

ORDINANCE NO. _____

URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, PURSUANT TO GOVERNMENT CODE SECTION 65858, ADOPTING A 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

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land within the City boundaries in a manner to promote the public convenience and general prosperity, as well as public health, welfare, and safety; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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”); and

WHEREAS, 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 (“Writ”) 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Senate Bill 415, which was signed into law on October 23, 2025, as a technical cleanup bill for Assembly Bill 98, establishing 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; and

WHEREAS, 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, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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 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; and

WHEREAS, 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 under Senate Bill 415 under the current policies of the operative 2006 General Plan and current zoning and those policies and anticipated zoning currently being studied and considered in relation to the 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 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

WHEREAS, the City Council finds that 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.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

The above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AUTHORITY

This Ordinance is adopted pursuant to the authority granted by: a) Article XI, Section 7 of the Constitution of the State of California and California Government Code Section 37100; b) Government Code section 65858 which permits the City Council to adopt this Ordinance as an urgency measure by a 4/5ths vote provided the necessary findings are made; and c) Government Code sections 36934 and 36937 which 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.

Section 3. FINDINGS, DETERMINATIONS AND CONCLUSIONS

That the City Council finds, determines and concludes as follows:

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 Seante 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 or 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 current zoning and those policies and anticipated 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 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;

h) The analysis and completion of the necessary revisions to the 2021 GPU and related Environmental Impact Report, 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 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.

Section 4. APPLICABILITY AND DEFINITIONS

The terms and provisions of this Ordinance shall 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.

Section 4. 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 subject application for a logistics use development 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.

Section 6. INTERIM MORATORIUM

Notwithstanding any other provision of the Moreno Valley Municipal Code, during the term of this Ordinance, no City department, officer, employee, or commission shall approve, issue, or grant any applications for the establishment, expansion, or modification of any building or structure that will be utilized for logistics uses (“logistics use

development”) as defined or 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.

Section 7. 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.

Section 8. URGENCY AND IMMEDIATE EFFECT

This Ordinance is adopted as an urgency measure necessary for the immediate preservation of the public peace, health, and safety and shall take effect immediately upon adoption.

Section 9. CERTIFICATION

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

INTRODUCED at a regular meeting of the City Council on ____ __, ____, and PASSED, APPROVED, and ADOPTED by the City Council on _____ __, ____, by the following vote:

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

M. Patricia Rodriguez, City Clerk, CMC

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

ss. CITY OF MORENO VALLEY

)

I, _____, City Clerk of the City of Moreno Valley, California,
do hereby certify that Ordinance No. _____ was duly and regularly adopted by the
City Council of the City of Moreno Valley at a regular meeting thereof held on the
_____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and

Mayor)

CITY CLERK _____

(SEAL)