



Report to City Council

TO: City Council

FROM: Brian Mohan, City Manager
Steven B. Quintanilla, City Attorney

AGENDA DATE: February 3, 2025

TITLE: PROPOSED 45-DAY MORATORIUM ON LOGISTICS USE DEVELOPMENTS AS DEFINED UNDER SENATE BILL 415 (REPORT OF: CITY ATTORNEY/CITY MANAGER) (DISTRICT: ALL DISTRICT)

TITLE SUMMARY: Proposed 45-Day Moratorium on Logistics Use Developments as defined under Senate Bill 415

DISTRICT: All Districts

Recommendation(s)

That the City Council:

- a) Introduce and subsequently adopt the proposed 45-Day Moratorium on the establishment, expansion, or modification of any logistic-type warehouse that constitutes a “logistics use development” as defined and described under California Senate Bill 415.

DISCUSSION

Legal Authority

Government Code section 65858 expressly authorizes the City Council, in order to protect the public health, safety, and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan or zoning proposal that the City Council is considering, studying, or intends to study within a reasonable period of time. Government Code section 65858 further provides that an interim urgency ordinance requires a four-fifths vote of the City Council for adoption and shall not remain in force

and effect more than 45 days from its date of adoption, unless duly extended. Moreover, Government Code sections 36934 and 36937 expressly authorize the City Council to enact urgency ordinances, which take effect immediately upon adoption, for the immediate preservation of the public peace, health, or safety, provided that such ordinances contain a declaration of the facts constituting the urgency.

Court Ruling

A CEQA lawsuit was filed against the City by the Sierra Club and the California Attorney General (via Intervention) in Riverside County Superior Court (“Court”) challenging in part the validity of the City Council’s approval of the 2021 General Plan Update (“2021 GPU”), 2021 Climate Action Plan (“2021 CAP”) and the related Final 2021 GPU Environmental Impact Report (“Final 2021 GPU EIR”) (Riverside County Superior Court Case No. CVRI2103300) (“Petition”). The Court issued a Statement of Decision on or about March 5, 2024, followed by the issuance of a Judgment and Peremptory Writ of Mandate on May 6, 2024, granting the Petition (collectively, the “Court Ruling”), on the following issues for the reasons outlined below:

a) **Baseline:** The baseline used in the Final 2021 GPU EIR failed to describe the 2021 GPU’s environmental impacts as they existed at the time that the Notice of Preparation regarding the Draft 2021 GPU EIR was published;

b) **Air Quality:** The Air Quality section failed to compare the 2021 GPU’s environmental impacts against existing conditions and instead compared them to assumed impacts under the 2006 General Plan, which the Court opined understated the impacts of the 2021 GPU;

c) **Energy:** The Energy section failed to compare the 2021 GPU’s environmental impacts against existing conditions and instead compared them to assumed impacts under the 2006 General Plan, which the Court opined understated the impacts of the 2021 GPU; and

d) **GHG Emissions:** The GHG Emissions section failed to include mitigation measures, relying instead on an inadequate 2021 CAP that the Court opined failed to comply with requirements of the CEQA Guidelines.

In response to the Court Ruling, Kimley-Horn was retained to assist the City with making the necessary revisions to the 2021 GPU and Final 2021 GPU EIR pursuant to the Court Ruling, and Rincon Consultants was retained to assist the City with the revisions to the 2021 CAP, also pursuant to the Court Ruling.

State Legislation Enacted Since Court Ruling

Assembly Bill 98, which was signed into law on September 29, 2024, prescribes various statewide warehouse design and build standards for any proposed new or expanded logistics use developments, as specified. Assembly Bill 98 essentially prohibits the City from approving the development of a logistics use that does not meet or exceed the bill’s

standards and requires the City to update the General Plan's Circulation Element to address issues pertaining to the location of truck routes in relation to the location of various sensitive receptors.

Senate Bill 415, which was signed into law on October 23, 2025, as a technical cleanup bill for Assembly Bill 98, established statewide siting standards and buffer requirements for new large-scale warehouse developments, which include essential clarification related to effective dates, statutory definitions, enforcement standards, buffer areas, internal circulation, per-building thresholds, and loading-bay orientation to ensure the laws governing these type of facilities are workable in practice without diminishing Assembly Bill 98's underlying environmental and community protections.

As a result of the passage of Assembly Bill 98 and Senate Bill 415 since the dates of issuance of the Court Ruling and since commencement of the work by the Planning Division to make the necessary revisions to the 2021 GPU and related Final Environmental Impact Report and the 2021 CAP consistent with the Court Ruling, the City Attorney, the Planning Division and the City's General Plan/CEQA and Climate Action Plan Consultants have deemed it critical and necessary to study, analyze and prepare any further revisions to the 2021 GPU and related Final EIR and the 2021 CAP to comply with the provisions mandated by Assembly Bill 98 and Senate Bill 415.

Both Assembly Bill 98 and Senate Bill 415 apply to logistic-type warehouses or "logistics use development" which is defined in Senate Bill 415 to mean a building that is primarily used as a warehouse for the movement or the storage of cargo, goods, or products that are moved to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and utilizes heavy-duty trucks for the movement of such cargo, goods, and products.

Pending Negotiations with California Attorney General's Office

In addition to the above, the City Attorney's Office has been engaged in ongoing negotiations with the California Attorney General's Office over the adequacy of various measures related to logistics use development as defined in Senate Bill 415.

Staff Recommendation

In light of the foregoing, the City Manager, the Planning Division and the City Attorney have recommended that a 45-day moratorium be adopted and immediately implemented to prohibit the establishment, expansion, or modification of any building or structure that will be utilized for logistics uses ("logistics use development") as defined and described under Senate Bill 415, since application of the operative 2006 General Plan to any such development entitlement applications will be in conflict with the contemplated revisions currently being considered with respect to the 2021 GPU and related zoning. Because of this potential conflict, staff believes it is necessary to preclude on an interim basis the consideration of such applications in order to protect the public health, safety and welfare until the City Council adopts the revised 2021 GPU which incorporates and addresses the mandatory provisions of Assembly Bill 98 and Senate Bill 415 and the final measures

under negotiations between the City Attorney and California Attorney General's Office.

Findings, Determinations and Conclusions

Again, as discussed above, Government Code section 65858 expressly authorizes the City Council, in order to protect the public health, safety, and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan or zoning proposal that the City Council is considering, studying, or intends to study within a reasonable period of time. This is commonly known as a "moratorium." It is important to note that it is also necessary that the ordinance contain a declaration of the facts constituting the urgency (findings, determinations and conclusions) and that the initial moratorium does not remain in effect for more than 45 days from the time of its adoption.

In light of the foregoing, the following findings, determinations, and conclusions have been set forth in the Ordinance:

a) Assembly Bill 98, which was signed into law on September 29, 2024, prescribes various statewide warehouse design and build standards for any proposed new or expanded logistics use developments, as specified, which prohibits the City from approving development of a logistics use that does not meet or exceed those standards and requires the City to update the General Plan's Circulation Element to address issues pertaining to the location of truck routes in relation to the location of various sensitive receptors;

b) Senate Bill 415, which was signed into law on October 23, 2025, as a technical cleanup bill for Assembly Bill 98, established statewide siting standards and buffer requirements for new large-scale warehouse developments, which include essential clarification relate to effective dates, statutory definitions, enforcement standards, buffer areas, internal circulation, per-building thresholds, and loading-bay orientation to ensure the laws governing these type of facilities are workable in practice without diminishing Assembly Bill 98's underlying environmental and community protections;

c) As a result of the passage of Assembly Bill 98 and Senate Bill 415 since the dates of issuance of the Court Ruling and since commencement of the work by the Planning Division to make the necessary revisions to the 2021 GPU and related Final EIR and the 2021 CAP, it is critical and necessary to study, analyze and prepare any further revisions to the 2021 GPU and related Final EIR and the 2021 CAP to comply with the provisions mandated by Assembly Bill 98 and Senate Bill 415;

d) Both Assembly Bill 98 and Senate Bill 415 apply to logistic-type warehouses or "logistics use development" which is defined in Senate Bill 415 to mean a building that is primarily used as a warehouse for the movement or the storage of cargo, goods, or products that are moved to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and utilizes heavy-duty trucks for the movement of such cargo, goods, and products;

e) The City Attorney's Office has been engaged in ongoing negotiations with the California Attorney General's Office over the adequacy of various measures related to logistics use development as defined in Senate Bill 415;

f) A 45-day moratorium must be adopted and immediately implemented to prohibit the establishment, expansion, or modification of any building or structure that will be utilized for logistics uses ("logistics use development") as defined and described under Senate Bill 415, since application of the operative 2006 General Plan to any development entitlement applications to establish, expand or modify any building or structure that will be utilized for logistics uses as defined and described under Senate Bill 415 will be in conflict with the contemplated revisions currently being considered with respect to the 2021 GPU and related zoning;

g) In light of the potential conflicts associated with the consideration of any application to establish, expand, or modify any building or structure that will be utilized for logistics uses ("logistics use development"), as defined and described in Senate Bill 415, under the current policies of the operative 2006 General Plan and the current zoning and the anticipated policies and zoning currently being studied and considered in relation to mandatory provisions of Assembly Bill 98 and Senate Bill 415, and the measures under negotiations with the California Attorney General's Office, staff believes it is necessary to preclude on an interim basis the consideration of such applications in order to protect the public health, safety and welfare until the City Council adopts the revised 2021 GPU and related documents which incorporate and address the mandatory provisions of Assembly Bill 98 and Senate Bill 415 and the final measures under negotiations between the City Attorney and California Attorney General's Office;

h) The analysis and completion of the necessary revisions to the 2021 GPU and related documents, as mandated by Assembly Bill 98 and Senate Bill 415, and/or those revisions under negotiations with the California Attorney General's Office will be completed and presented to the City Council within a reasonable period of time for the City Council's review and consideration;

i) The approval of any applications for the establishment, expansion, or modification of any building or structure that will be utilized for "logistics uses" as defined or described under Senate Bill 415, based on the operative 2006 General Plan, prior to the City Council approving the contemplated revisions currently being considered with respect to the 2021 GPU and related zoning, as mandated by Assembly Bill 98 and Senate Bill 415, and/or those revisions under negotiations with the California Attorney General's Office staff believes it is necessary to preclude on an interim basis the consideration of such applications in order to protect the public health, safety and welfare until the City Council adopts the revised 2021 GPU which incorporates and addresses the mandatory provisions of Assembly Bill 98 and Senate Bill 415 and the final measures under negotiations between the City Attorney and California Attorney General's Office; and

j) In light of the foregoing, there is a current and immediate threat to the public health, safety, and welfare in the absence of a temporary moratorium on logistics use

developments, as defined and described under Senate Bill 415, while the City is currently considering and studying the application and incorporation of the mandatory provisions of Assembly Bill 98 and Senate Bill 415 and the final measures under negotiations between the City Attorney and California Attorney General's Office in that application of the operative 2006 General Plan policies and the current zoning at this time to any proposed logistic use development, as defined and described under Senate Bill 415, may be insufficient to address the impacts associated with such developments, including without limitation, impacts related to traffic circulation, traffic safety, air quality, noise, infrastructure capacity, land use compatibility, and community character.

Term

This Ordinance shall remain in effect for forty-five (45) days from the date of adoption, unless extended in accordance with Government Code section 65858.

Effective Date

Since the Ordinance will be adopted as an urgency measure necessary for the immediate preservation of the public peace, health, and safety it will take effect immediately upon adoption.

Applicability and Definitions

The terms and provisions of the Ordinance will apply to any entitlement applications for the establishment, expansion, or modification of any building or structure that will be utilized as a logistic-type warehouse, that constitutes a "logistics use development" which is defined and described under Senate Bill 415 as a building that is primarily used as a warehouse for the movement or the storage of cargo, goods, or products that are moved to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and utilizes heavy-duty trucks for the movement of such cargo, goods, and products.

Exemptions

The terms and provisions of this Ordinance shall not apply to the following logistic use developments, as defined and described under Senate Bill 415:

- a) Complete applications. The applicant has a legal right to have their logistics use development project, including any given buildings and structures that are part thereof, considered under the zoning and land use control ordinances in effect at the time the respective complete application was submitted to the City prior to the effective date of this Ordinance;
- b) Vesting Tentative Maps. The applicant has a vesting tentative map that was approved prior to the effective date of this Ordinance which confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map was approved or conditionally

approved;

c) Development Agreements. The applicant is a party to a duly approved and adopted Development Agreement prior to the effective date of this Ordinance, which is currently in effect, that requires the application for a logistics use development be considered under the zoning and land use control ordinances in effect at any time prior to the effective date of this Ordinance; and

d) Ministerial permits. The applicant has submitted an application for a building permit, certificate of occupancy or license for the construction, occupancy and/or use of any building or structure identified, proposed or approved prior to the effective date of this Ordinance in the context of a discretionary entitlement, such as but not limited to a specific plan, master plan, general plan amendment, zone change, condition use permit or plot plan, approved prior to the effective date of this Ordinance.

CEQA Exemption

The adoption of this interim ordinance is exempt from the California Environmental Quality Act (“CEQA”) in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the Ordinance involves general policy and procedure making and does not constitute a project under CEQA, and it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

PREPARATION OF STAFF REPORT

Prepared By:

Steven B. Quintanilla
City Attorney

Department Head Approval:

Brian Mohan
City Manager

CITY COUNCIL GOALS

Community Image, Neighborhood Pride and Cleanliness: Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Positive Environment: Create a positive environment for the development of Moreno Valley's future.

CITY COUNCIL STRATEGIC PRIORITIES

- 1. Economic Development**
- 2. Public Safety**
- 3. Library**
- 4. Infrastructure**
- 5. Beautification, Community Engagement, and Quality of Life**
- 6. Youth Programs**

Report Approval Details

Document Title:	STAFFREPORT_CM_MORATORIUM_02.03.26.docx
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Final Approval Date:	Jan 29, 2026

This report and all of its attachments were approved and signed as outlined below:

Patty Rodriguez