zero emission and cleaner combustion technologies will be essential to meet air quality goals in California. *See*, <https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsr.pdf>. Accordingly, the City should incorporate the policies and goals of the State’s Zero Emission Vehicle (ZEV) Action Plan and

B7-22

²⁹ <https://lci.ca.gov/climate/carbon-neutrality.html>

Executive Order B-48-18 (setting a target of 5 million ZEVs in California by 2030) into General Plan policies and goals related to transportation and air quality for both public and private projects. This should include tangible measures to increase, through new project development, the availability of charging and refueling stations and other zero-emission vehicle infrastructure *including direct current fast chargers*. This also should include incorporating the use of near-zero and zero-emission technologies into *heavy-duty applications such as transit buses and “last mile delivery.”* The City should fully investigate and evaluate all zero emission vehicle measures, policies, and plans of regional and State agencies to ensure that the General Plan Update includes aggressive measures to advance the State’s goals with respect to zero emission goods movement. Overall, there is a lack of any enforceable mitigation pertaining to zero emission truck applications and EV infrastructure beyond compliance with existing requirements. The City should at a minimum commit to assessing whether clean technologies are feasible, at regular intervals, over the life of the Project.

B7-22
cont.

As the transportation sector is the largest source of GHG emissions in the City, the City must incorporate transportation measures through the General Plan Update that are designed to reduce fuel use in cars and trucks. The City should explore programmatic Vehicle Miles Traveled (VMT) reduction measures, such as establishing a mitigation fund for future implementing projects that can be used to fund projects that will help to address VMT impacts. The City of Lancaster has adopted a VMT mitigation program whereby individual projects with significant VMT impacts contribute a per-acre fee to a program.³⁰ The City of Escondido has adopted a similar program.³¹ The program will implement projects designed to reduce VMT at the city-wide level such as transit, pedestrian, bicycle, ride-to-work, carpool and similar “TDM” projects. This type of city-wide program is appropriate for consideration and inclusion connection with the programmatic General Plan Update which will result in significant transportation impacts.

B7-23

SCAG’s Connect SoCal 2024 plan contains programs to reduce the impacts of goods movement. (Connect SoCal 2024, p. 134³²). SCAG states it will “leverage the Last Mile Freight Program to develop and implement operation concepts with a core focus on last-mile delivery strategies across urban and rural communities.” SCAG’s plan calls for the agency to work with local jurisdictions on coordination and implementation of this program. The REIR mitigation program does not discuss this strategy, or any last mile delivery measures. (See, SCAG’s Last Mile Freight (LMFP) Program at: <https://scag.ca.gov/LMFP>). The LMFP is considered an “implementation strategy” (p. 132)³³.

B7-24

SCAG also identifies the “implementation and transition to near-zero and zero-emission technologies for medium-and heavy-duty vehicles and supporting infrastructure” as an “implementation strategy”. (*Id.*) The REIR does not propose any measures relating to the transition to near-zero and zero-emission technologies apart from the installation of Level 2 EV chargers. Measures must be adopted and required of implementing projects that require EV infrastructure, such as mandatory wiring for future EV truck charging, and requiring Level 3 DC chargers that are capable of charging light, medium and heavy duty electric trucks.

B7-25

SCAG also has a list of Transportation Demand Strategies (TDM) “aimed at increasing

B7-26

³⁰

https://library.municode.com/ca/lanaster/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.67VEMITRIMFE_15.67.060
EX

³¹ <https://www.escondido.gov/DocumentCenter/View/2117/VMT-Exchange-Program-PDF>

³² <https://scag.ca.gov/sites/default/files/2024-05/23-2987-connect-socal-2024-final-ch-03-our-plan-040424.pdf>

³³ <https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-goods-movement-final-040424.pdf>

the efficiency of the transportation system, reducing vehicle miles traveled and greenhouse gas emissions through alternative modes of travel.”³⁴ SCAG’s TDM Strategic Plan includes a “toolbox” of strategies that should be adopted through the General Plan Update’s mitigation program: <https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-tdm-toolbox-strategies.pdf>

B7-26
cont.

SCAG also has a program called Active Transportation³⁵ to help address diverse transportation needs. The Active Transportation “toolkit” is available to help local government agencies develop active transportation plans in disadvantaged areas. The City must investigate and adopt as appropriate these measures.

As another example of so-called “programmatic mitigation,” SCAG recommends “urban greening” as an “important tool” to reduce the heat island effects of projects on urban populations. Increased tree canopy and cooler temperatures lead to increases in biking and pedestrian activities; urban greening also reduces the need for air conditioning due to increased shading providing by a greater tree canopy. According to SCAG, “carbon emissions captured by California’s street trees equate to taking 120,000 cars off the road annually” (pp. 45-46). Thus the REIR should propose a plan to increase the City’s tree canopy (“urban trees”) to mitigate GHG emissions. For example, the City of San Diego’s Climate Action Plan, Strategy 5, sets goals to increase the city’s tree canopy cover to reduce GHG emissions by implementing an Urban Tree Planting Program, which would achieve 15% urban tree canopy coverage by 2020 and 35% urban tree coverage by 2035³⁶ (p. 30, 41). The City should explore an urban forest program to reduce levels of GHG emissions.³⁷ ³⁸ The City of Riverside has implemented a successful tree planting program (“Tree Power”).³⁹ ⁴⁰ The City of Los Angeles has a tree planting program (“City Plants LA”) that provides free trees to residents.⁴¹ Thus, these types of programs are feasible and appropriate for adoption at the *programmatic* level of the General Plan Update.

B7-27

According to the 2022 CARB Scoping Plan⁴²

[c]ontrary to popular belief, zero-emission vehicles (ZEV) alone are not enough to solve the climate crisis. The 2022 Scoping Plan illustrates that despite cleaner vehicles and low- carbon fuels, the path to carbon neutrality by 2045 also depends on reducing per capita VMT (the total passenger vehicle miles driven by an average person in California on any given day). To meet the carbon neutrality goal, the Scoping Plan proposes reducing VMT from 24.6 miles per day in 2019 to 18.4 miles by 2030 (a 25 percent reduction) and to 17.2 miles per day by 2045 (a 30 percent reduction).

B7-28

To reduce VMT consistent with State, regional and local plans, the Project should adopt enforceable measures applicable to future commercial and industrial projects aimed at reducing VMT, including: providing carpool incentives to employees, such as free parking, preferred parking or implementing a reward program for carpooling; providing free, low-cost monthly transit passes to employees ; creating an online ridesharing program that matches potential

³⁴ <https://scag.ca.gov/TDM>

³⁵ <https://scag.ca.gov/active-transportation>

³⁶ https://www.sandiego.gov/sites/default/files/final_july_2016_cap.pdf

³⁷ https://www.fs.usda.gov/psw/topics/urban_forestry/products/CUFR_778_UrbanFor_ArbNews_2008_12.pdf

³⁸ <https://www.epa.gov/heatislands/benefits-trees-and-vegetation>

³⁹ <https://www.ca-ilg.org/case-story/riverside-tree-program-grows>

⁴⁰ <https://www.riversideca.gov/utilities/residents/rebates/tree-power>

⁴¹ <https://www.cityplants.org/our-programs/>

⁴² <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-e-sustainable-and-equitable-communities.pdf>

carpoolers through e-mail; encouraging the development of a commuter trip reduction plan; incorporating transit stops; and promoting accessibility to public transit such as providing a shuttle service to transit service for employees.⁴³ The Project should incorporate safe and accessible bike lanes as well as reasonable access to public transit. Similarly, the California Air Pollution Control Officers Association’s Handbook for *Analyzing Greenhouse Gas Emission Reductions, et al.*⁴⁴ contains a list of transportation control measure that should be considered feasible and applicable to the Project, and should be made mandatory conditions of future implementing commercial and industrial projects to address both VMT and GHG impacts:

- T-7 “Provide Ridesharing Program” including providing an app or website for coordinating rides among employees.
- T-8 “Implement Subsidized or Discounted Transit Program” where the employer provides subsidies for employees to use public transit.
- T-9 “End-of-Trip Bicycle Facilities” that includes bike parking, showers, and personal lockers.
- T-10 “Provide Employer-Sponsored Vanpool” that provides groups of 5 to 15 employees with a cost-effective and convenient rideshare option for commuting.
- T-13 “Provide Electric Vehicle Charging Infrastructure” that provides EV charging stations *beyond* what is required by CalGreen/Title 24.
- T-17 “Provide Pedestrian Network Improvement” that increases sidewalk coverage.
- T-18-A “Construct or Improve Bike Facility” that constructs or improves a single bicycle facility that connects to a larger bicycle network.
- T-19 “Expand Bikeway Network” that would increase the length of the City’s bikeway network.
- T-24 “Expand Transit Network Coverage” to expand the local transit network by adding or modifying existing transit service.

B7-28
cont.

Together, proposed Mitigation Measure GHG-1 and GHG-2 are inadequate as they do not represent a certain and enforceable plan of mitigation that guarantees emission reductions that are necessary to achieve State goals. GHG-1 requires the City to monitor the City’s progress towards 2030 and 2045 emission reduction targets, and update the CAP as needed. By itself, this measure does not reduce GHG emissions. GHG-2 states that applicants “**for each discretionary project subject to and not exempt from CEQA**” shall impose measures such as incorporating appropriate GHG reduction measures to achieve GHG emission reductions. The CAP’s implementing “Measures and Actions” largely apply to residential projects, and it is known that many urban residential projects will be exempt from CEQA going forward due to a recent change in the law. Thus GHG-2 may be illusory and it does not address the absence of any enforceable measures as to industrial/warehouse development, despite the proliferation of such development in Moreno Valley (more than 50 million square feet in the last 15 years). For example, the “Level 2 EV chargers” that are arguably required under the CAP apply to multi-family residential projects.

B7-29

Finally, the REIR continues to show the City’s lack of commitment to meeting the 2030 and 2045 GHG standards where it is stated that, “[h]owever, if Moreno Valley does not make measurable and sufficient progress toward its GHG emissions reduction targets by the next GHG emissions inventory, the City *may* need to revise the CAP to establish new or more ambitious measures and associated actions.” (p. 111) The City must require regular analysis, tracking, reporting and updates every two or three years to “ensure accountability in meeting the

B7-30

⁴³ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>

⁴⁴ https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf

City's adopted targets" (p. 111). The statement that "[r]egardless, by 2029, the City is *expected* to initiate a comprehensive CAP update to address GHG emissions reduction beyond 2030 and prepare for achieving the 2045 carbon neutrality target" (p.111) is not a requirement that anything be done. Also, Appendix B's 2019 "Greenhouse Gas Emissions Inventory" is seven years old. This is unacceptable and must be revised to include current conditions for a base year, including all cumulative projects.

↑
B7-30
cont.

Sierra Club urges the City to propose further mitigation through the Final EIR to address the long-term impacts of Project buildout. Thank you for your consideration of these comments.

↑
B7-31

Sincerely,

A handwritten signature in cursive script that reads "Abigail Smith".

Abigail Smith, Esq.

From: [Grace Espino-Salcedo](#)
To: [Claudia Manrique](#)
Subject: FW: NE Moreno Valley -- No High Density Housing in proposed General Plan Update (GPU)
Date: Wednesday, August 20, 2025 6:14:47 PM
Attachments: [Screenshot 2025-01-14 at 7.03.27 PM.png](#)
[Screenshot 2025-01-14 at 6.55.34 PM.png](#)

FYI...

Grace Espino-Salcedo

Associate Planner
Community Development
City of Moreno Valley

p: 951.413.3451 | e: gracee@moval.org | w: www.moval.org
 14177 Frederick St., Moreno Valley, CA, 92553

From: George Hague <gbhague@gmail.com>

Sent: Friday, August 1, 2025 9:58 AM

To: Planning Commission <pc@moval.org>

Cc: Angelica Frausto-Lupo <angelicaf@moval.org>; Stacy Dunning <stacyd@moval.org>; Danielle Harper-Scott <danielleh@moval.org>; Grace Espino-Salcedo <gracee@moval.org>; City Clerk <cityclerk@moval.org>

Subject: NE Moreno Valley -- No High Density Housing in proposed General Plan Update (GPU)

Warning: External Email – Watch for Email Red Flags!

Good morning/afternoon Planning Commissioner,
 morning August 1, 2025

Friday

The following contains General Plan Update (GPU) information - on which you will need to vote in the coming months:

Our city does need high density housing, but it should be where we have sidewalks everywhere, bus transit, safe bike lanes and within walking distance of shops/jobs which is not in NE Moreno Valley.

With Aquabella's 15,000 high density units approved late last year, 1,600 apartments approved in June 2023 for the Moreno Valley Mall redevelopment and 800 units recently approved in the Town Center at Moreno Valley plus other projects approved in the last couple of years our city no longer needs the 10 units per acre (R-10) in the NE to meet its Regional Housing Needs Assessment (RHNA) numbers. **The R-10 in the proposed Revised General Plan Update (GPU) in NE Moreno Valley needs to be removed and replaced with R-2 which is our current zoning because of the court's judgement.**

Because of the start of Covid in 2020/2021 NE Moreno Valley residents didn't have the

C1-1

C1-2

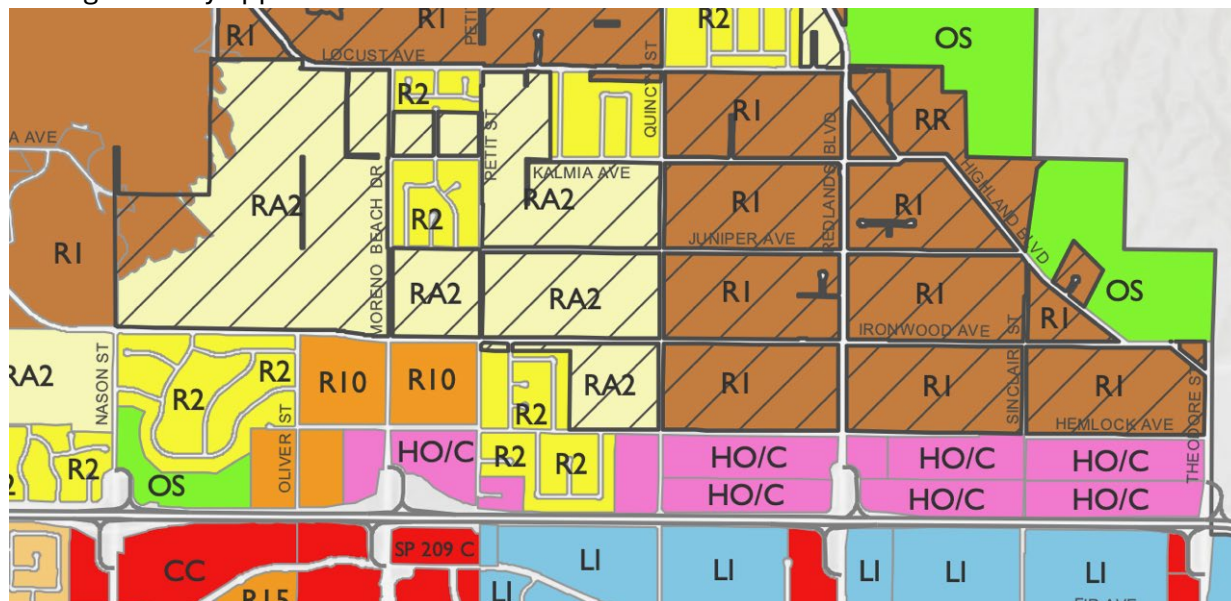
regular GPU meetings as did other parts of the city and their council member died which left them without representation prior/during the votes on the 2021 GPU. Do not accept that R-10 was already approved — NO Council member was in office to represent NE Moreno Valley — because they had died as did the desires of those in the NE Moreno Valley.

The zoning map found below is from the 2021 General Plan that the Courts told the city they had to set aside and not use. **You will soon be asked to simply rubber stamp the same 2021 zoning map again for General Plan Update (GPU).** As you can see the **Orange R-10 (ten units/acre)** is north of SR-60 and south of Ironwood Ave - on both sides of Moreno Beach Dr. R-1 is one unit per acre and R-2 is two units per acre. They also added C in pink for Commercial north of SR-60 which will significantly impact the R-2 homes in the middle of them — it was and currently is O for Office which has many fewer impacts on families.

The zoning map found below was what the court told the city to set aside, but the city is now going to

Recommend you to approve it in the coming months — even though the NE residents did not have a council

Member when first approved and do not want it. It is also no longer needed because of all the high density approvals.



S

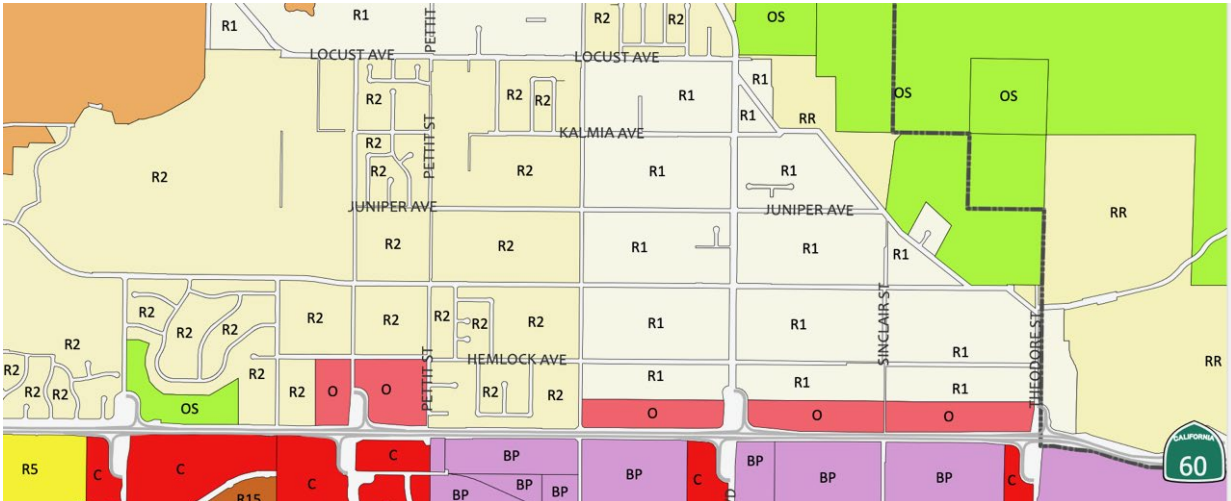
Look closely to read ...Moreno Beach Dr Redlands Blvd SR -60 above the blue "LI"

street names like Ironwood Ave in the brown

Because the courts told the city to set aside the 2021 zoning **we again enjoy the zoning**

C1-2
cont.

found below. There is currently no R-10 in the NE and only O for Office just north of SR-60 which will impact existing families on R-2 in the middle much less than C for Commercial.



The above is the current Zoning in NE Moreno Valley which most in that area are in favor of maintaining. The map at the top was pushed Through In 2021 when NE Moreno Valley families had NO council member representing them because she had died. Please do Not Accept that it was approved by those representing the NE area.

Thank you for taking time to read this information and please save it for later review,

George Hague

P.S. Our city needs High Density Housing and the city has already approved more than 18,000 high density units since the previous 2021 General Plan Update (GPU) which far exceeds our required RHNA numbers. They need to be on bus routes, have sidewalks extending in all directions, safe bike lanes, and shops within walking distance which is not NE Moreno Valley.

C1-2
cont.

From: [Grace Espino-Salcedo](#)
To: [Claudia Manrique](#)
Subject: FW: Early Notice with Links to read on our General Plan Update (GPU) and Climate Action Plan (CAP).
Date: Wednesday, August 20, 2025 6:13:59 PM

FYI...

Grace Espino-Salcedo

**Associate Planner
 Community Development
 City of Moreno Valley**

p: 951.413.3451 | e: gracee@moval.org | w: www.moval.org
 14177 Frederick St., Moreno Valley, CA, 92553

From: George Hague <gbhague@gmail.com>

Sent: Friday, August 8, 2025 2:01 PM

To: Planning Commission <pc@moval.org>

Cc: Angelica Frausto-Lupo <angelicaf@moval.org>; Stacy Dunning <stacyd@moval.org>; Danielle Harper-Scott <danielleh@moval.org>; Grace Espino-Salcedo <gracee@moval.org>; City Clerk <cityclerk@moval.org>

Subject: Early Notice with Links to read on our General Plan Update (GPU) and Climate Action Plan (CAP).

Warning: External Email – Watch for Email Red Flags!

Good afternoon Planning Commissioner,
 August 8, 2025

Friday 2 pm afternoon

A little later this year you will be provided everything found below my name on our General Plan Update (GPU) and Climate Action Plan (CAP). Right now people in Moreno Valley are also reading these and submitting comments.

Please make sure you click on “Draft Climate Action Plan” in the first paragraph. This is where our city is reducing greenhouse gas emissions(GHG) emissions which is one of the main causes of climate change — the impacts of which we see on TV every day with increased temperatures, fires, floods and hurricanes along with their increase in severity. We need to do our part to reduce GHG.

Reading some of these links now will save you a great deal of effort later. Very little will change when the city provides them with only a week or hopefully two for reading prior to your vote.

Hope this helps you.

Sincerely,

C2-1

George Hague

Moreno Valley 2040 Project

The City of Moreno Valley, as the Lead Agency under the California Environmental Quality Act ("CEQA"), has prepared a Revised Draft Program EIR ("EIR") for the proposed MoVal 2040 Project, which consists of the 2024 General Plan Update ("2024 GPU"), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan ("CAP").

Environmental Review Documents

| [Notice of Preparation for Revised EIR](#) | [Revised EIR NOC](#) | [Exhibit 1](#) | [Exhibit 2](#) | [Scoping Meeting](#) | [NOA](#) |
 | [NOC](#) | [Summary Form](#) | [Revised Draft Program EIR](#) | [Draft Climate Action Plan](#) || [MoVal 2040 Draft General Plan](#) |

General Plan

- [Cover | TOC | Acknowledgements](#)
- [Section 1: Introduction](#)
- [Section 2: Land Use & Community Character](#)
- [Section 3: Economic Development](#)
- [Section 4: Circulation](#)
- [Section 5: Parks & Public Services](#)
- [Section 6: Safety](#)
- [Section 7: Noise](#)
- [Section 8: Environmental Justice](#)
- [Section 9: Healthy Community](#)
- [Section 10: Open Space](#)

Technical Appendices

- [Appendix A: NOP/SM Comments](#)
- [Appendix B: Air Assessment](#)
- [Appendix C1: Tribal Letters & Comments](#)
- [Appendix C2: Tribal Letters](#)

[Appendix D: Noise & Vibration Assessment](#)

- [Appendix E: VMT Assessment](#)
- [Appendix F: Energy Calculation](#)
- [Appendix G: Environmental Baseline](#)
- [Appendix H: Health Effects/Risks](#)
- [Appendix I: Revised strikethrough version of Revised DEIR](#)

Draft Zoning Documents

- [Municipal Code Text Changes](#)
- [Permitted Uses](#)
- [Zoning Atlas Amendments](#)

From: [Shelly Lindekugel](#)
To: [Planning Notices DG](#); [Edward A. Delgado](#)
Cc: [City Clerk](#)
Subject: High Density Housing in NE MoVal
Date: Monday, August 11, 2025 4:50:41 PM

Some people who received this message don't often get email from she2work@yahoo.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

To Whom It May Concern,

I have read the City Council's Proposed Revised General Plan and would like to register my dismay and disapproval to approve R-10 lots to be built in the NE portion of Moreno Valley. As you must be aware, the NE quadrant of Moreno Valley has long traditionally been ½ acre lots or more. I question the intentions of the City Counsel to allow up to 10 homes on a acre to be built in this area. Every city needs housing choices. High density housing is one choice. Homes on large lots is another. A third might be to live in a large homeowner's association like Sunnymead Ranch. What is the point of destroying the rural area of NE MV with houses on small lots? Why not preserve some area of MoVal for "elbow room" and a different choice in housing? Building high density homes in NE Moreno Valley is a recipe for disaster for those who live there now. It will destroy current housing values, it will eat up the open spaces with ugly tracts of homes piled on top of each other. It will require the City to install sewer and the City will likely require existing homeowners to connect to sewer, a very expensive proposition. I think the city council has done enough to destroy the east end of Moreno Valley with the warehouses that have been built. After reading the proposed new General Plan, it appears that MV will have more than 17,000 new (high density) house tracts, *do we really need more R-10 properties in NE Mo Val?* I moved to Moreno Valley in 1982 into one of the first R-6 tracts that was built here. Take a look around the homes on Cottonwood and Patti Lynn (Woodhaven Cottages). Take a drive thru the housing tract know as Dream Street on Ironwood. Have you visited the "Copper Hill" tract of homes just south of Sunnymead Ranch on Heacock? Those R-6 tracts are now mostly rentals, no grass in yards, cars parked in yards, lots of crime and theft. Is this what we want for NE Moreno Valley?

I live in NE Moreno Valley and have lived in 92555 since 1998. I have sold real estate here in Moreno Valley since 1989. I understand housing values and housing trends much better than the average person. Please, don't destroy the nicest, most desirable, highest value area of the city by allowing builders to build R-10 homes in our midst.

Shelly Lindekugel
ReMax One
Reliable Property Management
Certified Residential Broker (CRB)
DRE #01045878/02221164
951-533-1318
she2work@yahoo.com

C3-1

C3-2

C3-3

C3-4

To Whom this may concern,

I am sending you this letter regarding the lot between Moreno Beach Blvd. and Pettit St., South of Ironwood. This lot is in consideration to be changed from R2 to R10. This would be a mistake for Moreno Valley.

C4-1

The council for Moreno Valley over the last 30 years has done a good job cleaning up the city. The proposed change would increase crime, decrease neighbor hood quality, and ultimately reduce the median price of existing homes in a good area.

C4-2

I receive reports in East Moreno Valley of all thefts, vandalism, and crimes reported to the Sherif. These reports provide me the area of the event and 95% of these reports are from South of I – 60 in the congested areas of Moreno Valley.

We purchased a home in this area for a reason and putting R10 homes across the street from my neighborhood would eliminate the comfort and lack of congestion we have here. Homes in the Graham Street area would not be considered by anyone who purchased a home in our neighborhood, which surrounds the proposed lot.

C4-3

I am one of many who would put their home for sale if this change took place. The increased inventory would reduce prices and hurt the area.

I understand R2 properties are a premium and it would be difficult for a developer to make a profit, so let's compromise and do R4. Quarter acre lots are still very desirable and would be a good compromise.

C4-4

Kind Regards,

Charles Horn
28012 White Sand Trl,
Moreno Valley, CA 92555

From: [Kristy Horn](#)
To: [Planning Notices DG](#)
Subject: Moval2040
Date: Saturday, August 16, 2025 10:37:21 AM
Attachments: [MV Letter - Chuck.pdf](#)

Some people who received this message don't often get email from kristyhorn88@gmail.com. [Learn why this is important](#)

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Attn: Angelica Frausto-Lupo,

RE: OPPOSITION TO ZONING CHANGES ALLOWING MULTIFAMILY HOUSING and Commercial Zoning in the 2040 general plan. (THESE CHANGES WILL AFFECT North East Moreno Valley Rural area)

This is an open letter expressing opposition to the changes in zoning. I have lived in Moreno Valley since 1985 and enjoyed living in the North East end of town. But, after reviewing the 2040 general plan to rezone, I do have a lot of concerns that you are not mentioning or taking into consideration in the rural areas with the new development plan. While there appears to be more talk about the impact of a big expansion of businesses and commercial buildings, I am more concerned about the affects it will have on the rural areas. The questions I have are as follows.

1. Where is the data that that shows that people want R-10 zoning in North East Moreno valley who was included in this data? Where is the data from the people in this area that does not approve?
2. Where is the data on the impact that it would have on the wild burros and the effects with the farm animals in the area with the rezoning?
3. Please explain by having more commercial buildings east of Moreno Beach which is actually on both sides of family homes near will have less noise, pollution and traffic? How does the commercial buildings effect the property values of these homes? What is the long term impact? This needs to be in the final EIR in order to inform decisions makers prior to voting.

The change to zoning will effect a very large area not far from my house and in return will eventually effect North East Moreno Valley. The only alternative to these changes would be not rezone.

I would also, like to be informed of all future documents and meetings.

Concerned neighbor,

Belinda Cramer

C5-1

C5-2

C5-3

C5-4

C5-5

From: [Belinda Cramer](#)
To: [Planning Notices DG](#)
Subject: 2024 general plan
Date: Tuesday, August 19, 2025 2:20:05 PM
Attachments: [moreno valley.docx](#)

Some people who received this message don't often get email from ashley3lee@gmail.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

From: [Dusan Stancic](#)
To: [Planning Notices DG](#); [Community Development - Planning](#)
Subject: Revised Draft Program EIR - High Density Housing and Commercial Moreno Valley
Date: Wednesday, August 20, 2025 8:49:57 AM

Some people who received this message don't often get email from d_stancic@hotmail.com. [Learn why this is important](#)

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Dear Moreno Valley Planning Commission and City Council,

I've reviewed the outline on the [Moreno Valley General Plan 2040 Public Draft](#) and the [revised EIR coping meeting](#), we need more details. Please provide detailed information on how this project will prevent climate impacting GHG. Also, please provide details on the GHG analysis for these large buildings. Details are needed, and a simple "comment noted" does not inform the public on what we are being exposed to or what the details are. The EIR's programmatic nature enables broad, less specific scrutiny and potentially bypasses vital site-level reviews. This generality allows developers to avoid detailed assessments and enforceable mitigation, undermining CEQA's intent to provide transparency and environmental safeguards.

I've seen this city grow and I'm well aware of the ongoings within our northeastern region of Moreno Valley, which has long been characterized by open, rural landscapes. I'm against the idea of introducing high-density structures and commercial zones would significantly alter the existing rural ambiance, fragment open space, and potentially disrupt wildlife habitats (especially those adjacent to the Badlands and protected areas).

As a lifelong Moreno Valley resident (over 40 years), I'm concerned about the public feedback and court rulings that reflect a broader pattern: large-scale developments are often approved with insufficient environmental review or meaningful public input. The Union of Sierra Club and AG rulings have forcibly rolled back prior approvals under the 2040 plan, underscoring the repeated failure to comply with CEQA standards.

I live in the North East side of Moreno Valley near the Riverside County Line. All of our homes in these parts are on septic and this is a rural area with horses and livestock. This area lacks fundamental services such as public sewer systems, nearby groceries, pharmacies, and reliable transit access. Without these basics, high-density housing may degrade, not enhance, the daily lives of future residents. The idea to convert land use North of the 60 freeway and East of Moreno Beach Drive to R10, and to sandwich homes between commercial is not part of our current zoning and must be approved by both the Planning Commission and the City Council.

I also feel the proposed development places high-density housing in areas inherently unsafe. Concerns include proximity to earthquake fault lines and wildfire-prone zones, coupled with **limited emergency evacuation routes** and scant infrastructure. Developers seem to be

C6-1

C6-2

C6-3

C6-4

C6-5

prioritizing density over safety, effectively putting vulnerable populations at risk.

↑ C6-5
cont.

The revised EIR for northeast Moreno Valley underscores a complex, multifaceted opposition. The development's risks span environmental threats, health and safety concerns, infrastructure deficiencies, and procedural shortcomings. Without significant revisions, grounded in transparent analysis, enforceable mitigation, and equitable community engagement, the proposal lacks the ethical and practical foundation needed to move forward.

└ C6-6

Please notify me of all future documents and meetings.

Thank you for your time and reading my comments,
Dusan Stancic

From: [Linda Jimenez](#)
To: [Planning Notices DG](#)
Subject: Proposed Housing in NE MV
Date: Wednesday, August 20, 2025 9:30:08 AM

Some people who received this message don't often get email from glmgj@roadrunner.com. [Learn why this is important](#)

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Good afternoon,

My name is Linda Jimenez, I moved to my home in the Sterling Ranch 1/2 acre lot tract in 1998. Our family moved here because we had lived in a R8 housing tract in central MV and we wanted more room and a quiet neighborhood.

Proposed housing near Ironwood and Moreno Beach Dr. doesn't make much sense to me. There are several high density housing projects that have already approved with the city. It's not needed to have more R10 housing for RHNA directive.

I hope this can come to a more appropriate resolution for this area's existing environment.

The city plan should stay as it is.

High density housing should be near bus lines, sidewalks and walkability to stores. That would not be here.

Thank you for hearing me.

Linda

With Aquabella's 15,000 high density units approved late last year, 1,600 apartments approved in June 2023 for the Moreno Valley Mall redevelopment and 800 units recently approved in the Town Center at Moreno Valley plus many other high density housing units approved in the last couple of years our city no longer needs the 10 units per acre (R-10) in the NE to meet its Regional Housing Needs Assessment (RHNA) numbers. **The**

Sent from my iPhone

C7-1

C7-2

C7-3

C7-4

From: [Michael McCarthy](#)
To: [Planning Notices DG](#); [City Clerk](#)
Subject: Moreno Valley GPU
Date: Wednesday, August 20, 2025 1:42:17 PM
Attachments: [DEIR comments.pdf](#)

Warning: External Email – Watch for Email Red Flags!

Ms. Frausto-Lupo, Ms. Rodriguez,

Attached please find comments on the recirculated Draft EIR for the Moreno Valley General Plan (MoVal 2040). Please add me to any future notifications for documents and hearings on this project via email notification.

Thanks!

Mike McCarthy

C8-1

SENT VIA EMAIL

August 21, 2025

Angelica Frausto-Lupo; Community Development Director

Patty Rodriguez; City Clerk

City of Moreno Valley

Email: planningnotices@moval.org; cityclerk@moval.org

Ms. Frausto-Lupo, Ms. Rodriguez,

Thank you for the opportunity to comment on the City of Moreno Valley General Plan Update (MoVal 2040) – SCH# 2020039022 Draft Environmental Impact Report (DEIR). As a resident of Riverside, I am keenly interested in the regional development of the 215/60 corridor and the long-term planning in the region. The oversaturation of warehouses in the 215/60 corridor is degrading our quality of life through the negative externalities of air pollution, noise, congestion, poor economic opportunity, and infrastructural damage. I submitted comments on the Notice of Preparation and incorporate those by reference here.

C8-2

Circulation

Assembly Bill 98 was signed into law in 2024 and is noted in the air quality section of the recirculated DEIR. However, the 2040 truck routes and sensitive receptors (map C-6) within the City of Moreno Valley and proposed circulation network show multiple incompatibilities with the language and intent of truck routes in 65098.2.7 where roadways for truck routes should be arterial roads, collector roads, major thoroughfares, and local roads that predominantly serve commercial uses.

The 2040 truck routes are incompatible with AB 98 definitional truck route requirements for the following segments. Each of these segments are either not an arterial or not primarily commercial/industrial routes in these segments. Diverting trucks through these areas that are predominantly sensitive receptors will encourage trucks to avoid the overcrowded 60 and 215 freeways.

C8-3

- Alessandro Blvd. east of Perris Blvd. and west of Merwin Street.
- Moreno Beach Drive – south of Auto Mall Drive
- Heacock Blvd North of Ironwood Drive
- Redlands Blvd North of SR-60
- Frederick Street (entire segment north of Alessandro)
- Additional, Alessandro Blvd should not be a truck route through the high-density, bikable, walkable, mixed-use destination portion of town that is being considered for the City Center concept area. Trucks from the WLC should not be using downtown as a bypass to avoid SR-60 as described in AB 98 routing requirements.

The proposed bike routes map do not indicate conformity to key safety requirements for cyclists adjacent to heavy heavy-duty trucks and light heavy-duty trucks on truck routes.

- Keep bike routes separated from any truck routes (Class I or Class IV) and avoid Class II and III bike routes along truck routes. Key problem segments.

C8-4

- Alessandro Blvd (currently Class II or proposed Class II)
- Heacock Street (Class II)
- Cactus Avenue (Class II)
- Moreno Beach Dr (remove the truck route as it is unnecessary)
- Frederick Street (remove the truck route as it is incompatible with adjacent sensitive receptors and there is no industrial)

C8-4
cont.

Land Use Plan

- On July 28, 2025, the City of Moreno Valley released an NOP for the 1,820 acre Rancho Belago Estates project (SCH #2025071280) that indicates an annexation and land development plan for 819 acres of medium-high density residential, 53.3 acres of mixed use, 79.1 acres of road, 210 acres of golf course, and 659 acres of open space. This occurred during the 45 day comment period for MoVal 2020 General Plan update (July 9 to August 21). This is in direct conflict with Figure 3-2 planned sphere of influence land use for the same area which indicates Rural Residential and Commercial use in that area. The City planning had to be aware that the Rancho Belago estates projects proposed land use is in conflict with Figure 3-2 prior to the release of the DEIR and should have updated the NOP proposed land uses for Figure 3-2 planned land use map and subsequent analysis. Full buildout is expected by 2035.
 - Rural residential is the lowest density allowable in the city and it is being upzoned to allow approximately 3,150 housing units at ~4 du/acre.
 - 53 acres of mixed-use is substantially different than the 581 acres of commercial development in the Figure 2-3 and Table 3-1 horizon land use summary.
 - This is significant new information and needs to be included in a recirculated EIR analysis to understand the circulation, air quality, and greenhouse gas impacts of these changes.

C8-5

Air Quality

- The SCAQMD basin fails to note the full designations of nonattainment on p.4.3-34. The basin is designated as
 - Extreme nonattainment for 8-hr ozone (2015)
 - Serious nonattainment for PM_{2.5} (2012)
- The CA SR-60 within the SCAQMD Basin is designated as nonattainment for NOx by the State and that is omitted from the analysis. Since it is reasonable to assume that Moreno Valley trips will impact the SR-60 nonattainment area, it needs to be included.¹
- The project fails to list cumulative warehouse projects that are within a short commute distance of the Moreno Valley Planning area. These are cumulatively considerable for air quality, GHG, and traffic impacts and have not been considered as part of the program EIR. A list of projects was provided to the City under the NOP comment period and this request was ignored. It is necessary for the city under §15130 to consider other 'related impacts' that are cumulatively considerable. Riverside County has over 200 million square feet of warehouses either approved or undergoing CEQA review outside of the City of Moreno Valley. These projects need to be included as part of a cumulative impacts analysis. Notable mega-projects include:
 - Beaumont Point (5.0M sf) approved – Beaumont

C8-6

C8-7

¹ https://ww2.arb.ca.gov/sites/default/files/2024-10/State_2023_NO2.pdf

- Legacy Highlands Specific Plan (20M sf) under review – Beaumont
 - Stoneridge Commerce Center (7.9M sf) under review – Nuevo – unincorporate Riverside County
 - San Jacinto Commerce Center (7.0M sf) – under review – San Jacinto
 - Beaumont Heights Business Centre project (5.2M sf) – under review – Beaumont
 - Harvest Landing – (5.5M sf) – under review - Perris
 - New Perris Commerce Center Project – (3.7M sf) under review – Perris
 - Mesa Verde Specific Plan (4.4M sf) under review – Calimesa
 - Freeway Corridor Specific Plan – (4.6M sf) under review
- **Figure 1** shows warehouse existing and planned development around Moreno Valley in Beaumont, Perris, and other areas. Warehouses don't exist just within Moreno Valley and the industrial land use in the region will cause regional air quality, traffic, GHG, and low-quality jobs problems.

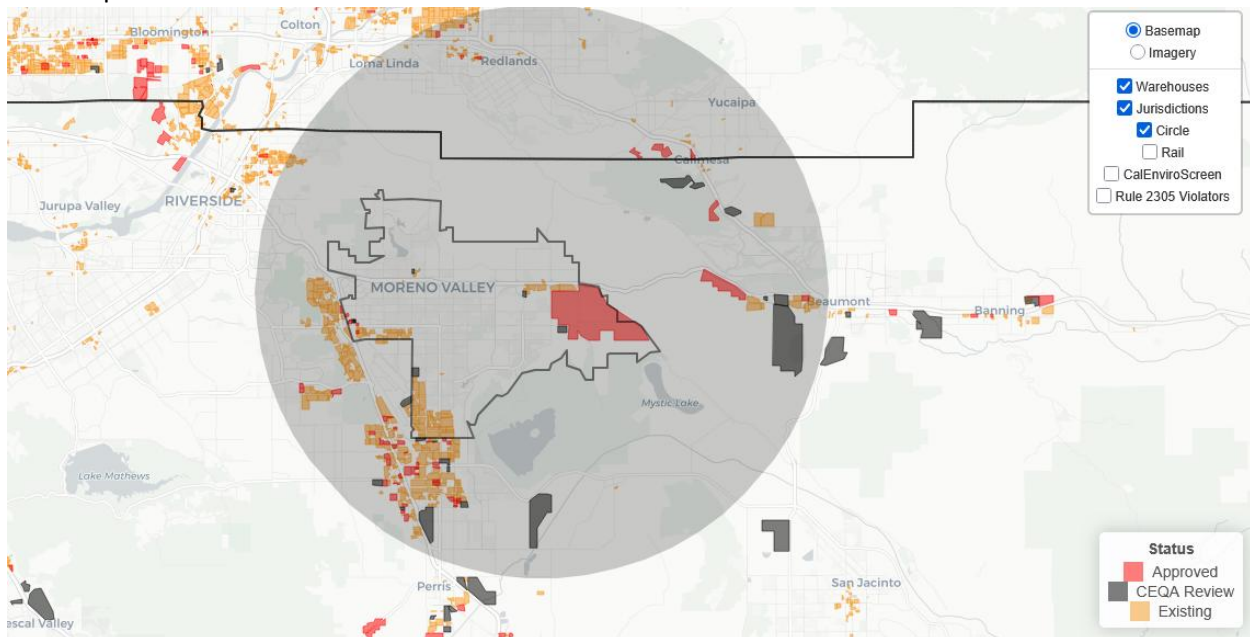


Figure 1. The City of Moreno Valley and surrounding areas within 20 km with warehouses and potential future warehouse projects. Data from Warehouse CITY v1.23 (Phillips and McCarthy, 2024).

Additionally, the programmatic EIR includes almost no attempts at widescale electrification of either residential, industrial, or commercial projects as part of the EIR. Air quality problems in the basin are largely driven by the goods movement industry and its diesel emissions across trucks, hostlers, forklifts, trains, and ocean-going vessels. The City can require ambitious electrification targets as part of any new project as demonstrated by settlement agreements on recent warehouse projects. Please identify why no electrification targets are required for discretionary industrial projects under the EIR.

Greenhouse Gas Emissions

The years of 2023 and 2024 have been the hottest years in human history and greenhouse gas emissions need to be reduced to ensure a livable future for residents of the region and the world. The City of Moreno Valley should include best practices for reducing GHG emissions within the city. Specifically, the

City of Moreno Valley should require electrification of mobile sources and industrial developments wherever possible, in addition to requiring solar panels on all new developments to provide a resilient and stable grid. Moreover, the city should investigate battery storage as a land-use to ensure that the solar energy generated in the City's utility can be stored and provided locally without requiring expensive and high maintenance transmission lines. Please include land-use required for energy storage as a part of the GHG emissions strategy.

↑ C8-9
cont.
C8-10

CETAP west and Cajalco Road Improvement Project are the same footprint and project, just a 4-lane versus 6-lane version. Please do not include both as that is double counting.

C8-11

Lastly, the city and RCTC have made no commitment to expanding transit accessibility or perform any major transit facilities within and beyond the City in the project list. This is needed to mitigate and reduce GHGs and improve connectivity as Moreno Valley densifies over the next 15 years. There needs to be a commitment to light-rail or bus-rapid transit or some means of getting the 85% of Moreno Valley residents outside of the city to their jobs without relying exclusively on cars. Given that the City of Moreno Valley and the City of Riverside are closely intertwined for economic development and travel needs, it would make sense to commit to investigate transit options in coordination with the City of Riverside for improving regional accessibility within and between the two largest cities in the County.

C8-12

Inaccurate Baseline conditions

The City relies on the RIVCOM for its 2024 baseline estimates. However, RIVCOM estimates of 2024 population and households are inexplicably low relative to US census and CA Department of Finance estimates. It is not clear how project 2040 values will be affected by a baseline shift of +2-4% in the initial population and household numbers. Nonetheless, it appears that RIVCOM cannot be trusted to forecast the future if it can't model the present baseline with reasonable precision. Please explain why RIVCOM numbers are inaccurate and essentially identical to the 2018 baseline population and household numbers as shown in Table 1 from Appendix E. Additionally, please explain the wild shifts in office and commercial/retail employment between 2018 and 2024 in the RIVCOM. There is no explanation of how Moreno Valley employment jumped by 50% post-pandemic between 2018-2024, almost exclusively due to a commercial/retail sector that has been adversely affected by the growth of eCommerce. There is no explanation of why office employment declined by 75% from 2018.

C8-13
C8-14

Metric	2024 GPU Baseline (RIVCOM)	US Census (2024 or 2023)	CA Dept of Finance Table E-1 and E-5	2040 Plan
Population	205,620	213,919	211,389	298,440
Household	53,048	57,473	58,713	86,860

Table 1 – RIVCOM Model Inputs for General Plan Scenarios

Land Use	2018 Base Year ¹	2024 Baseline ²	2040 Proposed GP ^{3,4}	2040 PGP - 2024 BY Delta ⁵
Population	205,183	205,620	298,440	92,820
Household	52,920	53,048	86,860	33,812
Commercial/Retail Employment	23,365	47,020	59,621	12,601
Office Employment	5,825	1,410	7,233	5,823
Industrial Employment	13,875	16,873	37,442	20,569
Total Employment ⁶	43,140	65,378	104,371	38,993

Note:

1. Household and Population estimates for the 2018 Base Year are based on the latest version of RIVCOM Model

2. Household and Population estimates for the 2024 Baseline Year

3. Households for proposed GP reflects a 94% occupancy rate of available housing units

4. Proposed GP = MoVal 2040

5. MoVal 2040 and 2024 Baseline Year delta

6. Total employment is the sum of Commercial/Retail, Office, Industrial, and Agriculture (not presented in table)

The model does not seem stable or reliable for estimating population, households, or employment. Given that the model requires a \$5,000 license to access the underlying input information, it is not possible to identify or validate the model by independent residents or organizations without significant resources. It is unclear how to evaluate the projected VMT numbers, because they can't be independently validated and the inputs are unreliable and inaccurate on basic information that parameterizes the present and future values.

Summary

I appreciate the ability to comment on this regionally important project. Moreno Valley is accommodating significant regional growth and a plan to mitigate the environmental impacts through long-term planning actions is extremely important.

Mike McCarthy, PhD

Riverside, 92508

C8-15

C8-16

From: [George Hague](#)
To: [Planning Notices DG](#)
Cc: [Angelica Frausto-Lupo](#); [City Clerk](#)
Subject: Comments on the Revised Draft EIR 2024 GPU/CAP
Date: Thursday, August 21, 2025 2:28:40 PM
Attachments: [GPUCAP 2025 Moreno Valley comments.pdf](#)
[Settlement Agreement \(fully executed\).pdf](#)

Some people who received this message don't often get email from georgebrucehague@icloud.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Good afternoon Ms Frausto-Lupo,

Please find my comments on Revised Draft Program Environmental Impact Report (“EIR”) for the proposed MoVal 2040 Project, which consists of the 2024 General Plan Update (“2024 GPU”), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (“CAP”).

Please confirm you have received them in a timely manner and could open the attachments. I have also included a second attachment which contains the Comapss Danbe Centerprointe settlement. It should have the entire settlement with the landscape plan which is more than what the city requires and which could have been even more if it was done at the time the buildings sizes were agreed upon. None the less they provide more trees and therefore more sequestration which should be a goal for the city.

Thank you,

George Hague

C9-1

Dear Ms Frausto-Lupo

August 21, 2025

RE: Revised Draft Program Environmental Impact Report (“EIR”) for the proposed MoVal 2040 Project, which consists of the 2024 General Plan Update (“2024 GPU”), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (“CAP”).

I appreciate this opportunity to share some concerns and observation on the General Plan Update (GPU) and Climate Action Plan (CAP) as well as zoning. I look forward to reading the full and complete answers provided in the Final Documents. Based on the diversity of our residents all documents needed to be in Spanish to fulfill the purpose of the California Environmental Quality Act (CEQA).

C9-2

EXHIBIT 2 Planning Area (Source City of Moreno Valley ArcGIS, 2018 and 2023) has a totally inaccurate map of the San Jacinto Wildlife Area (SJWA) despite the city having been provided correct versions several times. This problem is not limited to this location, but is inaccurate throughout much of the document. This Exhibit 2 doesn’t even show that part of the SJWA is within Moreno Valley City limits.

The Scoping Meeting slides of SJWA maps shared as part the meeting as well as part of the public’s notice of the Revised General Plan Update 2040 GPU/CAP were inaccurate at the time of the meeting and the city was told so, but are again has included them with other documents related to the notice on this project.

C9-3

Appendix A has NOP comments for this project and contains my August 7, 2024 letter with a correct Department of Fish and Wildlife map of the SJWA which is rarely used throughout the documents for the public. In fact, it is used right after the correct one in my NOP letter as if it is a comment.

The fact that these and other inaccurate SJWA maps are throughout much of the documents will cause people to provide their own inadequate/incomplete comments and/or not make some comments because they have been misled.

The Revised General Plan Update 2040 GPU/CAP needs to be corrected and recirculated with accurate maps throughout all environmental documents that the public and decision makers can rely on for accuracy

Pages 4-26/4-27 Map C-5/C-6 Heacock St is proposed as a toxic diesel truck route passing several schools/playgrounds/parks/childcare which is counter to intent of Assembly Bill 98 (AB 98) — Perris Blvd has similar problems with impacts to sensitive receptors by diesel from city designated trucks routes. This is totally unacceptable to the students and staff of impacted schools/playgrounds as well as other sensitive receptors as defined by AB 98. Will the city’s required truck plan under AB 98 to be available by Jan 2026 be in these documents? Has the City reached out to community

C9-4

groups like the Center for Community Action and Environmental Justice (CCA EJ) and the Sierra Club to provide input in the truck route? Failure to do so puts the city at odds with AB 98. Ej.1-9 reads that Designate truck routes that avoid sensitive land uses, where feasible, but as shown above the city is not doing this because according to these documents it must not “be feasible”. Shame on the city for impacting the health of our children and school staff while they are in school learning and on the playgrounds enjoying themselves. Children’s lungs are much smaller and can more easily be impacted by diesel pollution from warehouse trucks. Based on our city’s full build out and approval of all warehouses mentioned below there must be a detailed analysis done on the health impacts to children as well as staff and all sensitive receptors along designated truck routes or the final documents will be inadequate. Moreno Valley also fails to require a condition of approval on warehouses that requires moving towards all classes of trucks being electric prior to state guidelines as is required in the Compass Danbe Centerpointe settlement shown below.

C9-4
cont.

Maps of the city with all sensitive receptors indicated as defined by AB 98 must be shown in both text and a map in the Final EIR or it will be inadequate and incomplete. We also must be able to tell what type of sensitive receptor is being indicated on the map.

There is no need for Theodore/WLC St north of SR-60 to be designated a truck route because garbage trucks travel all over the city and do not need specially designated roads. The only reason is the city’s plan to eventually put warehouses in that area which is totally unacceptable and must be addressed now in this GPU/CAP.

Several warehouses still going through environmental review like the following five:
#1 -The Bay and Day warehouse in the Environmental Justice (EJ) Community of Edgemont - next to homes
#2 Moreno Valley Business Park Building 5 Project 220,309 sq ft whose truck route immediately upon leaving the warehouse passes family homes.
#3 Merwin Properties 991,047 sq warehouse — Across the street from family homes and on land zoned for homes.
#4 Heacock Commerce Center two warehouses totaling 873,967 sq ft next to homes
#5 First Industrial Warehouse at Day Street Project 164,968 sq ft

C9-5

Those five plus others that are approved, but not built like the following:
#6 Moreno Valley Business Center next to family homes in the Environmental Justice (EJ) Community of Edgemont
#7 Compass Danbe Centerpointe – Settlement agreement conditions found below or better need to be required by the city on all future warehouses – including the five warehouses listed above.
#8 Cottonwood & Edgemont twin warehouses next to homes in the Environmental Justice (EJ) Community of Edgemont

#9 World Logistic Center (WLC) 40 million sq ft across several streets from many homes.

With the city only denying one warehouse project in the last 20 years it is expected that most warehouses listed above will be approved.

The Final EIR needs to have text as well as a map that shows all existing warehouses, all approved warehouses and all of those who have submitted applications for processing a warehouse such as, but not limited to the first five listed above. The public and decision makers deserve this.

That same map mentioned above showing all warehousing also needs to be clearly marked to make it easy for the public understand all areas of our city where zoning under this proposed Revised GPU/CAP would allow warehousing without a zone change. There also needs to be both text and numbers to explain how many acres will be available to permit additional warehousing within our city or the documents will be inadequate for decision makers/public.

The city has a very poor record of protecting Environmental Justice (EJ) communities from the health impacts of warehouse projects. In the past couple of years, they have placed warehouses next to EJ family homes so they share a common property line. In the current EJ section of the GPU Page 8-9 Ej.1-3 must also reverse where you read sensitive receptors (families/schools/parks) would not be built next to toxic air contaminants like warehouses, but the reverse is needed so warehouses are not built next to sensitive receptors as defined under AB 98. I and the rest of Moreno Valley needs to read that not only will the city not place sensitive receptors next to warehouses, but warehouses will not be placed next to or across the street from sensitive receptors and their diesel trucks will not pass sensitive receptors. This also needs to be in the health section of the GPU where it must acknowledge that many of our residents already suffer from poor health. The GPU/CAP and Zoning map must reduce the pollution burdens on these residents, but what is shared in these documents will actually increase those burdens to many – especially in the EJ communities. The Final EIR and other documents must have requirements to reduce pollution burdens on Moreno Valley residents Page 8-9 The city must use words that are measurable and enforceable to reduce air pollution in our non-attainment area — especially in already impacted census tracts (page 8-4/8-5). On page 8-9 you will read words like Coordinate. Cooperate, Collaborate, Support, Study, Work with, Consider, and Study. None are measurable or enforceable. Using words like Require, Must, and Shall would help. The EJ section of the GPU use of weak words produces few requirements that are measurable or enforceable which will make it impossible for **ongoing evaluation/assessment and readjustment/modifications of the CAP every 2 to 3 years to keep our City on target to meet carbon neutrality by 2045.**

C9-5
cont.

C9-6

The Edgemont area of Moreno Valley is an area that Attorney General of California was quite concerned about when he provided the press release found below. There are many families living in that area, but the city has made/forced them into a non-conforming use and is still permitting warehousing so close that they share a common property line. In fact, several of the warehouses listed above fall into that category with at least one currently going through environmental review. Based on this proposed GPU/CAP and zoning map Attorney General Bonta could write the same press release. The city must reduce pollution burdens, but is failing to do so. The Final EIR must explain how this new 2025 version of the GPU/CAP and zoning map makes what he wrote below in 2022 no longer valid.

Attorney General Bonta: Moreno Valley General Plan Would Exacerbate Pollution Burden in Environmental Justice Communities

1. [Press Release](#)

2. *Attorney General Bonta: Moreno Valley General Plan Would Exa...*



Thursday, June 30, 2022

Contact: (916) 210-6000, agpressooffice@doj.ca.gov

OAKLAND – California Attorney General Rob Bonta today intervened in a lawsuit challenging Moreno Valley’s 2040 General Plan for violations of the California Environmental Quality Act (CEQA). The General Plan, which is the city’s primary document for long-term land use planning, sets out to increase development in Moreno Valley, particularly in western Moreno Valley, which

C9-7

is already home to dozens of large scale warehouses and some of the worst air pollution in the state. In the petition, Attorney General Bonta argues that Moreno Valley’s environmental review did not adequately analyze, disclose, and mitigate the air pollution that would be generated from buildout of the 2040 General Plan as required by CEQA.

“Moreno Valley should be working to address existing environmental inequities in the city’s western region. Instead, its 2040 General Plan exacerbates them,” **said Attorney General**

Bonta. “Communities in Moreno Valley experience some of the highest levels of air pollution in the state. We’re intervening today so that those communities do not continue to bear the brunt of poor land use decisions that site warehouses outside their doors. At the California Department of Justice, we’re fighting day in and day out for communities who live at the intersection of poverty and pollution. Economic development and environmental justice are not mutually exclusive, and we’re committed to helping local governments find a sustainable path forward.”

Moreno Valley is an Inland Empire city of over 210,000 people located in the western portion of Riverside County. The city’s population is approximately 85% people of color, and a disproportionate percentage of the city’s Hispanic and Latino population resides in the west side of Moreno Valley, where much of the current industrial development is concentrated. According to [CalEnviroScreen](#), Moreno Valley ranks among the highest in the state for ozone pollution. Ozone exposure — smog — is associated with decreases in lung function, worsening of asthma, increases in hospital admissions, and a higher death rate.

In the petition, Attorney General Bonta argues that Moreno Valley did not fully account for and mitigate the environmental and public health consequences of its General Plan. Specifically, Moreno Valley fails to:

- Compare the General Plan’s air quality impacts against a proper environmental baseline, which is typically defined as “the physical environmental conditions as they exist at the time” of project approval;

C9-7
cont.

- Evaluate whether the General Plan would lead to a significant, cumulative increase in pollutants like ozone and particulate matter, which impacts whether the region can meet state and federal air quality standards; and
- Consider whether the General Plan would increase pollution near schools, hospitals, and other sensitive sites or otherwise negatively impact the surrounding communities.

Moreno Valley's Climate Action Plan also contains unenforceable measures that fall short of what is required to mitigate the General Plan's anticipated greenhouse gas impacts.

Earlier this year, Attorney General Bonta [secured an innovative settlement in the neighboring town of Fontana](#) to address CEQA violations associated with the Slover and Oleander warehouse project. As part of the settlement, the city of Fontana [adopted an ordinance setting stringent environmental standards](#) for all future warehouse development in Fontana. Requirements for new warehouse projects include site designs to keep trucks away from sensitive sites such as schools and hospitals, promotion of zero-emission vehicles for on-site operations, landscaped buffers, installation of solar panels, and use of environmentally friendly building materials. This settlement is a model for how local governments can support development in their region while also considering — and working to mitigate — impacts to local communities.

Attorney General Bonta is committed to fighting environmental injustices throughout the state of California and being a voice for frontline communities who are all too often under-resourced and overburdened. On April 28, 2021, Attorney General Bonta [announced the expansion](#) of the California Department of Justice's Bureau of Environmental Justice. The Bureau of Environmental Justice has reviewed a substantial number of warehouse projects across the state and collected best practices and mitigation measures to assist local governments in complying with CEQA and to promote environmentally-just warehouse development across California. These best practices are available [here](#). More information on the Bureau and its work is available [here](#).

C9-7
cont.

A copy of the Moreno Valley petition can be found [here](#)."

↑ C9-7
cont.

In the Economic Development section on page 3-5 it reads about "establishing advanced manufacturing operations in Moreno Valley". This is a fairly new concern along with warehousing. There needs to be a map that shows where such projects can be built without any General Plan Amendments (GPA) and/or zone changes which is easily understood by the general public as required by CEQA.

C9-8

With Aquabella's 15,000 high density units approved late last year, 1,600 apartments approved in June 2023 for the Moreno Valley Mall redevelopment and 800 units recently approved in the Town Center at Moreno Valley plus many other high density housing units approved in the last couple of years our city no longer needs the 10 units per acre (R-10) in the NE to meet its Regional Housing Needs Assessment (RHNA) numbers. **The R-10 in the proposed Revised General Plan Update (GPU) in NE Moreno Valley needs to be removed and replaced with R-2 which is our current zoning because of the court's judgement.**

C9-9

Our city does need high density housing, but it should be where we have sidewalks everywhere, bus transit, safe bike lanes and within walking distance of shops/jobs which is not in NE Moreno Valley such as on either side of Moreno Beach Drive.

The final documents need to show how many units has the city approved since the last Regional Housing Needs Assessment (RHNA) numbers. The Revised Final needs to have a list of all projects and the number of approved units of each project since your RHNA was last approved. This should also include the proposed 3,125 unit Rancho Belago Estates currently moving forward in planning.

C9-10

How far is the city currently ahead of their share of Regional Housing Needs Assessment (RHNA) numbers based on all approved units? This information must be in the Final EIR to help both decision makers and the public.

You must show all the data/emails/public comments you have where people expressed, they do not want R-10 zoning or any high density in the NE Moreno Valley and especially on both sides of Moreno Beach Dr. This includes the questionnaires the public responded to in 2021 where the city purposely left off any reference to warehouses.

C9-11

Explain how Commercial along the freeway east of Moreno Beach Dr which is proposed on both sides of established family homes with Hemlock Ave connecting them going through the neighborhood will impacts the homes with noise, vibration, traffic, light and air pollution. What can be done to protect these families as people drive through their quiet neighborhood from one fast food restaurant to another? This must be in the final EIR to inform decision makers prior to voting.

C9-12

The Zoning Atlas Amendments pages have plenty of room to explain in full words what is now only letters like the following: CEMU, RMU, HO, MUC, COMU, VOR, VCR and many others. These all need to be spelled out on each page as to what they truly mean and represent. There also needs to be a page at the beginning which explains fully what each one of those combinations of letters will allow/permit in order for the public to understand and make meaningful comments.

C9-13

Circulation reads “Rethinking Moreno Valley’s roads as Complete Streets will allow people to safely walk, bicycle, drive, and take transit, sharing the street with other users.” (page 4-5). The Final EIR must have a map of what roads the city will be working to make complete streets. Shading and buffers need to be a priority when agreeing with developers on how to construct sidewalks. Do not just allow cheap sidewalk to curb without trees between pedestrians and traffic. The trees will also provide important sequestration.

C9-14

The section of Ironwood Ave that curves with nearby homes between Steeplechase Dr/Vista De Cerros Dr and Nason St is designated as an improved two-lane road on some documents, but must be shown on all maps as such. This area south of Ironwood Ave to SR-60 has also always been R-2 lots/housing and larger. There is no logic for it to be R-5 and I encourage those who are reading this to use to look at the area on your computer and change what is being proposed in zoning for this area.

C9-15

Climate Action Plan (CAP)

Within the CAP on page 6 it points out how in 2021 all that was done for “Community Engagement and Outreach”, but fails to mention how some important meetings with NE residents were canceled because of COVID and their City Council member died prior to completing public hearings and left them with no representative at the final vote to approve the GPU/CAP as well as the misplaced R-10 and commercial zoning.

C9-16

The 2021 CAP ended with a court’s judgement against it. It is therefore important to have new community engagement and outreach to develop and explain the 2025 CAP, but the city has failed to do that as they should — except for the poorly attended Notice of Preparation (NOP) meeting and the few community responses to the NOP. Organizations like the Center for Community Action and Environmental Justice (CCA EJ), Sierra Club as well as others with long connections with Moreno Valley and knowledge of CAP’s should have had meetings with city staff to provide input prior to producing what is now available for public review. Other community groups should have had an independent informed presentation about CAP’s and then provided input to the city about the 2025 CAP.

C9-17

If they had, then the CAP would have strong required **ongoing evaluation/assessment and readjustment/modifications of the CAP every 2 to 3 years to keep our city on target to meet carbon neutrality by 2045**. The CAP needs to explain the funding source for these very important ongoing assessments, recommended CAP revisions to prove we are back on track to meet the state goals and if not, implementing additional measures to make it a reality. The funding must be in the city's budget and not rely on grants or developers

↑ C9-17
cont.

C9-18

During the next 20 years many things will change and the city needs to have an established process to implement needed changes in the CAP to make sure we meet our carbon neutrality by 2045 as well as meet the state's 2030 goal of GHG emission levels 40% below 1990 levels. This can only be accomplished by ongoing monitoring/evaluations/assessments followed by regular modifications/changes/updates in CAP's business as usual.

C9-19

While Table 4.1 on page 80 mentions Monitoring and Funding there is no requirement to every few years to redo the CAP to meet 2030 and 2045 state goals and prevent the city from continuing to fall so far behind that there is no chance to meet the state goals.

There is misleading information in the CAP such as on page 13 of Appendix A where they mention the 40 million sq ft World Logistic Center (WLC) warehouse project that will generate at least 12,000 Daily Diesel truck trips and at least 50,000 daily trips by other vehicles. You can read in the CAP on page 13 of Appendix A about the WLC aka "Center" the following:

*"The Center also adopted several policies to mitigate GHG emissions at the Center and within the community. **These include installing the maximum amount of on-site solar generation, providing EV chargers, and using zero- or low-emission off-road equipment at the Center. The policies also include funding grants for the purchase of electric heavy-duty trucks, medium-duty trucks, delivery trucks, and passenger vehicles within the community; funding outreach, education, and training on zero-emission vehicles and maintenance; and funding a regional approach to encourage solar generation"***

C9-20

The above that reads "include installing the maximum amount of on-site solar generation" may true only because the Moreno Valley Utility (MVU) controlled by the city restricts the amount of Solar large buildings may install to meet their energy demands. Even though the WLC and other warehouse developers want more solar the MVU has a history of limiting the amount of Solar to 50% of the building's energy demands. The Final CAP must justify any restrictions on projects being able to install enough solar to meet their total energy demands. The CAP and other related documents must explain what are the current restrictions the MVU places on solar for large buildings/projects energy demands — inside and outside operations. Will those percentages remain what they are in 2025 or how will they change between now and 2045? The final CAP must be show those increases in solar allowed by MVU and when/what they will be between 2025 and 2045? These must part of the 2-to-3-year update/revision of the CAP to meet the 2030 and 2045 state goals. How much GHG and other forms of pollution are caused by all the warehousing/large buildings that has and will be

limited by MVU vs being allowed to have 100% of their energy needs met with solar– inside and outside of building?

"BE-1: Procure 70% of Moreno Valley Electric Utility electricity from renewable energy sources by 2030 and 100% of electricity from renewable energy sources by 2045."

This could be done within Moreno Valley instead of buying renewable energy from outside the city if all the warehousing and other large buildings approved were required/allowed to have enough solar to meet their energy demands – inside and outside operations. The Final EIR needs to explain how much renewable energy will be produced within our city and how much will be purchased from outside our city for both the 2030 and 2045 goals. What will it cost us to not have it produced locally vs outside out city.

C9-20
cont.

It is interesting to note that almost everything written above from page 13 to mitigate GHG is the result of a litigation settlement between the WLC and the environmental community. The City approves almost every warehouse that a developer submits, but fails to require significant GHG reduction as conditions of approval — that only happens with litigation by environmental/community groups. The CAP needs to explain why the city does not require conditions of approval on warehouse and other large projects to significantly reduce GHG similar to the settlements on several warehouse projects — like the Compass Danbe Centerpointe warehouse found below.

C9-21

Page 75 of Carbon Sequestration reads that trees in parks (city is at a 150-acre shortage of parks), tree-lined streets (our major streets are not tree-lined unless you count some palm trees which helps very little with carbon sequestration) and open space (very little exists except open lots waiting for development) would help. Much more needs to be done especially with about half of our city classified as disadvantaged. The city's solution is not to cut down existing trees, but developers are almost always able to have their way in removing any tree they wish. The city's very weak plan is to plant less than one tree for each 1,000 residents each year or "200" beginning in 2026 is unacceptable – especially in the EJ communities. They should plant that many per month to truly develop an urban forest. What species of trees will be planted and how tall/wide will they reach? How will trees with biogenic emissions be factored into selection of species? How much sequestration is expected with each tree at time of planting and what proof will you share in this Final EIR? What will the maximum amount of sequestration each tree will provide and how many years of growth will it take to achieve that? The Final EIR must explain how doubling the very little setback the city currently requires of projects from roadways and requiring more as well as larger trees could provide additional sequestration. The Planning Commission needs to review landscape plans so projects have something similar to what is in the Compass Danbe Centerpointe settlement. They should not just rubber stamp what the developer/planners recommend, but think of our city 30 years from now and require more and better.

C9-22

The Tree Equity Score needs to be further explained in the Final EIR for the general public. Since projects like Aqabella and Town Center at Moreno Valley are able to pay money in place of providing parks, the public needs to know how much money we

currently have available to acquire parks to make up for the 150-acre shortage based on our standard.

↑ C9-22
cont.

Throughout the GPU/CAP documents one reads the same thing as in 2021 where they use words that do not require anything, but appear to do so. While the document on the page following page 111 and prior to Appendix A reads "Regular tracking, reporting, and updates will ensure accountability in meeting the city's adopted targets. To this end, the city will conduct routine community GHG emissions inventories in alignment with established protocols and climate commitments every two to three years." This regular tracking every two or three years is "essential" since the city has already approved several massive multi-year projects like the 40 million sq ft World Logistic Center (WLC) warehouse project and the 15,000-unit Aquabella housing project approved last year that will add more than 40,000 people to our city. Neither project has constructed their first building and their impacts on GHG will be substantial over time. The city is also currently accepting comments on the Rancho Belago Estates Specific Plan Notice of Preparation (NOP) with more than 3,000 housing units and more than 150,000 sq ft of commercial uses, hotel uses and elementary school. This project prejudices this GPU/CAP effort and along with those approved projects not built shows how what is quoted above on regular tracking, analysis and reporting every 2 or 3 years will be necessary/essential as well as required for the life of this GPU/CAP to meet our 2045 goals. The city however on that same page just below page 111 and prior to Appendix A writes as follows: If the next GHG emissions inventories demonstrate that the city is on track to meet the 2030 targets, further adjustments to CAP strategies may not be necessary. This shows the city is not committed to regular tracking, analysis, reporting and adjusting to meet the CAP emission inventory — even though major projects are still being constructed and processed which will directly as well as indirectly impact GHG emissions for years to come.

C9-23

The Final EIR must provide evidence that **ongoing evaluation/assessment and readjustment/modifications of the CAP every 2 to 3 years to keep our city on target to meet carbon neutrality by 2045 will be implemented through 2045 or it will be inadequate.**

This document continues to show the city's lack of commitment to meeting the 2030 and 2045 GHG standards by also having the following on the page below page 111 prior to Appendix A "However, if Moreno Valley does not make measurable and sufficient progress toward its GHG emissions reduction targets by the next GHG emissions inventory, the City **may** need to revise the CAP to establish new or more ambitious measures and associated actions." The city has to be required to do what they write in having regular analysis, tracking, reporting and updates every two or three years to "ensure accountability in meeting the City's adopted targets" (same page following page 111 and prior to Appendix A). The city needs to do this in late 2027 or early 2028 as well as 2029 to ensure our city is on target for both the 2030 and 2045 GHG targets. The city, however, writes the following: "Regardless, by 2029, the city is **expected** to initiate a comprehensive CAP update to address GHG emissions reduction beyond 2030 and prepare for achieving the 2045 carbon

C9-24

neutrality target.” (same page following 111 and prior to Appendix A) which again requires nothing to be done.

The public must be notified every two to three years when the city is doing their essential tracking, analysis, reporting and updates for its commitment to meeting their 2030 and 245 GHG emission standards. We also need to be giving opportunities to provide input during the entire process. Consider this my request to be so notified.

"Appendix B's 2019 Greenhouse Gas Emissions Inventory" first page reads the inventory used for this report is seven years old and the data used is probably even older. This is unacceptable and must be revised to current conditions for a base year. The following also needs to change as you produce a more current and valid GHG emissions inventory: **"Other sectors, such as industrial and agriculture emissions, were excluded** due to jurisdictional control constraints or considerations related to State legislation." (Same first page) The city must include industrial or its data is inadequate as will any conclusions towards meeting the 2030 and 2045 GHG goals.

The CARB's Final 2022 Scoping Plan found below needed to be adopted as a model which has not been done in the GPU/CAP documents shared with the public for this review. While some portions have been included the city keeps using words that require little and are not measurable as well as provides them an out from following through ever few years with monitoring, analysis, tracking, adjusting— such as no stable funding source as explained below. Because of these weak/ineffective words in places where the documents supposedly provide “Assertions” and “Evidence” much is not actually required to take place after 2030.

https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents?utm_medium=email&utm_source=govdeliver. Final 2022 CARB 2022 Scoping Plan

Final 2022 Scoping Plan Update and Appendices

The 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279. The actions and outcomes in the plan will achieve: significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.

C9-24
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C9-25

C9-26

- [Executive Summary](#) (December 2022)
- [Final 2022 Scoping Plan](#) (December 2022)
 - [Appendix A: Public Process](#)
 - [Appendix B: Final Environmental Analysis](#)
 - [Response to Comments on the Draft Environmental Analysis](#)
 - [Supplemental Response to Comments on the Environmental Analysis](#)
 - [Attachment A to Proposed Resolution 22-21: Findings and Statement of Overriding Considerations](#)
 - [Notice of Decision](#)
 - [Appendix C: AB 197 Measure Analysis](#)
 - [Appendix D: Local Actions](#)
 - [Appendix E: Sustainable and Equitable Communities](#)
 - [Appendix F: Building Decarbonization](#)
 - [Appendix G: Public Health](#)
 - [Appendix H: AB 32 GHG Inventory Sector Modeling](#)
 - [Appendix I: Natural and Working Lands Technical Support Document](#)
 - [Appendix J: Uncertainty Analysis](#)
 - [Appendix K: Climate Vulnerability Metric](#)
 - [Attachment A: Census Tract CVM Estimates](#)
- Modeling Information
 - [AB 32 GHG Inventory Sectors Modeling Data Spreadsheet](#)
 - [AB 32 GHG Inventory Sectors Air Quality and Health Analysis Data Spreadsheet](#)
 - [Natural and Working Lands Modeling Data Spreadsheet](#)
- [Resolution 22-21](#)

C9-26
cont.

The following comes from CARB's 2022 Scoping Plan;

"(A) Quantify greenhouse gas emissions, both existing and projected over a specified period, resulting from activities within a defined geographic area;

(B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

(C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;"

What is shared in the GPU/CAP doesn't fully meet their directions and guidelines written above (A-E) as you can read below:

A) Where are the current GHG emissions and not that prior to Covid - both existing and **projected** over a specified period by these activities? What are the defined geographic areas and does it include the more than 3,000 units of the Rancho Belago Estates in our sphere of influence as well as the very NW adjacent area which hasn't been in our city?

B). Using an old 2019 document on which to establish a base level and not including Industrial below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable is not acceptable and the Final EIR must be establish a level. based on current substantial evidence or is will be inadequate.

C) I am still not sure of the geographic area or the identification and analysis of the GHG emissions resulting from specific actions or categories of actions anticipated based on the current documents for review. As you can read above there are many warehouses approved and proposed with the expectations of approval. I do not see their expected cumulative and growth inducing impacts analyzed and shared.

D) Where are the performance standards that substantial current evidence demonstrates if implemented on a project-by-project basis, would collectively achieve the specified emissions level? These must include measures and/or a group of measures without using words that do not require anything and cannot be measured.

E). The GPU/CAP before us doesn't have a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; As written within these comments the city uses words to allow them not to be required to monitor or amendments and/or adjustments to the plan in order to achieve the specified levels. In fact, the city has no clue as to how to fund this very critical CAP to allow necessary adjustments to meet the 2030 and 2045 GHG reduction goals. Allowing companies who could benefit from a weaker CAP to provide funding raises all kinds of questions about the validity and quality of the CAP.

Section 4 on Implementation and monitoring on page 78 raises additional concerns on having regular tracking, analysis, reporting and adjusting every two or three years. This section makes it appear they may do these if and when the city has money for this effort. The following confirms my concerns: *"A successful CAP requires adequate funding o successfully implement its measures and actions. While some initiatives may be low-cost or supported by existing City resources,*

C9-26
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C9-27

many actions require dedicated funding to implement. Moreno Valley will primarily rely on grants and public-private partnerships as key funding mechanisms to implement the CAP while minimizing the fiscal burden on the City.” There will be many cities/counties seeking the same funding from grants and the city cannot have them as a primary source of funds to implement the CAP. The Final EIR must identify other regular sources that can be there when grants are not approved. There is also a serious concern that private-public partnerships could result in tainted data to please the private source of money. Such money may be given in order to have certain analysis done or not done as well as modifying adjustments that are needed to keep the city on track to meet its 2030 and 2045 GHG goals. Based on the timeline as well as funding sources provided there are very serious concerns that **ongoing evaluation/assessment and readjustment/modifications of the CAP every 2 to 3 years to keep our city on target to meet carbon neutrality by 2045 will take place between 2030 and 2040/2045.**

C9-27
cont.

The private sector mentioned in Action C-id on page 81 reads: "Identify potential private-sector project sponsors, such as the Ports of Los Angeles and Long Beach, warehouse owners and operators, utilities, truck stops and fuel station owners, private charging station networks, and ZEV truck manufacturers (that have expressed intent to invest in ZEV infrastructure), to understand future demand of ZEV infrastructure, pursue financing opportunities, and facilitate development/implementation". There are several interests listed that will likely have an interest in making sure the city doesn't require certain measures to reach their 2030 and 2045 GHG. These include, but are not limited to warehouse owners and operators, utilities, truck stops and fuel station owners. Therefore, a regular source of money from the city must be identified without relying on these private sector sources as well as grants. Without money from the city regular two- and three-year tracking, analysis, reporting and adjusting which is "essential" will not take place without begging for money from special interests which is unacceptable for a valid CAP that we can all accept.

C9-28

Hydrogen Fuel refueling areas must include the GHG impacts over entire life of the fuel which includes its extraction and production or its GHG impacts will be invalid. Green Hydrogen must also be the only type permitted.

C9-29

Beginning on page 83 with Measure BE-1 most of the words used cannot be measured so you can monitor the results. Those words include the following: Review, Indicate, works with, facilitate, form strategies, educate, partner, promote, explore, identify, investigate, include, as well as others. These are used throughout the GPU/CAP which require very little and makes it difficult to adjust to meet the 2030 and 2045 goals. More use of words like Mandate, Require, Enforce, Shall and Must need to be used to replace those other words that require little or nothing in order to allow the city to monitor, track, analyze and adjust every 2 or three years – especially after 2030 Measure T-3 on page 101 reads *implement programs to increase the work-from-home rate from 3% to 15% in 2030 and 25% in 2045 to reduce commuter vehicle miles traveled.* There is no plan to increase work from home by five times its current rate in the next five years or to have one fourth of Moreno Valley working from home in the next 20 years. The Final

C9-30

EIR needs to have more specifics to prove the “assertion” of 9% reduction in passenger VMT and associated GHG emissions by 2030. (page 36 CAP appendices) Including the Covid years (2019 to 2023) to show a trend in work from home is not valid and in fact many places are now requiring employees to return to work or a hybrid plan.

C9-30
cont.

Measure SW-1 on page 106 on reducing waste has not been done by our city when approving new businesses like gas or refueling stations as well as other businesses. Rarely does the city require the refueling stations to have recycling by the pumps and elsewhere. Maybe because the gas/oil companies make money by selling product for plastic.

C9-31

Through the GPU/CAP documents one reads “Pursue Funding Opportunities” (Action SW-1g page 107) and apply for grants. Who will be on the team to do this all the time for the next 20 years to allow the city to reach the 2045 GHG goals and other important goals?

C9-32

"T-2: Work with the Riverside Transit Agency to increase public and multimodal transportation mode share from about 1% to 2.7% by 2030 and to 10%by 2045". The bus stops in our city must be a priority which they currently are not. Other cities have much better bus stops and plan for shade in our increasingly very hot climate. There also need to be curb cuts to allow buses to move out of the flow of traffic to serve passengers which the city doesn't require as much as they should. Without such places for busses to move out of the flow of traffic the result cause other vehicles to back up and idle in place adding pollution in our non-attainment area. The Final EIR need to explain how the above problems with our transit will be fixed to meet having 10 times the passengers in 20 years or it will be inadequate.

C9-33

"T-4: Achieve zero-emission vehicle adoption rates of 31% for passenger vehicles and 19% for commercial vehicles by 2030 and 100% for both vehicle types by 2045." The Final EIR on the GPU/CAP must factor in President Trumps administration's crack down on zero emission vehicles and their impact on this as well as to whether this needs to be revised. The “Assertions” of just providing EV charging infrastructure will be all that is needed must be revisited in the Final EIR in light of reduced incentives to buy zero emission vehicles. Our city allowing developers to build massive warehouses and other major projects without requiring EV charging equipment in place – not just infrastructure -- has been unacceptable and now must go beyond state mandates. Moreno Valley also fails to require all electric buildings or at the very minimum all electric HVAC systems; all classes of trucks as is shown in the 2024 Compass Danbe Centerpointe warehouse settlement found below. So much GHG and pollution could and can be removed if the city would have been requiring more of developers and thinking more of the health of its residents – especially the EJ community. The city should be reducing the pollution burdens of all residents, but this GPU/CAP fails to do so by using many of the same words they did in 2021 which require very little and cannot be measured as well as not having a stable funding source in the city's budget.

C9-34

EXHIBIT 1

PROJECT MITIGATION

Buffering and Screening Areas

- A. Real Party shall provide Petitioners with a landscape plan and plant palette prior to execution of this Agreement. The landscape plan and plant palette shall become an enforceable part of this Agreement and shall include the following:
1. Along Alessandro Boulevard, the Compass Danbe Project must incorporate a heavily screened 20-ft setback, measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the property line of the Project. If a public sidewalk lies within the property line of the Project, the buffer area shall be measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the edge of the sidewalk nearest to the Project. The west, south, and east boundaries of the Project must incorporate a heavily screened setback as shown in the Petitioner-approved landscape plan.
 2. Buildings shall additionally set back from the property line a horizontal distance no shorter than the building is tall. The setback shall incorporate buffering and screening elements.
 3. Evergreen, drought-tolerant trees that grow at least 50 feet tall shall be used as the outermost layer of the solid screen buffering treatment along the perimeter of the property to provide a solid wall of vegetation (i.e., interlacing or overlapping canopies) within five (5) years of planting. No palm trees shall be used. Real Party shall maintain trees for the life of the Project and shall replace dead or dying trees immediately with mature trees of a similar species.
 4. All screening trees shall have their own dedicated irrigation system and shall be provided with sufficient water to reach their full width and height for the life of the Project. Real Party shall not prune trees except as necessary for the health of the tree or for public safety.
- B. Real Party shall seek the City's approval of the landscape plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

2. Site Design

- A. Real Party shall provide Petitioners with a site plan prior to execution of this Agreement. The site plan shall become an enforceable part of this Agreement and shall include the following:
1. Loading docks shall be oriented such that no truck maneuvering into a loading dock or parked at a loading dock encroaches within 300 feet of the property line of the nearest sensitive receptor.
 2. Warehouse buildings shall be single-story (excluding office and mezzanine) with an inside clear height no greater than 40 feet. Total building height, including roof-mounted equipment and screening elements, shall not exceed 50 feet. All rooftop equipment shall be shielded from view with a shield that is or appears to be an integrated part of the building.
 3. Any warehouse facade shall be designed with enhanced architectural relief to minimize the appearance of a flat-wall surface typical of "tilt up" concrete construction. This shall include enhanced details to break up the appearance of long, flat walls along public rights of way. Design features may include faux windows, wall offsets, and varied panels. Real Party shall provide final renderings of building design options to Petitioners prior to building construction and buildings shall be constructed in accordance with one of the design options provided in those renderings. Renderings shall clearly identify all building elements, including true windows and faux windows.
 - (a) Any and all faux windows (blue panels) shall be glass, rather than painted-on wall coloring.
 - (b) The frame around any and all window areas shall be a three-dimensional relief, not just a painted wall separated by reveals.
 4. For the life of the Project, any paints, architectural coatings, and industrial maintenance coatings used in building construction and maintenance shall have volatile organic compound levels of less than 10 g/L.
- B. Prior to the issuance of any building permit, Real Party shall seek the City's approval of the site plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

3. Tenant Operations

- A. Real Party shall communicate to prospective tenants, in writing, a preference for tenant(s) (1) that do not require three employee shifts and (2) that will limit operating hours to between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday. Notwithstanding the foregoing, 24/7 operations are not prohibited. Real

Party shall provide Petitioners with written proof of compliance with this provision upon request.

Solar Power and Battery Storage

- A. Real Party shall install the maximum amount of on-site rooftop solar generation permitted under the existing Moreno Valley Utility ordinance and other applicable law. If the existing Moreno Valley Utility ordinance is amended to allow additional onsite rooftop solar generation, and if that additional generation is approved by the Moreno Valley Utility and any other applicable utility and is allowed by other applicable law, then Real Party shall install additional on-site rooftop solar generation in an amount sufficient to meet the Project's electricity demand, including but not limited to all building electrical demand, all warehouse equipment electrical demand (including yard goats, hostlers, sweepers, forklifts, and all other equipment required to be electric by these terms), and all electrical demand related to on-site charging of clean fleet and passenger electric vehicles. Under no circumstances shall onsite solar generation supply less than 50 percent of the Project's electricity demand. If rooftop space is insufficient to meet this solar generation requirement, Real Party shall where feasible install additional solar photovoltaic panels on covered automobile parking spaces. For the purposes of this requirement, such solar panels shall be considered feasible where (i) covered automobile parking spaces are permitted by law and (ii) the solar photovoltaic panel(s) placed on covered automobile parking spaces would generate at least 50 percent of the energy generated by an equivalently-sized portion of the rooftop solar array in an average year.
1. Real Party shall include with the building permit application sufficient solar panels to meet this requirement. Real Party shall include its application an analysis of (a) projected power requirements at the start of operations and as power demand increases corresponding to the implementation of the "clean fleet" requirements in Section 20 below, and (b) generating capacity of the solar installation. Real Party shall provide Petitioners with a copy of the building permit application and solar analysis at the time Real Party submits said documents to the City.
 2. Prior to issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that sufficient solar panels have been installed and are operational. Real Party shall annually monitor energy use throughout the life of the facility, and, as allowed by law and the applicable utility provider(s), shall install additional solar panels to serve increased demand. Real Party shall provide a copy of the Project's annual energy use and energy generation data to Petitioners on an annual basis.
 3. If the on-site solar photovoltaic system will not be able to supply the Project's full operational electricity demand, including demand resulting from EV charging requirements, Real Party shall provide documentation prior to the issuance of any certificate of occupancy demonstrating that the

additional electrical demand will be supplied with 100 percent carbon-free electricity sources for the life of the facility.

4. In the event of any change in law, rule, or regulation that removes limits on or otherwise allows for the installation of additional solar photovoltaic capacity, Real Party shall, within one year of the effective date of the change in law, rule, or regulation, increase the size of the Project's solar photovoltaic system to the maximum capacity permitted by law. Real Party shall provide Petitioners with written verification of compliance with this requirement within one month of any system upgrade.
- B. Prior to the issuance of any certificate of occupancy, Real Party shall install an operational battery storage system, either on the south side of or inside the Project buildings, that provides sufficient battery storage to support at least 4 hours of Project operation or is scaled to the size of the Project's on-site solar photovoltaic array as required by the current California Energy Code, whichever is greater. Also prior to the issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification of compliance with this requirement. Battery storage or an equivalent renewable energy storage system shall be maintained for the life of the Project.
- C. The Project's electrical room(s) shall be designed and built large enough to accommodate expansion as electrical demand increases to accommodate employee cars and the clean fleet phase-in set forth in Section 20 below. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.
5. **Roof Material**
 - A. The portion of any building's rooftop that is not covered with solar panels or other utilities shall have a solar reflective index of not less than 78. This material shall maintain the minimum solar reflective index rating for the life of the building. Real Party shall provide Petitioners with written verification that this requirement has been met within one month of the issuance of any certificate of occupancy.
6. **LEED Design**
 - A. The Project shall be built to the most current Leadership in Energy and Environmental Design (LEED) Silver standards. Within one month of issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that this requirement has been met. Said verification shall include the US Green Building Council checklist prepared by a certified LEED professional.
7. **Lighting**
 - A. Real Party shall provide Petitioners with a lighting plan prior to issuance of a building permit. The lighting plan shall include the following:

1. The mounted height for exterior lights on buildings and poles shall have a height limit of 18 feet as measured from surface grade of the parking and loading areas, except that exterior lights on buildings and poles in the truck yards on the south side of Project buildings shall have a height limit of 30 feet. Lights on the northern, eastern, and western elevations shall be dimmed to 25 percent when no motion is detected for eight minutes, except in case of emergency. In the event the Municipal Code does not allow exterior lights to be dimmed to 25 percent, lights shall be dimmed to limit light intrusion to neighboring properties and to conserve energy to the fullest extent possible. Interior lights shall be dimmed by 25 percent and/or shielded where visible to residential units. Real Party shall provide Petitioners with verification of compliance with this provision via a submission of the Project's photometric plan prior to issuance of any building permit. If the City determines that lights built to the standards required by this paragraph would not meet applicable requirements of state or local codes, lights shall be no taller and no brighter than necessary to meet those code requirements.
 2. Light shields shall be installed on all building-mounted lights and perimeter pole lights to eliminate obtrusive glare onto the public right of way or to other properties in the area.
 3. Lights of all exterior lighting fixtures shall be compliant with the Mount Palomar Lighting Standards (as indicated in Riverside County Ordinance No. 655) as well as International Dark Sky Standards. Prior to issuance of the first building permit, Real Party shall prepare a photometric or other appropriate technical study to confirm the Project has been designed to these lighting standards and that the light color of all Project exterior lighting will be 3,000 Kelvin or below. Real Party shall provide Petitioners with a copy of said study within one month of its completion.
- B. Real Party shall seek the City's approval of the lighting plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.
8. **Noise Controls**
- A. The City's applicable noise standards shall be met during Project operations. The Project shall not cause noise levels to exceed noise standards for residential zones. In the event of nighttime loading operations occurring after 9:00 p.m., Real Party shall insure through tenant lease(s) or other appropriate means that all trucks and outdoor on-site cargo handling and similar equipment (including, but not limited to, forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks, and tractors) shall be equipped with "self-adjudging" back-up beepers (alarms) to reduce (or increase) noise levels to no more than 5 decibels above the ambient noise level throughout every 24 hours each day. Real Party shall provide Petitioners with written proof of compliance upon request.

- B. The use of an outdoor PA system or any other amplified sound shall be prohibited between the hours of 7 p.m. and 7 a.m., unless necessary for emergency purposes. Public address systems shall be oriented away from residential receptors and shall operate at a volume not readily audible past the property line.

9. Construction Equipment

- A. All powered construction equipment, including but not limited to hand tools, forklifts, and pressure washers (excluding scissor lifts) shall be electric.
- B. Prior to issuance of building or grading permits, Real Party shall document in writing to Petitioners that all construction equipment is electric and that all non-electric construction vehicles meet the most stringent, highest tier California Air Resources Board ("CARB") emissions guidelines in existence at the time of construction. In no case shall construction equipment include equipment lower than Tier IV. During construction, Real Party shall ensure that a list of all operating equipment in use on the construction site is maintained on-site for verification by the City. The construction equipment list shall state the makes, models, Equipment Identification Numbers, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes (total) or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Prior to the issuance of building or grading permits, Real Party shall ensure that all construction (e.g., demolition and grading) plans clearly show the requirement for the highest rated CARB Tier technology for construction equipment. Real Party shall also install signage at the entrance to all construction areas describing the restriction of nonessential idling. Signage shall be in English and Spanish.
- C. Real Party shall provide sufficient on-site charging for all electric construction equipment and vehicles.
- D. All heavy-duty trucks entering the construction site during the grading and building construction phases shall be model year 2014 or later and shall meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.

10. Construction Hours

- A. Grading and construction shall be restricted to the hours between 7:30 a.m. and 5:30 p.m., Monday through Friday. Grading and construction shall be prohibited on weekends, except that construction entirely within the building envelope may occur between 7:30 a.m. and 5:30 p.m. on Saturdays.
- B. Grading shall be prohibited on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the Project area.

11. Construction Recycling

- A. Real Party shall recycle a minimum of 75 percent of the Project's "construction waste materials" as that term is defined by CalGreen. Within one month after completion of construction, Real Party shall provide written confirmation to Petitioners that this requirement has been met.

12. Truck Idling and Auxiliary Power

- A. Truck idling at the Project site shall be limited to three minutes total per truck. For the purpose of this requirement, "idling" means the operation of a combustion engine while a truck is stationary. It does not include periods when trucks are in motion.
- B. Electric plug-in units shall be installed at every dock door to allow auxiliary power units (APUs) to plug in. Truck operators with electric APUs shall be required to utilize electric plug-in units when at loading docks or when parked. Non-electric APUs shall not be operated for more than three minutes (total) while at the Project site. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.
- C. Real Party shall install permanent signage in English and Spanish in various locations around the facility, including but not limited to the loading docks, parking areas, and entrance and exit driveways detailing idling restrictions, parking restrictions, the availability and mandated use of APU plug-ins, the availability of an air-conditioned rest area, and the truck route available to Project trucks. In particular, permanent signage shall be posted at loading dock doors and on opposite the loading docks in large, reflective lettering that is readable from a truck cab identifying idling and parking restrictions and the availability of plug-ins. Signs opposite loading docks must be centered in front of each dock. Signage shall be in English and Spanish. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

13. Truck Routes, Circulation, and Parking

- A. Real Party shall provide Petitioners with a Truck Routing Plan prior to execution of this Agreement which demonstrates that Project-related truck traffic shall be restricted as follows:
1. Inbound: All inbound trucks shall approach the site from I-215 to Cactus Avenue, turn left on Frederick St, and turn right on Alessandro Blvd to the Project site. Per day, at least 90% of non-electric trucks shall enter the Project site at the westernmost driveway closest to Frederick St.
 2. Outbound: All outbound trucks shall exit the site towards Graham Street, turn right on Graham Street, and turn right on Cactus Avenue to I-215. Per

day, at least 90% of non-electric trucks shall exit the Project site from the easternmost driveway closest to Graham Street.

3. No Project-affiliated truck may use any other City truck route, including but not limited to Alessandro Boulevard west of Frederick Street, Alessandro Boulevard east of Graham Street, Frederick Street north of Alessandro Boulevard, or Heacock Street.
 4. The Truck Routing Plan shall become an enforceable part of this Agreement.
 5. On-site truck movements shall be limited to the minimum necessary for facility operations.
- B. Real Party shall ensure compliance with the Truck Routing Plan for the life of the project. Any proposed changes to the Truck Routing Plan require Petitioners' approval, which approval shall not be unreasonably withheld so long as the proposed changes do not increase traffic on Alessandro or Heacock.
- C. Prior to issuance of any certificate of occupancy, Real Party shall seek City approval to install signage at all intersections along the truck route identified in the Truck Routing Plan indicating the required direction of travel. Signage shall be in English and Spanish. Real Party shall install such signage and provide Petitioners with written proof of installation within six months in the event of City's approval.
- D. Real Party shall provide Petitioners with a driveway plan prior to execution of this Agreement. The driveway plan shall become an enforceable part of this Agreement and shall include the following:
1. Real Party shall install signage that can be read from a truck cab at Project driveways to indicate required direction of travel. Signage shall be in English and Spanish.

I. Employee and Driver Facilities

- A. Real Party shall provide an indoor, air-conditioned employee break area in each building that is accessible to truck drivers and is sized to accommodate all employees and truck drivers at the Project site. The break areas shall include amenities including, but not be limited to, restrooms, drinking fountains with cold water, television, sufficient places for employees and drivers to charge their electrical devices, and several vending machines that are maintained and well stocked. The break areas must contain signs that can be read at a distance of five feet that provide information on bus routes. The break areas must also contain signs readable from 5 feet explaining idling (including APU idling), parking, and truck route restrictions. Signage shall be in English and Spanish and shall be maintained for the life of the Project.

- B. Real Party shall comply with the Cal/OSHA Heat Illness Prevention in Indoor Place of Employment requirements.¹
- C. All buildings will be designed with proper ventilation.

15. Facility Electrification

- A. Building operations, including but not limited to HVAC, water heating, refrigeration, and automated equipment shall be powered by electricity for the lifetime of the Project. Neither natural gas nor propane shall be used.
- B. Diesel-powered backup generators shall be prohibited during construction and for the lifespan of the facility unless required by the Fire Department for an onsite fire pump, in which case a generator shall be the minimum size necessary to support the fire pump and shall be used only for that fire pump in the event of a fire emergency. Any generator shall include signage on the generator indicating that it shall not be used except to operate the fire pump in the event of a fire emergency. Any signage shall be in English and Spanish and shall be capable of being read from at least five (5) feet away.
- C. All on-site equipment and vehicles, including but not limited to yard hostlers, yard equipment, forklifts, yard trucks, tractors, and pallet jacks shall be electric from the start of operations.
- D. Landscaping and maintenance crews shall be required to use only electric equipment for the life of the facility. Pursuant to Section 23, below, Real Party shall expressly include this requirement in all contracts with landscaping and maintenance crews.
- E. Real Party shall provide sufficient charging and other infrastructure to support all electric vehicles and equipment.

Real Party shall provide Petitioners with written verification of facility electrification for each building within one month of the issuance of that building's final certificate of occupancy. Verification shall include documentation showing that building equipment and on-site equipment and vehicles are powered by electricity, that landscape and maintenance contracts include a requirement to use electric equipment, and that sufficient infrastructure is available to meet the anticipated charging needs of that equipment.

¹ <https://www.dir.ca.gov/oshsb/documents/Indoor-Heat-updated-txtbrdconsider.pdf>

16. Cold Storage

- A. Real Party shall record a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space.

17. Landscaping

- A. All landscaping shall be documented in the landscape plan and plant palette prepared pursuant to Section 1 of this Agreement.
- B. All landscaping shall use only drought-tolerant plants and trees.
- C. Trees shall be installed in automobile parking areas to provide at least 50% shade cover of parking areas within 10 years. Trees shall be planted at a density of no less than one (1) tree per eight (8) parking spaces and shall be maintained and replaced for the life of the Project, unless parking spaces are otherwise covered by solar photovoltaic carport structures. Trees planted in the buffer area described in Section 1 above shall not count towards the shade tree requirement. Tree planting areas shall have a minimum inside planting width of six (6) feet to promote sufficient root growth and vehicle protection. Real Party shall provide Petitioners with written proof of compliance upon request.

18. Parking and EV Charging

- A. Parking areas and concrete flatwork shall use light colored concrete with a solar reflective index of not less than 30.
- B. At least 15 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 quick-charge electric vehicle (EV) charging stations that are installed and operational, prior to building occupancy. Level 2 quick-charge units shall generate at least 19kW of charging output power. These stations shall be maintained or replaced with equivalent or better-performing stations for the life of the Project. At minimum, an additional 25 percent of all passenger vehicle parking spaces shall be "EV Ready," as defined by the 2022 Green Building Code, and/or may be equipped with working Level 2 EV quick charge stations. Real Party shall convert EV Ready spaces to working Level 2 EV quick charge stations at a rate of at least two spaces per year. Dedicated EV parking spaces shall be located adjacent to each Project building. Real Party shall install permanent signs at all EV charging stations indicating that vehicles not using the charger are subject to towing at the owner's expense. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of any certificate of occupancy.
- C. A minimum of 10 percent of heavy-duty truck loading docks shall be equipped with EV charging infrastructure for future use by electric trucks. Real Party shall design such infrastructure to facilitate future expansion. At least one electric heavy-duty (Class 7 and 8) truck charger shall be installed by or before two years

from the first final certificate of occupancy issued for a Project building. Real Party shall timely provide proof of installation to Petitioners and shall update Petitioners as future chargers are added. Conduit to support medium-duty vehicle, delivery van, and truck (Class 2 through 6) charging shall be installed during initial Project construction, and at least one charger shall be installed and operational prior to issuance of any final certificate of occupancy. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of the first final certificate of occupancy issued for a Project building and within one month of the installation of any new chargers or charging infrastructure.

- D. Vehicle headlights, including truck headlights, shall be turned off within five minutes of parking. Signs that are legible from ten feet, reflective, and clearly visible at night shall be posted in vehicle and truck parking areas and drive aisles stating that headlights shall be turned off after five minutes. Signs shall be permanent for the life of the Project.
- E. Real Party shall provide one motorcycle parking stall for every 25 employee parking stalls near employee entrances or in view of the office windows.

9. **Bike Lockers**

- A. The Project shall comply with Title 24 of the California Code of Regulations (the California Green Building Code) by providing (1) covered, lockable enclosures with permanently anchored racks for bicycles; (2) lockable bicycle rooms with permanently anchored racks; or (3) lockable, permanently anchored bicycle lockers in the amount required by the Code. In addition to the standard requirements, the Project shall provide at least three (3) electric charging stations for electric bikes and electric scooters (aka "e-bikes" or "e-scooters"). Real Party shall provide Petitioners with written verification of compliance with this section within one month of issuance of any certificate of occupancy.

10. **Air Quality and Clean Fleet Requirements**

- A. Real Party shall ensure that all heavy-duty trucks (Class 7 and 8) serving the Project comply with model year 2014 or later emissions standards from start of operations and shall transition to electric vehicles (EVs), with the fleet fully electric within three (3) years of the issuance of the first final certificate of occupancy for the Project, or when widely commercially available for the intended application, whichever date is later. An EV shall ordinarily be considered widely commercially available if the vehicle is capable of serving the intended purpose and is widely available for purchase for less than 150% the cost of a Class 7 or 8 heavy-duty combustion-engine truck meeting the emissions standards in place at the time the comparison is made (model year 2014 or later emissions standards). For the purpose of this cost comparison, "cost" shall mean the total vehicle cost for the first five (5) years of ownership, including any purchase incentives, rebates, and fuel and electricity costs. Any comparison must

be like-for-like, i.e., must compare an EV with a new production combustion-engine truck of the same class and substantially similar trim level that is widely available for purchase at the time the comparison is made.

- B. In order to demonstrate that such vehicles are not widely commercially available, Real Party must submit documentation to Petitioners from a minimum of three (3) EV dealers identified on the <https://californiahvip.org> website demonstrating the inability to obtain the required EVs or equipment meeting the above standard within 6 months ("Offer of Proof").² An Offer of Proof by Real Party creates a rebuttable presumption that EVs are not widely commercially available for the intended application. Petitioners may rebut a presumption that EVs are not widely commercially available by submitting documentation to Real Party from a minimum of three (3) EV dealers identified on the <https://californiahvip.org> website demonstrating the ability to obtain the required EVs or equipment meeting the above standard within 6 months. If Real Party demonstrates, and Petitioners cannot rebut, that EVs meeting the above standard are not widely commercially available for the intended application, then these clean fleet requirements shall be adjusted as minimally as possible to accommodate the unavailability of such vehicles or trucks until such vehicles or trucks become widely commercially available. Real Party shall re-confirm EV availability and provide Petitioners with a new Offer of Proof every twenty four (24) months until these clean fleet requirements are fully implemented. Petitioners may demonstrate EV availability at any time. Real Party shall comply with Section 20(A) within six (6) months after receiving evidence that EV trucks are widely commercially available.
- C. Real Party shall ensure that all vehicles/delivery vans/trucks (Class 2 through 6) serving the Project meet the following requirements: (i) 33% of the fleet will be EVs at start of operations, (ii) 50% of the fleet will be EVs within two years of the first certificate of occupancy for the Project, (iii) 65% of the fleet will be EVs within four years of issuance of the first certificate of occupancy for the Project, (iv) 80% of the fleet will be EVs within five (5) years of issuance of the first certificate of occupancy, and (v) 100% of the fleet will be EVs within seven years of issuance of the first certificate of occupancy.
- D. Prior to issuance of any certificate of occupancy for the Project, Real Party shall pay to the Fund Administrator (defined below) \$5,000 to fund the installation of one or more air quality monitor stations.
- E. Real Party shall provide Petitioners with written verification of compliance within 30 days of any deadline established by this Section 20.

² If <https://californiahvip.org> goes out of publication or ceases to provide the information required to comply with this term 20(B), the Parties shall negotiate in good faith to determine an alternative list of EV dealers.

F. HVAC Fund

1. If Real Party cannot ensure that all heavy-duty (Class 7 and 8) trucks serving the Project are fully electric within three (3) years of the first final certificate of occupancy because EV trucks are not widely commercially available within the meaning of 20(A) and (B), or if Real Party cannot meet the clean fleet timelines established in 20(A) and (C) above for any other reason, Real Party shall fund an air filtration fund ("HVAC Fund") to be administered by the Fund Administrator (defined below). The HVAC Fund shall be in the amount of \$1,200,000 (plus an "Administration Fee" of \$120,000 (based on 10 percent of the HVAC Fund), which administration fee shall be paid to the Fund Administrator. The HVAC Fund shall be established and funds described herein provided to the Fund Administrator within three (3) months of Real Party's verification that it has not met or cannot meet the truck EV requirements in Section 20 of this Agreement.
2. The HVAC Fund shall be administered by the Center for Community Action and Environmental Justice ("Fund Administrator") pursuant to this Agreement.
3. Real Party shall have no obligation to monitor the actions of the Fund Administrator or to determine the appropriateness of any application or disbursement of the HVAC Fund.
4. In no event shall payment of the HVAC Fund be construed as liquidated damages for Real Party's failure to comply with the clean fleet requirements in 20(A) – (C). Real Party shall continue to comply with 20(A) – (C) even if Real Party has paid the HVAC Fund.

21. Trucking Regulation

- A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a monitoring and compliance plan which shall describe how Real Party will monitor and ensure compliance with all current air quality regulations for on-road trucks including, but not limited to, CARB's Heavy-Duty (Tractor-trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The monitoring and compliance plan shall become an enforceable part of this Agreement.

22. Site Maintenance

- A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a site maintenance plan. The site maintenance plan shall become an enforceable part of this Agreement and shall include the following:
 1. Real Party shall perform maintenance at the Project site on a monthly basis, or more frequently as needed. Real Party shall remove all graffiti

and trash/litter on a weekly basis. If Real Party is notified of an issue related to graffiti or trash/litter, Real Party shall remove the graffiti or trash/litter within 48 hours upon being notified of the issue.

2. Real Party shall periodically, and at least once per month, sweep the property with electric sweepers to remove road dust, tire wear, brake dust and other contaminants in parking lots.
3. Real Party shall implement a recycling program that covers all Project operations and that includes organic waste. The recycling program shall commence at the start of operations and continue for the life of the Project.
4. All signage required by this Agreement shall be maintained for the life of the Project.

Certification of Compliance

- A. Real Party shall submit by mail and email a letter certifying compliance to counsel for Petitioners when all Project mitigation measures, conditions of approval, and compliance with this agreement are complete.

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The Moreno Valley Compass Danbe Centerpointe (CDC) settlement was signed by the developer in late 2024 and was deemed feasible by them after many months of discussion. Therefore, Moreno Valley needs to apply what is in the settlement or even better conditions on all future warehouses/other large developments – including the five shared above. This Final EIR must show how much pollution and GHG is reduced by requiring conditions of approval on warehouses like those above from CDC vs the city's normal conditions of approval which favor developers over the health of residence and the environment. This must include the landscape plan with many more trees.

Please keep informed of all meetings and documents related to this GPU/CAP and zoning.
Sincerely,
George Hague

C9-36

SETTLEMENT AGREEMENT

Center for Community Action and Environmental Justice v. City of Moreno Valley

Riverside Superior Court Case No. CVRI2200683

This Settlement Agreement (“Agreement”) is made and entered into by and between the Center for Community Action and Environmental Justice and Sierra Club (“Petitioners”), on the one hand and CDRE Holdings 17 LLC (“Real Party”), on the other. Petitioners and Real Party may be referred to collectively as the “Parties,” and each singularly as a “Party.”

The Agreement fully incorporates the attached Term Sheet (Exhibit 1), Stipulation for Entry of Order Awarding Attorneys’ Fees; [Proposed] Order (Exhibit 2), Appellate Stipulation for Partial Reversal and Entry of Judgment Pursuant to Settlement Agreement (Exhibit 3), and [Proposed] Judgment After Stipulated Partial Reversal (“Final Judgment”) (Exhibit 4).

RECITALS

A. On January 18, 2022 and February 1, 2022, the City of Moreno Valley, acting through its City Council (together, the “City”), voted to adopt an Initial Study/Mitigated Negative Declaration (“MND”), a General Plan Amendment (PEN20-0118), a Change of Zone (PEN20-0119), a Tentative Parcel Map No. 37944 (PEN20-0120), and Plot Plans (PEN20-0121 and PEN 20-0124) (collectively, the “Development Approvals”) for the Compass Danbe Centerpointe warehouse project (“Project”). The Project would develop two light industrial warehouse buildings on two Assessor’s Parcels (APNs 297-170-002 and -003, the “Property”) on the south side of Alessandro Boulevard between Frederick Street and Graham Street in Moreno Valley, California.

B. Petitioners filed the above-captioned lawsuit (“Litigation”) on February 17, 2022, to challenge the City’s decision to adopt the MND and grant the Development Approvals.

C. On October 16, 2023, the Honorable Judge Firetag of Riverside Superior Court issued a “Writ of Mandate Taken Under Submission” ruling directing judgment to be ordered for Petitioners. The Court entered Judgment on December 8, 2023 and issued a Writ of Mandate commanding the City to set aside the MND and the Development Approvals.

D. Real Party appealed the Judgment on January 10, 2024 (Fourth District Court of Appeal Case No. E082992).

E. In order to avoid the delay, uncertainty, inconvenience, and expense of the appeal and any subsequent litigation, the Parties now desire to compromise, settle, and discharge all claims and controversies related to the Litigation. The Parties have reached a full and final settlement of the Litigation subject to the terms and conditions set forth in this Agreement, including Exhibit 1 attached hereto.

NOW, THEREFORE, in consideration of the recitals, mutual promises, covenants, and obligations set forth herein, which constitute good and valuable consideration, and upon consent and agreement of the Parties to this Agreement, it is hereby agreed as follows:

TERMS AND CONDITIONS

1. Project Mitigation. Real Party shall satisfy all obligations set forth in the Mitigation Term Sheet attached hereto as Exhibit 1, which is expressly incorporated into this agreement, in the timeframes and manner set forth therein.

2. Attorneys' Fees and Costs. Petitioners shall be entitled to attorneys' fees and costs in the amount of \$615,000 ("Attorneys' Fees").

Real Party shall pay Attorneys' Fees to Petitioners in installments as follows:

- a.** A first installment in the amount of \$165,000 within forty (40) calendar days of the Effective Date;
- b.** A second installment in the amount of \$150,000 within either (1) one hundred and thirty (130) calendar days of the Effective Date or (2) ten (10) calendar days of the date the Trial Court has entered Final Judgment, whichever is later, but in no event later than 220 days from the Effective Date;
- c.** A third installment in the amount of \$150,000 within either (1) two hundred and twenty (220) calendar days of the Effective Date or (2) ten (10) calendar days of the date the Trial Court has entered Final Judgment, whichever is later, but in no event later than 310 days from the Effective Date; and
- d.** A fourth and final installment in the amount of \$150,000 within either (1) three hundred and ten (310) calendar days of the Effective Date or (2) ten (10) calendar days of the date the Trial Court has entered Final Judgment, whichever is later, but in no event later than 400 days from the Effective Date.

- e. If Real Party fails to pay a scheduled installment by the deadline for that installment as provided above, the outstanding balance of Attorneys' Fees shall immediately become due and shall be paid to Petitioners within ten (10) calendar days of the original deadline for the missed installment.
- f. If Real Party sells the Property or sells the right to develop the Project to a third party, the outstanding balance of Attorneys' Fees shall immediately become due and shall be paid to Petitioners at or before close of any such sale.

Petitioners' entitlement to the Attorneys' Fees shall also be documented in an order entered by the superior court. Within five (5) business days after (i) the Effective Date or (ii) the date on which the City signs the Stipulation for Entry of Order Awarding Attorneys' Fees attached hereto as Exhibit 2, whichever is later, Petitioners shall file the Stipulation for Entry of Order Awarding Attorneys' Fees and the [Proposed] Order, attached hereto together as Exhibit 2, with Riverside Superior Court, seeking judicial approval and order of the [Proposed] Order. The Parties shall promptly take any additional actions that may be requested or required to enable the Court to sign the [Proposed] Order (hereafter, the "Fee Order"). The Fee Order shall expressly request and provide that the Court shall retain continuing jurisdiction pursuant to Cal. Code of Civil Procedure § 664.6 to enforce the Fee Order until performance in full of its terms and conditions. The Parties shall cooperate in good faith to record against the Property an abstract of judgment documenting the Fee Order. If the Court does not sign the Fee Order within sixty (60) calendar days after the Effective Date, Petitioners reserve the right to file a fee motion for the total amount specified in this Section 2 of this Agreement. Real Party agrees not to oppose any such motion.

Except for such sums as may be awarded in connection with enforcement or implementation of this Agreement, Petitioners relinquish any claim to additional fees or costs, including interest, upon complete and timely payment of Attorneys' Fees pursuant to this Paragraph 2. However, if the Attorneys' Fees are not timely paid in full, Petitioners reserve the right to recover the Attorneys' Fees, including interest and any enforcement fees and costs, by any means available at law or in equity including enforcement of the Fee Order.

Counsel for Petitioners shall provide counsel for Real Party with payment information within thirty (30) calendar days after the Effective Date.

3. Resolution of Appeal and Entry of Final Judgment. The Parties desire this Agreement to be an enforceable component of the final judgment entered in the Litigation. In order

to resolve Real Party's appeal and further amend the judgment to incorporate this Agreement, the Parties agree to the following procedure:

- a. Entry of Stipulated Partial Reversal by the Court of Appeal.** Within five (5) business days after but no sooner than receipt of the signed Fee Order, Real Party shall file in the Court of Appeal the Appellate Stipulation for Partial Reversal and Entry of Judgment Pursuant to Settlement Agreement, attached hereto as Exhibit 3. The Parties shall promptly take any additional actions that may be necessary to give effect to the Appellate Stipulation for Partial Reversal and Entry of Judgment Pursuant to Settlement Agreement.
- b. Entry of Final Judgment by the Trial Court.** Within five (5) business days after receipt of the remittitur giving effect to the Appellate Stipulation for Partial Reversal and Entry of Judgment Pursuant to Settlement Agreement, Petitioners shall file in Riverside Superior Court the [Proposed] Judgment After Stipulated Partial Reversal, attached hereto as Exhibit 4. The Parties shall promptly take any additional actions that may be requested or required to enable the Court to sign the [Proposed] Judgment After Stipulated Partial Reversal. The Final Judgment shall expressly request and provide that the Court shall retain continuing jurisdiction over the Parties pursuant to Cal. Code of Civil Procedure § 664.6 to enforce this Agreement until performance in full of its terms and conditions.

If the Court of Appeal does not agree to the stipulated partial reversal, or if the trial court does not enter the Final Judgment, the Parties shall meet and confer about other potential mechanisms to resolve the dispute as contemplated herein and shall take any additional actions necessary to effectuate the purpose of this Agreement. In such event the Project Mitigation terms contained in Exhibit 1 shall be included in the City's enforceable conditions of approval for the Project.

4. Petitioners' Obligations. Petitioners agree not to file any litigation challenging the Development Approvals; any current or future approvals or permits necessary to construct the Project, including building or other site development permits; or any current or future approvals or permits necessary to implement this Agreement; provided that the Project and all approvals and permits are consistent with the terms of this Agreement, including those set forth in Exhibit 1. This Agreement is made by Petitioners on behalf of their officers, directors, employees, principals,

agents, servants, partners, representatives, predecessors, successors, parents, affiliates, affiliated parties, shareholders, executors, administrators, trustees, attorneys, insurers, and assigns. Petitioners agree not to authorize or fund litigation by any person, including members in their individual capacity(ies), challenging the Development Approvals or the Project's construction provided that the Project and associated approvals are consistent with the terms of this Agreement. Should a member file a lawsuit in the name of either Petitioner, Real Party shall provide notice of said action to Petitioners through counsel, and Petitioners shall issue a letter repudiating the action.

5. Compromise. No Appeal. Remedies. The Parties understand and agree that this Agreement is a compromise settlement of disputed claims, and that the promises in consideration of this Agreement shall not be construed as an admission of any liability or wrongdoing whatsoever by any Party. The Parties hereby waive their right to move for a new trial or otherwise seek to set aside the Judgment (including the Fee Order and the Final Judgment) through any collateral attack, and further waive their right to appeal from the Judgment (including the Fee Order and the Final Judgment), except that each Party agrees that the Court shall retain jurisdiction over the Parties pursuant to Cal. Code of Civil Procedure § 664.6 to enforce this Agreement until performance in full of its terms and conditions. The Parties acknowledge and agree that specific performance and injunction are the only appropriate remedies for any breach of this Agreement, and under no circumstances shall monetary damages be awarded for any breach of this Agreement. In addition, except for an action to recover Attorneys' Fees pursuant to Paragraph 2 of this Agreement, no legal action for specific performance or injunction shall be brought or maintained until: (a) the non-breaching Party provides written notice to the breaching Party which explains with particularity the nature of the claimed breach; and (b) within thirty (30) calendar days after receipt of said notice, the breaching Party fails to cure the claimed breach or, in the case of a claimed breach which cannot be reasonably remedied within a thirty (30) day period, the breaching Party fails to commence actions to cure the claimed breach within such thirty (30) day period, or fails thereafter to diligently complete the activities necessary to cure the breach.

6. Limited Release. Except as to the Parties' continuing rights, duties, and obligations pursuant to this Agreement, each Party, for itself and its related and/or affiliated entities' officers, directors, employees, agents, partners, members, managers, representatives, predecessors, successors, parents, subsidiaries, affiliates, shareholders, executors, administrators, trustees, heirs, attorneys, insurers, and assigns, hereby forever releases and discharges each other Party and its

related and/or affiliated entities' officers, directors, employees, agents, partners, members, managers, representatives, predecessors, successors, parents, subsidiaries, affiliates, shareholders, executors, administrators, trustees, heirs, attorneys, insurers, and assigns (the "Released Parties"), of and from any and all claims, demands, causes of action, liabilities, obligations, and suits, of every kind and nature, in law, equity, or otherwise, known and unknown, suspected and unsuspected, disclosed and undisclosed, for damages actual and consequential, past, present and future, arising out of or relating to the Project ("Released Claims").

7. Section 1542 Waiver. The Parties acknowledge that they have read and understand the contents of Section 1542 of the Civil Code of the State of California, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

The Parties hereby expressly waive and relinquish all rights and benefits under that section with respect to and to the extent of the release granted in this Agreement.

CCA EJ	Sierra Club	CDRE Holdings 17 LLC
Initials:	Initials:	Initials:
<u>AG</u> <small>AG</small>	<u>MAR</u> <small>MAR</small>	<u>MB</u> <small>MB</small>

8. Covenant Not to Sue. Except as otherwise prohibited by law, each Party covenants that neither it, nor any of its Released Parties, will commence, prosecute or cause to be commenced or prosecuted any action or other proceeding based upon any Released Claims, nor will such Party seek to challenge the validity of this Agreement, except that this covenant not to sue does not affect such Party's right to enforce the terms of this Agreement.

9. Implementation. The terms of this Agreement shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language and other contractual language to ensure that Real Party's successors, tenants, lessees,

representatives, agents, subsidiaries, contractors, and subcontractors are informed of and in compliance with all on-going operational responsibilities.

This Agreement shall be binding on Real Party and all successors and assigns. Before Real Party or its successors and assigns ever seeks to sell, assign, or transfer its interest in the Project or Property, or lease or sublease the Project or Property, or transfer any rights related to the Project through some other mechanism (“Transfer”), Real Party or its successor and assigns shall provide each such prospective purchaser, lessee, assignee, successor, or transferee with a copy of this Agreement prior to the consummation of any such contemplated Transfer. As a condition of closing such Transfer, such prospective purchaser, lessee, assignee, successor, or transferee shall acknowledge and accept that the provisions of this Agreement shall be binding on them and enforceable by Petitioners. Real Party or its successor and assigns shall provide Petitioners with written notice at least five (5) business days before selling, assigning, leasing, conveying, or otherwise transferring any of the rights or interests in the Project or Property.

Within one week following the Effective Date, Real Party shall record a Memorandum of Unrecorded Agreement against the Property, which Memorandum shall attach a copy of this Agreement as an exhibit. Real Party shall provide Petitioners with a copy of the recorded Memorandum within fifteen (15) calendar days of recording.

Real Party shall designate a compliance officer who shall be responsible for implementing all measures required by this Agreement, and shall provide contact information for the compliance officer to Petitioners and the City. Real Party shall also publish the compliance officer’s contact information on a publicly accessible website, to be updated at least annually.

Real Party shall notify Petitioners in writing prior to submitting Real Party’s first construction drawing to the City and prior to any land use application to alter the Project.

10. Notices. Any document, notice or request required to be given to a Party under this Agreement shall be given in writing and shall be emailed and personally delivered or mailed by prepaid registered or certified mail to the addresses below:

<p>Petitioners: Center for Community Action and Environmental Justice</p> <p>Sierra Club</p> <p>With a copy to:</p>	<p>Attn: Ana Gonzalez, Executive Director Center for Community Action and Environmental Justice 3840 Sunnyhill Drive Jurupa Vally, CA 92509 ana.g@ccaej.org</p> <p>Sierra Club San Gorgonio Chapter P.O. Box 5425 Riverside, CA 92517 chair@sangorgonio.sierraclub.org</p> <p>Attn: Aaron Isherwood Coordinating Attorney Sierra Club 2101 Webster St., Suite 1300 Oakland, CA 94612 aaron.isherwood@sierraclub.org</p> <p>Attn: Edward Schexnayder Shute, Mihaly & Weinberger LLP 396 Hayes St. San Francisco, CA 94102 schexnayder@smwlaw.com</p>
<p>Real Party: CDRE Holdings 17 LLC</p>	<p>Attn: Jonathan Shardlow Allen, Matkins, Leck, Gamble, Mallory & Natsis LLP 2010 Main Street, 8th Floor Irvine, CA 92614-7214 jshardlow@allenmatkins.com</p>

Any address may be changed by emailing written notice to all Parties.

11. Consultation with Counsel. Each of the Parties represents and warrants that they have read the Agreement and have had the opportunity to solicit the advice of counsel before entering into and executing this Agreement. For purposes of construction, this Agreement shall not be deemed to have been drafted by any Party, and any ambiguity shall not be construed against any Party.

12. Entire Agreement. This Agreement, including the attached Exhibits, contains the entire agreement between the Parties and constitutes the complete, final, and exclusive embodiment of their Agreement with respect to the subject matter thereof. The terms of this

Agreement are contractual and not a mere recital. This Agreement is executed without reliance upon any promise, warranty, or representation by any Party or any representative of any Party other than those expressly contained herein, and each Party has carefully read this Agreement and signs the same of its own free will. The terms of this Agreement may be modified only by an agreement in writing signed by the Parties.

13. Binding Contract. This Agreement shall bind and inure to the benefit of each Party and its respective officers, directors, officials, employees, agents, consultants, subsidiaries, affiliates, parent corporations, predecessors and successors-in-interest, attorneys, and financial advisors. Each Party represents and warrants that it is fully empowered and authorized to enter into this Agreement, and that it has not assigned, and shall not assign, any of its right, title, or interest in or to the Action.

14. Reservation of Rights. The other terms and provisions of this Agreement notwithstanding, the Parties affirm that nothing in this Agreement in any way affects: (i) Petitioners' rights, claims, or defenses in any part, present, or future lawsuit or dispute against the City related to any project other than the Project; or (ii) Petitioners' rights, claims, or defenses in any lawsuit or other dispute in which either Petitioner alleges a violation of CEQA by the City.

15. Severability. Should any provision of this Agreement become legally unenforceable, any wholly unenforceable part shall be severed, but no other provision of this Agreement shall be affected and the remainder of the Agreement shall remain in full force and effect and this Agreement shall be construed as if it had never included the unenforceable provision.

16. Governing Law. This Agreement has been executed in the State of California, and shall be interpreted and enforced under the laws of the State of California. Venue for any action related to this agreement shall be in Riverside County.

17. Time Is of the Essence. Time is expressly declared to be of the essence in this Agreement, and of every provision in which time is an element, if any.

18. Captions. Paragraph titles and captions contained in this Agreement are inserted as a matter of convenience and for reference, and are not a substantive part of this Agreement.

19. Electronic Signatures Permitted. The Parties may sign this Agreement by electronic means. Specifically, either Party (the "Signing Party") may insert the name of its authorized representative in the Signing Party's signature block by use of an electronic symbol or

process that is attached to or logically associated with an electronic record, such as DocuSign, EchoSign, or another commercially available electronic signature software, which results in the Signing Party's confirmed signature delivered electronically to the other party ("Recipient"). An Agreement containing Signing Party's signature in such format (an "Electronic Signature") and delivered by the Signing Party to Recipient (i) shall be deemed executed or adopted by the Signing Party with the intent to sign the electronic record and (ii) shall be binding on the Signing Party as if this Agreement had been originally executed with an ink signature by the officer, manager, general partner or other duly authorized representative of the Signing Party. At Recipient's written request, the Signing Party shall promptly deliver to Recipient a printed copy of this Agreement with Signing Party's original ink signature; provided, however, Signing Party's failure to deliver such original ink signature to Recipient shall not affect the validity of the Electronic Signature.

20. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

21. Effective Date. This Agreement is effective on the date the final Party signs this Agreement ("Effective Date").

IN WITNESS WHEREOF, the Parties have duly authorized this Agreement to be executed.

[Signatures on following page]

Approved as to Form:

Andrew Miller

Andrew Miller (Dec 11, 2024 17:52 PST)

By: Andrew Miller

Firm: Shute, Mihaly & Weinberger LLP

Title: Attorneys for Petitioners Sierra Club and
Center for Community Action and
Environmental Justice

Date: 12/11/2024

SIERRA CLUB

Mary Ann Ruiz

Mary Ann Ruiz (Dec 13, 2024 10:18 PST)

By: Mary Ann Ruiz

Title: San Geronio Chapter Chair

Date: 12/13/2024

**CENTER FOR COMMUNITY ACTION
AND ENVIRONMENTAL JUSTICE**

Ana Gonzalez

By: Ana Gonzalez

Title: Executive Director

Date: 12/13/2024

Approved as to Form:

Jonathan Shardlow

Jonathan Shardlow (Dec 11, 2024 18:27 PST)

By: Jonathan Shardlow

Firm: Allen, Matkins, Leck, Gamble, Mallory &
Natsis LLP

Title: Attorneys for Real Party in Interest CDRE
Holdings 17 LLC

Date: _____

CDRE HOLDINGS 17 LLC

Mark Bachli

Mark Bachli (Dec 16, 2024 15:17 PST)

By: Mark Bachli

Title: Authorized Signer

Date: 12/16/2024

1852389.3

Settlement Exhibit 1

EXHIBIT 1

PROJECT MITIGATION

1. Buffering and Screening Areas

- A. Real Party shall provide Petitioners with a landscape plan and plant palette prior to execution of this Agreement. The landscape plan and plant palette shall become an enforceable part of this Agreement and shall include the following:
1. Along Alessandro Boulevard, the Compass Danbe Project must incorporate a heavily screened 20-ft setback, measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the property line of the Project. If a public sidewalk lies within the property line of the Project, the buffer area shall be measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the edge of the sidewalk nearest to the Project. The west, south, and east boundaries of the Project must incorporate a heavily screened setback as shown in the Petitioner-approved landscape plan.
 2. Buildings shall additionally set back from the property line a horizontal distance no shorter than the building is tall. The setback shall incorporate buffering and screening elements.
 3. Evergreen, drought-tolerant trees that grow at least 50 feet tall shall be used as the outermost layer of the solid screen buffering treatment along the perimeter of the property to provide a solid wall of vegetation (i.e., interlacing or overlapping canopies) within five (5) years of planting. No palm trees shall be used. Real Party shall maintain trees for the life of the Project and shall replace dead or dying trees immediately with mature trees of a similar species.
 4. All screening trees shall have their own dedicated irrigation system and shall be provided with sufficient water to reach their full width and height for the life of the Project. Real Party shall not prune trees except as necessary for the health of the tree or for public safety.
- B. Real Party shall seek the City's approval of the landscape plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

2. **Site Design**

- A. Real Party shall provide Petitioners with a site plan prior to execution of this Agreement. The site plan shall become an enforceable part of this Agreement and shall include the following:
1. Loading docks shall be oriented such that no truck maneuvering into a loading dock or parked at a loading dock encroaches within 300 feet of the property line of the nearest sensitive receptor.
 2. Warehouse buildings shall be single-story (excluding office and mezzanine) with an inside clear height no greater than 40 feet. Total building height, including roof-mounted equipment and screening elements, shall not exceed 50 feet. All rooftop equipment shall be shielded from view with a shield that is or appears to be an integrated part of the building.
 3. Any warehouse facade shall be designed with enhanced architectural relief to minimize the appearance of a flat-wall surface typical of “tilt up” concrete construction. This shall include enhanced details to break up the appearance of long, flat walls along public rights of way. Design features may include faux windows, wall offsets, and varied panels. Real Party shall provide final renderings of building design options to Petitioners prior to building construction and buildings shall be constructed in accordance with one of the design options provided in those renderings. Renderings shall clearly identify all building elements, including true windows and faux windows.
 - (a) Any and all faux windows (blue panels) shall be glass, rather than painted-on wall coloring.
 - (b) The frame around any and all window areas shall be a three-dimensional relief, not just a painted wall separated by reveals.
 4. For the life of the Project, any paints, architectural coatings, and industrial maintenance coatings used in building construction and maintenance shall have volatile organic compound levels of less than 10 g/L.
- B. Prior to the issuance of any building permit, Real Party shall seek the City’s approval of the site plan and shall provide Petitioners with a copy of the approved plan within one month of the City’s approval.

3. **Tenant Operations**

- A. Real Party shall communicate to prospective tenants, in writing, a preference for tenant(s) (1) that do not require three employee shifts and (2) that will limit operating hours to between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday. Notwithstanding the foregoing, 24/7 operations are not prohibited. Real

Party shall provide Petitioners with written proof of compliance with this provision upon request.

4. **Solar Power and Battery Storage**

- A. Real Party shall install the maximum amount of on-site rooftop solar generation permitted under the existing Moreno Valley Utility ordinance and other applicable law. If the existing Moreno Valley Utility ordinance is amended to allow additional onsite rooftop solar generation, and if that additional generation is approved by the Moreno Valley Utility and any other applicable utility and is allowed by other applicable law, then Real Party shall install additional on-site rooftop solar generation in an amount sufficient to meet the Project's electricity demand, including but not limited to all building electrical demand, all warehouse equipment electrical demand (including yard goats, hostlers, sweepers, forklifts, and all other equipment required to be electric by these terms), and all electrical demand related to on-site charging of clean fleet and passenger electric vehicles. Under no circumstances shall onsite solar generation supply less than 50 percent of the Project's electricity demand. If rooftop space is insufficient to meet this solar generation requirement, Real Party shall where feasible install additional solar photovoltaic panels on covered automobile parking spaces. For the purposes of this requirement, such solar panels shall be considered feasible where (i) covered automobile parking spaces are permitted by law and (ii) the solar photovoltaic panel(s) placed on covered automobile parking spaces would generate at least 50 percent of the energy generated by an equivalently-sized portion of the rooftop solar array in an average year.
 1. Real Party shall include with the building permit application sufficient solar panels to meet this requirement. Real Party shall include its application an analysis of (a) projected power requirements at the start of operations and as power demand increases corresponding to the implementation of the "clean fleet" requirements in Section 20 below, and (b) generating capacity of the solar installation. Real Party shall provide Petitioners with a copy of the building permit application and solar analysis at the time Real Party submits said documents to the City.
 2. Prior to issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that sufficient solar panels have been installed and are operational. Real Party shall annually monitor energy use throughout the life of the facility, and, as allowed by law and the applicable utility provider(s), shall install additional solar panels to serve increased demand. Real Party shall provide a copy of the Project's annual energy use and energy generation data to Petitioners on an annual basis.
 3. If the on-site solar photovoltaic system will not be able to supply the Project's full operational electricity demand, including demand resulting from EV charging requirements, Real Party shall provide documentation prior to the issuance of any certificate of occupancy demonstrating that the

additional electrical demand will be supplied with 100 percent carbon-free electricity sources for the life of the facility.

4. In the event of any change in law, rule, or regulation that removes limits on or otherwise allows for the installation of additional solar photovoltaic capacity, Real Party shall, within one year of the effective date of the change in law, rule, or regulation, increase the size of the Project's solar photovoltaic system to the maximum capacity permitted by law. Real Party shall provide Petitioners with written verification of compliance with this requirement within one month of any system upgrade.
- B. Prior to the issuance of any certificate of occupancy, Real Party shall install an operational battery storage system, either on the south side of or inside the Project buildings, that provides sufficient battery storage to support at least 4 hours of Project operation or is scaled to the size of the Project's on-site solar photovoltaic array as required by the current California Energy Code, whichever is greater. Also prior to the issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification of compliance with this requirement. Battery storage or an equivalent renewable energy storage system shall be maintained for the life of the Project.
- C. The Project's electrical room(s) shall be designed and built large enough to accommodate expansion as electrical demand increases to accommodate employee cars and the clean fleet phase-in set forth in Section 20 below. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.
5. **Roof Material**
 - A. The portion of any building's rooftop that is not covered with solar panels or other utilities shall have a solar reflective index of not less than 78. This material shall maintain the minimum solar reflective index rating for the life of the building. Real Party shall provide Petitioners with written verification that this requirement has been met within one month of the issuance of any certificate of occupancy.
6. **LEED Design**
 - A. The Project shall be built to the most current Leadership in Energy and Environmental Design (LEED) Silver standards. Within one month of issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that this requirement has been met. Said verification shall include the US Green Building Council checklist prepared by a certified LEED professional.
7. **Lighting**
 - A. Real Party shall provide Petitioners with a lighting plan prior to issuance of a building permit. The lighting plan shall include the following:

1. The mounted height for exterior lights on buildings and poles shall have a height limit of 18 feet as measured from surface grade of the parking and loading areas, except that exterior lights on buildings and poles in the truck yards on the south side of Project buildings shall have a height limit of 30 feet. Lights on the northern, eastern, and western elevations shall be dimmed to 25 percent when no motion is detected for eight minutes, except in case of emergency. In the event the Municipal Code does not allow exterior lights to be dimmed to 25 percent, lights shall be dimmed to limit light intrusion to neighboring properties and to conserve energy to the fullest extent possible. Interior lights shall be dimmed by 25 percent and/or shielded where visible to residential units. Real Party shall provide Petitioners with verification of compliance with this provision via a submission of the Project's photometric plan prior to issuance of any building permit. If the City determines that lights built to the standards required by this paragraph would not meet applicable requirements of state or local codes, lights shall be no taller and no brighter than necessary to meet those code requirements.
 2. Light shields shall be installed on all building-mounted lights and perimeter pole lights to eliminate obtrusive glare onto the public right of way or to other properties in the area.
 3. Lights of all exterior lighting fixtures shall be compliant with the Mount Palomar Lighting Standards (as indicated in Riverside County Ordinance No. 655) as well as International Dark Sky Standards. Prior to issuance of the first building permit, Real Party shall prepare a photometric or other appropriate technical study to confirm the Project has been designed to these lighting standards and that the light color of all Project exterior lighting will be 3,000 Kelvin or below. Real Party shall provide Petitioners with a copy of said study within one month of its completion.
- B. Real Party shall seek the City's approval of the lighting plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

8. **Noise Controls**

- A. The City's applicable noise standards shall be met during Project operations. The Project shall not cause noise levels to exceed noise standards for residential zones. In the event of nighttime loading operations occurring after 9:00 p.m., Real Party shall insure through tenant lease(s) or other appropriate means that all trucks and outdoor on-site cargo handling and similar equipment (including, but not limited to, forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks, and tractors) shall be equipped with "self-adjudging" back-up beepers (alarms) to reduce (or increase) noise levels to no more than 5 decibels above the ambient noise level throughout every 24 hours each day. Real Party shall provide Petitioners with written proof of compliance upon request.

- B. The use of an outdoor PA system or any other amplified sound shall be prohibited between the hours of 7 p.m. and 7 a.m., unless necessary for emergency purposes. Public address systems shall be oriented away from residential receptors and shall operate at a volume not readily audible past the property line.

9. **Construction Equipment**

- A. All powered construction equipment, including but not limited to hand tools, forklifts, and pressure washers (excluding scissor lifts) shall be electric.
- B. Prior to issuance of building or grading permits, Real Party shall document in writing to Petitioners that all construction equipment is electric and that all non-electric construction vehicles meet the most stringent, highest tier California Air Resources Board (“CARB”) emissions guidelines in existence at the time of construction. In no case shall construction equipment include equipment lower than Tier IV. During construction, Real Party shall ensure that a list of all operating equipment in use on the construction site is maintained on-site for verification by the City. The construction equipment list shall state the makes, models, Equipment Identification Numbers, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer’s recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes (total) or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Prior to the issuance of building or grading permits, Real Party shall ensure that all construction (e.g., demolition and grading) plans clearly show the requirement for the highest rated CARB Tier technology for construction equipment. Real Party shall also install signage at the entrance to all construction areas describing the restriction of nonessential idling. Signage shall be in English and Spanish.
- C. Real Party shall provide sufficient on-site charging for all electric construction equipment and vehicles.
- D. All heavy-duty trucks entering the construction site during the grading and building construction phases shall be model year 2014 or later and shall meet CARB’s lowest optional low-oxides of nitrogen (NOx) standard.

10. **Construction Hours**

- A. Grading and construction shall be restricted to the hours between 7:30 a.m. and 5:30 p.m., Monday through Friday. Grading and construction shall be prohibited on weekends, except that construction entirely within the building envelope may occur between 7:30 a.m. and 5:30 p.m. on Saturdays.
- B. Grading shall be prohibited on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the Project area.

11. Construction Recycling

- A. Real Party shall recycle a minimum of 75 percent of the Project's "construction waste materials" as that term is defined by CalGreen. Within one month after completion of construction, Real Party shall provide written confirmation to Petitioners that this requirement has been met.

12. Truck Idling and Auxiliary Power

- A. Truck idling at the Project site shall be limited to three minutes total per truck. For the purpose of this requirement, "idling" means the operation of a combustion engine while a truck is stationary. It does not include periods when trucks are in motion.
- B. Electric plug-in units shall be installed at every dock door to allow auxiliary power units (APUs) to plug in. Truck operators with electric APUs shall be required to utilize electric plug-in units when at loading docks or when parked. Non-electric APUs shall not be operated for more than three minutes (total) while at the Project site. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.
- C. Real Party shall install permanent signage in English and Spanish in various locations around the facility, including but not limited to the loading docks, parking areas, and entrance and exit driveways detailing idling restrictions, parking restrictions, the availability and mandated use of APU plug-ins, the availability of an air-conditioned rest area, and the truck route available to Project trucks. In particular, permanent signage shall be posted at loading dock doors and on opposite the loading docks in large, reflective lettering that is readable from a truck cab identifying idling and parking restrictions and the availability of plug-ins. Signs opposite loading docks must be centered in front of each dock. Signage shall be in English and Spanish. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

13. Truck Routes, Circulation, and Parking

- A. Real Party shall provide Petitioners with a Truck Routing Plan prior to execution of this Agreement which demonstrates that Project-related truck traffic shall be restricted as follows:
 - 1. Inbound: All inbound trucks shall approach the site from I-215 to Cactus Avenue, turn left on Frederick St, and turn right on Alessandro Blvd to the Project site. Per day, at least 90% of non-electric trucks shall enter the Project site at the westernmost driveway closest to Frederick St.
 - 2. Outbound: All outbound trucks shall exit the site towards Graham Street, turn right on Graham Street, and turn right on Cactus Avenue to I-215. Per

day, at least 90% of non-electric trucks shall exit the Project site from the easternmost driveway closest to Graham Street.

3. No Project-affiliated truck may use any other City truck route, including but not limited to Alessandro Boulevard west of Frederick Street, Alessandro Boulevard east of Graham Street, Frederick Street north of Alessandro Boulevard, or Heacock Street.
 4. The Truck Routing Plan shall become an enforceable part of this Agreement.
 5. On-site truck movements shall be limited to the minimum necessary for facility operations.
- B. Real Party shall ensure compliance with the Truck Routing Plan for the life of the project. Any proposed changes to the Truck Routing Plan require Petitioners' approval, which approval shall not be unreasonably withheld so long as the proposed changes do not increase traffic on Alessandro or Heacock.
- C. Prior to issuance of any certificate of occupancy, Real Party shall seek City approval to install signage at all intersections along the truck route identified in the Truck Routing Plan indicating the required direction of travel. Signage shall be in English and Spanish. Real Party shall install such signage and provide Petitioners with written proof of installation within six months in the event of City's approval.
- D. Real Party shall provide Petitioners with a driveway plan prior to execution of this Agreement. The driveway plan shall become an enforceable part of this Agreement and shall include the following:
1. Real Party shall install signage that can be read from a truck cab at Project driveways to indicate required direction of travel. Signage shall be in English and Spanish.

14. **Employee and Driver Facilities**

- A. Real Party shall provide an indoor, air-conditioned employee break area in each building that is accessible to truck drivers and is sized to accommodate all employees and truck drivers at the Project site. The break areas shall include amenities including, but not be limited to, restrooms, drinking fountains with cold water, television, sufficient places for employees and drivers to charge their electrical devices, and several vending machines that are maintained and well stocked. The break areas must contain signs that can be read at a distance of five feet that provide information on bus routes. The break areas must also contain signs readable from 5 feet explaining idling (including APU idling), parking, and truck route restrictions. Signage shall be in English and Spanish and shall be maintained for the life of the Project.

- B. Real Party shall comply with the Cal/OSHA Heat Illness Prevention in Indoor Place of Employment requirements.¹
- C. All buildings will be designed with proper ventilation.

15. Facility Electrification

- A. Building operations, including but not limited to HVAC, water heating, refrigeration, and automated equipment shall be powered by electricity for the lifetime of the Project. Neither natural gas nor propane shall be used.
- B. Diesel-powered backup generators shall be prohibited during construction and for the lifespan of the facility unless required by the Fire Department for an onsite fire pump, in which case a generator shall be the minimum size necessary to support the fire pump and shall be used only for that fire pump in the event of a fire emergency. Any generator shall include signage on the generator indicating that it shall not be used except to operate the fire pump in the event of a fire emergency. Any signage shall be in English and Spanish and shall be capable of being read from at least five (5) feet away.
- C. All on-site equipment and vehicles, including but not limited to yard hostlers, yard equipment, forklifts, yard trucks, tractors, and pallet jacks shall be electric from the start of operations.
- D. Landscaping and maintenance crews shall be required to use only electric equipment for the life of the facility. Pursuant to Section 23, below, Real Party shall expressly include this requirement in all contracts with landscaping and maintenance crews.
- E. Real Party shall provide sufficient charging and other infrastructure to support all electric vehicles and equipment.

Real Party shall provide Petitioners with written verification of facility electrification for each building within one month of the issuance of that building's final certificate of occupancy. Verification shall include documentation showing that building equipment and on-site equipment and vehicles are powered by electricity, that landscape and maintenance contracts include a requirement to use electric equipment, and that sufficient infrastructure is available to meet the anticipated charging needs of that equipment.

¹ <https://www.dir.ca.gov/oshsb/documents/Indoor-Heat-updated-txtbrdconsider.pdf>

16. **Cold Storage**

- A. Real Party shall record a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space.

17. **Landscaping**

- A. All landscaping shall be documented in the landscape plan and plant palette prepared pursuant to Section 1 of this Agreement.
- B. All landscaping shall use only drought-tolerant plants and trees.
- C. Trees shall be installed in automobile parking areas to provide at least 50% shade cover of parking areas within 10 years. Trees shall be planted at a density of no less than one (1) tree per eight (8) parking spaces and shall be maintained and replaced for the life of the Project, unless parking spaces are otherwise covered by solar photovoltaic carport structures. Trees planted in the buffer area described in Section 1 above shall not count towards the shade tree requirement. Tree planting areas shall have a minimum inside planting width of six (6) feet to promote sufficient root growth and vehicle protection. Real Party shall provide Petitioners with written proof of compliance upon request.

18. **Parking and EV Charging**

- A. Parking areas and concrete flatwork shall use light colored concrete with a solar reflective index of not less than 30.
- B. At least 15 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 quick-charge electric vehicle (EV) charging stations that are installed and operational, prior to building occupancy. Level 2 quick-charge units shall generate at least 19kW of charging output power. These stations shall be maintained or replaced with equivalent or better-performing stations for the life of the Project. At minimum, an additional 25 percent of all passenger vehicle parking spaces shall be “EV Ready,” as defined by the 2022 Green Building Code, and/or may be equipped with working Level 2 EV quick charge stations. Real Party shall convert EV Ready spaces to working Level 2 EV quick charge stations at a rate of at least two spaces per year. Dedicated EV parking spaces shall be located adjacent to each Project building. Real Party shall install permanent signs at all EV charging stations indicating that vehicles not using the charger are subject to towing at the owner’s expense. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of any certificate of occupancy.
- C. A minimum of 10 percent of heavy-duty truck loading docks shall be equipped with EV charging infrastructure for future use by electric trucks. Real Party shall design such infrastructure to facilitate future expansion. At least one electric heavy-duty (Class 7 and 8) truck charger shall be installed by or before two years

from the first final certificate of occupancy issued for a Project building. Real Party shall timely provide proof of installation to Petitioners and shall update Petitioners as future chargers are added. Conduit to support medium-duty vehicle, delivery van, and truck (Class 2 through 6) charging shall be installed during initial Project construction, and at least one charger shall be installed and operational prior to issuance of any final certificate of occupancy. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of the first final certificate of occupancy issued for a Project building and within one month of the installation of any new chargers or charging infrastructure.

- D. Vehicle headlights, including truck headlights, shall be turned off within five minutes of parking. Signs that are legible from ten feet, reflective, and clearly visible at night shall be posted in vehicle and truck parking areas and drive aisles stating that headlights shall be turned off after five minutes. Signs shall be permanent for the life of the Project.
- E. Real Party shall provide one motorcycle parking stall for every 25 employee parking stalls near employee entrances or in view of the office windows.

19. **Bike Lockers**

- A. The Project shall comply with Title 24 of the California Code of Regulations (the California Green Building Code) by providing (1) covered, lockable enclosures with permanently anchored racks for bicycles; (2) lockable bicycle rooms with permanently anchored racks; or (3) lockable, permanently anchored bicycle lockers in the amount required by the Code. In addition to the standard requirements, the Project shall provide at least three (3) electric charging stations for electric bikes and electric scooters (aka “e-bikes” or “e-scooters”). Real Party shall provide Petitioners with written verification of compliance with this section within one month of issuance of any certificate of occupancy.

20. **Air Quality and Clean Fleet Requirements**

- A. Real Party shall ensure that all heavy-duty trucks (Class 7 and 8) serving the Project comply with model year 2014 or later emissions standards from start of operations and shall transition to electric vehicles (EVs), with the fleet fully electric within three (3) years of the issuance of the first final certificate of occupancy for the Project, or when widely commercially available for the intended application, whichever date is later. An EV shall ordinarily be considered widely commercially available if the vehicle is capable of serving the intended purpose and is widely available for purchase for less than 150% the cost of a Class 7 or 8 heavy-duty combustion-engine truck meeting the emissions standards in place at the time the comparison is made (model year 2014 or later emissions standards). For the purpose of this cost comparison, “cost” shall mean the total vehicle cost for the first five (5) years of ownership, including any purchase incentives, rebates, and fuel and electricity costs. Any comparison must

be like-for-like, i.e., must compare an EV with a new production combustion-engine truck of the same class and substantially similar trim level that is widely available for purchase at the time the comparison is made.

- B. In order to demonstrate that such vehicles are not widely commercially available, Real Party must submit documentation to Petitioners from a minimum of three (3) EV dealers identified on the <https://californiahvip.org> website demonstrating the inability to obtain the required EVs or equipment meeting the above standard within 6 months (“Offer of Proof”).² An Offer of Proof by Real Party creates a rebuttable presumption that EVs are not widely commercially available for the intended application. Petitioners may rebut a presumption that EVs are not widely commercially available by submitting documentation to Real Party from a minimum of three (3) EV dealers identified on the <https://californiahvip.org> website demonstrating the ability to obtain the required EVs or equipment meeting the above standard within 6 months. If Real Party demonstrates, and Petitioners cannot rebut, that EVs meeting the above standard are not widely commercially available for the intended application, then these clean fleet requirements shall be adjusted as minimally as possible to accommodate the unavailability of such vehicles or trucks until such vehicles or trucks become widely commercially available. Real Party shall re-confirm EV availability and provide Petitioners with a new Offer of Proof every twenty four (24) months until these clean fleet requirements are fully implemented. Petitioners may demonstrate EV availability at any time. Real Party shall comply with Section 20(A) within six (6) months after receiving evidence that EV trucks are widely commercially available.
- C. Real Party shall ensure that all vehicles/delivery vans/trucks (Class 2 through 6) serving the Project meet the following requirements: (i) 33% of the fleet will be EVs at start of operations, (ii) 50% of the fleet will be EVs within two years of the first certificate of occupancy for the Project, (iii) 65% of the fleet will be EVs within four years of issuance of the first certificate of occupancy for the Project, (iv) 80% of the fleet will be EVs within five (5) years of issuance of the first certificate of occupancy, and (v) 100% of the fleet will be EVs within seven years of issuance of the first certificate of occupancy.
- D. Prior to issuance of any certificate of occupancy for the Project, Real Party shall pay to the Fund Administrator (defined below) \$5,000 to fund the installation of one or more air quality monitor stations.
- E. Real Party shall provide Petitioners with written verification of compliance within 30 days of any deadline established by this Section 20.

² If <https://californiahvip.org> goes out of publication or ceases to provide the information required to comply with this term 20(B), the Parties shall negotiate in good faith to determine an alternative list of EV dealers.

F. HVAC Fund

1. If Real Party cannot ensure that all heavy-duty (Class 7 and 8) trucks serving the Project are fully electric within three (3) years of the first final certificate of occupancy because EV trucks are not widely commercially available within the meaning of 20(A) and (B), or if Real Party cannot meet the clean fleet timelines established in 20(A) and (C) above for any other reason, Real Party shall fund an air filtration fund (“HVAC Fund”) to be administered by the Fund Administrator (defined below). The HVAC Fund shall be in the amount of \$1,200,000 (plus an “Administration Fee” of \$120,000 (based on 10 percent of the HVAC Fund), which administration fee shall be paid to the Fund Administrator. The HVAC Fund shall be established and funds described herein provided to the Fund Administrator within three (3) months of Real Party’s verification that it has not met or cannot meet the truck EV requirements in Section 20 of this Agreement.
2. The HVAC Fund shall be administered by the Center for Community Action and Environmental Justice (“Fund Administrator”) pursuant to this Agreement.
3. Real Party shall have no obligation to monitor the actions of the Fund Administrator or to determine the appropriateness of any application or disbursement of the HVAC Fund.
4. In no event shall payment of the HVAC Fund be construed as liquidated damages for Real Party’s failure to comply with the clean fleet requirements in 20(A) – (C). Real Party shall continue to comply with 20(A) – (C) even if Real Party has paid the HVAC Fund.

21. Trucking Regulation

- A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a monitoring and compliance plan which shall describe how Real Party will monitor and ensure compliance with all current air quality regulations for on-road trucks including, but not limited to, CARB’s Heavy-Duty (Tractor-trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The monitoring and compliance plan shall become an enforceable part of this Agreement.

22. Site Maintenance

- A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a site maintenance plan. The site maintenance plan shall become an enforceable part of this Agreement and shall include the following:
 1. Real Party shall perform maintenance at the Project site on a monthly basis, or more frequently as needed. Real Party shall remove all graffiti

and trash/litter on a weekly basis. If Real Party is notified of an issue related to graffiti or trash/litter, Real Party shall remove the graffiti or trash/litter within 48 hours upon being notified of the issue.

2. Real Party shall periodically, and at least once per month, sweep the property with electric sweepers to remove road dust, tire wear, brake dust and other contaminants in parking lots.
3. Real Party shall implement a recycling program that covers all Project operations and that includes organic waste. The recycling program shall commence at the start of operations and continue for the life of the Project.
4. All signage required by this Agreement shall be maintained for the life of the Project.

23. Additional Grants

- A. If Real Party, after consultation with resource agencies, is not required to perform or fund mitigation for the loss or disturbance of onsite riparian resources, by way of written confirmation verified by Petitioners' counsel, then within one (1) month of that written confirmation, Real Party shall contribute \$25,000 to the San Bernardino Valley Audubon Society.

24. Fees and Costs

- A. Petitioners shall recover their reasonable costs related to compliance oversight, monitoring, and enforcement.

25. Certification of Compliance

- A. Real Party shall submit by mail and email a letter certifying compliance to counsel for Petitioners when all Project mitigation measures, conditions of approval, and compliance with this agreement are complete.

1860603.1

Landscape Plan



PLANTING LEGEND

SYMBOL	PLANTING LEGEND	QUANTITY	SIZE	SPACING	NOTES
	Tree	1	12" DBH	12' x 12'	
	Shrub	1	6" DBH	6' x 6'	
	Flower bed	1	12" DBH	12' x 12'	
	Grass	1	12" DBH	12' x 12'	
	Palm tree	1	12" DBH	12' x 12'	
	Cactus	1	12" DBH	12' x 12'	
	Moss	1	12" DBH	12' x 12'	
	Fern	1	12" DBH	12' x 12'	
	Succulent	1	12" DBH	12' x 12'	
	Ground cover	1	12" DBH	12' x 12'	
	Water feature	1	12" DBH	12' x 12'	
	Light fixture	1	12" DBH	12' x 12'	
	Bench	1	12" DBH	12' x 12'	
	Trash can	1	12" DBH	12' x 12'	
	Sign	1	12" DBH	12' x 12'	
	Fountain	1	12" DBH	12' x 12'	
	Statue	1	12" DBH	12' x 12'	
	Monument	1	12" DBH	12' x 12'	
	Wall	1	12" DBH	12' x 12'	
	Gate	1	12" DBH	12' x 12'	
	Driveway	1	12" DBH	12' x 12'	
	Parking space	1	12" DBH	12' x 12'	
	Road	1	12" DBH	12' x 12'	
	Sidewalk	1	12" DBH	12' x 12'	
	Drainage	1	12" DBH	12' x 12'	
	Utility	1	12" DBH	12' x 12'	
	Other	1	12" DBH	12' x 12'	



Centerpointe Alessandro Blvd

24-000
08.29.24

Moreno Valley, California



HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.955.2400 FAX 714.955.2408

Site Plan



NORTHEAST CORNER @ ALESSANDRO BLVD



COMPASS DANBE CENTERPOINTE
ALESSANDRO BLVD - MORENO VALLEY, CA

09.27.2024
H-A+D JOB NO: A19-2062



NORTHWEST CORNER



COMPASS DANBE CENTERPOINTE
ALESSANDRO BLVD - MORENO VALLEY, CA

09.27.2024
H-A+D JOB NO: A19-2062



EMPLOYEE BREAK AREA



COMPASS DANBE CENTERPOINTE
ALESSANDRO BLVD - MORENO VALLEY, CA

09.27.2024
H-A+D JOB NO: A19-2062

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PROMINENT
ARCHITECTURAL CORNER



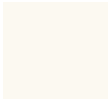
SECONDARY
ARCHITECTURAL FEATURE



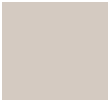
THIRD
ARCHITECTURAL FEATURE



EMPLOYEE BREAK AREA



A. OFF WHITE PAINTED
CONCRETE



B. MEDIUM TAUPE
PAINTED CONCRETE



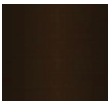
C. WARM GRAY TILE



D. BOARD FORMED
OFF WHITE PAINTED
CONCRETE



E. BLUE REFLECTIVE
GLAZING WITH
CHARCOAL ANODIZED
MULLIONS



F. DARK BRONZE METAL



COMPASS DANBE CENTERPOINTE
ALESSANDRO BLVD - MORENO VALLEY, CA

09.27.2024
H-A+D JOB NO: A19-2062



BUILDING 1 - NORTH ELEVATION



BUILDING 1 - SOUTH ELEVATION








BUILDING 1 - WEST ELEVATION



BUILDING 1 - EAST ELEVATION



COMPASS DANBE CENTERPOINTE
ALESSANDRO BLVD - MORENO VALLEY, CA
09.27.2024
H-A+D JOB NO: A19-2062

EXTERIOR COLOR SCHEDULE	
	Ⓐ OFF WHITE EXTERIOR PAINT COLOR: SW9070 HERON PLUME
	Ⓑ MEDIUM TAUPE EXTERIOR PAINT COLOR: SW6073 PERFECT GREIGE
	Ⓒ WARM GRAY TILE
	Ⓓ BOARD FORMED OFF WHITE PAINTED CONCRETE
	Ⓔ STOREFRONT BLUE REFLECTIVE GLAZING & CHARCOAL ANODIZED MULLIONS
	Ⓕ DARK BRONZE BROWNWINING
<small>TYP. PAINT NOTES: PAINT MAIN DOORS, GUARD WALLS, RAMP WALLS, STAIR WALLS, GUARD RAILS, ROOF DRAINS, AND LOUVERS TO MATCH ADJACENT BUILDING WALL U.N.O. TRUCK DOORS TO BE PRE-FINISHED BY MANUFACTURER IN WHITE FINISH</small>	

*NOTE: TREES NOT SHOWN AS
PROPOSED FOR ARCHITECTURAL
DETAILS OF THE BUILDING TO BE
CLEARLY DEPICTED



BUILDING 2 - EAST ELEVATION









BUILDING 2 - WEST ELEVATION



BUILDING 2 - NORTH ELEVATION



BUILDING 2 - SOUTH ELEVATION

EXTERIOR COLOR SCHEDULE	
	Ⓐ OFF WHITE EXTERIOR PAINT COLOR: SW6870 HERON PLUME
	Ⓑ MEDIUM TAUPE EXTERIOR PAINT COLOR: SW6870 PERFECT GREIGE
	Ⓒ WARM GRAY TILE
	Ⓓ BOARD FORMED OFF WHITE PAINTED CONCRETE
	Ⓔ STOREFRONT BLUE REFLECTIVE GLAZING & CHARCOAL ANODIZED MULLIONS
	Ⓕ DARK BRONZE BROWN/AWNING
<small>TYP PAINT NOTES: PAINT MAIN DOORS, GUARD WALLS, RAMP WALLS, STAIR WALLS, GUARD RAILS, ROOF DRAIN, AND LOUVERS TO MATCH ADJACENT BUILDING WALL U.N.D. TRUCK DOORS TO BE PRE-FINISHED BY MANUFACTURER IN WHITE FINISH</small>	

*NOTE: TREES NOT SHOWN AS
PROPOSED FOR ARCHITECTURAL
DETAILS OF THE BUILDING TO BE
CLEARLY DEPICTED

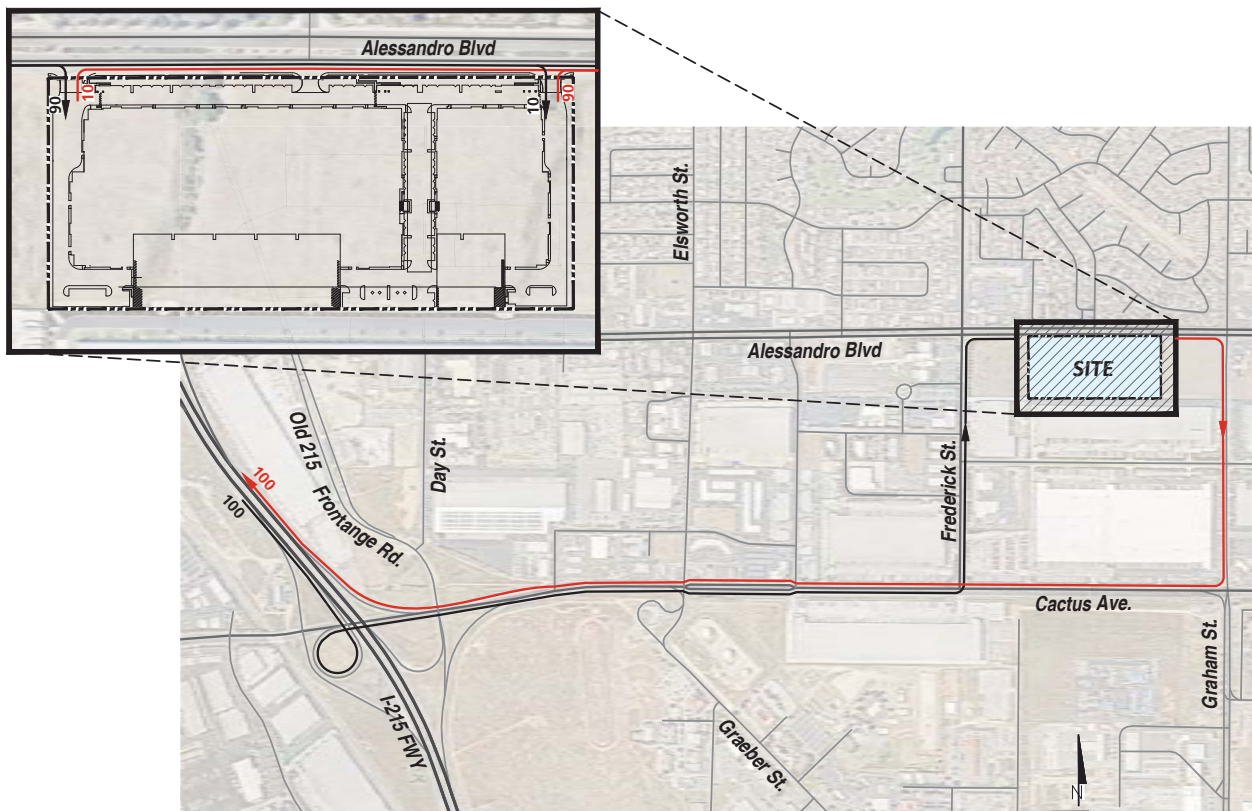


COMPASS DANBE CENTERPOINTE
ALESSANDRO BLVD - MORENO VALLEY, CA

09.27.2024
H-A+D JOB NO: A19-2062

Truck Routing Plan

EXHIBIT 1: PROJECT (TRUCK) TRIP DISTRIBUTION



NOTES:

- (1) No project-affiliated truck may use any other City truck route, including but not limited to Alessandro Boulevard west of Frederick Street, Alessandro Boulevard east of Graham Street, Frederick Street north of Alessandro Boulevard, or Heacock Street.
- (2) On-site truck circulation shall be limited to the minimum necessary for facility operations.

LEGEND:

- 10 = Non-Electric Trucks Percent To/From Project
 — = INBOUND
 — = OUTBOUND

Driveway Plan



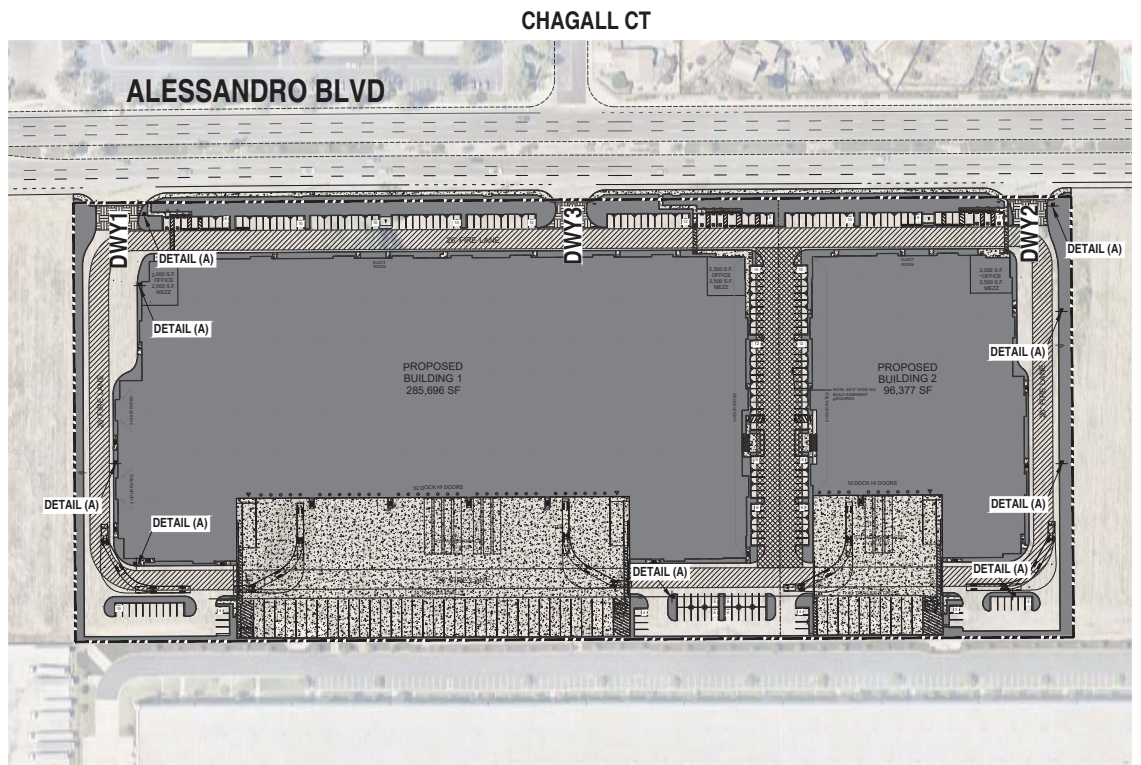
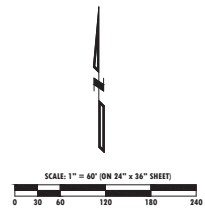


EXHIBIT 2: DETAIL A PLACEMENT FOR ONSITE CIRCULATION

SHEET NO.
2
2 of 2



WWW.URBANCROSSROADS.COM
TELEPHONE: # 949-660-1994

Settlement Exhibit 2

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Attorneys for Petitioners
CENTER FOR COMMUNITY ACTION AND
ENVIRONMENTAL JUSTICE and SIERRA
CLUB

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, RIVERSIDE HISTORIC COURTHOUSE

CENTER FOR COMMUNITY ACTION
AND ENVIRONMENTAL JUSTICE and
SIERRA CLUB,

Petitioners,

v.

CITY OF MORENO VALLEY; CITY
COUNCIL OF THE CITY OF MORENO
VALLEY; and DOES 1 through 10,
inclusive,

Respondents.

CDRE HOLDINGS 17 LLC; and DOES 11
through 20, inclusive,

Real Party in Interest.

Case No. CVRI2200683

**STIPULATION FOR ENTRY OF ORDER
AWARDING ATTORNEYS' FEES;
[PROPOSED] ORDER**

Assigned for All Purposes to:
Judge: Hon. Chad Firetag
Dept. 3

Action Filed: February 17, 2022
Trial Date: September 29, 2023

CASE DESIGNATION: CEQA

1 Petitioners Center for Community Action and Environmental Justice and Sierra Club
2 (“Petitioners”), Respondents City of Moreno Valley and City Council of the City of Moreno
3 Valley (“Respondents”), and Real Party in Interest CDRE Holdings 17 LLC (“Real Party,” and
4 together with Petitioners and Respondents, the “Parties”) hereby jointly stipulate and consent to
5 the entry of the attached [Proposed] Order Awarding Attorneys’ Fees and Costs, as follows:

6 1. On January 18, 2022 and February 1, 2022, the City of Moreno Valley, acting
7 through its City Council (together, the “City”), voted to adopt an Initial Study/Mitigated
8 Negative Declaration (“MND”), a General Plan Amendment (PEN20-0118), a Change of Zone
9 (PEN20-0119), a Tentative Parcel Map No. 37944 (PEN20-0120), and Plot Plans (PEN20-0121
10 and PEN 20-0124) (collectively, the “Development Approvals”) for the Compass Danbe
11 Centerpointe warehouse project (“Project”). The Project would develop two light industrial
12 warehouse buildings on two Assessor’s Parcels (APNs 297-170-002 and 297-170-003, the
13 “Property”) on the south side of Alessandro Boulevard between Frederick Street and Graham
14 Street in Moreno Valley, California.

15 2. Petitioners filed the above-captioned lawsuit (“Litigation”) on February 17, 2022,
16 to challenge the City’s decision to adopt the MND and grant the Development Approvals.

17 3. On October 16, 2023, this Court issued a “Writ of Mandate Taken Under
18 Submission” ruling directing judgment to be entered in favor of Petitioners. This Court entered
19 Judgment on December 8, 2023 and issued a Writ of Mandate commanding the City to set aside
20 the MND and the Development Approvals. This Court awarded Petitioners their costs of suit
21 and retained jurisdiction over any motion for attorneys’ fees that Petitioners may file.

22 4. Real Party appealed the Judgment on January 10, 2024 (Fourth District Court of
23 Appeal Case No. E082992).

24 5. In order to avoid the delay, uncertainty, inconvenience, and expense of the appeal
25 and any subsequent litigation, Petitioners and Real Party have reached a full settlement of the
26 Litigation subject to the terms and conditions set forth in their settlement agreement
27 (“Settlement Agreement”).
28

6. The Settlement Agreement contains a two-step process to resolve the appeal while preserving Petitioners' entitlement to costs and attorneys' fees and reinstating Real Party's development approvals. First, through this Stipulation, the Parties request that this Court enter the attached [Proposed] Order Awarding Attorneys' Fees and Costs, which awards Petitioners their reasonable attorneys' fees and costs in the amount of \$615,000.

7. Following entry of the [Proposed] Order, the Parties will seek a stipulated partial reversal from the Court of Appeal to return jurisdiction to this Court, and will ask this Court to enter a final judgment that incorporates fully the Settlement Agreement and retains jurisdiction to enforce its terms.

SO STIPULATED AND RESPECTFULLY SUBMITTED:

DATED: _____, 2024

SHUTE, MIHALY & WEINBERGER LLP

By: _____

ANDREW P. MILLER

Attorneys for CENTER FOR COMMUNITY
ACTION AND ENVIRONMENTAL JUSTICE
and SIERRA CLUB

DATED: _____, 2024

LAW OFFICES OF QUINTANILLA &
ASSOCIATES
Steven B. Quintanilla, City Attorney

By: _____

GULAN TAHIR

Deputy City Attorney

Attorneys for Respondents CITY OF MORENO
VALLEY and CITY COUNCIL OF THE CITY
OF MORENO VALLEY

1 DATED: _____, 2024

ALLEN MATKINS LECK GAMBLE MALLORY &
NATSIS LLP

4 By: _____

JONATHAN SHARDLOW

Attorneys for Real Party in Interest CDRE
HOLDINGS 17 LLC

[PROPOSED] ORDER AWARDING ATTORNEYS' FEES AND COSTS

Based on the stipulation of the Parties and good cause appearing, the Court HEREBY
ORDERS as follows:

1. Petitioners are the prevailing parties under Code of Civil Procedures sections 1032
and 1021.5. This Court awards Petitioners their reasonable attorneys' fees and costs in the
amount of \$615,000.

2. The Court retains jurisdiction to enforce this Order until performance in full of its
terms pursuant to Code of Civil Procedure section 664.6.

IT IS SO ORDERED.

DATED: _____, 2024

Hon. Chad Firetag
Judge of the Superior Court

1845468.2

Settlement Exhibit 3

Civil Number E082992

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

Fourth Appellate District - Division Two

CENTER FOR COMMUNITY ACTION AND
ENVIRONMENTAL JUSTICE et al.,

Plaintiffs and Respondents,

vs.

CITY OF MORENO VALLEY, et al.,

Defendants and Respondents;

CDRE HOLDINGS 17, LLC,

Real Party in Interest and Appellant.

Appeal From the Superior Court, County of Riverside
Honorable Chad W. Firetag, Department 3
Case No. CVRI2200683

**JOINT STIPULATION FOR PARTIAL REVERSAL AND
ENTRY OF JUDGMENT PURSUANT TO SETTLEMENT
AGREEMENT**

*JONATHAN E. SHARDLOW (BAR NO. 237539)
PAIGE H. GOSNEY (BAR NO. 252830)
BENJAMIN N. PATTERSON (BAR NO. 332740)
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2010 Main Street, 8th Floor
Irvine, California 92614-7214
Phone: (949) 553-1313 Fax: (949) 553-8354

Attorneys for Appellant
CDRE Holdings 17, LLC

TO THE CLERK OF THE COURT:

Real Party in Interest/Appellant CDRE Holdings 17, LLC and Petitioners/Respondents Center for Community Action and Environmental Justice and Sierra Club have reached a full and complete settlement of this matter. To effectuate the settlement agreement, the parties hereby jointly apply for and request this court to: (1) order a stipulated partial reversal of the findings and orders made in paragraphs 2 through 5 of the December 8, 2023 Judgment Granting Peremptory Writ of Mandate and in the December 8, 2023 Writ of Mandate, finding that the City of Moreno Valley failed to comply with the California Environmental Quality Act; and (2) enter judgment pursuant to the terms of the settlement agreement in the form attached hereto as Exhibit 1. The Parties expressly request that the partial reversal preserve Petitioners' entitlement to attorneys' fees and costs pursuant to the Settlement Agreement.

The propose of the Joint Stipulation for Partial Reversal and Entry Judgment is to reverse the court's finding and orders made after the September 29, 2023 hearing and reverse the trial court's writ and judgment, which void the entitlements and to enjoin the project. However, the record should reflect that the reversal is pursuant to settlement and does not constitute either approval or rejection of the trial court's judgment. (*Neary v. Regents of University of California* (1992) 3 Cal.4th 273, 282–283. [superseded by Cal. Code Civ. Proc. § 128, subd. (a)].)

The parties agree that partial reversal of the judgment is appropriate and should be granted pursuant to this stipulation, and that the elements described in California Code of Civil Procedure section 128, subdivision (a) are satisfied.

First, no nonparty will be adversely affected by this reversal. The nature of the settlement reached by the parties gives substantial assurance that the project as modified by the parties' settlement will entail no significant environmental effects. Further, Petitioners are community organizations that have effectively represented the interests of all members within the community, including by litigating the major objections raised by the community. There was no other opposition to Real Party's project on grounds that are not addressed by the settlement agreement.

Second, the settlement makes partial reversal appropriate. The parties' revisions of the project mitigate the potentially significant environmental impacts found in the statement of decision and effectively render the writ moot. The trial court found that the City of Moreno Valley failed to comply with the California Environmental Quality Act because Petitioners presented substantial evidence supporting a fair argument that the project may have potentially significant noise, air quality, and health impacts. The trial court also found that the City's environmental document did not adequately describe schools along the project's foreseeable truck routes. The settlement agreement mitigates these potential impacts by requiring electrification of buildings,

trucks, and construction equipment, which will substantially reduce the noise generated by the project and will reduce the project's emissions of diesel particulate matter and criteria air pollutants. The settlement also limits the routes that project trucks may travel to avoid the schools discussed above. The mitigations contained in the settlement thus fully address the concerns raised by the trial court that the writ was intended to remedy. The instructions in the judgment and writ directing further environmental review to determine the need for additional mitigation have therefore been made unnecessary. Partial reversal of the judgment will place the parties in the same position they would be in if the appeal were successfully prosecuted to completion.

Third, granting the reversal will not erode public trust. The reversal contemplated by the parties is not on the merits, but rather on the ground of the mootness resulting from the settlement. The parties seek partial reversal solely to (1) facilitate the mitigation provided by the settlement agreement; (2) restore the case to the superior court's jurisdiction so that it may enter a new judgment that gives effect to the settlement agreement; and (3) avoid any implication that the original appealed-from judgment remains in effect.

Fourth, the possibility of stipulating to a reversal on appeal did not occur to any of the parties prior to trial and did not act as a disincentive to pretrial settlement. Instead all parties believed in good faith that their positions concerning the project were

supported by the law and the facts, and they all could have reasonably believed that they would have prevailed at trial.

For the above mentioned reasons, the parties respectfully request the Court reverse paragraphs 2 through 5 of the trial's court December 8, 2023 Judgment Granting Peremptory Writ of Mandate, reverse the Writ as to the requirements to void the entitlements and to enjoin the project, and direct the trial court to enter the [Proposed] Judgment attached hereto as Exhibit 1.

IT IS SO STIPULATED:

Respectfully submitted

Dated: _____, 2024

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
JONATHAN E. SHARDLOW
PAIGE H. GOSNEY

By: _____
JONATHAN E. SHARDLOW
Attorneys for Defendant and
Appellant
CDRE HOLDINGS 17, LLC

Dated: _____, 2024

SHUTE, MIHALY & WEINBERGER
LLP

By: _____

EDWARD T. SCHEXNAYDER
Attorneys for Petitioners and
Respondents

CENTER FOR COMMUNITY
ACTION AND ENVIRONMENTAL
JUSTICE and SIERRA CLUB

Dated: _____, 2024

LAW OFFICES OF QUINTANILLA
& ASSOCIATES
GULAN TAHIR
LISA WEAVER-NOWAK
STEVEN B. QUINTANILLA

By: _____

GULAN TAHIR

Attorneys for Respondents

THE CITY OF MORENO VALLEY
and CITY COUNCIL OF THE CITY
OF MORENO VALLEY

Exhibit 1

EDWARD T. SCHEXNAYDER (State Bar No. 284494)
ANDREW P. MILLER (State Bar No. 324093)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
schexnayder@smwlaw.com
amiller@smwlaw.com

Attorneys for Petitioners
CENTER FOR COMMUNITY ACTION AND
ENVIRONMENTAL JUSTICE and SIERRA
CLUB

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, RIVERSIDE HISTORIC COURTHOUSE

CENTER FOR COMMUNITY ACTION
AND ENVIRONMENTAL JUSTICE and
SIERRA CLUB,

Petitioners,

v.

CITY OF MORENO VALLEY; CITY
COUNCIL OF THE CITY OF MORENO
VALLEY; and DOES 1 through 10,
inclusive,

Respondents.

CDRE HOLDINGS 17 LLC; and DOES 11
through 20, inclusive,

Real Party in Interest.

Case No. CVRI2200683

**[PROPOSED] JUDGMENT AFTER
STIPULATED PARTIAL REVERSAL**

Assigned for All Purposes to:
Judge: Hon. Chad Firetag
Dept. 3

Action Filed: February 17, 2022
Trial Date: September 29, 2023

CASE DESIGNATION: CEQA

1 The Verified Petition for Writ of Mandate filed by Petitioners Center for Community
2 Action and Environmental Justice and Sierra Club (“Petitioners”) was heard in Department 3 of
3 this Court before the Honorable Chad Firetag on September 29, 2023. Andrew Miller and
4 Edward Schexnayder appeared for Petitioners. Michael Cobden appeared for Respondents City
5 of Moreno Valley and City Council of the City of Moreno Valley (“Respondents”). Jonathan
6 Shardlow and Paige Gosney appeared for Real Party in Interest CDRE Holdings 17 LLC (“Real
7 Party,” and together with Petitioners and Respondents, the “Parties”). After hearing oral
8 argument, the Court took the matter under submission.

9 On October 16, 2023, this Court, having considered the briefs filed in support of and in
10 opposition to the Petition for Writ of Mandate, having heard oral argument, and having reviewed
11 and considered the administrative record and other documentary evidence submitted, issued a
12 Minute Order and a Writ of Mandate Taken Under Submission Ruling (“Ruling”) ordering that
13 judgment and a peremptory writ of mandate issue in this proceeding. This Court entered
14 Judgment for Petitioners on December 8, 2024. Real Party appealed.

15 The Parties have now stipulated to the complete settlement of and entry of judgment in
16 this matter pursuant to the terms and conditions of the Settlement Agreement between
17 Petitioners and Real Party, as attached hereto as Exhibit A and incorporated herein by reference.
18 On _____, 202_, the Fourth District Court of Appeal entered a stipulated partial reversal and
19 remanded to this Court to enter judgment consistent with the Settlement Agreement. The Court
20 has reviewed the Settlement Agreement and finds it to be fair, lawful, and in the public interest
21 in all respects.

22 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

23 1. The Petition for Writ of Mandate is granted for the reasons set forth in this Court’s
24 October 16, 2023 Ruling. Substantial evidence in the record supports a fair argument that the
25 Compass Danbe Centerpointe Project (State Clearinghouse No. 2021070466) (“Project”) may
26 have potentially significant impacts on the environment.

1 2. In lieu of a writ of mandate, the Court hereby enters judgment pursuant to all of
2 the terms of the Settlement Agreement, a full and complete copy of which is attached to, and
3 incorporated in, this Judgment of the Court.

4 3. Petitioners are the prevailing parties and are awarded their costs of suit and
5 reasonable attorneys' fees in the amount of \$615,000.

6 4. The Court retains jurisdiction to enforce this Judgment until performance in full of
7 its terms pursuant to Code of Civil Procedure section 664.6.

8
9 IT IS SO ORDERED, ADJUDGED, AND DECREED.

10
11 DATED: _____, 202_
12
13

Hon. Chad Firetag
Judge of the Superior Court

15 1845459.2
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Exhibit A

[Exhibit Omitted for Brevity]

Settlement Exhibit 4

EDWARD T. SCHEXNAYDER (State Bar No. 284494)
ANDREW P. MILLER (State Bar No. 324093)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
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schexnayder@smwlaw.com
amiller@smwlaw.com

Attorneys for Petitioners
CENTER FOR COMMUNITY ACTION AND
ENVIRONMENTAL JUSTICE and SIERRA
CLUB

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, RIVERSIDE HISTORIC COURTHOUSE

CENTER FOR COMMUNITY ACTION
AND ENVIRONMENTAL JUSTICE and
SIERRA CLUB,

Petitioners,

v.

CITY OF MORENO VALLEY; CITY
COUNCIL OF THE CITY OF MORENO
VALLEY; and DOES 1 through 10,
inclusive,

Respondents.

CDRE HOLDINGS 17 LLC; and DOES 11
through 20, inclusive,

Real Party in Interest.

Case No. CVRI2200683

**[PROPOSED] JUDGMENT AFTER
STIPULATED PARTIAL REVERSAL**

Assigned for All Purposes to:
Judge: Hon. Chad Firetag
Dept. 3

Action Filed: February 17, 2022
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17 Petitioners and Real Party, as attached hereto as Exhibit A and incorporated herein by reference.
18 On _____, 202_, the Fourth District Court of Appeal entered a stipulated partial reversal and
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20 has reviewed the Settlement Agreement and finds it to be fair, lawful, and in the public interest
21 in all respects.

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25 Compass Danbe Centerpointe Project (State Clearinghouse No. 2021070466) (“Project”) may
26 have potentially significant impacts on the environment.

2. In lieu of a writ of mandate, the Court hereby enters judgment pursuant to all of the terms of the Settlement Agreement, a full and complete copy of which is attached to, and incorporated in, this Judgment of the Court.

3. Petitioners are the prevailing parties and are awarded their costs of suit and reasonable attorneys' fees in the amount of \$615,000.

4. The Court retains jurisdiction to enforce this Judgment until performance in full of its terms pursuant to Code of Civil Procedure section 664.6.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

DATED: _____, 202_

Hon. Chad Firetag
Judge of the Superior Court

1845459.2

Exhibit A

[Exhibit Omitted for Brevity]










Settlement Agreement_CVRI2200683

Final Audit Report

2024-12-12

Created:	2024-12-12
By:	Gladys "Tulua" Sanchez (tsanchez@smwlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsMPi-3jLABnIERDQomXBtHQlvKCa1kN3

"Settlement Agreement_CVRI2200683" History

-  Document created by Gladys "Tulua" Sanchez (tsanchez@smwlaw.com)
2024-12-12 - 1:32:11 AM GMT
-  Document emailed to amiller@smwlaw.com for signature
2024-12-12 - 1:32:37 AM GMT
-  Document emailed to Jonathan Shardlow (jshardlow@allenmatkins.com) for signature
2024-12-12 - 1:32:37 AM GMT
-  Email viewed by amiller@smwlaw.com
2024-12-12 - 1:50:02 AM GMT
-  Signer amiller@smwlaw.com entered name at signing as Andrew Miller
2024-12-12 - 1:52:47 AM GMT
-  Document e-signed by Andrew Miller (amiller@smwlaw.com)
Signature Date: 2024-12-12 - 1:52:49 AM GMT - Time Source: server
-  Email viewed by Jonathan Shardlow (jshardlow@allenmatkins.com)
2024-12-12 - 2:25:48 AM GMT
-  Document e-signed by Jonathan Shardlow (jshardlow@allenmatkins.com)
Signature Date: 2024-12-12 - 2:27:05 AM GMT - Time Source: server
-  Agreement completed.
2024-12-12 - 2:27:05 AM GMT












Settlement Agreement

Final Audit Report

2024-12-16

Created:	2024-12-12
By:	Gladys "Tulua" Sanchez (tsanchez@smwlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAf25h3MUGQfXt_xj2aOcwcgA4Zov36UXI

"Settlement Agreement" History

-  Document created by Gladys "Tulua" Sanchez (tsanchez@smwlaw.com)
2024-12-12 - 5:42:01 PM GMT
-  Document emailed to mark@cdrepartners.com for signature
2024-12-12 - 5:42:11 PM GMT
-  Document emailed to mary ann ruiz (ruizmaryann@gmail.com) for signature
2024-12-12 - 5:42:11 PM GMT
-  Document emailed to Ana Gonzalez (ana.g@ccaej.org) for signature
2024-12-12 - 5:42:12 PM GMT
-  Email viewed by mary ann ruiz (ruizmaryann@gmail.com)
2024-12-13 - 6:17:07 PM GMT
-  Document e-signed by mary ann ruiz (ruizmaryann@gmail.com)
Signature Date: 2024-12-13 - 6:18:20 PM GMT - Time Source: server
-  Email viewed by Ana Gonzalez (ana.g@ccaej.org)
2024-12-13 - 10:38:27 PM GMT
-  Document e-signed by Ana Gonzalez (ana.g@ccaej.org)
Signature Date: 2024-12-13 - 10:40:34 PM GMT - Time Source: server
-  Email viewed by mark@cdrepartners.com
2024-12-16 - 11:11:12 PM GMT
-  Signer mark@cdrepartners.com entered name at signing as Mark Bachli
2024-12-16 - 11:17:35 PM GMT
-  Document e-signed by Mark Bachli (mark@cdrepartners.com)
Signature Date: 2024-12-16 - 11:17:37 PM GMT - Time Source: server

✓ Agreement completed.
2024-12-16 - 11:17:37 PM GMT

From: [George Hague](#)
To: [Planning Notices DG](#)
Cc: [Angelica Frausto-Lupo](#); [City Clerk](#)
Subject: II Comments on the Revised Draft EIR 2024 GPU/CAP
Date: Thursday, August 21, 2025 2:58:38 PM

Some people who received this message don't often get email from georgebrucehague@icloud.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Good afternoon again,

In addition to having inaccurate maps to the San Jacinto Wildlife Area (SJWA) you fail to address the impacts the Revised Draft Program Environmental Impact Report (“EIR”) for the proposed MoVal 2040 Project, which consists of the 2024 General Plan Update (“2024 GPU”), associated Zoning Text Amendments to Title 9 (Planning & Zoning) and Zoning Atlas Amendments, and 2024 Climate Action Plan (“CAP”) will have on this very special place with endangered and threatened species. I expect a complete section on this in the Final EIR. That must include the “Horse Ranch” Inholding along Davis Road south of most of the city and the proposed Rancho Belago Estates.

Thank you again,

George Hague

C10-1

From: [Lindsay Robinson](#)
To: [Planning Notices DG](#)
Cc: [City Clerk Staff DG](#); [City Clerk](#); [Angelica Frausto-Lupo](#)
Subject: Response to revised EIR/GPU
Date: Thursday, August 21, 2025 11:27:09 AM
Attachments: [Safe Attachments Scan In Progress.msg](#)

Some people who received this message don't often get email from lr92555@gmail.com. [Learn why this is important](#)

Warning: External Email – Watch for Email Red Flags!

Dear planning staff,

My letter opposing your severely flawed revised EIR is attached. Please include it in the public record and address all my questions and requests.

Thank you,
Lindsay Robinson
Northeast Community Resident

┌ C11-1

Dear Planning Departments, Staff and Councilmembers,

Please enter this letter in the public record.

I am writing as a long time Northeast Moreno Valley resident and active community member to formally submit my opposition to the revised draft EIR and GPU as currently presented. Your revised document is even more severely flawed than the previous version and contains very flawed data as well as important data missing or misleading. Garbage in, Garbage out! High staff turnover exacerbates bad planning decisions too. Paid consultants and staff have had unlimited time to work on the revisions but we're only given 45 days which isn't nearly enough time to dissect the documents thoroughly while continuing with our everyday survival. Previous requests for extensions have been denied as the city really doesn't want our participation so we've learned not to bother asking

C11-2

The city did a superb job of ignoring the voice of the residents in the Northeast Community. We had no council person and no voice on the Gutierrez committee of only his friends and financial benefactors. There were no meeting minutes of their closed meetings and with covid we had NO meeting on our end of town where other areas of the city had meetings before the shutdown. Those of us who actually live in the area and will suffer the severe negative impacts should be the major decision makers! When the courts struck down the 2021 GPU we truly believed our new leaders and staff would actually redo the GPU honestly and ethically. Sadly, we were disappointed once again.

C11-3

Community character is an important aspect of areas throughout the city and a general plan update is required to protect community character. A very glaring omission in the city's document is the absence of the Northeast in your discussion of community character. **Why did the city neglect to include the Northeast community in their document?** The obvious answer is so you wouldn't have to protect our area from high density housing and commercial if you pretended, we aren't a community. We are a community of large lots and animal keeping. We have our own facebook page as well as an email list of our residents.

Our area is defined in the Municipal Code as the area east of Laselle, west of Theodore, south of county line down to Cottonwood. We are a PAKA overlay area. Failure to protect our community character violates the rules of GPU and should void the inclusion of R10 and commercial in the Northeast.

Please explain why you think it's ok to omit the Northeast Community in your document and analysis.

C11-4

*"5/6/2021 9.07.080 Primary animal keeping overlay (PAKO). qcode.us/codes/morenovalley/view.php?topic=9-9_07-i-9_07_080&frames=on 1/1 Moreno Valley Municipal Code Up Previous Next Main Search Print No Frames Title 9 PLANNING AND ZONING Chapter 9.07 SPECIAL DISTRICTS Article I. Special Districts in General 9.07.080 Primary animal keeping overlay (PAKO). A. Purpose and Intent. The primary purpose of the primary animal keeping overlay district is to maintain animal keeping and the rural character of the areas noted within the overlay district and designate a portion of the parcel for medium and large animal keeping. B. Applicability. **The primary animal keeping overlay (PAKO) district and standards shall apply to animal keeping activities in the RR (rural residential), R1 (residential-1) and RA2 (residential agricultural-2) land use districts only within an area bounded by Nason Street to the west, Theodore Street to the east, the city limit line to the north and Cottonwood Avenue to the south. C. Zoning Map Designation. The primary animal keeping overlay district shall be designated on the zoning map by the symbol "PAKO."** D. Development Standards. 1. Lots within the designated animal keeping overlay district shall include a primary animal keeping area (PAKA) of three thousand (3,000) square feet. The PAKA may be*

located in the rear, side or front yard, subject to the standards within this section. PAKAs within the front yard will only be allowed when the main habitable structure maintains a minimum setback of seventy-five (75) feet from the front property line. PAKAs on individual lots shall be grouped together and placed immediately adjacent to those located on an adjoining lot. If unique site constraints exist on a lot, the PAKA may be located on another portion of the lot as approved by the community and economic development director. 2. No non-animal related structures shall be allowed in the PAKA. Animal-related structures located within the PAKA shall not exceed forty (40) percent of the PAKA. 3. A dedicated primary animal keeping area (PAKA) shall be recorded on each newly created lot and included within the project CC&Rs if applicable. 4. All PAKAs shall have a twenty (20) foot minimum setback from any habitable structure. 5. All PAKAs shall be located on flat usable land with a slope no greater than four percent. 6. A minimum width of fifteen (15) feet shall be provided for vehicle access on one side of the lot, with clear access to the PAKA. 7. PAKAs that are developed at a lower or higher grade than the residence pad shall include an access ramp with a slope no greater than twenty-five (25) percent, and a minimum travel width of twelve (12) feet. 8. Lots within the PAKO shall adhere to the minimum lot standards within the underlying zoning district, including planned unit developments (PUDs). 9. Developments within the PAKO shall include feeder trails on one side of the street. 10. The above standards only apply to newly created residential subdivisions within the primary animal keeping overlay (PAKO) district. Specific primary animal keeping areas (PAKAs) shall be designated on all tentative maps and recorded on all final subdivision maps. (Ord. 731 § 3.2, 2007) View the mobile version."

C11-4
cont.

Clearly R10 and commercial do not fit our community character and need to be removed. Dividing our community is also considered a severe negative impact which R10 and commercial both do.

to Cactus Avenue. It provides an access to Cactus Avenue via Centerpointe Drive and Towngate Boulevard, Sunnymead Boulevard. Frederick is a four-lane road with a wide center median that accommodates both a landscaped median and left-turn lane or in some locations, two left-turn lanes in the stretch between Sunnymead Boulevard and Eucalyptus Avenue. Frederick Street is lined with a mix of residential developments including Towngate Plaza, Moreno Valley Community Park, a small golf course, offices, small neighborhood retail centers, gas stations, City Hall, and the Moreno Valley Conference and Recreation Center, as well as distribution and storage facilities at the south end of the street. Building heights vary between one and two stories for single-family residential buildings, one to three stories for apartment buildings, one to two stories for office buildings, and one story for retail buildings. City Hall is a 2-story building, and distribution and storage buildings are up to 50 feet high.

e. Neighborhoods

Before the city experienced significant growth in the 1980s and became an incorporated city in 1984, three incorporated communities existed within current city limits: Edgemont, Sunnymead, and Moreno. Today, some of the original fabric is still recognizable, particularly in the area around Sunnymead Boulevard, which is characterized by smaller block and parcel sizes. Most of Moreno Valley's west side is developed with no clearly defined separation between Edgemont and Sunnymead.

The Southwest Area includes the west side of the city that includes the older Edgemont area, near the junction of SR-60 and I-215. Development along Alessandro Boulevard includes a mix of single-family residential areas, auto-oriented commercial centers, City Hall, other public facilities, and large distribution centers south of Alessandro Boulevard. Large-scale regional retail centers are located on the north side of Edgemont on both sides of State Route 60. Several shopping centers form the Towngate area: Canyon Spring Plaza, Towngate Highlands, Moreno Valley Mall, Towngate Crossing, Towngate Promenade, The Quarter, Towngate Square and Towngate Center. This area also includes several hotels up to four stories high. In the southern part of the Southwest Area are a business park area, civic uses, and some commercial uses including large distribution centers.

The Central Area is located east of Heacock Street and north of Alessandro Boulevard. It is situated along Sunnymead Boulevard and includes the older Sunnymead area. A finer-grained street grid creates smaller blocks in a quadrant south of Sunnymead Boulevard between Heacock Street, Perris Boulevard, and Dracaea Avenue. Similar to the older part of Edgemont, this area is characterized by stand-alone one-or two-story residential buildings. Commercial activity focuses on Sunnymead Boulevard and Alessandro Boulevard, with some neighborhood shopping centers also located at Perris Boulevard. A gateway sign to the east of the intersection with Frederick Street marks the entrance to the Sunnymead commercial area. The area has a large park, Sunnymead Park, at the corner of Fir Avenue and Perris Boulevard. Along Alessandro Boulevard, neighborhood shopping centers are auto-oriented with surface parking fronting the roadway. "The District" is a larger retail and business park

center on a 20-acre site with home improvement stores and smaller services that has recently been redeveloped. Generally, building heights in the Central Area are between one and two stories. Some multi-family buildings are three stories.

Southeast Area is generally the southeast portion of Moreno Valley. It features new schools, medical centers, stores, shopping centers and single-family and multi-family homes. It is located from Lasselle Road to the west, east to Gilman Springs Road, and from the southern City boundary with the Lake Perris State Recreation Area north to the northern city boundary, north of Ironwood Avenue and Locust Avenue. The majority of development has occurred in the western half of this area, with the eastern half remaining undeveloped. One exception is the Sketchers Factory Outlet and Distribution Warehouse on the south side of SR-60 in the eastern portion of the community. The Moreno Beach Plaza is also located on the south side of SR-60, to the west. The Riverside County Regional Medical Center and Riverside University Health System Medical Center are located at the northeast corner of Cactus Avenue and Nason Street.

Valley View High School, Mountain View Middle School, and Moreno Elementary School, and Riverside County Fire Station 99 are all located between Nason Street, Morrison Street, Cottonwood Avenue, and Eucalyptus Avenue, in the western portion of the area. Kaiser Permanente Moreno Valley, Moreno Valley College, Ridgecrest Elementary School, La Jolla Elementary School, Landmark Middle School, and Vista Del Lago High School are all located in the southwestern portion.

The Northwest Area is located at the foot of the Box Springs Mountain range, adjacent to Box Springs Mountain Reserve Park, which features open space, hiking trails and the Moreno Valley M. The Northwest Area community is entirely north of SR-60, with Ironwood Avenue and Manzanita Avenue forming the southern boundary, connected by the north/south running Heacock Street. The Northeast Area community is predominantly residential and features five elementary schools; Seneca Elementary School, Box Springs Elementary School, Honey Hollow Elementary School, Hidden Springs Elementary School, and Sugar Hill Elementary School. Canyon Springs High School is located on the east side of Pigeon Pass Road. The Northwest Area community is also served by Vista Heights Middle School. Other prominent land uses are Poorman's Reservoir and Sunnymead Ranch Lake Club. Local parks and neighborhood commercial land uses also serve the community.

The South Area is bounded by Alessandro Boulevard, Kitching Street, Heacock Street, and the industrial area to the south. The South Area community is located just east of Moreno Valley City Hall and March Air Reserve Base (MARB). This community features a mix of residential, commercial, and industrial land uses. Schools that serve this community are Chaparral Hills Elementary School, March Middle School, and Badger Springs Middle School. Several shopping centers are located on the south side of Alessandro Boulevard and at major intersections. There are also several distribution centers located in the southern portion of the community. John F. Kennedy Veteran's Memorial Park provides sports fields, tennis courts, and other recreational amenities. There are several large undeveloped parcels within the South Area community.

Failure to include the Northeast as a community neighborhood should make this entire revised document invalid.

This revised EIR/GPU is basing its EIR analysis on very outdated data. It knowingly includes the Town Center, Aquabella and Mall all of which have already been through the planning approval process and were approved before this document was printed. Aquabella's housing element increased from 2900 senior units to 15,000 market rate apartments, the Mall 1600 apartments and 900 units for the Town center therefore the revised EIR is invalid and needs to be redone to reflect these numbers in the housing element, traffic, pollution, noise etc.

We've exceeded our RHNA during the last cycle and will far exceed for cycles to come. Even your own analysis without the above numbers shows that RHNA will be exceeded therefore there is no need to place R10 (for Nelson Chung profit) in the Northeast. High density is not needed there; it divides the community and destroys our community character in violation of the rules for GPU.

Please also read the following article and analysis of the housing market down trend that further shows we don't need high-density housing in the Northeast.

Housing: The Pain Is Just Beginning

Aug. 18, 2025 6:11 PM ET



[Bret Jensen](#)

<https://seekingalpha.com/article/4814640?qt=9be99d1dcc61869b>

Summary

- The housing market remains moribund, with home affordability near historical lows.
- Existing home sales are at their lowest levels since 1995, and home builders are having to offer ever larger incentives to move inventory.
- Home contract signings in July were lower than they were during the housing bust in 2008 and 2009.
- Several emerging trends will likely dump millions of additional homes on an already struggling market.

As described in Chapter 3, buildout of the 2024 GPU would result in development of approximately 33,812 new homes, which is greater than the RHNA allocation assigned to the City of 13,627 new homes. This exceedance of the RHNA allocation would provide a buffer in all income categories to ensure the City can navigate the no net loss provisions of the State Housing Element law and have continued ability to meet the RHNA by income group throughout the planning period. As described in Chapter 3, Project Description, the Housing Element was certified by the State of California's Housing and Community Development Department on October 11, 2022 and is not being amended as part of this Project.

Chapter 3 also documented that buildout of the 2024 GPU would result in approximately 86,860 households in 2040, which would be greater than the 2040 SCAG household projection

Aquabella's 15,000 homes exceeds the 13,627 RHNA allocation by itself which further supports our claim that R10 or other high-density housing is not needed in the Northeast Community.

The city makes claims of needing all housing types for varying lifestyles, yet eliminates Hillside Residential, Estate and large lot animal keeping lots in this report. **How do you justify these eliminations as they are all desirable housing elements to many? We need to preserve what's left of our large lot, equestrian area and promote it not destroy it.**

Why have you eliminated the Estate housing element for our area, but now promote it for Benzeevi's Rancho Belago Estates?

If you truly believe what you claim about needing all types of housing, then no R10 belongs in our R2 neighborhood and we will far exceed the RHNA without high density in the Northeast.

↑ C11-6
cont.

Your traffic and noise data are also inadequate. The few streets you did in the vicinity of Moreno Beach show significant impacts that won't be mitigated. It's very disturbing that you neglected to include some of the streets that will be even more severely impacted by R10 and commercial along Moreno Beach. **Please explain why Oliver from Ironwood to the 60 fwy, Pettit from Ironwood to the 60 fwy, Walfred, Darlene, Carol, Hemlock, Hinson and Fenimore were not included in this analysis. Hemlock is not currently a through street, but will have severe negative impacts with noise, traffic, air pollution and crime should it be punched through to Theodore.** Pettit, Hinson and Fenimore within the Sterling Ranch development will also suffer the same severe negative impacts as will the residents and streets along Oliver. The severe negative impacts that can't be mitigated should stop R10 and commercial and analysis of these areas needs to be done before proceeding further.

C11-7

Your failure to study the noise and traffic along the most affected roads/residences demonstrates that this is not a fair, impartial and independent document as including this data will prove the severity of the negative impacts that can't be mitigated.

Why doesn't this revision do a proper job of mitigating all of these negative impacts? Removing R10 and commercial and retaining the 2006 gpu for this neighborhood is the honest, fair and ethical action to take.

There are numerous severe negative impacts for our Northeast Neighborhood associated with the wlc that won't be mitigated. This revision should include the cumulative effects.

Please provide an analysis of the cumulative impact of all the severe negative non-mitigated health, noise, traffic, air and light pollution issues that the Northeast Community will suffer from the wlc and why wasn't that included in this revision?

C11-8

I request updated and more inclusive traffic and noise studies and a more realistic analysis of the cumulative traffic and noise impacts associated with high density housing and commercial in our R2 neighborhood especially as it's compounded by the unmitigated severe negative impacts we will suffer from the wlc. Please include truck traffic and how the city will do a much better job of keeping trucks out of our neighborhoods.

4.13.9.1 Topic 1: Increase in Ambient Noise

a. Traffic Noise

Impacts to existing sensitive land uses located in areas that would experience a significant increase in ambient noise levels exceeding the applicable land use and noise compatibility level would be significant and unavoidable at this program level of review.

C11-9

a. Traffic Noise

Increase in Ambient Noise

Long-term traffic noise that affects sensitive land uses would be considered substantial and constitute a significant noise impact if the 2024 GPU would:

- Increase noise levels by 5 dB or more where the “no project” noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the “no project” noise level is 60 CNEL to 65 CNEL; or

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Page 4.13-28

C11-9
cont.

Manzanita Ave	Indian St to Ferris Blvd	1,267	57.1	680	70.8	18.2
Moreno Beach Dr	Locust Ave to Juniper Ave	2,741	59.3	3,362	69.6	10.3
Moreno Beach Dr	Juniper Ave to Ironwood Ave	2,707	59.2	3,230	77.2	17.9
Moreno Beach Dr	Ironwood Ave to SR 60	9,296	68.3	13,533	77.2	8.9

Your proposal to add commercial north of the freeway will create too much ambient noise and traffic that will severely affect the health and quality of life for the residents in the Northeast Neighborhood and especially Sterling Ranch and Davis Ranch as it will decrease our ability to fully enjoy our homes and backyards with any sense of peace and quiet. **The current zoning for office is the proper zoning as they are generally 8-5 and no excessive noise. Honor your own rules and remove R10 and commercial from the Northeast.**

4.13.1.1 Noise-Sensitive Receptors

Noise-sensitive receptors are associated with land uses wherein quiet environments are necessary for enjoyment, public health, and safety. Noise-sensitive receptors include residential (single and multiple dwelling unit development and similar uses); transient lodging (which are sensitive at night including hotels, motels, and similar uses); facilities for long-term medical care; daycare facilities; private or public educational facilities; libraries; churches; and other places of public gathering. Exterior use areas may additionally be considered a noise-sensitive receptor where frequent human use for prolonged periods (at least an hour) may reasonably occur. Common examples of exterior use areas include residential backyards, multiple dwelling unit communal areas, patios, picnic areas, recreation areas, playgrounds, active sports areas, and parks. See Figure 4.13-1: Existing Noise Sensitive Receptors.

C11-10

Please provide better data and analysis on the severe negative effects that the children at Calvary Chapel will be exposed to on a daily basis. Seeing such high numbers that the city is accepting at the school is very troubling. We already have some of the worst air in the state so our children deserve better.

Commercial adds additional severe negative impacts that weren't properly addressed. Businesses that run 24/7 again add severe negative impacts with noise, traffic, light pollution, bring crime and trucks using non-truck routes through our residential neighborhoods. We currently have trucks illegally using our streets daily with no enforcement. Your report promises relief but experience shows us it won't happen.

The noise can't be mitigated if commercial is allowed. We have more than enough commercial south of the freeway and more coming to the Town Center. Using words like envisions, could be, might etc. makes it sound nice but unless it says "will" than it will only be warehouses, fast food, car washes- low paying jobs not some nice walk around gateway to the city as the fancy brochure describes. Benzeevi has already told a Theodore property owner that warehouses have been approved up to Ironwood and reading this statement seems to indicate it's true.

A very serious error is the description of Highway office/commercial- Office and commercial were only supposed to go to Hemlock. Why does this say south of Ironwood and not south of Hemlock? Is this another behind closed doors change to what we were told? Please explain how an error of that magnitude was in the city document. Benzeevi has told property owners on Theodore that it's already approved for warehouses to go in up to Ironwood so once again it's difficult to trust the city. Extreme errors such as this one show that this revised EIR/GPU needs to be thrown out and done the right way.

C11-11

Highway Office/Commercial. The Highway Office/Commercial Concept Area is proposed in the northeastern portion of the City, north of SR 60, south of Ironwood Avenue, west of World Logistics Parkway, and east of Moreno Beach Drive. The Highway Office/Commercial Concept Area envisions the creation of an inviting gateway of retail, commercial, office, and other uses (e.g., employment campus; educational campus). Office buildings, business commercial, and professional uses are “normally acceptable” with noise levels up to 70 CNEL and “conditionally acceptable” with noise levels up to between 75 and 80 CNEL.

Future vehicle traffic noise levels adjacent to roadways in this area would mostly range from 55 to 75 CNEL. Noise sensitive uses located closest to SR 60 could be exposed to noise levels over 85 CNEL. Noise compatibility impacts at the Highway Office/Commercial Concept Area would be potentially significant.

C11-11
cont.

The document claims the city will work with the residents on the noise issues but we know that's not true as we were ridiculed and ignored regarding the sleep depriving noise from the Solaris Paper company. We went from quiet days and nights to severe noise 24/7 with people needing to keep windows closed to try to get some noise relief, and we would be awakened at 1 and 3 am when they cleaned their improperly placed tubes.

C11-12

What will the city do differently to mitigate 24/7 noise that disturbs residents sleep and their ability to enjoy their homes to the fullest as well as feel safe as traffic and crime increase?

Light pollution also needs to be more adequately addressed- our 2006 general plan protects our night skies. What will the city do to limit the glare and light pollution? Again 24/7 businesses aren't needed north of the freeway.

C11-13

Goal

N-1: Design for a pleasant, healthy sound environment conducive to living and working.

Policies

N.1-1: Protect occupants of existing and new buildings from exposure to excessive noise, particularly adjacent to freeways, major roadways, the railroad, and within areas of aircraft overflight.

N.1-2: Guide the location and design of transportation facilities, industrial uses, and other potential noise generators to minimize the effects of noise on adjacent land uses.

C11-14

b. Operation

Buildout of the 2024 GPU would generate operational emissions that would exceed SCAQMD's regional significance thresholds and cumulatively contribute to the nonattainment designations of the Basin. Mitigation Measure AQ-5, in addition to the 2024 GPU goals and policies, would reduce air pollutant emissions. The conditions and policies covering topics such as expansion of the pedestrian and bicycle networks, promotion of public and active transit, and support to increase building energy efficiency and energy conservation would also reduce criteria air pollutants within the City. However, impacts would remain significant and unavoidable due to the magnitude of the overall land use development associated with the implementation of the 2024 GPU. Impacts would remain significant and unavoidable.

C11-14
cont.

Public Safety- we are one of the safest if not the safest community within the city. The proposed changes will drastically change that with no explained attempt to protect us.

What will the city do differently in our Northeast neighborhood to protect the existing residents from the crime that will follow 24/7 commercial businesses and high-density housing?

Opening Hemlock to through traffic severely impacts the safety of the residents of Sterling Ranch. What is currently a safe neighborhood to walk, bike and jog will suddenly be subject to high-speed traffic and trucks. It's also a very safe neighborhood with only 2 entrances/exits. Our calls for police assistance can go unanswered for over 24 hours- how will that change with high density and commercial?

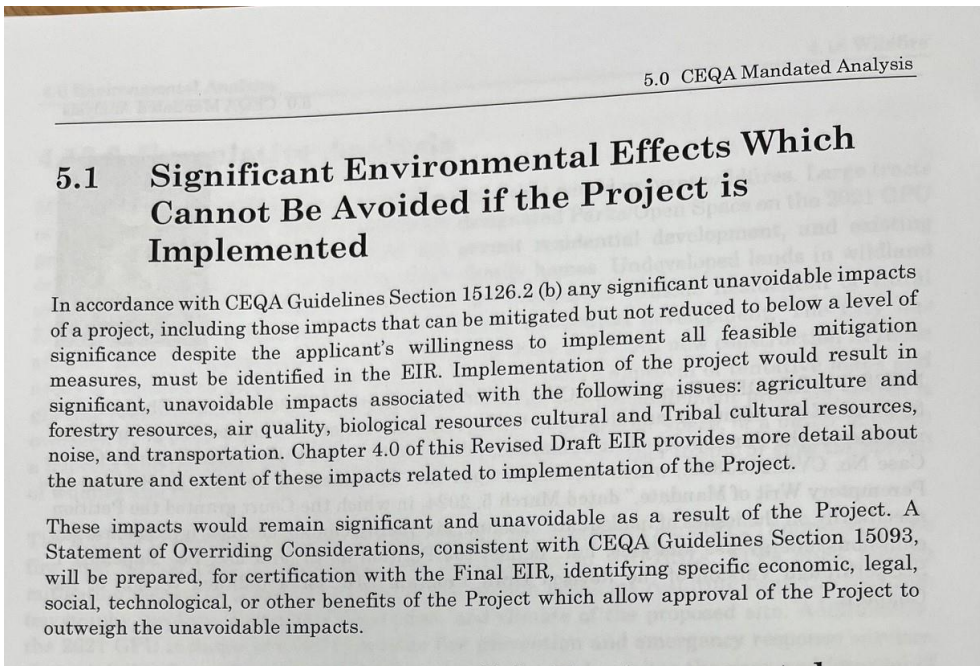
The R10 seen throughout the city are huge homes on small lots. These homes don't have to provide adequate parking for all the extra people that will be living there; thus, they will be crowding our residential areas with parked cars that will invite more car break ins and thefts. Sufficient parking onsite needs to be required.

As any scientist knows you can skew data to say whatever you want especially if you ignore the most important data points such as our Northeast Neighborhood Community Character, neglect to collect data on the most severely affected streets, use outdated housing data, use inadequate traffic data etc. Therefore, I am requesting that the entire process be redone and actually allow the Northeast residents to be part of the committee. Retaining our 2006 zoning is the appropriate action and the residents who actually live here and will suffer the severe negative impacts that won't be mitigated should have more say than campaign donors Nelson Chung and Iddo Benzeevi who stand to financially profit at the expense of our health, quality of life and wellbeing.

C11-15

Playing Russian Roulette with our health and quality of life is just wrong. People who don't live here and won't suffer the severe negative impacts have been given too much control and silence our voices. R10- and Commercial are not needed nor wanted on the Northeast end of the city. Let the residents have a voice.

Through your own admission there will be severe negative impacts on noise, traffic, air pollution etc. that will affect the residents in the Northeast. **In the interest of transparency, please provide that data and information immediately and not force us to wait for your final EIR.**



C11-15
cont.

This revised EIR fails to truly explore a reduced scale alternative. We've exceeded housing requirements already, and certainly have enough warehouses/industrial buildings in other areas of the city, The Northeast Community deserves to retain its unique attributes and not become just like the rest of the city.

Forty five days isn't enough time to analyze and comment on the entire document, thus you are spared my comments on greenhouse gas etc. The comments I've provided should be enough to halt this GPU/EIR that is attempting to destroy our Northeast Community.

C11-16

This has not been an honest and ethical revision and the city should not promote nor approve this without doing a more complete analysis with adequate data that truly shows how the Northeast Community will suffer.

The project, in its current form, poses significant risks to the environmental quality, health and well being to the Northeast Community. The revised draft EIR doesn't adequately address these impacts nor offer sufficient mitigation measures. Please revise the revision and recirculate the Draft EIR with better and stronger analysis and community protections for our Northeast Community.

Please notify me of any future meetings.

Thank you,
Lindsay Robinson
Lr92555@gmail.com

My comments from 2021 still are valid even though they were ignored before:

Dear council, staff, planning commission and residents,

I am writing to voice my opposition to the proposed revised general plan update and draft revised EIR and ask that this document be entered into the public record (and actually read by staff, planning commission and staff). CEQA identified two alternatives that protect the NE end of Moreno Valley, **6.4 Reduced Growth Alternative and 6.5 Redistributed Growth Alternative which has been identified as 6.6 Environmentally Superior Alternative**. Both of these alternatives retain our 2006 general plan land uses in the NE and are the appropriate actions.

When the pandemic hit, many residents requested that the general plan update be postponed until the public could fully participate at ALL committee meetings in an open atmosphere. **We were denied.**

Committee meeting minutes should be public record yet there aren't any available. Clearly the committee was meeting as the final proposal suddenly has R10 housing in the NE area. The consultant was also editing/censoring our comments during the process which appears to violate the public participation aspect – they handpicked comments that agreed with what they wanted. Additionally, questions were NOT answered.

Mayor Gutierrez created a handpicked, biased general plan update committee consisting of his two largest donors, Iddo Benzeevi (warehouses) and Nelson Chung (Pacific Communities- giant homes/small lots no large lots), three planning commissioners (Joann Stephens, Alvin DeJohnette, Ray Baker) and an MVC representative (Carlos Lopez) who are all loyal supporters/friends of Mr. Gutierrez and Mr. Benzeevi. Residents of the NE area requested that Mr. Gutierrez also appoint a representative resident of the NE to protect our interests. **Our request was denied.**

Our council person was holding meetings for different areas of our district, but the pandemic hit before our area had an informational meeting. Our council person passed away unexpectedly so we have no council representative on this very important process.

Residents requested that we be given a 30-day extension for commenting in order to fully read/study/research the documents. This is a common request that is usually granted according to attorneys. The general plan is roughly 188 pages with an additional summary document, the CAP is 72 pages with another 30-page appendix, and the draft EIR is 541 complicated pages with an appendix. As residents have very full lives and extension was justified so that they could comment on the entire process. **Our request was denied.**

The city has failed miserably in making sure the public are well informed throughout this process. At this juncture it is clear the city doesn't want full public participation. For the Beautify Moval event the city flooded FB with multiple posts per day, but not for something as important as the general plan update. NE residents in some of the most negatively impacted areas have received no notification from the city. The city picks and chooses what to publicize which severely limits participation.

I will address different areas of the proposed plan and EIR as presented in your documents.

GP page 14 there is a map showing the city boundaries. This map shows that some county land is now included within the city boundaries rather than sphere of influence. Has the city annexed the county land in the area of Walther/Sean Ct./Harry Keith? If so, when did this occur? City staff still refuse to help the residents in that area as they say it is county. Please provide answers to these questions and if the map is flawed it brings into question the entire document.

GP 17: In addition, a General Plan Advisory Committee (GPAC) was formed to serve in an advisory role— advising and informing City staff, consultants, Planning Commission, and City Council—and met regularly throughout the course of the

Robinson GPU Opposition

project to help define community input into a shared vision, brainstorm issues and ideas, and review the policy content of the General Plan to ensure that it met the needs and desires of the community....

This states that the GPAC met regularly so why are there no meeting minutes available to the public? Committee meetings of this importance with highly biased members need to be transparent. Again, the committee did not represent the residents in the NE area which allowed GPAC to start the process of destroying our community character. Why were they allowed to censor comments that didn't fit their personal agenda?

GP 18 describes livable neighborhoods- The proposed changes to our area clearly violate this "vision" Our 2006 general plan protected our area and needs to be retained.

- 1) Our area of large lots/nice homes/animal keeping meets many of these goals- we have a large population of seniors/retired residents as well as families. We have grown older here. This area is much desired as step up homes. The pandemic has shown that we need the large lots for social distancing/safe outdoor activities etc. in a relatively crime free area. Where have the majority of shootings been occurring? Not in the NE area!
- 2) How can you predict the future needs and lifestyles? This plan has eliminated the executive housing and animal keeping housing that are also important future needs. Why were those eliminated from the plan?
- 3) Our neighborhoods are already interactive – just not in the way this plan seems to think we should. Why are you eliminating an entire area of lifestyles/interactions?
- 4) Prioritizing safety on roads? We already have a difficult time getting any assistance from city staff even when we offer suggestions and offer to pay for safety measures. We are a unique area that doesn't conform thus we get no assistance from the city that other areas receive (most notably special favors for council members). This plan increases road danger throughout the NE. You're adding commercial to an area where the roads are not truck routes. Are you planning to change our roads to truck routes? Why weren't truck routes added to the general plan and all their added noise, pollution, road destruction, and traffic? The city is unable to enforce the existing truck routes as it is, how will you enforce our area roads in the future? Widening Moreno Beach will just increase the already too excessive speeds on our roads. We don't have enough traffic officers to assist us now; how will you assist us in the future? The excessive traffic this proposal will bring will pose excessive danger on our roads to those of us who ride bikes, walk, jog, horseback ride and you will not mitigate these extra dangers.
- 5) Our residents have very active lifestyles already as noted above. The city has failed our area in not completing our master planned trail system as is seen in other areas of the city. If this is a city priority, when will you complete our trails in this area? The NE is woefully underserved with city parks/open space. Residents have requested that the city purchase the land at Ironwood/Nason for an open space nature park as it is part of the master planned trail system, has an abundance of wildlife and trails and a natural spring. As always, the city ignores our requests and adds more parks south of the freeway.
- 6) The addition of the warehouses south of the freeway contradict your claim of prioritizing community health/clean air and adding commercial north of the freeway will compound the problem. Quality of life is an important part of community health and commercialization of our area is inappropriate. How will you limit the noise/traffic/pollution/trash/crime associated with commercial areas? The city has been unable/unwilling to mitigate the incessant and excessive noise from the paper company that has disrupted sleep in our established neighborhoods. Our 2006 plan specifically prohibited encroaching into residential neighborhoods with warehouses. Why have our staff and officials violated this over and over? Will you amend our noise ordinance to include warehouses so that they can't operate 24/7 in our neighborhood? Will you protect us by requiring all commercial activity north of the freeway to shut down from 10 pm to 7 am to protect our community health? A necessary solution due to poor planning is to amend the city noise ordinance to include warehouses and commercial buildings that have encroached into residential areas. If you're not willing to limit their noise and hours of operation, this proposal is inappropriate and our 2006 plan needs to be retained.
- 7) Maintain roads? How do you propose to do that when adding so many additional cars/trucks to this area? Our roads are crumbling and the city is unable to maintain them currently.

8) Ensure livability- this proposal ruins the livability of our neighborhood. We are the last remaining area of large lots suitable for people of all ages. We have seniors, veterans, families, executives, and animal keepers all living in relatively quiet, safe, crime free neighborhoods. There are even group homes here. Wildlife co-exists and are an important part of our neighborhoods. Night skies are highly valued.

We are an area that the city should value for its uniqueness and what it offers to those who chose not to live in high density areas or next to warehouses/commercial businesses. Your plan as written seeks to destroy all that we value and will open the way to rezoning our remaining lots to commercial or small lots. You will in essence violate your own goals with these changes therefore the 2006 general plan needs to remain in place.

LIVABLE NEIGHBORHOODS ♦ Recognize that housing affordability is critical so people can grow up and grow older in Moreno Valley ♦ Provide housing adapted to our future needs and lifestyles ♦ Create opportunities for neighborhood interaction ♦ Prioritize safety on roads, near schools, in public places, and neighborhoods ♦ Promote active lifestyles with trail connections, par course courses, and other recreational amenities ♦ Prioritize clean air, water, fresh food, and community health ♦ Maintain roads in good condition, improve traffic circulation, and plan for new technology that optimizes mobility ♦ Ensure Moreno Valley is livable and welcoming for seniors, veterans and other special needs groups

EIR Land use (e) analysis regarding neighborhoods- e. Neighborhoods- Why did the analysis lump the NE area into the SE neighborhood? The NE is a separate neighborhood consisting of semi-rural, large lot, animal keeping residential areas nothing like what the SE has been relegated to (warehouses, 24/7 harmful noise/pollution, ruined health and quality of life). The NE neighborhood character needs to be protected and valued for its uniqueness not destroyed by irresponsible planning. Our neighborhood is all that is left of what had been promoted as Rancho Belago the “Beverly Hills” of Moreno Valley. Had the 2006 general plan (final build out plan) been adhered to, the east end of the city would have been developed into a wonderful and highly desired neighborhood of high-end homes, large lots, animals, schools, offices and open spaces. Poor decision making (and campaign donations) obliterated that vision and condemned the SE to warehouses encroaching into established neighborhoods and eliminating residential lots. The health and quality of life of the SE residents will be ruined so why would you want to continue the encroachment to the north? Why are you willing to destroy the one remaining unique and desirable area of our city? All analysis says that there will be significant negative impacts should this area be rezoned therefore the 2006 zoning needs to be retained.

GP 24- your land use pie charts are misleading as they don't appear to include all the new warehouses. The wlc alone will take up approximately 7% of the city land. Add in Festival and MV Trade Center and other new warehouses and the number is much higher. I asked the city planning department to explain the missing warehouse numbers but did not get a reply. This document should not have been published with misleading information.

GP 30. Residential neighborhoods form the basic fabric of the community. These are areas of the city characterized primarily by housing, parks, and community facilities. Neighborhood boundaries are based on the historic development pattern, subdivision boundaries, and local tradition. **Each neighborhood has its own distinct character**, defined by the buildings, streets, and public places, as well as by the people who live there.

The NE character has been defined as large lots and animal keeping therefore you need to preserve not destroy our sense of community character. Why does the city keep trying to destroy our unique character?

Please follow your own claims and deny the commercial and R10 zoning in the NE both of which completely conflict with our current land use with tremendous environmental negative impacts.

4.11.5.2 Topic 2: Conflicts with Applicable Plans and Policies

Would the project cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? YES

LCC.2-21 Orient residential uses to the street and discourage the use of walls and fences. Employ a variety of techniques to buffer residential uses on the corridors from traffic and noise, including setbacks, landscaping, stoops, and raised entries.

How do you intend to protect residential property from 24/7 commercial noise? The city has failed to protect NE residents from the incessant sleep disrupting noise from Solaris Paper Co and also failed to protect residents from 24/7 noise from the warehouses encroaching into their neighborhoods. Our 2006 general plan did not allow warehouses into residential areas.

Goal

LCC-3: Build a distinctive sense of place and pride in Moreno Valley.

How do warehouses build a sense of place and pride for the residents of Moreno Valley?

General

Policies

LCC.3-1 Insist on high-quality development that is sensitive to surrounding context throughout the city and particularly in centers and corridors. How will commercial operations in the NE neighborhoods be sensitive to us? The negative impacts associated with commercial businesses can't or won't be mitigated.

LCC.3-2 Use development standards to ensure smooth transitions for areas that border one another so that neighborhoods and districts maintain their unique qualities while being compatible with one another. How do R10 and commercial allow the NE to maintain their unique qualities? What unbreakable guarantee will the city provide that no more lot shrinkage will be allowed? The R10 is not needed and is not compatible with R2 lots and animal keeping areas and it will divide two very nice well established R2 neighborhoods. R10 is not transitional, but an extreme change.

How will the commercial designation be compatible to our neighborhood? How will you "transition" commercial next to the Sterling Ranch and Deane Ranch communities? What unbreakable guarantee will be provided to prevent commercial from creeping north to Ironwood and beyond?

LCC.3-17 Screen and buffer nonresidential projects to protect adjacent residential property and other sensitive land uses when necessary to mitigate noise, glare and other adverse effects on adjacent uses.

There is absolutely no way that you can or will use to protect our neighborhood from all the severe negative impacts that commercial and R10 will inflict on our neighborhoods. This Policy is impossible to fulfill.

Goal

LLC-4: Expand the range of housing types in Moreno Valley and ensure a variety of options to suit the needs of people of all ages and income levels.

How does eliminating two very important housing elements- executive and animal keeping large lots in the NE conform to goal LLC-4?

LCC.4-2 Promote the development of a greater variety of housing types, including single family homes on small lots, accessory dwelling units, townhomes, lofts, live-work spaces, and senior and student housing to meet the needs of future demographics and changing family sizes.

“Therefore, the project would not cause a significant environmental impact due to a conflict with any applicable plans, policies, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.”

The bold statement above is false as it pertains to the NE area. How can the addition of R10 properties not have a significant negative impact? They will increase noise, traffic, night sky loss, crime etc. Why are you promoting “a greater variety” of housing yet omitting the large lots valued in the NE end?

“Outside of the Concept Areas and specific plan areas, the 2021 GPU envisions new development on vacant parcels in a manner consistent with the existing land use pattern and character of the surrounding area.”

What unbreakable guarantee will be provided that the above statement will be adhered to? What will prevent the commercial and R10 designations to continue into the rest of the NE area? Give an inch and we know you will give a mile effectively destroying a very desirable, unique community. We have no reason to trust the city staff and officials as we’ve watched you destroy the SE neighborhood with warehouses contrary to the land uses, general plan, specific plans that were in place. What guarantee will be provided and enforced to stop the use of campaign donations to solicit a vote to allow more commercial and higher density homes in the NE? When will people over profits be the top priority over pay to play?

GP31- land use map

Again, it appears that the county land has been annexed into Moreno Valley inappropriately. I spoke with a resident who lives there and he never approved annexation into the city. Additionally, city staff as well as former council member Thornton will not/would not go up there to assist residents as it is county.

Has the city annexed the county land in the area of Walther/Sean Ct./Harry Keith? If so, when did this occur? City staff still refuse to help the residents in that area as they say it is county.

This map shows an Aquabella Specific Plan area. Mr. Benzeevi did not renew his extension on this plan when it expired (he had not done the required improvements to warrant an extension), therefore it should have been excluded, not protected from other uses and it should have not been falsely labeled as having an approved SP. Why did the Aquabella land get special treatment and protection? The Aquabella land is the perfect location for high density homes as it is near transportation, hospitals and amenities. It appears Mr. Benzeevi is again getting special treatment and it’s a conflict of interest to have him on the committee. Mr. Ormsby concurred that there is no Aquabella SP in place.

“With regard to your questions, I conferred with our Planning Division staff as I was not familiar with an approved project northerly of the Kaiser hospital/medical complex. Based on their input, I have confirmed that there have been no recent changes to SP218 that would allow additional commercial uses. Regarding the area that you mentioned northerly of Kaiser, there was an implementing application for a residential project approved for this site shortly after Aquabella was adopted. The rough grading for Aquabella that took place in 2007 appears to reflect the footprint of this project. The approval for the project has expired. Therefore, there is no approved project northerly of Kaiser hospital.

Aquabella is included within the Downtown Center designation of the proposed General Plan update which is currently available for public review at www.moval.org/2040. The city staff is currently working on the implementation of zoning to implement the Downtown Center designation. We anticipate that a Specific Plan

amendment/Area Plan would be needed in the future for the Aquabella Specific Plan to achieve consistency with the Downtown Center.

If you have any additional comments or questions, please let me know.

Chris

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The draft EIR document also touts the 2005 “Aquabella Specific Plan” another erroneous and misleading addition. The plan was for 2900 dwelling units that there has been ample time to build. There is NO Aquabella SP for the downtown corridor.

j. Aquabella Specific Plan (SP 218)

This specific plan was prepared by a developer and was adopted by the city in 2005 for the development of a gated active-adult community containing 2,900 dwelling units on approximately 730 acres near the Kaiser Permanente Medical Center between Brodiaea Avenue and Iris Avenue. Site grading began two years following specific plan adoption but the project was put on hold due to economic recession and slowdown of the housing market.

Since the city is including this SP in the EIR why haven't they required him to build it? Other builders have continued to construct houses in many areas of the city and the original recession stated was over for many years.

d. Nason Street Corridor Plan

Why does this section neglect to state that the city sold their land at Nason/Alessandro where the downtown center is supposed to go? Should the new land owner decide he doesn't want to build the downtown center as developed by all our public meetings, what guarantee is there that it won't turn into something else? City officials and planners have a bad track record when it comes to following the plans and regularly state that “it's his land, he can do what he wants” when it comes to rezoning and violating the general plan.

GP 33- You've painted a rosy picture of what commercial use could include. In reality “**Commercial land** can be any plot or section of **land** used for **commercial** purposes and intended to generate a profit. This means that the **land** hosts warehouses, industrial property, retail stores, parking lots, malls, hotels, office buildings, and medical centers.” It's common knowledge that Mr. Benzeevi refused to have a truck stop/fueling station on the wlc property so how will you protect our community against such a business?

Front page of the Press Enterprise Sunday May 16, 2021- BLOOMINGTON Opponents of truck fueling station cry foul. Residents say they were expecting retail stores and sit-down restaurants

We need definitive enforceable planning decisions that prohibit businesses such as truck stop, gas station, cannabis, fast food, or warehouses. We have plenty of fast food, gas stations etc., on the south side. Fine dining and high-end retail will not be supported especially if they are near Theodore, the road to the dump. We have empty commercial buildings at Stoneridge as well as other commercial and we should not be building more to siphon off their income. Only those residents who live here and who will suffer the negative impacts should be allowed to determine what type of commercial buildings will be permitted. Will the city guarantee us that protection? As you noted, this is a rural area so anything other than the already allowed office buildings should be prohibited. Any commercial activities need to shut down at 10 pm and not reopen until 7 am. There are no truck routes in this area, therefore only business that don't need truck service can be allowed. How will the city enforce the truck routes when they are unable/unwilling to do so currently? Why did the draft EIR neglect to address the increase in truck traffic, pollution, noise, and road dangers this rezoning brings to our neighborhood? Any commercial business effectively ruins the area for rural homes/animals so will you be allowing the commercial to creep up to Ironwood and beyond? The commercial aspect in the land use plan needs to be removed as it is contraindicative to our rural area. The 2006 general plan needs to be retained.

A very serious question I asked during the process that was never answered- Are the homes on Redlands Blvd between the freeway and Hemlock being rezoned to commercial as the map shows? If so, have they been notified of the change and how it affects them when they sell? If not, why has that glaring error not been corrected after it was pointed out many times?

Will the city be proactive and amend the noise ordinance to prohibit commercial and warehouse noise from 10 pm-7 am since they have been violating our 2006 general plan and encroaching into residential areas?

IGWAY OFFICE COMMERCIAL **OC** This designation provides for a distinctive employment or educational campus at the eastern gateway to the city. Primary permitted uses include office, educational, and/or research and development facilities organized in a clustered development pattern with intervening areas of landscaped open space. Auxiliary commercial uses, including restaurant, retail, and service uses are also permitted. The architectural style of development should reinforce the rural character intended for the surrounding area. The maximum permitted FAR in the HO/C designation is 0.4. On smaller parcels, additional FAR may be permitted to achieve the desired vision for the area.

How will you protect us from unwanted noise and intrusions into our sensitive area to promote a healthy living environment in the NE? How will you enforce thoughtful planning and design when you intrude into residential areas with warehouses and commercial businesses? Our neighborhood is one of the best in the city yet this proposal changes it to a less desirable and unwelcoming place to live. Addition of commercial noise creating businesses will effectively drive out those who would otherwise build on large lots and raise animals. The city continues to allow development that makes people embarrassed to say where they live. You can turn this around by respecting the residents and leave the 2006 general plan for the NE in place.

Unwanted noise can be defined as a sound or series of sounds that are intrusive, irritating, objectionable and/or disruptive to daily life.

The paper company and trucks in residential areas are examples of unwanted noise that is not mitigated.

Consequently, noise standards for sensitive land uses are more stringent than for those at less sensitive uses. To protect various human activities in sensitive areas, lower noise levels are generally required.

4.13.1 Existing Conditions

4.13.1.2 Ambient Noise Measurements

Robinson GPU Opposition

The city relies on published numbers dictating what permissible noise levels are allowable. These arbitrary numbers decided upon by researchers who clearly don't live in an area that is subject to incessant noise that disrupts sleep and limits our rights to enjoy our property. Loss of sleep equals lower quality of life as well as health issues. This report and the city rely on these numbers to deny us remedies to unacceptable noise levels. The council and staff live in established neighborhoods that are not being encroached on with operations that create disruptive noise 24/7 thus they don't care.

The tables in this section have some glaring omissions and errors as follows:

Suspiciously missing in the noise table is the Solaris paper company that is disrupting our sleep.

A fifteen-minute traffic count at only 8 locations is statistically insignificant and not valid to base ambient noise on.

The claim that manual counts of freeway traffic can't be done is false. I personally worked for Counts Unlimited for many years and performed freeway traffic counts which even included occupancy counts and vehicle types.

Redlands Blvd north of the 60 was not included in the study yet noise from trucks is keeping people awake at night now and will get worse with the additional warehouses in progress.

Trucks are illegally using Ironwood all day long and noise studies need to be performed there.

How can we trust your decisions when the data provided is incomplete or incorrect? What will the city do to start enforcing the truck routes and protect residential areas from unacceptable noise levels base on reality not some arbitrary table compiled by people who aren't subject to said noise levels?

N.1-4: Require a noise study and/or mitigation measures if applicable for all projects that would expose people to noise levels greater than the "normally acceptable" standard and for any other projects that are likely to generate noise in excess of these standards.

How will the city mitigate the increase 24/7 noise of commercial buildings in the NE? "Normally acceptable" standards are not reality when one lives there. Our "normally accepted" standard is quiet that has now been violate by the Solaris Paper Co.

N.1-5: Noise impacts should be controlled at the noise source where feasible, as opposed to a receptor end with measures to buffer, dampen, or actively cancel noise sources. Site design, building orientation, building design, hours of operation, and other techniques, for new developments deemed to be noise generators shall be used to control noise sources.

The city has failed us miserably in this category. How will the city change their current behavior to comply with N1-5? Will the city have better trained planning staff and inspectors who won't allow errors like the paper company with noisy apparatus inappropriately allowed outside the building? Will the city reverse its appointments to the planning commission to appoint more qualified commissioners who actually read, study and research the projects before them rather than rubber stamp everything through and "let them get settled in court"? Will the city amend our municipal code to limit the operating hours/noise creation of warehouses and commercial buildings encroaching into our residential neighborhoods? Including the words "if feasible" indicates that we won't be protected from excessive noise thus the 2006 plan for the NE area needs to remain!

N.1-6: Require noise buffering, dampening, or active cancellation, on rooftop or other outdoor mechanical equipment located near residences, parks, and other noise sensitive land uses.

Robinson GPU Opposition

Will the city actually follow this? Show us you're serious by taking care of the paper company noise.

N.1-7: Developers shall reduce the noise impacts on new development through appropriate means (e.g. double-paned or soundproof windows, setbacks, berming, and screening). Noise attenuation methods should avoid the use of visible sound walls where possible.

How will the city protect the existing residents from the new noise generated by allowing commercial businesses into the NE area? Existing homes should be the priority as it is their quality of life that is being threatened.

Goal

N-2: Ensure that noise does not have a substantial, adverse effect on the quality of life in the community.

Clearly the addition of commercial 24/7 businesses into the NE area will substantially have a severe adverse effect on our community and not mitigatable therefore the 2006 plan needs to be retained.

Policies

N.2-1: Use the development review process to proactively identify and address potential noise compatibility issues.

Will the city change how it's been rubberstamping projects and actually thoroughly vet projects and address the issues? Standard practice for some time now has been to allow severely negative impacts to proceed and basically say too bad.

N.2-2: Continue to work with community members and business owners to address noise complaints and ensure voluntary resolution of issues through the enforcement of Municipal Code provisions.

Will the city actually follow this and enforce the code? So many violations of Municipal Code are occurring at city hall led by staff and officials that it's difficult to trust.

Actions

N.2-A: Continue to maintain performance standards in the Municipal Code to ensure that noise generated by proposed projects is compatible with surrounding land uses.

How do you justify that commercial and warehouses are compatible with surrounding land uses when they are being allowed in residential areas? If this is truly a goal, why would you include commercial businesses in the NE where office is the only compatible zone? Offices are compatible as they'll operate during normal hours, limit traffic and noise, and protect our night skies. Commercial is incompatible.

N.2-B: Update the Municipal Code to establish controls on outdoor noise in public places, such as outdoor dining terraces in commercial mixed-use areas, public plazas, or parks. Controls may include limits on noise levels or hours of operation.

Why are only those few designations listed for an update in the municipal code when the real offenders are warehouses and 24/7 commercial operations? Why won't the city amend our noise codes to limit their hours of operation to protect the residents?

Traffic Noise projections:

Project buildout would result in a significant increase in ambient noise levels at the roadway segments listed below. These roadway segments **would not be impacted under buildout of the existing 2006 General Plan:**

- Alessandro Boulevard – Moreno Beach Drive to Quincy Street
- Cactus Avenue – Kitching Street to Lasselle Street
- Cottonwood Avenue – Indian Street to Perris Boulevard
- Genetian Avenue – Indian Street to Perris Boulevard
- Iris Avenue – Nason Street to the Moreno Valley Medical Center
- **Ironwood Avenue – Nason Street to Moreno Beach Drive**
- John F Kennedy Drive – Kitching Street to Lasselle Street
- John F Kennedy Drive – Heacock Street to Indian Street
- Kitching Street – Cottonwood Avenue to Alessandro Boulevard
- Lasselle Street – Iris Avenue to College Drive
- Lasselle Street – Eucalyptus Avenue to Dracaea Avenue
- Lasselle Street – John F Kennedy Drive to Gentian Avenue

Once again, retention of the 2006 plan is superior for the NE area as the proposed plan would result in significant ambient noise on Ironwood from Nason to Moreno Beach.

4.13.8 Mitigation

4.13.8.1 Topic 1: Increase in Ambient Noise

a. Traffic Noise

Impacts associated with the increase in ambient noise and land use compatibility would be significant without mitigation. For existing noise sensitive land uses, possible noise reduction measures would include retrofitting older structures with acoustically rated windows and doors featuring higher Sound Transmission Class ratings, which is a measure of exterior noise reduction performance. However, there is no mechanism in place for implementing such a retrofit program. **Because the significant noise impacts would be to existing homes and other noise-sensitive uses in an already urbanized area, there is no feasible mitigation. Therefore, impacts to existing sensitive land uses would remain significant and unavoidable.**

Will the city follow their own words and protect the NE area by voting no to the proposed plan as the 2006 plan protects this area? How will you justify a yes vote knowing you are ruining the health and quality of life of the residents in our unique established neighborhood?

Highway Office/Commercial--- Noise compatibility impacts at the Highway Office/Commercial Concept Area would be potentially significant.

Residential Density Changes-• South of Ironwood Avenue and north of SR-60 along Moreno Beach Drive. Future vehicle traffic noise levels in this area would range from less than 60 CNEL to 75 CNEL, and may exceed 75 CNEL at areas closest to SR-60. **Noise compatibility impacts at proposed residential uses would be potentially significant.**

Traffic noise mitigation in the NE area will be impossible, therefore the 2006 general plan needs to be retained for this area.

ADDRESSING NOISE CONCERNS As in any bustling and vibrant city, some noise is inevitable in Moreno Valley. Having systems in place to minimize unwanted noise before it occurs, and to manage noise concerns when they arise is important to ensure a healthy and economically dynamic future.

Goal N-2: Ensure that noise does not have a substantial, adverse effect on the quality of life in the community.

The paper company has had an extreme adverse effect on our quality of life and commercial will compound the problem. How will you ensure that there will be no additional substantial and adverse effects? The 2006 plan protects us the current proposal and staff do not.

Goal EJ-1: Reduce pollution exposure and improve community health.

The proposed project violates both of the above goals and thus needs to be rejected for the NE area.

4.13.9 Significance of Impacts after Mitigation

4.13.5.1 Topic 1: Increase in Ambient Noise

a. Traffic Noise

Impacts to existing sensitive land uses located in areas that would experience a significant increase in ambient noise levels exceeding the applicable land use and noise compatibility level **would be significant and unavoidable at this program level of review.**

The draft EIR should make it clear that traffic noise mitigation in the NE area will be impossible, therefore the 2006 general plan needs to be retained for this area.

c. Stationary Noise

A significant impact would occur if implementation of the project resulted in the exposure of people to noise levels that exceed property line limits established in Municipal Code under Title 11 Peace, Morals and Safety, Chapter 11.80, Noise Regulation. Stationary sources of noise include activities associated with a given land use. **For example, noise sources from commercial land uses would include car washes, fast food restaurants, auto repair facilities, parking lots, and a variety of other uses.** Noise generated by residential or commercial uses is generally short-lived and intermittent, while noise generated by auto-oriented commercial and industrial uses is usually sporadic, highly variable, and spatially distributed. Noise sources from industrial uses would include mechanical equipment, generators, and trucks.

Industrial uses are largely concentrated in the southwest of the city, adjacent to MARB and I-215. Additionally, significant light industrial uses have been approved at the World Logistics Center site at the eastern edge of the city. While industrial uses are generally concentrated at the periphery of the city, the potential for noise conflicts exists where these uses would abut residential areas. **Additionally, potential noise conflicts could occur in mixed use areas where residential uses are located in close proximity to commercial and retail uses.**

The proposed plan has commercial uses abutting residential with potential to creep further north once the "gate" is open. The city has failed to protect other neighbors from unreasonable noise from warehouses and commercial activities allowed to encroach into their residential neighborhood so how can we trust the city to follow their own codes? The 2006 general plan should be retained for the NE area as it protects the residents from non-stop commercial noise for the moment.

GP 35- R10

The R10 designation for land along Moreno Beach is completely inappropriate and not part of our neighborhood community character. Mr. Chung has made it clear he loves giant homes on small lots so this is most likely for his financial benefit and a conflict of interest to have him on the committee. These large homes/small lots in other areas contain multiple families (related and unrelated) as well as some being used as apartments renting out individual rooms. All these additional people add up to additional cars and not enough parking within the development. This leads to parking on other city streets creating hazards for other residents. These huge homes will also be overlooking the homes/yards of residents on Pettit and Oliver blocking their

views and intruding on their lives. These higher density homes bring in excessive traffic, crime, noise, trash and disrespect for the existing lifestyles and danger to the animals in the area. This is a rural area and needs to remain so as we're the last area in the city. This will also open the floodgates to rezone all the remaining large lots/animal keeping to small lots. Will the city guaranty that won't happen? We received a promise from a previous council that there would be no more fights to preserve the large lots/animal keeping land from LaSalle to Theodore north of the 60. Please honor that promise and preserve our neighborhood by retaining the 2006 general plan.

The city selectively uses RHNA to claim they need to rezone larger lot areas into higher density housing. If they are truly worried than why have they continued to rezone residential land to warehouses, most recently the Moreno Valley Trade Center and of course all the residential land lost to wlc? The report states that Moreno Valley will exceed the required housing therefore there is no need to change our neighborhood to R10.

The city also selectively claims that developers won't make enough money building on larger lots. When will the city start putting people over profits? Developers can sell one acre and half acre lots and recoup their initial investment and we would have a wonderful neighborhood of unique homes rather than cookie cutter developments. When will integrity return to city hall? We have a planning staff ordered to put developers over residents, a planning commission as well as some council members/staff who don't honor their oath of office/ethics training and fail to do their due diligence resulting in the rubber stamping of projects that should not have gone forward and council members whose allegiance is to their campaign donors.

GP 53- This general plan violates the insistence to remain sensitive to the surrounding context. Our NE context is large lots, animals, quiet, safe, clear night skies etc. This plan destroys this with 24/7 commercial noise/lights/trash/traffic as well as small lots leading to the destruction of our community character. There is absolutely no compatibility between our existing community and the proposed community, thus you're violating both 3.1 and 3.2.

LCC.3-1: Insist on high-quality development that is sensitive to surrounding context throughout the city and particularly in centers and corridors.

How do cookie cutter higher density large homes on small lots and commercial building show sensitivity to our existing neighborhoods and zoning? Why is it so important to destroy our uniqueness? Our area is a gem of the city and should be retained, protected and promoted as such.

LCC.3-2: Use development standards to ensure smooth transitions for areas that border one another so that neighborhoods and districts maintain their unique qualities while being compatible with one another.

How can you possibly make commercial businesses compatible to the NE community character? You can't and this plan will be the beginning of the end of our unique area. Retain the 2006 plan.

GP 54- How will the city buffer our residents from the negative impacts of the proposed changes? You can't and won't as proven by the paper company unmitigated incessant noise that disrupts resident's sleep and daily lives.

LCC.3-17: Screen and buffer nonresidential projects to protect adjacent residential property and other sensitive land uses when necessary to mitigate noise, glare and other adverse effects on adjacent uses.

GP 56- Glaringly omitted from the proposed housing types in 4-2 are our executive type housing that will encourage business owners to live here and also missing is our large lot animal keeping homes. Why has this general plan eliminated these important types of diverse housing? Our large lot homes sell quickly which demonstrates they are in demand. The absence of our housing types from this proposed plan again highlights

the bias of the committee and lack of a NE representative on the committee, Future demographics will contain executives and equestrians unless this passes and we're forced out. Again, R10 is inappropriate for this area and needs to be removed. The 2006 general plan is more appropriate and addresses more diversity.

LCC.4-2: Promote the development of a greater variety of housing types, including single- family homes on small lots, accessory dwelling units, townhomes, lofts, live-work spaces, and senior and student housing to meet the needs of future demographics and changing family sizes.

GP 58- Economic Development – again there is false information with the claim of 20000 jobs from 2015-2020. No one at city hall can give any facts on those supposed jobs, nor do they subtract for all the jobs lost. Even more interesting is the table that shows 43% of all jobs will be in the warehouse and transportation field. Our city staff and officials have sadly relegated our residents to lower paying warehouse jobs when with ethical leaders we could have been so much more. This shows even more that we need to stop allocating more land to warehouses. The limited jobs in commercial businesses don't fulfill the promise of higher paying jobs and thus are not the answer when all the negative impacts are properly assessed. Our neighborhood needs to remain as is with the 2006 general plan maintained.

GP 74 Map incorrectly marks a street connecting Locust to Ironwood between Moreno Beach and Redlands. There is no road that currently goes through. How much did we pay the consultant to have so many errors in their report?

GP80- Locust St experiences high speed cut through traffic daily and for over 20 years residents have asked for help from the city. Residents have offered possible solutions and offered to pay for it. The city has refused to assist us. This states the city has street calming measures so when will the city "calm" Locust? If not now, how can we expect any relief if these changes occur? Our neighborhood is especially vulnerable as we have no sidewalks and the city has failed to build the planned trail system here. Residents walk, jog, walk dogs, walk with strollers, bike ride, horseback ride, daily and deserve street calming too. We also have our wonderful burros who get hit/side swiped often and wander into the field to die. How will you protect the residents on Hemlock if the road is punched through from Moreno Beach to Theodore? Will they be met with the same resistance from city hall as the Locust residents have? Will the city be proactive and protect them with speed humps prior extending the road through their safe, quiet, relatively crime free neighborhood?

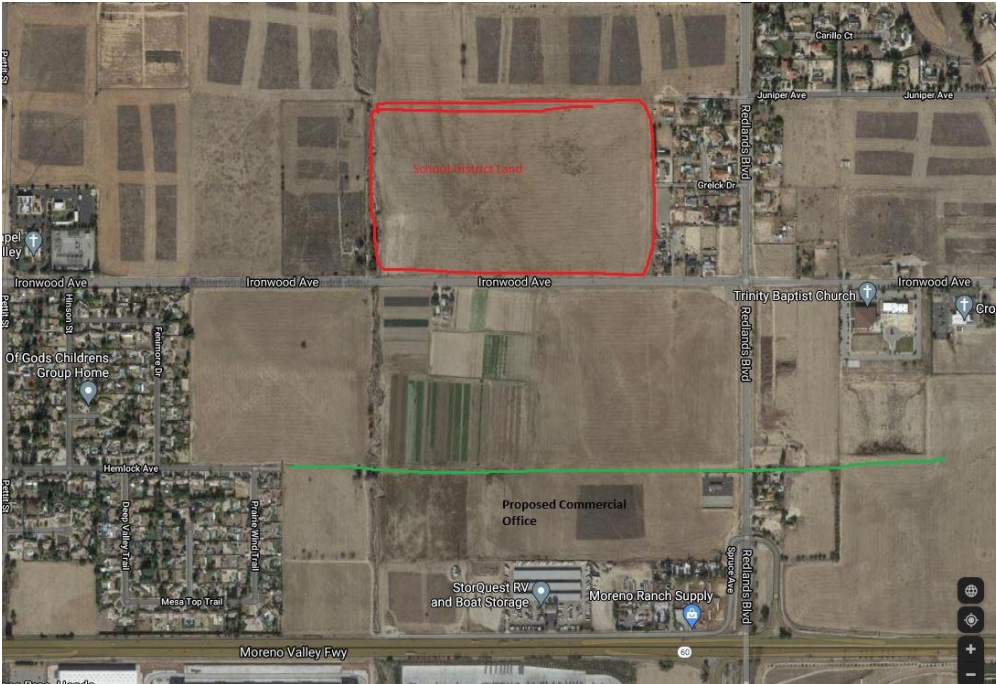
LOCAL ISSUES: BYPASS TRAFFIC Moreno Valley experiences cut-thru traffic by vehicles during peak commute hours on the SR-60 and I-215 freeways. Drivers use city streets to bypass freeway congestion, thereby creating higher levels of congestion and greenhouse gas emission in the process. Traffic calming measures can improve the safety of vulnerable users on city streets, such as older adults and children who may use active modes of travel, while at the same time reducing the desirability of cut-thru traffic on roads with reduced speeds. The city already deploys several well-known traffic calming measures on applicable street classifications such as speed humps, lane and road diets, and speed feedback signs. The City can revisit existing traffic calming policies and other recommended methods by the Institute of Transportation Engineers (ITE) in order to strategize for additional discouragement of cut-thru traffic.

4.15.1.3 Schools

a. Moreno Valley Unified School District

The draft EIR neglects to mention the exact location for the next high school. MVUSD purchased land on the north side of Ironwood between Moreno Beach and Redlands Blvd directly north of the proposed commercial rezoning. (red box is school site, green line shows commercial area).

....an additional high school is also envisioned in the facilities master plan, anticipated to serve growing needs in the northeastern area of the city in the next 20 years....



Why wasn't this addressed in the EIR and the negative effects of commercial impacts on the school site/children/staff? The commercial noise/pollution/traffic will carry north and could be quite disruptive to the school and the students. The additional school traffic will also add additional negative impacts to our community (but preferred to the negative impacts of commercial) so why wasn't that potential discussed for our area? Please remember that MVUSD had land and planned to build new schools in the master planned community in the SE end of the city, but were driven out by Mr. Benzeevi when he convinced the council to permit a warehouse.

4.16.1.2 Housing/Employment Dynamics

Based on 2017 American Community Survey and the 2017 Longitudinal Employer-Household Dynamics Origin Destination Employment Statics, commute patterns for employed city residents are as follows:

- 30 percent of residents travel less than 10 miles to reach their employment.
- 30 percent of residents travel between 10 and 24 miles to reach their employment.
- 40 percent of residents travel 25 miles or more to reach their employment.

Over two-thirds of city residents travel more than 10 miles to reach their places of employment.....

This issue has been beaten to death and over used when convenient. The city will ignore the housing element in a rush to rezone residential land to warehouses and then use it when they want to rezone to higher density housing. What the city neglects to report in their analysis is that over two-thirds of the city staff do not live in the city (when last received a report). Therefore, there are many people commuting into our city for work. How many cities have appropriate jobs for all residents? Our highest paid staff do not live here and do not suffer the consequences of poor development decisions. From the internet we found the following (and there could be some errors):

Interim city manager Mike Lee- Chino Hills
 Former city manager Tom Desantis – Temecula
 Former city manager Michelle Dawson- Riverside
 Interim city attorney Steve Quintanilla- Palm Springs area
 City clerk Pat Jacques-Nares- Anaheim
 Interim assistant city manager/public works Michael Wolfe- Orange

CFO Brian Mohan- Redlands
 Former CFO Marshall Eyerman- Winchester
 Parks Director Patti Solano- Menifee
 Asst Parks Erica Green – Riverside

Commuting does not seem to be an issue this sample of city staff shows. If they can live in other cities and commute to Moreno Valley for their chosen job, why is it wrong that our residents do the same? The jobs these warehouses provide are not the jobs that are going to keep people here.

GP94- Parks Map

As you can see by the map, the north side of the freeway is woefully under represented with parks and designated open space. Again, the city has been requested to purchase the land on Ironwood at Nason for an open space nature park to serve our community. Trails are already present, our master plan trail bisects the property, lots of wildlife and a natural spring. Residents have volunteered to make kiosks with informational material, provide benches and help maintain.

GP 96 lists many multi use equestrian trails but they've never been connected up as required by the master planned trails. When will the city get them connected? Why do the equestrian activities, maintenance, trail completion and housing continue to be moved to the bottom of the list? Why are you neglecting an entire category of residents?

GP 99- When is in the future? I've been here 24+ years so it seems like there should have been major progress on connecting the west and east sides of the city. A better system needs to be in place to complete existing projects with grants/dif/ etc. before allocating money to a new idea unless it's required that the developer provide the amenity.

The master plan for bikes came along long after the multi-plan trail system that included equestrians. Why has the bike plan given priority over the multi-use trails? We had the potential to have a trail system that would attract residents and visitors but it has been neglected.

Our master planned trail system includes a safe overpass at Theodore and a trail all the way to a planned trail head at Davis that will provide a system to ride from the north side to the south end and over to Lake Perris. Has this safe overpass been incorporated into the interchange design as planned? Our original overpass was to be at Sinclair but Mr. Benzeevi had it moved to Theodore.

The draft makes note of safe routes for bikes and pedestrians and protection from trucks. The same protections and routes are needed for equestrians so why were they eliminated from the plan? How will city make sure our trail from north to south is built and that it protects all modes from truck dangers?

Expansion of the system is guided by the Master Plan of Trails, which envisions a 56-mile network of City trails in the future connecting Box Springs Mountain Regional Park with the Lake Perris State Recreation area through the northern and eastern portions of the city. As a condition of project approval for new development on parcels where the Master Plan shows a trail, the City requires trail construction consistent with adopted engineering standards. The network will be completed as development occurs and funding becomes available.

GP100- Maintenance of parks is a huge issue and they are not being maintained. Broken trail fences for over 10 years don't make a good impression on visitors and are also dangerous. Weeds are out of control on many parks. How will the city prioritize park maintenance and repairs? Again, funds are diverted to other areas and a list should be kept so that improvements are made in order and not allow new projects to piggy back over the existing problems.

PPS.1-6: Prioritize the maintenance and, where feasible, improvement of parks and recreational facilities to ensure safe, attractive facilities that are responsive to community needs.

How will the city staff prioritize the maintenance to fix long standing disrepair?

4.17.5.1 Topic 1: Utility Infrastructure

Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The draft EIR neglects to mention that NE end of town is all on septic. The addition of R10 and commercial will necessitate the addition of sewers therefore there will be significant environmental issues that were not addressed.

This omission is critical and another flaw in the document that needs to be addressed.

GP157/158- BARRIERS TO COMMUNITY ENGAGEMENT

When designing community engagement, it is crucial to identify potential barriers and address them in implementation. There are a variety of reasons that influence why people do not participate in planning processes, including, but not limited to, those described below. Specific considerations that may require extra attention when engaging the Moreno Valley community are noted.⁷ By being aware of potential barriers to community engagement, the City can think strategically and creatively about how to address those issues and create truly inclusive planning processes.

Fear of being judged, unsafe, or unwelcome

We have rules and procedures for council meetings that are not followed and have allowed a certain group of people to verbally attack residents and council members whose viewpoints oppose theirs. Why aren't these rules followed? Why do we continue to retain staff who abrogate their job responsibilities and not follow rules/procedures? Residents are followed into the parking lot and threatened and have needed police escorts for protection. The attackers seem to be followers of Mr. Benzeevi who holds meetings to instruct them to continue to harass us until we quit participating. Until rules and procedures are followed and we have ethical, honest leadership at city hall people will continue to be unsafe and unwelcome and their voices silenced.

ENHANCING COMMUNITY ENGAGEMENT While there is no single engagement method or “one size fits all” strategy that ensures effective community engagement, there are a variety of complementary methods that can enhance equitable community engagement. Equitable community engagement is the “practice of using multiple strategies to provide opportunities for all residents—particularly those historically excluded, under-represented, or under-resourced—to be informed and to participate in public planning and decision-making to achieve an equitable outcome.”⁸ A range of strategies that can be employed to increase community engagement includes, but is not limited to, those described on the following page.

The first thing that needs to be done to enhance community engagement is to rescind the mayor's complete control over appointments to our commissions/committees/boards. He has denied appointments to most residents who have applied instead hand picking his friends/supporters/donors while neglecting to fill other seats. These groups are supposed to represent a wide range of our population not just those who share his narrow viewpoints. Many have quit applying and it's sad to hear them say “why bother, the mayor won't appoint

me to anything as I don't support Iddo or the mayor". The GPU committee and planning commission are perfect examples of his bias and excluded any resident of the NE.

Our voice needs to be heard and respected. The rule that the council needs 3 votes to get anything on the agenda needs to be rescinded back to 2 council members so all districts and residents have a voice.

To be engaged, the public need to be notified. Our city selectively promotes certain activities endlessly while doing the bare minimum on other important events. Current occupants of city hall have personal agendas and want to restrict our involvement and input. Notification can and should be greatly improved.

GP160

◆ Transparency and Trust. Be clear and open about the process, and provide a public record of the organizers, sponsors, outcomes, and range of views and ideas expressed.

Residents no longer trust the occupants of city hall. Transparency is non-existent at city hall and the mayor is acting illegally as the city manager giving instructions to staff. The hostile and toxic work environment needs to end and those responsible need to be removed from city hall. His instructions to the interim attorney are clearly to prevent the public from receiving information such as refusing to provide the names of applicants for D2. So many more to list.

Brown Act violations have occurred for years. Decisions are being made outside of public meetings between certain council members and developers. Council agenda items are also pre-determined as evidenced by rubber stamping thru consent calendar. It's been obvious that ethics and oaths of office mean nothing to many at city hall.

Public records are denied on a regular basis.

The 5-day rule for agenda posting needs to be rescinded and returned to 12 days to provide residents ample time to read and research so that projects don't get rushed through improperly because residents didn't have enough time to respond.

Transparency and trust have disappeared.

When will city hall actually follow what they write in their general plans? This section alone should stop any further decimation of our land with warehouses and unnecessary commercialization.

GP 170/171

The quality of the natural environment determines the quality of life in a community. A healthy system of open space lands, natural resources, and habitat areas will help ensure clean air and water while also providing recreational opportunities and scenic vistas. As the city and the region continue to grow, careful stewardship of environmental, cultural, and agricultural resources in the planning area will be needed, together with a focus on conservation of energy and water to provide a thriving natural environment for future generations.

Open space is a critically important resource for the health and success of any city. Access to open space for recreation provides residents with opportunities for physical activity and exposure to the natural environment, leading to a richer

quality of life and a healthier community. Open space also provides important habitat for local plants and animals and allows for the natural recharge of groundwater, contributing to a healthy local ecosystem, and designating areas that require special management due to hazardous conditions as open space where development is restricted serves to protect public health and safety. These might include flood-prone areas, areas of unstable soil, watersheds, earthquake fault zones, areas of high wildland fire risk, and areas required for the protection of water quality.

In conclusion the proposed general plan update and draft EIR are not appropriate and do not protect the NE area of the city. CEQA identified two alternatives that do protect and preserve the NE area and should be adopted instead.

6.6 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives. The project itself may not be identified as the environmentally superior

alternative. The Redistributed Growth Alternative is the environmentally superior alternative because it would incrementally reduce significant impacts associated with air quality, agricultural resources, biological resources, noise, and transportation. Although impacts related to cultural and tribal cultural resources would remain the same as this project, this alternative would reduce most significant impacts, but not to below a level of significance, while still

meeting most objectives of the project. However, land within the Downtown Center is not housing ready, and would take more time and investment to accommodate housing units needed to achieve RHNA targets compared to what could be achieved along the Community Corridors proposed under the project. Therefore, the Redistributed Growth Alternative is not recommended for adoption, since it would not likely achieve the same level of housing needed to satisfy the RHNA requirements of the project within the timeframe required.

As the draft EIR neglected to include the lack of sewer in the NE end, CEQA was unaware that the NE end is also not housing ready and would also require more time and investment to accommodate R10 housing. Additionally, it should not be a concern as the GPU proposal results in an excess number of homes than required under RHNA. Therefore, this is the appropriate alternative.

6.5 Redistributed Growth Alternative

6.5.1 Description

The Redistributed Growth Alternative would result in the same level of growth as the proposed plan, but would redistribute growth from the proposed Community Corridor Concept Areas to the Downtown Center Concept Area (Figure 6-2). This alternative would reduce the maximum permitted density and intensity in the Community Corridor Concept Areas, thereby reducing future development proposed along Sunnymead Boulevard, Alessandro Boulevard, Perris Boulevard, and Heacock Street by approximately 10 to 15 percent compared to the project. The reduced growth capacity from these areas would be redistributed to the Downtown Center Concept Area. **This alternative would also remove a portion of the proposed Highway Office/Commercial Concept Area located north of SR-60 and the existing office and residential land use designations from the existing 2006 General Plan** would be retained. Redistribution of land uses associated with this alternative would not alter the total amount of residential, commercial, and office land uses compared to the project.

6.4 Reduced Growth Alternative

6.4.1 Description

The Reduced Growth Alternative would revise the proposed land use map to reduce the amount of employment growth compared to the project (Figure 6-1). This alternative would reduce the maximum permitted floor area ratio (FAR) proposed within the Community Corridors along Sunnymead Boulevard, Alessandro Boulevard, Perris Boulevard, and Heacock Street. This would reduce the amount of non-residential development within these Community Corridors by approximately 10 to 15 percent compared to the project. This alternative would also remove the proposed Center Mixed Use within the District Specific Plan area, and reduce the footprint of the Downtown Center Concept Area by approximately 111 acres. **Additionally, a portion of proposed Highway Office/Commercial Concept Area located north of SR-60 would not receive this new designation, and instead the existing office and residential land use designations from the existing 2006 General Plan would be retained.**

Please take the correct and appropriate action and select an alternative that respects and preserves the NE area of Moreno Valley per the 2006 general plan and direct that no future rezoning will be allowed that will change the community character and uniqueness of this area.

Thank you,
Lindsay Robinson
NE resident

From: [Oscar A. Alvarez](#)
To: [Planning Notices DG](#)
Subject: Comments on Draft CAP, EIR and 2024 GPU 8-21-25
Date: Thursday, August 21, 2025 9:55:12 AM
Attachments: [2nd Set of Comments on Latest Draft CAP^J EIR and GP - OA 8-21-25.docx](#)

Warning: External Email – Watch for Email Red Flags!

Attached please find comments on the subject matter documents as requested on your Notice of Availability dated July 3, 2025. Please acknowledge receipt of comments.

Thank you - Oscar Alvarez

┌ C12-1

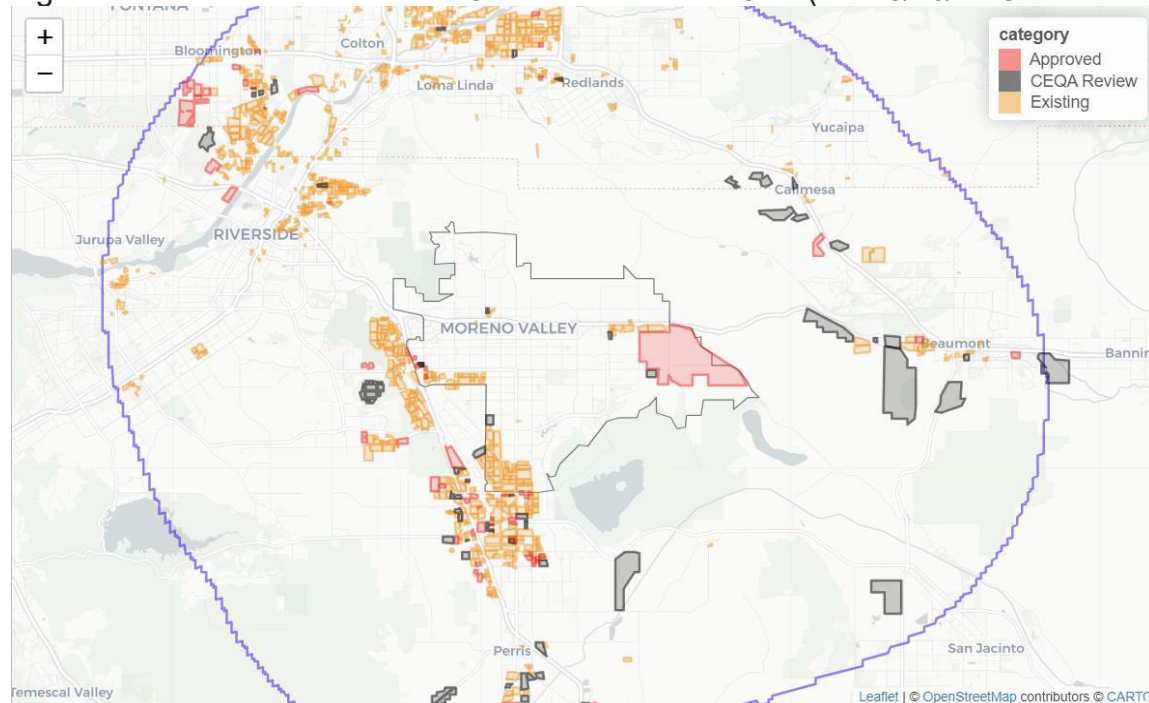
1. GHG Emissions Baseline and Forecast - Figure 2-4 of the Draft CAP shows the Moreno Valley (MV) GHG Reduction Target Pathway and Gap Analysis (p. 25) is very useful. Table 3-1 shows the MV GHG Reduction Measures Summary (pps. 30-32) indicating that the emission gap to be closed by Moreno Valley will consist of actions directly related to Building Energy, (mainly passenger) Transportation, Solid Waste, and Carbon Sequestration (compost and existing trees maintenance and new trees).

These actions are expected to be enough to meet the goals of reaching the City's share to the State-wide goals of reducing GHG emissions to 40% below 1990 by 2030 (SB32 - 2016), and net-zero emissions no later than 2045 (and keeping net negative emissions thereafter) and reducing GHG emissions by at least 85% below 1990 by 2045 (AB1279 - 2022).

(a) This draft CAP does not clearly explain how the actions proposed to close the gap will fully reverse the existing and new amount of GHG emissions that come from approximately "1076 existing warehouses covering 13,000 acres ... and about 190,000 daily truck trips ... 64 approved warehouse projects ... and 71,000 truck trips ... and 58 warehouse projects under CEQA review ... and 87,000 truck trips." (My underlines, see Fig. 1 below and Mr. McCarthy comments, August 26, 2024) that will impact the Moreno Valley area. Please explain clearly and in sufficient detail in the body of the report your assumptions, modelling and treatment of these existing and upcoming GHG overwhelming emissions, and why such assumptions and treatment are valid. The current pollution and warehouses have already affected our air quality and our health for years (with impacts clearly and emphatically explained in your draft EIR, digital pps. 142-144), and have caused traffic nightmares along the 60 and 215 freeways.

C12-2

Fig. 1 Warehouses in MoVal and Other Areas within 15km (from 8/26/24 Comments)



2. Implementation, Monitoring and Reporting of Progress in GHG Emissions

Reductions - This draft CAP Section correctly states that "[o]ngoing monitoring and assessment of Moreno Valley's progress are essential for achieving communitywide GHG emissions reductions. Regular tracking, reporting, and updates will ensure accountability in meeting the City's adopted targets" (p. 112). Having the City conduct "routine community GHG emissions inventories in alignment with established protocols and climate commitments every two to three years" (p. 112) will be very helpful, along with the willingness to consider adjustments to CAP if the City is not on track to meet the 2030 and 2045 targets.

(a) To properly monitor emissions Moreno Valley needs to have a combination of direct and indirect measurement techniques, which definitely needs to include the current CA Statewide Mobile Monitoring Initiative (see item 4 below), and may also include deploying sensors on towers, utilizing aircraft and satellites, additional analysis of air samples in laboratories, and others, coupled with GHG inventories (with emission factors to estimate total emissions). Explain clearly and with sufficient detail in the body of the report what combination of direct and indirect measurement techniques MV uses now and expects to use in the future to fully justify its existing and future GHG emission quantification and strategies, including: identifying major sources, tracking progress on emissions reduction targets, and recommending policy decisions to our City Council.

(b) There are existing agreements with projects already approved or under construction (e.g. World Logistics Center GHG and its Pollutant Emissions Reduction measures) that will also require monitoring their progress on their emission reduction measures. Please explain the role of the City with respect to compliance with implementation of all contracts' emission mitigation measures, who will be responsible for such implementation, what penalties will be applied (monetary or other otherwise) for non-compliance, and why your approach is appropriate and justified. Also provide a list of all contracts and agreements with committed reduction measures in the City, and include a description of the mitigation measures of the applicable sections.

C12-3

3. Moreno Valley Utility - The Table 3-3, Measure BE-1 of the draft CAP calls for the MV utility to procure or offset 70% of its retail "electricity from renewable energy sources by 2030 and 100% of electricity from renewable energy sources by 2045" (p. 39), and specifically requests for "comprehensive electrification, infrastructure and capacity studies" (ibid) to assess the viability to transition the MVU to 100% renewable energy by 2045.

The overall complementary feasibility study required by Table 3-3 includes: (i) Electric energy and demand forecasts to plan of necessary infrastructure upgrades and inform the scale of new renewable energy sources required, (ii) Assessing long-term energy contracts to replace non-renewable sources with renewable power or Renewable Energy Credits (RECs), (iii) Creating an Integrated Resource Plan (IRP) to forecast future energy needs and renewable energy targets through 2045, and (iv) Formalizing an electric capital improvement

C12-4

plan, focusing renewable energy infrastructure and distribution needs, evaluating potential barriers, funding sources, and impacts on electricity rates.

↑ C12-4
cont.

(a) The currently approved MVU IRP (April 2025) has renewable energy targets of 60% by 2030, and renewable and zero carbon target (carbon free) of 100% by 2045 (MVU IRP p. 2 and p. 29). The overall feasibility study described above in the draft CAP requires to cover the 70% goal by 2030 instead of only 60%. This should be addressed in a new study.

(b) Furthermore, publicly-owned utilities are already studying the possibility of reaching a renewable energy goal of 100% by 2035 (e.g. Los Angeles Department of Water and Power), and MV should look into reaching 100% by 2035, the technology is available, and and the prices reasonable. Thus, the feasibility study referenced above should include infrastructure and energy resource needs (such as solar and battery storage and/or others - City-owned or contracted-), and capital improvements to achieve this 100% by 2030 goal, and our City leaders should be provided with the study findings so they can make an informed decision.

(c) The feasibility study should also provide an analysis and case study that consider in its demand forecast the tech industry's push for Artificial Intelligence (AI) data centers. These centers can push the demand for electricity between 4-12% within the next 3 years beyond what is usually analyzed, and Amazon and others are key factors in this expected demand increase because they are expanding into the energy business. This will require "expensive upgrades to the electric grid, a cost that will be shared with residents and smaller businesses through higher rates unless state regulators and lawmakers force tech companies to cover those expenses" (The Press-Enterprise, Aug. 18, 2025, p. A8). This information is key for our City leaders, so they can make informed decisions, and should be provided to them.

C12-5

(d) The MVU should also assess the feasibility of accelerating the installation of charging infrastructure beyond the current MVU IRP proposal; the California Energy Commission recently made available \$55 million of incentives to build fast-charging infrastructure (Fast Charge California Project), and this is consistent with various CA State agencies recent recommendation to accelerate Zero-Emission Vehicle deployment that "support public health, climate action, and economic resilience, especially in communities most affected by pollution" (Report to the Governor ... on ZEV Deployment, Aug. 19, 2025, p. 1).

(e) When will this additional and complementary study (Feasibility #1 Study), which would cover additional infrastructure, energy resource needs, and capital improvement program, be completed? Or, if no additional studies are needed, explain clearly why in light of these comments provided.

Table 3-3 (p. 2, also calls for a plan and feasibility study to convert all customers within the Moreno Valley City Limits to MVU.

(f) It will be important that the City study whether it should also create its own workforce for utility operations instead of depending on the contracted force that generally has been very expensive to the City (that was a recommendation provided by the MVU Commission in 2018). Revisiting this issue is worth it if we still have it.

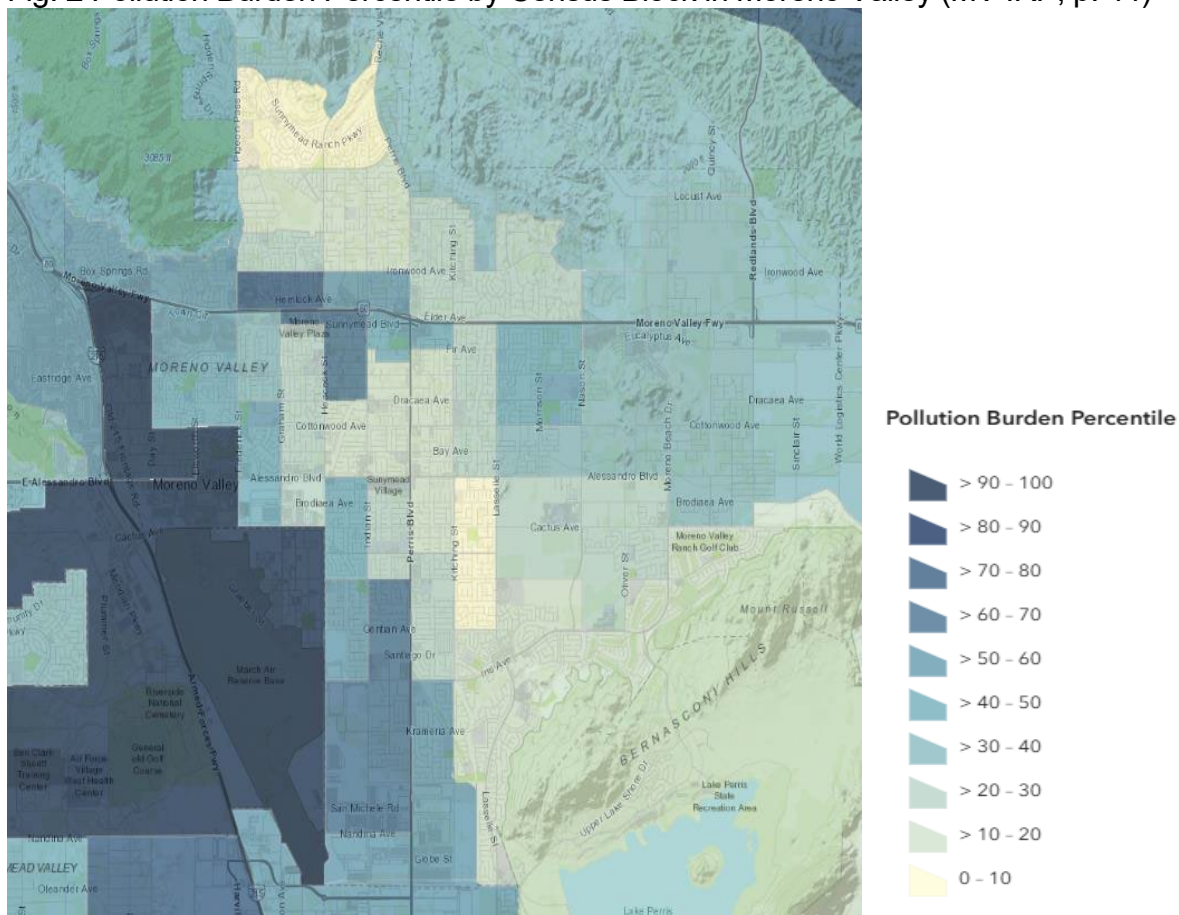
(g) When will this (Feasibility #2 Study) be completed and available to the public? If it is not going to be conducted, please explain clearly why and justify your answer.

The MVU has a power percentage limit on solar installation for large building loads.
(h) Please provide an explanation (technical and/or otherwise) on why such a limit is required, and what is the MVU doing to maximize such a limit. It is important that large warehouses and other buildings are allowed to cover close to 100% of their power needs, due to the air quality crisis experienced in Moreno Valley.

C12-6

4. Environmental Justice - It is well chronicled in the news that the Inland Empire has one of the worst air qualities in the country, the American Lung Association gives routinely an F for air quality reports, and "Inland residents suffer higher rates of asthma and other ailments linked to air pollution" (The Press-Enterprise, July 30, 2025, p. 6). Although the logistics industry brings needed jobs to the Inland Empire, the pollution from diesels exhaust created by big trucks and freight trains connecting to warehouses is contributing to our failing air quality and health. Fig. 2 below shows the pollution burden percentile for Moreno Valley - you can see that more than 50% of the City has a burden of 50% or higher, which indicates an area that is heavily impacted by pollution and environmental burdens due to its "proximity to highways, industrial operations, and the nearby Air Force base" (MV IRP, p.43)

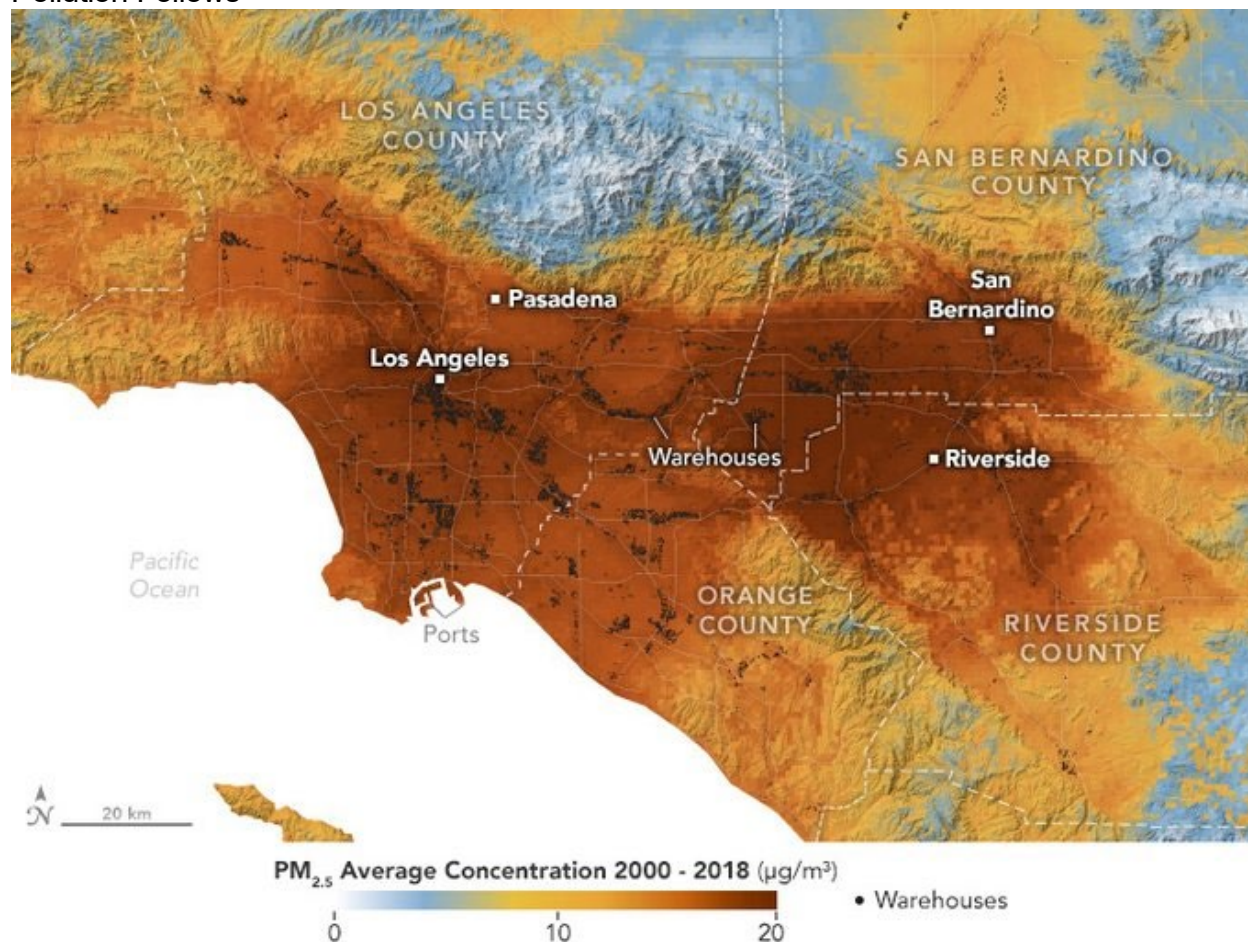
Fig. 2 Pollution Burden Percentile by Census Block in Moreno Valley (MV IRP, p. 44)



C12-7

Furthermore, Fig. 3 below confirms what we already know, that "areas with large warehouses, or a large number of warehouses, ha[ve] higher levels of airborne contaminants than those with fewer or smaller warehouses" (The Press-Enterprise, July 30, 2025, p. A6). This proliferation of warehouses and its associated truck and freight rails are the "primary sources of pollutants like nitrogen oxides (NOx) and Particulate matter (PM), which disproportionately impact nearby [Disadvantaged Communities]", and there are already too many of those in the State.

Fig. 3 Earth Observatory Website (accessed 8/12/25) - Where Warehouses are Built, Air Pollution Follows



But there is an initiative that provides additional hope. The CA Statewide Mobile Monitoring Initiative (SMMI) can help significantly to achieve environmental justice by providing very-specific-local air quality data in communities that have historically suffered the worst of pollution disparities. This initiative collects data block-by-block by identifying real, on the ground pollution levels with sensor-equipped vehicles and mobile laboratories that can gather comprehensive air quality information, to better support actions to protect public health, in populations with low-income communities and households. This CARB project puts a particularly important piece in place to empower residents with high resolution data so that they are better protected, policymakers will have in their hands readily information that will allow them to be more responsive, and in the end our communities will be healthier.

(a) Add to your GP EJ Section an explanation as to what extent is the City of Moreno Valley participating in this effort, how the detailed information obtained will be used to better protect our health on our environmental justice neighborhoods. Please make sure Moreno Valley is part of this program.

(b) The CA Statewide Mobile Monitoring Initiative is expected to be completed by the Summer of 2026. Please make available to the public the data obtained and any analysis tools developed in the project, and conduct informational workshops for the public on the progress and additional strategies developed as part of your Moreno Valley GHG mitigation program, even if the City is not participating in the project.

C12-8

As we all know and as noted above, the current impact of GHG emissions and other pollutants in the Moreno Valley area has had an adverse impact on the health of its residents, and with the worst effects on our Disadvantaged Communities and Low-income Communities.

(c) With the current technology improvements and initiatives, it is time for Moreno Valley to consider a temporary moratorium on warehouses to have additional time to determine at a more localized level and through appropriate sensors the actual conditions of air quality and its true impacts to our community, and plan additional strategies to better support and protect public health, especially in communities with low-income and disadvantaged areas. This is what environmental justice is all about. Many cities have considered and implemented a warehouse moratorium while studying the accumulated pollution impact of warehousing on their communities, and others have outright rejected warehouse projects for certain areas due to concerns of traffic, pollution, and lowering property values. During the last six years the following cities have taken such action(s) (that I am aware of): Chino, Pomona, Colton, Riverside, Redlands, Jurupa Valley, Norco, and Beaumont. Please respond as to whether this moratorium will be considered, or if not, explain and justify clearly why not.

C12-9

How can the Moreno Valley Utility help?

(d) As noted in item 3 above, the City needs to assess the possibility of reaching the renewable retail energy goal of 70% by 2030 instead of only 60%, a renewable and carbon neutral energy goal of 100% by 2035, along with accelerating the installation of vehicle charging infrastructure and additional installation of solar and battery storage or other renewable energy (City-owned or by contract) beyond the current MVU IRP proposal. This information is key to our City government so they can make an informed decision now.

Also as noted above, the CEC recently made available \$55 million of incentives to build fast-charging infrastructure (Fast Charge California Project), and “[p]riority will be given to locations in tribal areas and disadvantaged and low-income communities” (The Press-enterprise, August 18, 2025, p. A1), and various CA State agencies have recently made recommendations to the Governor on strategies to accelerate Zero-Emission Vehicle deployment that “support public health, climate action, and economic resilience, especially in communities most affected by pollution ... low-income communities of color” (Report to the Governor ... on ZEV Deployment, Aug. 19, 2025, pps. 1-2).

C12-10

Our communities deserve environmental justice in the form of these accelerated strategies, with actual infrastructure and jobs available to them (coupled with previous training); they are consistent with the State's vision, and we have all been suffering enough.

↑
C12-10
cont.

Other related comments:

(e) GP EJ. 1-3 (p. 8-9) - Statement needs to clarify/require that "sensitive receptors (families/schools/parks) would not be built next to toxic air contaminants like warehouses", and more importantly, that "warehouses should not be built next to sensitive receptors".

(f) GP EJ. 1-9 (p. 8-9) - Statement needs to be modified as follows: "Designate truck routes that avoid sensitive land uses, AT ALL TIMES", and provide an explanation on what the City (or regulatory agency) is doing (or expects to do) to hold trucks accountable for compliance, and what penalties are applied (monetary or other otherwise) for non-compliance. If nothing is being done, explain clearly why, and justify your answer.

C12-11

5. Climate Change Vulnerability and Adaptation Assessment - At this stage of time, previous environmental hazards have been already worsened by Climate Change and have had an irreversible impact in our City. Moreno Valley residents need to receive information and guidance beyond the current draft CAP analysis here proposed, by providing assessments on current and future population health and infrastructure vulnerability, and specific recommendations to increase resilience against these increased risks.

(a) The draft CAP (or a complementary study) needs to perform the following assessment with recommendations to fully protect MV residents from increased risks in our environment:

(i) Conduct an assessment that determines existing hazards (e.g. flooding, wildfire and smoke, flooding, seismic hazards),

(ii) Analyze how these conditions are impacted by Climate Change effects (e.g. extreme heat, worst air quality, drought and water supply, etc.),

(iii) Provide a vulnerability scoring on the increased risks, and

(iv) Recommend implementation, monitoring, and adjustment strategies that the City and its residents can pursue that protect community members and their property.

Please respond as to whether this analysis will be conducted, by whom and by when, or if not, explain and justify clearly why not.

C12-12

6. Transportation System/Circulation - As noted above the current traffic along the 60 and 215 freeways is a nightmare, and with the upcoming extreme development of warehouses and associated number truck trips, such nightmare will be even worse. The transportation section of the draft EIR provides descriptions of regional and local streets and freeway improvements (pps. 572-577) and claims that there are no significant impacts found for the circulation system, but significant and unavoidable impacts for VMT.

C12-13

(a) Please provide answers to the following questions and include them in the body of the updated EIR:

- How will the construction of transportation upgrades be handled to minimize disruptions on an already clogged freeway system?

- What is our resort (alternative) as residents when significant and unavoidable impacts are found for a project?

(b) GP EJ 1-9 (p. 8-9) and GP (p. 4-26, 27 and maps C-5/6): Please provide information on what actions is the City (or other regulatory agency) are taking to protect MV residents against the circulation issues that we have been experiencing on Heacock St., Iris Blvd, and Perris Blvd; these are used as toxic diesel truck routes that pass thru several playgrounds, parks, childcare and/or school facilities and this is plainly unacceptable, as they impact our health and those of our families and run counter to the intent of Assembly Bill 98 (AB 98).

C12-13
cont.

7. Parks and Public Services - The City has planned several park locations along Ironwood Ave. (GP p. 5-3, map PPS-1), and it appears to be thousands of acres behind schedule.

(a) Parks are recognized by the City as important places for family and children to enjoy, and also to help with cleaning the air and improve the aesthetics of the City. We as residents need them as soon as possible - please provide a specific timeline for completion of all parks that are behind schedule, and include it in your GP.

C12-14

8. Noise - The Noise section of the draft EIR determines that noise levels where I live will increase and impacts will be significant beyond "conditionally acceptable", and there is no feasible mitigation, thus making impacts unavoidable (pps. 508-509).

(a) Question with answer needed to be included in your updated EIR:

- What is our resort (alternative) as residents when significant and unavoidable impacts are found for a project?

C12-15

9. Public Workshops and Distribution of Information - With the new drafts proposed for the CAP, EIR and GP, the City of Moreno Valley has taken initial good and strong steps to do its part at the local, regional and state levels to address an existential issue of our times: the air pollution and its co-related impacts that are affecting our health, that of our families and our fellow human beings.

The American Lung Association's "State of the Air" report (April 2025) shows Riverside County as one of the worst polluted places in the state with ozone levels of 113.7 (wgt. ave.) and with 205 unhealthy air quality and 91 of serious unhealthy air quality days, second only to our neighbor, San Bernardino County. This and other reports from the World Meteorological Organization (May 2025) and the United Nations (May 2025) indicate that climate change has had, and continues to have extreme adverse impacts on air quality and our environment (temperatures are expected to continue at record levels for the next five years and with all of its collateral damage). Thus comes the urgency to reduce the sources of emissions that contribute to GHG emissions and other pollutants, and to keep all our residents (regardless of limitations) informed and to give them an opportunity have a say.

C12-16

(a) Once the City considers all initial public comments and develops another draft, it will be important that the City conducts Public Workshops to educate the public on the content and importance of these documents, and to receive additional input. Please provide possible dates for these workshops, or if no public informational workshops will be conducted, explain why not.

(b) All English-limited Moreno Valley residents need to be provided a meaningful opportunity to be educated and participate in the development and approval of the draft CAP, EIR and GP. For example, about 60 percent of the Moreno Valley residents are Hispanic, and a portion of them only speak Spanish. There are either no documentation or summaries in their language that describe the content and development process of the draft CAP, EIR and GP, and if there are, they are not effectively distributed.

Please explain how advertising processes and informational documents will be improved or done differently so that English-limited City residents are properly and timely informed and they can participate in a matter that may have significant impacts in their lives and that of their families. Not providing a meaningful opportunity to all residents is a failure to provide equal opportunity of participation to all - this is a moral and ethical issue that needs to be resolved.

C12-16
cont.