



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Rob Bonta**  
**Attorney General**

1515 CLAY STREET  
OAKLAND, CA 94612  
Public: (510) 879-1300  
Telephone: (510) 879-3427  
E-Mail: Kartik.Raj@doj.ca.gov

October 7, 2025

***Via E-Mail***

Robert Flores  
Planning Official  
City of Moreno Valley  
14177 Frederick Street  
PO Box 88005  
Moreno Valley, CA 92553  
Email: planningnotices@moval.org

**RE: Moreno Valley General Plan Update 2040, Climate Action Plan, and Final Environmental Impact Report**

Dear Mr. Flores:

Thank you for the opportunity to comment on the City of Moreno Valley's ("City") Revised Final Environmental Impact Report ("FEIR") for the Moreno Valley General Plan Update 2040 ("GPU") and Climate Action Plan ("CAP").<sup>1</sup> While the FEIR appears to rectify many of the problems with the prior analysis, we are concerned that the FEIR does not adequately address cumulative air quality impacts on sensitive receptors in environmental justice communities. We submit this comment letter to urge the City to revise the environmental analysis to strengthen the air quality mitigation measures in the GPU. We also provide recommended mitigation measures to address significant cumulative impacts from implementation of the GPU. Similarly, while we appreciate the City's ambitious CAP and recognize major improvement from the prior version, we remain concerned that it lacks clear funding mechanisms, such that it may never be implemented. We urge the City to revise its CAP to identify additional funding sources, and we suggest strategies available to the City to revise the CAP's implementation plan. Without assurance that the ambitious CAP will actually be funded and implemented, it should not be relied upon to mitigate the GPU's significant greenhouse gas ("GHG") emissions nor used for tiering and streamlining of future projects.

---

<sup>1</sup> The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14.)

## **I. BACKGROUND**

### **A. A Court Ordered Moreno Valley to Correct Deficiencies in its Environmental Analysis of the City's 2021 GPU and CAP**

The City approved the GPU, the CAP, and the accompanying Environmental Impact Report (“EIR”) for the first time in June 2021. That decision was challenged in a California Environmental Quality Act (“CEQA”) lawsuit by Sierra Club in July 2021, which the California Attorney General (“Attorney General”) joined in his independent law enforcement capacity in June 2022. In May 2024, the Riverside County Superior Court ruled in favor of the petitioners, issuing a peremptory writ of mandate directing the City to withdraw the 2021 GPU and CAP approval based in part on deficiencies it found in the EIR.<sup>2</sup> One such deficiency was the failure to analyze and mitigate impacts to sensitive receptors, with the court specifically noting that “all of the analysis and potential mitigation relating to sensitive receptors was deferred to future specific individual projects.”<sup>3</sup> “Sensitive receptors” include children, elderly people, asthmatics, and others with higher risks of health problems from exposure to air pollution. Locations with sensitive receptors include residential areas, schools, parks, hospitals, daycares, and other similar areas.<sup>4</sup> Furthermore, the court found that the City’s CAP violated CEQA’s tiering and streamlining requirements because the City lacked substantial evidence showing that the CAP would reduce GHG impacts to a less than significant level.

### **B. The GPU Will Bring 41 Million Square Feet of Warehouse Development to Moreno Valley, Impacting Disadvantaged Communities that are Already Dealing with Serious Air Pollution**

Moreno Valley is an Inland Empire city that transformed in recent years from a rural community to a hub for large-scale warehouse and distribution centers constructed to meet the growing demand for e-commerce. Moreno Valley is also home to residential disadvantaged communities that are heavily impacted by these warehouse developments and the attendant air emissions from heavy-duty diesel trucks. Western Moreno Valley has historically been heavily impacted by industrial development and is home to dozens of large-scale warehouses that have been constructed adjacent to residential neighborhoods, schools, and parks. California Environmental Protection Agency’s CalEnviroScreen 4.0 tool shows several census tracts in Moreno Valley fall in the 99th percentile for ozone pollution, which is contributed to by diesel trucks, making it among the most polluted areas in the state for ozone.<sup>5</sup> Acute exposure to ozone, also known as smog, is associated with decreases in lung function, worsening of asthma, and increases in hospital admissions as well as daily deaths. In addition, the Revised Draft EIR (“DEIR”) for the

---

<sup>2</sup> *Sierra Club v. City of Moreno Valley*, (Cal. Super. Ct. Riverside Cnty. Mar. 5, 2024, No. CVRI2103300).

<sup>3</sup> *Id.* Ex. A, at 20.

<sup>4</sup> See Gov. Code § 65098, subd. (e).

<sup>5</sup> See Office of Environmental Health Hazard Assessment, CalEnviroScreen 4.0, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

GPU and CAP notes that particulate matter from diesel engines accounts for 70.8 percent of the excess cancer risk in Moreno Valley. (DEIR, p. 4.3-27.) Eastern Moreno Valley has more recently seen a boom in warehouse construction on previously vacant lands. These new warehouses will dramatically increase traffic-related pollution like ozone from congested thoroughfares in the City, such as State Route 60 and Interstate Highway 215.

As the City's roadmap for development over the next fifteen years, the GPU proposes to add 41.1 million square feet of warehouse and logistics uses. (FEIR, p. 2-15.) The City estimates that this development would lead to an additional 22,000 daily truck trips in the City. A Riverside County Transportation Commission analysis estimated that one area of Moreno Valley would account for 56% of all countywide warehouse growth between 2016-2040.<sup>6</sup> Continued warehouse expansions will increase diesel truck emissions and exacerbate impacts on sensitive receptors in the City, including those living in disadvantaged communities. The FEIR finds that significant cumulatively considerable air quality impacts will result from the development envisioned in the GPU.

## **II. THE FEIR FAILS TO ADOPT ALL FEASIBLE MITIGATION MEASURES TO ADDRESS THE CUMULATIVE AIR QUALITY IMPACTS OF WAREHOUSE DEVELOPMENT AS REQUIRED BY CEQA**

CEQA requires a lead agency to adopt all feasible mitigation measures to minimize the significant environmental impacts of a project, even if the mitigation measures cannot fully reduce the impacts to a less than significant level.<sup>7</sup> These measures must be detailed and specific, and "fully enforceable" through permit conditions, agreements, or other legally binding instruments.<sup>8</sup> The public must be able to discern which steps will be taken to mitigate a project's impacts, and mitigation measures should include criteria or performance standards to measure this implementation.<sup>9</sup> In addition, CEQA generally prohibits the deferred formulation of mitigation measures.<sup>10</sup> Deferred mitigation is proper only if the environmental impact report expressly commits the lead agency to the mitigation measures, adopts specific performance standards the mitigation will achieve, and identifies potential actions that can feasibly achieve

---

<sup>6</sup> Riverside Cnty. Transp. Comm'n, *Logistics Fee Nexus Study: Existing and Future Conditions Report* 17 (Mar. 2018), [https://www.rctc.org/wp-content/uploads/2022/07/Task1\\_RCTCLogisiticsFeeExistingFutureConditionsReportMarch2018.pdf](https://www.rctc.org/wp-content/uploads/2022/07/Task1_RCTCLogisiticsFeeExistingFutureConditionsReportMarch2018.pdf).

<sup>7</sup> Pub. Resources Code, § 21002; CEQA Guidelines, § 15126.4, subd. (a)(1); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524.

<sup>8</sup> Pub. Resources Code, § 21081.6, subd. (b); CEQA Guidelines, § 15126.4, subd. (a)(2); *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79.

<sup>9</sup> *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670.

<sup>10</sup> CEQA Guidelines, § 15126.4, subd. (a)(1)(B).

the performance standards.<sup>11</sup> The Court found the City’s prior EIR inadequate because it deferred analysis and mitigation to future individual projects.

A. The FEIR Identifies Serious Cumulative Air Quality Impacts, But Provides No Mitigation for Those Impacts

With more robust air quality analysis stemming from the Court’s order, the FEIR finds that the GPU will have cumulatively considerable air quality impacts. However, it asserts that there is no mitigation that can reduce those impacts on a programmatic level because the details of those projects are uncertain. The FEIR states, “[b]ecause no information on individual projects is currently available, cumulative construction and operational emissions cannot be accurately quantified. Therefore, the contribution of daily construction and operational emissions from implementation of the proposed Project is considered cumulatively significant and unavoidable.” (FEIR, p. 4.3-35.) As a result, the primary mitigation measure for operational emissions, MM AQ-5, requires only that future warehouse projects that individually exceed the South Coast Air Quality Management District (“SCAQMD”) emissions thresholds must mitigate their emissions to a less-than-significant level. Of course, CEQA already requires that “[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.”<sup>12</sup> The FEIR lists a few potential methods of mitigating emissions, without requiring any specific mitigation or providing specific details.

The City cannot avoid or defer feasible mitigation measures for cumulatively considerable air quality impacts simply because the precise nature of future projects is unknown. CEQA requires analysis of “*reasonably foreseeable* probable future projects.”<sup>13</sup> The impacts of future warehouse projects are reasonably foreseeable—the City itself has estimated the GPU will allow for an expansion of 41.1 million square feet of warehouses and identified an increase of 22,000 daily truck trips in total. (FEIR, p. 4.3-33.) The DEIR notes that these land use changes and associated emissions “would not be consistent” with the SCAQMD Air Quality Management Plan (“AQMP”). (DEIR, p. 4.3-23.) The DEIR notes that implementation of the GPU “would result in a cumulatively considerable increase to nonattainment of [ozone (“O<sub>3</sub>”), coarse particulate matter (“PM<sub>10</sub>”), and fine particulate matter (“PM<sub>2.5</sub>”)] standards in the Basin.” (DEIR, p. 4.3-35.) Construction emissions would exceed significance thresholds for volatile organic compounds (“VOCs”), nitrogen oxides (“NO<sub>x</sub>”), and carbon monoxide (“CO”). (DEIR, p. 4.3-24.) Ongoing, operational emissions would exceed significance thresholds for VOCs, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>.<sup>14</sup> (DEIR, p. 4.3-26.) However, despite the DEIR’s finding that project emissions would exceed multiple significance thresholds, and its note that “[n]umerous scientific studies published over the past 50 years point to the harmful effects of air pollution,” the DEIR’s health risk assessment

---

<sup>11</sup> *Id.*

<sup>12</sup> Pub. Resources Code, § 21002.1(b).

<sup>13</sup> CEQA Guidelines, § 15355 subd. (b) (emphasis added).

<sup>14</sup> DEIR, p. 4.3-18; South Coast Air Quality Management District, *South Coast AQMD Air Quality Significance Thresholds* (Mar. 2023), <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>.

nonetheless concludes that “the health impacts from this Project would [] be considered negligible and speculative.” (DEIR, Appx. H, p. 27, 34.) The DEIR makes this conclusion by reviewing other projects’ health impact analyses, but it does not directly address the contradiction that project emissions will be “significant and avoidable” (FEIR, p. 2-11) while also being “negligible and speculative” in their health effects (DEIR, Appx. H, p. 34).

Instead of developing concrete, feasible mitigation measures to apply to future individual projects to mitigate the cumulative impacts of the GPU, the City instead defers analysis and mitigation to the future. In addition, it limits future mitigation to just those projects that have individually significant air quality impacts. This approach violates CEQA’s requirements that cumulative impacts be analyzed and mitigated. As the CEQA Guidelines note, “cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”<sup>15</sup> The GPU and the FEIR are a critical moment for the City to address the cumulative impacts of the various individually minor, but cumulatively significant, developments that are likely to proceed in the City. This is especially true given the massive expansion of warehouse development anticipated by the City and the impacts that development will have on sensitive receptors in the already-overburdened communities in the City.

**B. The FEIR Failed to Evaluate Numerous Feasible Mitigation Measures to Reduce Air Quality Impacts on Sensitive Receptors**

The FEIR fails to evaluate and apply various feasible mitigation measures for the significant air quality impacts from warehouses. The City should conduct further analysis and consider concrete mitigation measures that will apply to all warehouse projects proposed in the future in the City, even where those projects do not have individually significant impacts, to address the cumulatively significant impact of warehouse development in the City as provided for by the GPU.

Air quality mitigation at the programmatic planning stage is entirely feasible. As SCAQMD’s Air Quality Guidance notes,

Cumulative impacts may be mitigated through siting and zoning policies that consider, where feasible, appropriate setbacks and buffer zones to disperse the air pollutants before they reach sensitive receptors. When physical separation of sensitive receptors from sources of air pollution is not a feasible option, particularly in older well-developed communities, the design features of a specific facility or project (e.g., barriers and walls, landscaping, stack height, and ventilation systems) should be evaluated as an alternative to physical land separation.<sup>16</sup>

---

<sup>15</sup> CEQA Guidelines, § 15355, subd. (b).

<sup>16</sup> South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (May 6, 2005) (on file with SCAQMD), <https://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

SCAQMD's comment letter on the DEIR recommended multiple air quality mitigation measures that may feasibly be applied programmatically, such as incentivizing the use of zero-emission trucks, limitations on daily truck trips, electric vehicle ("EV") charging infrastructure, and other measures. (FEIR, p. 2-36, 2-37.) In addition, the nearby City of Fontana, which also has seen immense warehouse development in recent years, adopted a local ordinance that provides for concrete, feasible mitigation measures for all warehouses that help to reduce their cumulative impacts at a programmatic level.<sup>17</sup> SCAQMD's Warehouse Actions and Investments to Reduce Emissions ("WAIRE") program also regulates air emissions associated with warehouse facilities on a programmatic level.<sup>18</sup> All of these program-level mitigation measures contradict the statement in the DEIR that "[a]t a programmatic level of analysis, there are no feasible mitigation measures that would reduce air quality impacts associated with development facilitated by the 2024 GPU." (DEIR, p. S-10.) As noted elsewhere in the DEIR discussing operational emissions, "local policies can enhance the effectiveness of these [state and regional air quality] programs by addressing cumulative impacts in local areas." (DEIR, p. 4.3-15.)

Given that programmatic mitigation measures to address warehouse emissions are demonstrably feasible, the City should revise its FEIR to evaluate and consider specific mitigation measures that would substantially lessen impacts on sensitive receptors from the expansion of warehouses in the GPU. Below we provide three sets of mitigation measures that the City should consider. The City should consider requiring facility operators to implement either of two alternative mitigation pathways – truck electrification and community buffering – to allow facility operators to select the category of mitigation measures that is best suited to their project. We also identify a set of mitigation measures that the City should consider applying to all warehouse projects in the City.

### **Mitigation Pathway 1: Truck Electrification**

Warehouse projects adopting this mitigation pathway would commit to a specified phase-in schedule for the adoption of zero emission vehicles ("ZEVs") for their domiciled fleet of heavy-duty trucks and medium- and light-duty trucks and vans. These mitigation measures would directly reduce air quality impacts by reducing or eliminating a key source of emissions from those projects.

#### Electrification of Heavy-Duty Drayage Trucks:

The City should consider requiring projects that adopt this pathway to commit to achieving a 50% ZEV heavy-duty truck fleet by 2032, and a 100% ZEV heavy-duty truck fleet by 2035.

---

<sup>17</sup> Fontana, Cal., Ordinance No. 1891 (Apr. 12, 2022), <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf>.

<sup>18</sup> South Coast Air Quality Management District, Rule 2305: Warehouse Indirect Source Rule (Adopted May 7, 2021), available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

Feasibility of this mitigation measure is supported by a variety of sources. Several CEQA settlements relating to warehouse projects in the Inland Empire, including in Moreno Valley, include similar requirements.<sup>19</sup>

#### Electrification of Light- and Medium-Duty Trucks and Vans:

For light- and medium-duty trucks and delivery vans, our Office's 2022 Warehouse Best Practices Guidance recommends a 100% ZEV requirement for light- and medium-duty trucks for warehouses.<sup>20</sup> The City should consider requiring projects that select this mitigation pathway to commit to the following phase-in schedule:

#### Class 2b-3 trucks:

50% ZEVs by 2033  
90% ZEVs by 2036  
100% ZEVs by 2040

#### Class 4-8 trucks:

50% ZEVs by 2030  
90% ZEVs by 2032  
100% ZEVs by 2040

### **Mitigation Pathway 2: Community Buffering**

As an alternative to the truck electrification mitigation pathway, the City should consider allowing warehouse projects to adopt a community buffering mitigation pathway of measures that provide protections for nearby sensitive receptors.

#### Setbacks and Buffers

The City should consider requiring projects choosing this mitigation pathway to ensure their property lines are at least 1,000 feet from nearby sensitive receptors, whenever feasible. This requirement would build on the 300-500 foot setback mandated by Government Code section 65098.1, subdivisions (a-c), adopted by the Legislature via Assembly Bill 98 (2024).<sup>21</sup> Our 2022 Warehouses Best Practices Guidance and the California Air Resources Board's ("CARB") Air

---

<sup>19</sup> Sierra Club, "Sierra Club Secures Unprecedented Clean Truck Requirements in Inland Empire Warehouse Settlement" (Dec. 17, 2024) (Compass Danbe Centerpointe Settlement), <https://www.sierraclub.org/press-releases/2024/12/sierra-club-secures-unprecedented-clean-truck-requirements-inland-empire>; Sierra Club, "Clean Air Win: Sierra Club Settles Lawsuit with Massive Warehouse Project" (May 27, 2025) (Beaumont Pointe Settlement), <https://www.sierraclub.org/press-releases/2025/05/clean-air-win-sierra-club-settles-lawsuit-massive-warehouse-project>.

<sup>20</sup> California Attorney General Rob Bonta, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (September 2022), <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>, at 9.

<sup>21</sup> Statutory baselines for warehouse siting and design under section 65098.1 expressly do not supersede mitigation requirements under CEQA. Gov. Code § 65098.7. This year, the Legislature enacted Senate Bill 415, which makes adjustments to some of the warehouse siting and design requirements provided for in statute. That bill is presently enrolled with the Governor.



Quality and Land Use Handbook both recommend siting warehouses a minimum of 1,000 feet from warehouses.<sup>22</sup>

In addition, the City should consider requiring projects that choose this mitigation pathway to include a solid wall and/or landscaped berm of at least 15 feet in height, separating the project and nearby sensitive receptors. This requirement would build upon the existing requirements under Government Code section 65098.2, which requires a 10-foot solid wall or landscaped berm between sensitive receptors and any warehouse that is located within 900 feet of sensitive receptors.<sup>23</sup> The Fontana Warehouse Ordinance also requires a 10-foot solid wall separating sensitive receptors from certain warehouses.<sup>24</sup>

The City also should consider requiring projects choosing this mitigation pathway to ensure that at least 35% of tree shade cover in project parking lots is established within 15 years of commencement of operations. Tree shade improves air quality, including through the removal of particulate matter.<sup>25</sup> Tree shade also has the additional benefit of reducing the harmful heat island effect. This parking lot shade condition is present in the Fontana Warehouse Ordinance.<sup>26</sup> Under a recent settlement, a major Moreno Valley warehouse project was required to establish 50 percent shade tree coverage than the Fontana Ordinance.<sup>27</sup>

#### Additional Residential Mitigation

In order to protect the health of residents near warehouses, the City should consider requiring operators choosing this mitigation pathway to provide air filtration systems and/or HVAC retrofits for residences within 1,000 feet of warehouses. Our Office's 2022 Warehouse Best Practices Guidance recommends that air filters be maintained for the life of the project. Recent settlement agreements for warehouse projects have included funding for air filter and HVAC programs.<sup>28</sup>

---

<sup>22</sup> CARB, Air Quality and Land Use Handbook: A Community Perspective (April 2005), <https://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>.

<sup>23</sup> Statutory baselines for warehouse siting and design under section 65098.2 expressly do not supersede mitigation requirements under CEQA. Gov. Code § 65098.7.

<sup>24</sup> Fontana, Cal., Ord. No. 1891, § 9-71(1), *supra*.

<sup>25</sup> Nowak, David J.; Hirabayashi, Satoshi; Bodine, Allison; Hoehn, Robert. 2013. Modeled PM<sub>2.5</sub> removal by trees in ten US cities and associated health effects. Environmental Pollution. 178: 395-402.

<sup>26</sup> Fontana, Cal., Ord. No. 1891, § 9-71(5), *supra*.

<sup>27</sup> Sierra Club, "Sierra Club Secures Unprecedented Clean Truck Requirements," *supra* (Compass Danbe Centerpointe settlement).

<sup>28</sup> Attorney General, *Warehouse Projects: Best Practices*, *supra*, at 9.; Sierra Club, "Sierra Club Secures Unprecedented Clean Truck Requirements," *supra* (Compass Danbe Centerpointe settlement).



## **Mitigation Measures for All Projects**

In addition to the two alternative mitigation pathways described above, the City should consider requiring all warehouse projects developed under the GPU to adopt certain mitigation measures. As explained above, the City must evaluate and adopt all feasible mitigation measures to reduce significant impacts, even if those measures cannot reduce the impacts to a less-than-significant level.<sup>29</sup> The following measures are demonstrably feasible, as they have been applied to warehouse projects, including in Moreno Valley, or have been applied at a programmatic level in another Inland Empire jurisdiction.

### Heavy-Duty Truck Minimum Model Year

The City should consider requiring projects to mandate a minimum 2014 model year for trucks serving warehouses by 2027. This requirement mirrors a requirement of the Port of Long Beach's Clean Trucks Program<sup>30</sup> and is included in multiple other warehouse EIRs throughout California.<sup>31</sup>

### Truck Charging Infrastructure

The City should consider requiring projects to be equipped with EV-ready truck docks or parking spots prepared with electrical conduit to support an EV charger equal to the number of dock doors, and at least 50% of these should be installed fast chargers. For transportation refrigeration units ("TRUs"), the City should consider requiring all dock doors to have conduit installed for TRU plug-ins. If the warehouse is to be used for refrigerated storage, the City should consider requiring TRU plug-ins to be installed at all dock doors.

This requirement would build upon Government Code section 65098, et seq., requirements that warehouses have sufficient electrical infrastructure at the site to support future charging of medium- and heavy-duty trucks.<sup>32</sup> Our 2022 Warehouses Best Practices Guidance recommends a charger to be installed for each dock door and the Fontana Warehouse Ordinance requires conduit to be installed to make dock doors ready for installation of TRU plug-ins.

---

<sup>29</sup> Pub. Resources Code, § 21002; Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(1) ("CEQA Guidelines").

<sup>30</sup> Port of Long Beach, Clean Trucks Program, <https://polb.com/environment/clean-trucks/>.

<sup>31</sup> Multiple other warehouse EIRs throughout California have implemented minimum 2014 model year requirements, including the [Apple Valley 1M Warehouse](#): Town of Apple Valley, *1M Warehouse Project Final Environmental Impact Report*, ch. 4, "Mitigation Monitoring and Reporting Program" (Oct. 2024) <https://applevalley.org/wp-content/uploads/2025/08/1M-Project-Mitigation-Monitoring-and-Reporting-Program-10224.pdf>, at 4-5.

<sup>32</sup> Statutory baselines for warehouse siting and design under Title 7, Division 1, Chapter 2.8 of the Government Code expressly do not supersede mitigation requirements under CEQA. Gov. Code § 65098.7.

### Passenger Vehicle Charging Infrastructure

The City should consider requiring projects to install at least 25% of passenger car parking spots that are EV-ready and at least 15% of parking spots with Level 2 chargers. This requirement was included in a settlement relating to a warehouse project in Moreno Valley<sup>33</sup> and similar terms were adopted in the Fontana Warehouse Ordinance.<sup>34</sup>

### Yard Equipment

The City should consider requiring projects to use 100% ZEV for forklifts, yard trucks, and other on-site equipment. This requirement was adopted by the Fontana Warehouse Ordinance.<sup>35</sup> In addition, several settlements relating to warehouse projects in the Inland Empire, including in Moreno Valley, include similar requirements. Government Code section 65098, et seq., requires 100% of yard equipment to be ZEV by 2030 to the extent feasible, otherwise requiring the cleanest technologies available.<sup>36</sup>

### Idling Limits

The City should consider requiring that signage for idling limits include the SCAQMD complaint line. Government Code section 65098.3 requires a 3-minute heavy-duty truck engine idling limit and signage. This requirement would simply add the relevant information to submit idling complaints to the air district.

### Construction Equipment and Operations

The City should consider requiring projects to take steps to control construction emissions, including by using zero emission construction equipment where feasible, and requiring facility operators to provide charging equipment for electric construction equipment to facilitate their use. Where zero-emission equipment is infeasible, the City should consider requiring equipment certified to CARB Tier 4 and use of low-polluting fuels (e.g., low NOx diesel). The City should consider limiting construction equipment idling to 3 minutes and requiring that smaller equipment, including hand tools and power washers, be zero emission. In addition, the City should consider prohibiting grading operations on days with an Air Quality Index greater than 100. Many of these terms are included in Fontana's Warehouse Ordinance.<sup>37</sup>

### Generators

The City should consider prohibiting the use of diesel generators at warehouses except for emergencies. This requirement is from the Fontana Warehouse Ordinance.<sup>38</sup>

---

<sup>33</sup> Sierra Club, "Sierra Club Secures Unprecedented Clean Truck Requirements," *supra* (Compass Danbe Centerpointe settlement).

<sup>34</sup> Fontana, Cal., Ord. No. 1891, § 9-73(5), *supra*.

<sup>35</sup> Fontana, Cal., Ord. No. 1891, § 9-74(5)(b), *supra*.

<sup>36</sup> Statutory baselines for warehouse siting and design under Title 7, Division 1, Chapter 2.8 of the Government Code expressly do not supersede mitigation requirements under CEQA. Gov. Code § 65098.7.

<sup>37</sup> Fontana, Cal., Ord. No. 1891, § 9-74(5), *supra*.

<sup>38</sup> Fontana, Cal., Ord. No. 1891, § 9-74(5)(e), *supra*.

### Worker Transit Programs

To reduce operational transportation emissions, the City should consider requiring facilities to provide workers with secure bike storage facilities with outlets for e-bikes and on-site meals or lunch shuttle programs. The City should also consider requiring facilities to provide workers with transit route information and incentives to carpool, such as dedicated carpool parking spaces. Additionally, the City should consider requiring facilities over 400,000 square feet to maintain a lounge for truck operators with amenities including restrooms, vending machines, and air conditioning to reduce the need for additional truck trips to find these services elsewhere. Similar requirements relating to workers are found in the Fontana Warehouse Ordinance<sup>39</sup> and our 2022 Warehouses Best Practices Guidance.<sup>40</sup>

### Worker Training Programs

As described in the Attorney General's 2022 Warehouses Best Practices Guidance, the City should consider requiring warehouse facilities to implement training programs for managers and employees on efficient scheduling and load management to minimize truck queuing and idling.<sup>41</sup>

## **III. THE CAP MUST SATISFY THE CEQA GUIDELINES FOR TIERING AND STREAMLINING**

In order for a CAP to be used for tiering and streamlining of future projects, CEQA requires the CAP to meet certain standards. Under CEQA Guidelines section 15183.5, subdivision (b), a GHG reduction plan for tiering or streamlining must: (A) quantify GHG emissions and establish a baseline; (B) establish a GHG reduction target; (C) identify and analyze GHGs from anticipated actions or categories of actions within the geographic area; (D) specify GHG reduction measures and performance standards that, based on substantial evidence, if implemented would achieve the GHG reduction target; (E) establish a program to monitor and amend the plan; and (F) be adopted in a public process.

Now, pursuant to CEQA's streamlining requirements, the CAP includes an implementation plan which provides detailed action items, responsible agencies, and next steps intended to guide the City's attainment of its extremely ambitious GHG reduction targets.<sup>42</sup> The CAP also identifies clear performance standards, monitoring metrics, and indicates that the City will conduct GHG inventories every two to three years to update and revise the CAP measures in case it cannot meet its targets.<sup>43</sup>

As it did in 2021, the City relies on its CAP to mitigate all GHG emissions resulting from buildout of the GPU. The DEIR acknowledges these significant GHG emissions—"the CAP projected that 2045 GHG emissions based on buildout of both the existing 2006 General Plan

---

<sup>39</sup> Fontana, Cal., Ord. No. 1891, § 9-73(7), *supra*.

<sup>40</sup> Attorney General, *Warehouse Projects: Best Practices*, *supra*, at 10.

<sup>41</sup> Attorney General, *Warehouse Projects: Best Practices*, *supra*, at 9.

<sup>42</sup> Moreno Valley Draft Climate Action Plan ("CAP") at Table 4-1, p. 80.

<sup>43</sup> See CAP at Table 4-1; see also CAP at p. 79.

and the 2024 GPU [...] would exceed State GHG reduction goals.”<sup>44</sup> Nonetheless, pursuant to Assembly Bill 1279, the City claims that its CAP will reduce the City’s GHG emissions to a less than significant level to meet 2030 GHG reduction targets by reducing emissions to 85% below 1990 levels. As for the state-mandated GHG reduction target to achieve net zero GHG emissions by 2045, the City claims that it will “make substantial progress towards the 2045 target for carbon neutrality”<sup>45</sup> because the CAP “includes specific implementation and monitoring” and requires “future CAP updates.”<sup>46</sup> Ultimately, the City, through its CAP, claims that it will be able to accomplish the very ambitious feat of reducing the GPU’s 1,623,302 MT CO<sub>2</sub>e of GHG emissions to a less than significant level to meet state-mandated 2030 GHG reduction targets.<sup>47</sup>

A. It Is Uncertain Whether There Is a Clear and Effective Funding Mechanism to Implement the CAP

CEQA requires a CAP to include a clear and effective mechanism for its implementation.<sup>48</sup> While the CEQA Guidelines do not explicitly require that a lead agency secure and identify all dedicated funding sources for its CAP, enforceability is paramount. There must be a clear and effective mechanism in place to implement the CAP. The City acknowledges that “a successful CAP requires adequate funding to successfully implement its measures and actions”<sup>49</sup> however, while the CAP claims to have “identified funding sources,” it appears that most of the identified potential funding sources are vague and speculative, such that it is uncertain whether the CAP will be implemented.<sup>50</sup> For example, Measure BE-4, “Decarbonize existing residential buildings to reduce existing residential natural gas consumption by 7% by 2030 and 31% by 2045,” simply lists “California Air Resources Board” and “Green Bonds” with no further information about these funding sources. Notably, several GHG reduction measures refer to funding sources that are no longer providing funds, including Measures BE-3, BE-4, and BE-5 that identify the “Inflation Reduction Act.”<sup>51</sup> In addition to funding sources that do not exist, the CAP also identifies federal sources, despite the low likelihood that the federal administration would fund CAP-related projects at this time. For example, Measure BE-6 “Increase generation and storage of local renewable energy to increase the availability and resilience of renewable power” lists “U.S. Department of Energy’s Long-Duration Energy Storage (LDES) Pilot Program” as a potential funding source, with no further information about whether and how the City can acquire such funding at this time. The City’s failure to, at minimum, ensure that inapplicable funding sources are removed from the FEIR raises doubts in the City’s ability to meet the CAP’s

---

<sup>44</sup> DEIR, p. 3-21.

<sup>45</sup> *Id.*

<sup>46</sup> DEIR, p. 4.8-34.

<sup>47</sup> Without mitigation, the City will be 453,0003 MT CO<sub>2</sub>e short of reaching the 2030 GHG reduction target, pursuant to State Assembly Bill 1279. DEIR, Table 4.8-7.

<sup>48</sup> *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1169.

<sup>49</sup> CAP at p. 78.

<sup>50</sup> CAP at Table 4-1, p. 80.

<sup>51</sup> *See* CAP at Table 4-1.

2030 GHG reduction target, such that the City should not rely on the CAP for tiering and streamlining.

The FEIR and the City's response to comments does little to assuage concerns raised by the public about whether the City should be able to rely on the CAP for tiering and streamlining. Rather, in response to Comment C9-18, the City dismisses justifiable concerns raised, and responds that the CEQA Guidelines "do not require identification of specific funding sources. Funding for implementation may come from a variety of sources, including City budgets, State and Federal programs, and developer contributions, and will be determined during the implementation phase. The absence of a specified funding source does not affect the adequacy of the proposed CAP under CEQA Guidelines requirements."<sup>52</sup> While the FEIR is correct that the CEQA Guidelines do not require identification of a dedicated funding source, there must be a clear and effective mechanism in place to implement the CAP which substantial evidence shows will enable the City to meet its GHG reduction target.

According to the DEIR, the City's CAP is necessary to reduce the GPU's GHG emissions to a less than significant level.<sup>53</sup> However, given the uncertainty around whether there are clear and reliable funding mechanisms to implement the CAP, it should not be relied upon to mitigate the significant GHG emissions nor used for tiering and streamlining of future projects.

B. There Are Alternative Funding Sources and Strategies Available to the City that Would Increase the Possibility that the CAP Would Be Implemented

To increase public confidence and the likelihood of CAP implementation, the Attorney General offers the following potential funding sources and strategies as alternative approaches to those taken by the City in the CAP and FEIR. These potential funding sources and strategies should not be considered an exhaustive list, but rather are provided as alternative suggestions for the City to consider.

1. *Potential CAP Funding Sources to Consider.*

Below are potential funding sources the City may consider seeking to implement its CAP. Additionally, the Attorney General would suggest providing in the CAP further detail about potential funding sources.

**California State Grants:** CalTrans Active Transportation Program, Transformative Climate Communities, California Natural Resources Agency ("CNRA") Urban Greening, Building Initiative for Low-Emissions Development ("BUILD"), Affordable Housing + Sustainable Communities ("AHSC"), California Public Utilities Commission Self-Generation Incentive Program ("CPUC-SGIP"), Governor's Office of Land Use and Climate Innovation ("LCI")

---

<sup>52</sup> FEIR, p. 2-187.

<sup>53</sup> DEIR, p. 4.8-30.

Adaptation Planning Grant Program, LCI's Integrated Climate Adaptation and Resiliency Program, California grants portal (located at [www.grants.ca.gov](http://www.grants.ca.gov).)

**Government Loan Programs:** California Lending for Energy and Environmental Needs ("CA CLEEN"), California iBank, Coalition for Green Capital.

**Foundation Grants:** Building Decarb Foundation, National Fish and Wildlife Foundation, Coastal Conservancy Climate Ready Grant Program.

**Public-Private Partnerships:** Sourcewell, Charge Point, California Heat Pump Partnership, Regional Climate Collaboratives (located at [sgc.ca.gov](http://sgc.ca.gov)).

## 2. *Strategies for Identifying Potential CAP Funding Sources.*

Other local governments have utilized a variety of strategies to provide for implementation of their CAPs. Below are a couple of suggested strategies the City should consider, however, there may be other methods not identified below that would help the City satisfy CEQA and provide the public with a clear articulation of the City's plans to fund the CAP.

One method is to create a "Finance Map"<sup>54</sup> by which a local government breaks down possible funding pathways for each strategy within the GHG measure into the different types of applicable funding sources that it can seek: state grants, loans, federal grants, bonds, public-private partnerships, etc. The finance map then identifies the specific funding sources with links to access further information regarding each source, as well as links to examples of other local governments that have successfully obtained those funds to implement their CAP strategies.

Another method is to provide additional information within the implementation plan of the CAP. Local governments often specify funding sources that are relevant to particular strategies within each GHG reduction measure.<sup>55</sup> The implementation plan can also indicate whether specific action items are funded, partially funded, or whether any other funding issues remain. Overall,

---

<sup>54</sup> See City of Chico, *Climate Action Finance Map, Appendix D*, [chico-cap-update\\_final-draft-complete.pdf](#). See also City of Richmond, *Climate Action Plan, Strategy Implementation*, Table 5-1 (Outlining funding sources for each CAP strategy, with more information provided regarding each source.)

<sup>55</sup> See City of Hayward, *Climate Action Plan Implementation*, <https://hayward-ca.gov/your-government/documents/climate-action-plan/cap-implementation> (Describing use of CARB's Clean Vehicle Rebate Project and Clean Truck and Bus Voucher Incentive Program as funding sources for municipal EV and ZEV infrastructure strategies); County of Los Angeles, *Los Angeles County Climate Action Plan, Appendix G: Funding Sources*, <https://planning.lacounty.gov/wp-content/uploads/2023/03/Appendix-G.pdf> (Providing a table of potential funding programs matched to individual GHG reduction strategies in the county's CAP).



the goal is to demonstrate transparency and that there is an actual funding mechanism in place to implement the CAP.

**IV. MORENO VALLEY HAS AN OBLIGATION TO UPDATE ITS CIRCULATION ELEMENT TO ESTABLISH TRUCK ROUTES THAT AVOID SENSITIVE RECEPTORS**

Government Code section 65302.02, enacted in 2024 via Assembly Bill 98, requires jurisdictions in regions with high concentrations of warehouses, including Moreno Valley, to update the circulation element of their general plans by January 1, 2026, to account for heavy-duty truck routes and related land use conflicts and ensure that transportation planning reduces community exposure to air pollution and safety risks. The circulation element must establish truck routes that “safely accommodate additional truck traffic and avoid residential areas and sensitive receptors.”<sup>56</sup> The City’s Designated Truck Route Map designates several routes through residential areas, particularly in Western Moreno Valley. The City should consider whether revised routes are feasible to avoid impacts on sensitive receptors.

\*\*\*

Thank you for considering our comments on Moreno Valley’s General Plan Update, Climate Action Plan, and Revised Final Environmental Impact Report. Please do not hesitate to reach out to us if you have any questions.

Sincerely,

KARTIK RAJ  
Kartik.Raj@doj.ca.gov  
Deputy Attorney General

KEARI PLATT  
Keari.Platt@doj.ca.gov  
Deputy Attorney General

CHRISTIE VOSBURG  
Christie.Vosburg@doj.ca.gov  
Supervising Deputy Attorney General

For ROB BONTA  
Attorney General

---

<sup>56</sup> Gov. Code § 65302.02, subd. (a).